

Discrimination/Equal Opportunity Grievance/Complaint Policy for John A. Logan College Students

3512

A. STATEMENT

1. As stated in Board Policy 3510, John A. Logan College is committed to equal access and equal opportunity for all students.
2. The College has established grievance/complaint procedures for the prompt and equitable resolution of student grievances/complaints. Students who believe that they have been a subject of discriminatory conduct by the College or one of its employees are encouraged to use the grievance/complaint procedure established below. These procedures also apply to Title IX (gender equity), Title VI (minorities) and Section 504 (disabilities) grievances/complaints. A student who believes he or she has been discriminated against because of race, religion, color, national origin, ancestry, marital status, citizenship status, disability unrelated to the essential job functions, age, order of protection status, arrest record, sexual orientation (including gender-related identity), military status, unfavorable discharge from military service, language, pregnancy or genetics is also entitled to file a with one or more of the following:

Human Rights Commission
William G. Stratton Office
Building
Suite 802
Springfield, Illinois 62706
Tel: (217) 785 - 4350
TDD: (217) 557 - 1500
Fax: (217) 524 - 4877

Illinois Department of
Human Rights
Springfield Office
222 South College
Room 101-A, Intake Unit
Springfield, IL 62704
TEL: (217) 785-5100
TTY: (866) 740-3953
FAX: (217) 785-5106

EEOC
Chicago District Office
500 West Madison Street
Suite 2000
Chicago, Illinois 60661
Phone: 1-800-669-4000
Fax: 312-869-8220
TTY: 312-869-8001

The Office for Civil Rights
U.S. Department of
Education
Citigroup Center
500 W. Madison Street,
Suite 1475
Chicago, IL 60661-4544
Telephone: (312) 730-1560
Facsimile: (312) 730-1576

B. GRIEVANCE/COMPLAINT PROCEDURE REGARDING STUDENT BEHAVIOR

1. Any student who believes that he or she has been a victim of illegal discrimination or sexual harassment by a student should contact the vice-president for instructional services. She or he will weigh the allegation in terms of the nature of the grievance/complaint and standards set forth in Rights and Responsibilities: A Student Code of Conduct, and shall attempt to settle the matter.
2. If attempts to settle the matter informally are unsuccessful, the vice-president for instructional services will initiate hearing procedures as described in Article II, Section 5.C.5, of Rights and Responsibilities: A Student Code of Conduct.

C. GRIEVANCE/COMPLAINT PROCEDURE REGARDING EMPLOYEE BEHAVIOR

Any student who believes that she or he has been a victim of illegal discrimination or sexual harassment by an employee is encouraged to report such conduct directly to the **vice-president for instructional services**. The vice-president will confer with the student in reference to any

additional and appropriate steps that need to be accomplished in order to alleviate any alleged conduct, and to take appropriate disciplinary action.

The following grievance/complaint procedure is designed to provide a student with a prompt and equitable resolution of a grievance/complaint involving discrimination or sexual harassment. This grievance/complaint procedure shall be available to any applicant, as well as any full-time or part-time student who believes that he or she has been a subject of prohibitive discriminatory or harassing conduct by an employee of the College.

Informal Grievance/Complaint against an Employee

Prior to filing a formal written grievance/complaint, students who believe that they have been the victim of discriminatory or harassing conduct by a College employee should, when feasible, first seek to clarify or resolve the matter informally with the John A. Logan College employee. If the student does not wish to meet with the John A. Logan College employee, he or she shall have the option to meet with the employee's immediate supervisor. At this time, all efforts will be made by the student, faculty or staff member and the immediate supervisor to resolve the issue.

Should the student grievance/complaint not be resolved through the informal grievance/complaint procedures specified above, the student may then file a formal grievance/complaint in accordance with the procedures established below.

Formal Grievance/Complaint

1. If the informal process has not resolved the issue, the aggrieved student may, within ten (10) calendar days after conclusion of the informal process, file a Formal Student Grievance/Complaint Form with the vice-president to whom the John A. Logan College employee cited in the grievance/complaint reports.
2. The formal grievance/complaint shall be in writing, and must include the following:
 - a. name, address, student identification number and telephone number of the aggrieved student;
 - b. name and employment position held by the John A. Logan College employee the grievance/complaint is filed against;
 - c. date(s) of the alleged incident(s) involving the College employee;
 - d. a brief written description of the alleged improper conduct, along with any supporting documents or statements;
 - e. names of persons who are witnesses to the conduct, or names of persons who have evidence to support the student's grievance/complaint; and
 - f. remedy sought;
 - g. date submitted; and
 - h. complainant's signature.

3. The vice-president shall, upon receipt of the grievance/complaint:
 - a. Provide a copy of the formal grievance/complaint to the John A. Logan College employee who is mentioned in the grievance/complaint, and direct him or her to file a written response to the same within ten (10) calendar days. Upon receipt of response to the grievance/complaint, the vice-president shall provide a copy of the same to the student.
 - b. Conduct an impartial investigation of the grievance/complaint.
 - c. Convene an impartial committee appointed by the appropriate vice-president for the purpose of considering the student grievance/complaint.
 - d. Establish a date for the Grievance/Complaint Committee to hear the evidence on the grievance/complaint.
4. The chairperson of the College's Grievance/Complaint Committee shall act as the hearing officer on the formal grievance/complaint.
5. The following hearing procedures will normally be used:
 - a. In order for the College to comply with Title IX standards, the College will use a preponderance of evidence standard (i.e., it is more likely than not that sexual harassment or violence occurred) when resolving grievances/complaints.
 - b. The hearing shall be closed to the public or general student body.
 - c. The student and the John A. Logan College employee shall both be allowed to be present throughout the taking of evidence, and shall be entitled to have an advisor or representative present throughout the same.
 - d. The hearing officer and the Grievance/Complaint Committee shall accept all relevant evidence, including testimony and/or documents, presented first by the student and then by the John A. Logan College employee.
 - e. Formal rules of evidence shall not be used.
 - f. Witnesses by either party shall be excluded from the hearing except when called to present evidence.
 - g. The hearing officer may have the College's attorney present throughout the hearing.
 - h. Conduct disruptive to the hearing process will not be tolerated. The hearing officer may terminate or recess any hearing that becomes disruptive to the process.

The hearing officer and the Grievance/Complaint Committee, after receipt of all relevant evidence, shall close the hearing, and render a recommendation in writing to the appropriate vice-president within five (5) calendar days. The recommendation shall include the reason(s) for the committee's recommendation and any corrective action to be implemented.

6. The vice-president will render a decision in writing to the student and to the John A. Logan College employee within five (5) calendar days after receiving the recommendation from the John A. Logan College Grievance/Complaint Committee.

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7. Either the student or the John A. Logan College employee shall have the right to appeal any decision to the president of the College, in writing, within ten (10) calendar days of the receipt of the vice-president's decision.
8. The president's decision shall be final and binding, and shall be based upon the record from the previous decision appealed, and not based upon the taking of additional evidence, unless he or she determines that additional evidence is necessary. Unless otherwise agreed upon, or unless the president determines additional evidence is necessary, he/she shall render a decision, in writing, to the parties within thirty (30) calendar days of the receipt of the appeal.
9. No student shall be adversely affected by filing a grievance/complaint. Any student who feels he or she has experienced retribution resulting from a grievance/complaint should contact the vice-president for instructional services.

ADOPTED: APRIL 9, 1990
AMENDED: OCTOBER 8, 1990; NOVEMBER 14, 1995; JUNE 23, 1998;
AUGUST 31, 1999; APRIL 25, 2000; AUGUST 23, 2011;
NOVEMBER 26, 2013; MAY 27, 2014; NOVEMBER 22, 2016; **FEBRUARY 28, 2017**
REVIEWED: SEPTEMBER 21, 2016; **FEBRUARY 17, 2017**
LEGAL REF.:
CROSS REF.: BOARD POLICIES 3510; 8310; 8312; **8316**; ADMINISTRATIVE PROCEDURE 807