



# **FORT LEWIS COLLEGE GRIEVANCE PROCEDURE FOR THE RESOLUTION OF COMPLAINTS OF UNLAWFUL DISCRIMINATION, DISCRIMINATORY HARASSMENT, AND SEXUAL HARASSMENT**

## **I. Purpose**

- A. This procedure is to provide a voluntary internal mechanism at Fort Lewis College for prompt and efficient investigation and resolution of unlawful discrimination or harassment against the College or its employees or students. The complainant may have the right to take legal action through agencies or parties outside the College. If the complainant simultaneously pursues any outside remedy while pursuing the formal hearing process as provided by this procedure, the College's procedure will be terminated.
- B. Under this procedure, claims of discrimination and discriminatory harassment on the basis of race, age, color, religion, national origin, gender, disability, sexual orientation, political beliefs, or veteran status with regard to all College functions may be resolved.

## **II. Definitions**

For the purpose of this procedure:

- A. The term "complainant" shall mean a person who files the complaint and who was an employee or a student at the time the alleged discrimination or harassment occurred.
- B. The term "respondent" shall mean a person against whom a complaint is filed and who was an employee or a student at the time the alleged discrimination or harassment occurred.
- C. The term "complaint" shall mean an allegation that the complainant has been discriminated or harassed against by one or more because of his or her race, age, color, religion, national origin, gender, disability, sexual orientation, political beliefs, or veteran status.

The complaint may be informal or formal:

### **1. Informal Complaint**

The complainant requests the Equal Opportunity Coordinator (hereinafter the "Coordinator") to investigate and conciliate the matter with the respondent in the alleged discrimination or harassment.

2. Formal Complaint

The complainant requests an investigation and resolution of an alleged discrimination or harassment by the Equal Opportunity Grievance Panel with the right to appeal the decision to the appropriate Vice President of the College (or the President if a party of the complaint is a Vice President).

- D. The term “working days” shall mean those days when the administrative offices of the College are open.
- E. The term “Equal Opportunity Grievance Panel” (hereinafter the “Panel”) shall be the group designated to hear and issue a written report based upon allegations of discrimination when requested to do so. The Grievance Panel is composed of three members of the Equal Opportunity and Affirmative Action Committee, one member designated by the respondent, one designated by the complainant, and one designated by the Chair of the Committee.
- F. The term “appeal” is defined as a request for review of the Grievance Panel’s findings and recommendations by the appropriate Vice President (or the President if a party of the complaint is a Vice President).
- G. The term “appellant” shall mean the person who files an appeal.
- H. The term “appellee” shall mean the adversary of the person who files an appeal.

III. Procedure for Handling Complaints

- A. Prior to filing a complaint, an employee or student is encouraged to discuss with the Coordinator the validity of an alleged discrimination or harassment and options for action.

B. Time Limitation

Both informal and formal complaints must be submitted to the Coordinator within 90 days of the date that the alleged discrimination or harassment occurred. The Coordinator may extend this time limit when the complainant shows a good cause in writing.

C. Informal Complaint

- 1. An informal complaint form is attached at the end of this document and it is also available online and at the Coordinator’s office. The form must be signed by the complainant and submitted to the Coordinator. The Coordinator will meet with the complainant as soon as possible to discuss the matter, including possible remedies for the complainant. Remedies

for an informal complaint do not include disciplinary sanction of the respondent.

2. The Coordinator, as appropriate, shall interview the respondents and relevant witnesses. After examining the evidence, if the Coordinator finds the complaint to be without merit, it will be dismissed, and all parties shall be notified in writing of the dismissal. If the Coordinator finds merit in the informal complaint, the Coordinator shall attempt to negotiate and conciliate the matter in a manner satisfactory to all parties.
3. A summary of the informal process shall be kept on file in the Equal Opportunity Office for the duration of the employment of the complainant and respondent. A copy of the summary will be sent to the next level supervisors of the complainant and the respondent.
4. If an informal resolution is not achieved, the Coordinator shall notify all parties in writing that the informal process has terminated without a resolution. The complainant has twenty working days of the postmarked date of mailing of the notification to file a formal complaint.

#### D. Formal Complaint

1. A formal complaint form is attached at the end of this procedure and it is also available online and at the Coordinator's office. The form must be signed by the complainant and submitted to the Coordinator. This form must be accompanied by a statement detailing the alleged discrimination or harassment, the circumstances, and a list of the names and addresses of witnesses who may have information pertinent to the complaint. The complaint also must include the remedy being requested.
2. The Coordinator shall, within ten working days of receipt of the formal complaint, review the complaint to certify that issues raised are of a discriminatory or harassing nature. If, in the opinion of the Coordinator, such issues are not present in the complaint, the Coordinator shall recommend to the Chair of the Equal Opportunity and Affirmative Action Committee that the complaint not be forwarded to a Grievance Panel for investigation. If the Chair upholds the recommendation of the Coordinator, the complaint process will cease at this point with a report by the Chair to the Committee on the denial of the complaint.
3. If the complaint is certified by the Coordinator, the Grievance Panel shall investigate the complaint and issue a written report as soon as feasible. The report will include the findings and recommendations for remedial and/or disciplinary actions. The report will be mailed to the complainant and respondent at their respective residential addresses within five

working days of the completion of the report and will be submitted to their respective next level supervisors.

#### IV. Appeal Process

A. The complainant or the respondent may file a written notice of appeal to the appropriate Vice President (to the President if a party of the complaint is a Vice President) within ten working days of the postmarked date of mailing of the Panel's report. The burden is on the appellant to demonstrate why the Grievance Panel's findings and recommendations should be reviewed. An appeal may be sought only for the grounds listed below and reasons for the appeal must be stated in the notice of appeal. An appeal request will be denied in cases not having sufficient or appropriate grounds for appeal.

##### 1. Grounds for Appeal

- a. On a claim of procedural error;
- b. On a claim of significant and relevant new information to the case which was not available at the time of the Panel's investigation; and/or
- c. Recommended remedial and/or disciplinary action is disproportionate to the findings.

##### 2. Appeal Decision

- a. If there are grounds for appeal, the appropriate Vice President or the President will review the entire record of the case. The Vice President or the President may also meet with the appellant and/or appellee. After review, the Vice President or the President shall (1) affirm the Grievance Panel's findings and recommendations; (2) alter the Grievance Panel's findings and/or recommendations; or (3) return the case to the Grievance Panel for further deliberation.
- b. The appeal decision will be the final decision for the Fort Lewis College grievance proceedings.
- c. The written appeal decision will be mailed to appellant and appellee at their respective residential addresses within five working days of the decision and will be submitted to their respective next level supervisors.

#### V. Implementation of the Final Decision

If the final decision includes remedial and/or disciplinary sanction, it will be implemented, based on the status of the respondent, as follows:

A. Students

The Vice President for Student Affairs or the Coordinator for Judicial Affairs shall implement recommendations based on the Student Conduct Code.

B. Faculty

The next level supervisor of the respondent shall implement recommendations based on the Faculty Handbook and other appropriate policies.

C. Exempt Staff

The next level supervisor of the respondent shall implement recommendations based on Fort Lewis College Exempt Staff Handbook and other appropriate policies.

D. Classified Staff

The next level supervisor of the respondent shall implement recommendations based on the State of Colorado Personnel Rules & Procedures and other appropriate policies.

Approved: February 11, 2009

**FORT LEWIS COLLEGE  
INFORMAL COMPLAINT OF UNLAWFUL DISCRIMINATION,  
DISCRIMINATORY HARASSMENT, AND SEXUAL HARASSMENT**

**Date:** \_\_\_\_\_

**Complainant:** \_\_\_\_\_

**Title:** \_\_\_\_\_

Department \_\_\_\_\_

Phone: Office \_\_\_\_\_

Home \_\_\_\_\_

Home Address: \_\_\_\_\_

\_\_\_\_ Faculty

\_\_\_\_ Student Employee

\_\_\_\_ Exempt Staff

\_\_\_\_ Student

\_\_\_\_ State Classified Staff

\_\_\_\_ Other: \_\_\_\_\_

\_\_\_\_ Temporary Hourly Employee

**Respondent:** \_\_\_\_\_

**Title:** \_\_\_\_\_

Department: \_\_\_\_\_

\_\_\_\_ Faculty

\_\_\_\_ Student Employee

\_\_\_\_ Exempt Staff

\_\_\_\_ Student

\_\_\_\_ State Classified Staff

\_\_\_\_ Temporary Hourly Employee

\_\_\_\_ Other: \_\_\_\_\_

**Nature of the Complaint:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_ I have received and reviewed a copy of the College's Equal Opportunity and Affirmative Action Plan.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Complaint taken by: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Name

Signature

Date

**FORT LEWIS COLLEGE  
FORMAL COMPLAINT OF UNLAWFUL DISCRIMINATION,  
DISCRIMINATORY HARASSMENT, AND SEXUAL HARASSMENT**

**Date:** \_\_\_\_\_

**Complainant:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Department:** \_\_\_\_\_

**Phone: Office** \_\_\_\_\_

**Home** \_\_\_\_\_

**Address:** \_\_\_\_\_

\_\_\_\_ Faculty

\_\_\_\_ Student Employee

\_\_\_\_ Exempt Staff

\_\_\_\_ Student

\_\_\_\_ State Classified Staff

\_\_\_\_ Other: \_\_\_\_\_

\_\_\_\_ Temporary Hourly Employee

**Respondent:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Department:** \_\_\_\_\_

\_\_\_\_ Faculty

\_\_\_\_ Student Employee

\_\_\_\_ Exempt Staff

\_\_\_\_ Student

\_\_\_\_ State Classified Staff

\_\_\_\_ Temporary Hourly Employee

\_\_\_\_ Other: \_\_\_\_\_

**Nature of the Complaint:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Please attach a detailed **statement** of the incident(s) including date(s), time(s), place(s), witness(es) to the incident(s), supporting documents, and requested remedy.

\_\_\_\_ I have received and reviewed a copy of the College's Equal Opportunity and Affirmative Action Plan.

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Complaint taken by:** \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Name

Signature

Date