

# Memorandum From President Dianne Williams

## Re: Student Complaints

QUINEBAUG VALLEY COMMUNITY COLLEGE

Office of the President

**IMPORTANT READ AND RETAIN**

### MEMORANDUM

TO: All College Employees  
FROM: President Dianne E Williams  
RE: Student Complaints

Because students often bring complaints to those people at the College with whom they are the most familiar or most comfortable, you may find yourself the recipient of a student complaint. This is to remind you that there are formal procedures established by the Board of Trustees and followed by the College to investigate and resolve complaints.

The **Policy on Student Rights** (attachment 1) contains a **student grievance procedure** (section 2), which is initiated by the student filing a formal, written complaint with the Dean of Learning and Student Development.

The **Policy on Student Rights** also contains a procedure for **review of academic standing**, i.e., appealing a grade or other academic decision (section 3), which requires filing a written appeal with the Dean of Learning and Student Development.

The **Policy Against Sexual Harassment Implementing Statement** (attachment 2) provides that the student report the incident to the Dean of Learning and Student Development or one of the people designated by the President to receive sexual harassment complaints and that the complaint then be investigated.

You are encouraged to continue to try to resolve student problems informally unless they involve discrimination or sexual harassment. **Please note that there is no legal basis on which you can promise confidentiality, even if you are a counselor, and you should also advise a student before s/he confides in you, if possible. You may indicate that you will make every effort to keep the conversation private, but in a case of discrimination or sexual harassment you are obligated to share the information with appropriate College officials so that it can be investigated and in other cases you may have to share the information to comply with the law and/or College policy.**

If the complaint does not involve discrimination or sexual harassment and cannot be resolved informally, you should remind the student of the formal grievance or academic appeal procedure.

If the complaint does involve discrimination or sexual harassment, you should take the following steps immediately.

1. inform the student that the College has an obligation to investigate the complaint so that you cannot promise confidentiality, although the information will be shared only on a need-to-know basis;
2. refer the student to the appropriate procedure;
3. send a memorandum to the Dean of Learning and Student Development or President's designee indicating that you have spoken with the student and referred her/him to the procedure (model memorandum attached).

This represents a departure from previous practice because of evolving case law in the areas of discrimination and sexual harassment which, although mixed, suggest that not only colleges but also individuals may be held responsible for ensuring that complaints of discrimination or sexual harassment are appropriately investigated. Therefore, if you become aware of such a complaint and do not follow established procedure, you may be exposing yourself to personal liability.

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### MODEL MEMORANDUM

#### Possible Incident of Discrimination or Sexual Harassment

TO: Dean of Learning and Student Development

FROM: \_\_\_\_\_

DATE: \_\_\_\_\_

The student identified below has disclosed to me circumstances which may constitute discrimination or sexual harassment. I have referred the student to the appropriate grievance procedure and indicated that I would inform you of the disclosure. I understand that you will contact the student for future information and investigation, as appropriate.

NAME OF STUDENT: \_\_\_\_\_

## Policy on Student Rights

### Section 1: Rights of Students

It is the policy of the Board of Trustees of Community-Technical colleges that the educational offerings of the community colleges be available to students without regard to the individual's race, color, religious creed, sex, age, national origin, ancestry, present or past history of mental disorder, marital status, sexual orientation, mental or learning or physical disability, including, but not limited to, blindness, or prior conviction of a crime (unless the provisions of sections 46a-60(b), 46a-80(b), or 46a-81(b) of the Connecticut general statutes are controlling or there is a bona fide educational qualification excluding persons in one of the above protected groups). With respect to the foregoing, discrimination on the basis of sex shall include sexual harassment as defined in Section 46A-60(8) of the Connecticut General Statutes. Further, the system will not discriminate against any person on the grounds of political beliefs or veteran status.

Students are entitled to an atmosphere conducive to learning and to impartial treatment in all aspects of the teacher-student relationship. The student should not be forced by the authority inherent in the instructional role to make particular personal choices as to political action or his or her own part in society. Evaluation of students and the award of credit must be based on academic performance professionally judged and not on matters irrelevant to that performance, whether personality, race, religion, degree of political activism, or personal beliefs. Students are free to take reasoned exception to the data or views offered in any course of study, but they are responsible for learning the content of the course of study as defined by official college publications.

Community-technical college students are both citizens and members of the academic community. As citizens they enjoy the same freedom of speech, peaceful assembly, and right of petition that other citizens enjoy, and as members of the academic community they are subject to the obligations which accrue to them by virtue of this membership.

### Section 2: Student Grievance Procedure

1. *Definition:* A grievance is an allegation by a student that, as to him or her, an agent of the college has violated board or college policies relating to students other than assignment of grades or other academic evaluation (see Section 3: Review of Academic Standing).
2. *How to file a grievance:* A grievance is to be submitted in writing to the dean of student affairs or such other college official as the president may designate (hereinafter, the dean of student affairs), within thirty days of the date the grievant knew or reasonably should have known of the alleged violation. The written grievance shall specify the right claimed to have been violated and state briefly the underlying facts.
3. *Procedure for grievance resolution:* The dean of student affairs shall investigate the grievance and, within thirty days from the time the grievance was submitted recommend to the president a disposition of the grievance, except as provided hereinafter:

- a. In the course of each investigation, the dean of student affairs shall consult with the dean responsible for the area of college operations in which the grievance arose.
- b. In the case of a grievance alleging discrimination based on race, color, religious creed, sex, age, national origin, ancestry, present or past history of mental disorder, marital status, mental retardation or physical disability, prior conviction of a crime, political beliefs, veteran status, or sexual preference, the dean of student affairs shall consult with the college's affirmative action person during the course of the investigation.
- c. In the case of a grievance against a dean, the grievance shall be filed with the president.

The president may accept or reject the recommendation, or direct such further investigation as he or she deems appropriate. The president shall notify the student of the final disposition of the grievance within fifteen days of receiving the recommendation, except for good cause or as provided in 4., below.

4. *Advisory Committee:* The president may establish an advisory committee of students and staff which may be charged with the responsibility of making recommendations at either the level of the deans or the president. The president may appoint and remove members of the committee. If an advisory committee is appointed, the president shall establish a reasonable time frame within which the committee must make recommendations.

### Section 3: Review of Academic Standing

A student may seek review of the assignment of a grade or other decision affecting academic status in accordance with the following procedure:

1. *The grade or academic decision* affecting academic status should be discussed informally with the instructor or official responsible for the decision within fifteen calendar days of the student's awareness of the decision.
2. *If the matter is not satisfactorily adjusted* within ten calendar days of this appeal or the instructor is not available, the student may refer the matter to the academic dean by filing a written appeal. The appeal must be filed with the academic dean within thirty calendar days of the student's awareness of the decision which is being appealed.

Upon receipt of such appeal, the dean shall meet with the instructor, if he or she is available, to determine that step 1 has taken place or is not possible and to receive relevant information from the instructor responsible for the decision. The dean may then refer the matter to the academic supervisor for informal consideration prior to step 3 below.

3. *The academic dean or other designated official(s) shall afford review* as provided below. The president may designate an official or an academic appeals committee to provide review at this step in lieu of the academic dean.

The student shall be afforded the right to present a statement of appeal and relevant information in support of it. It is the student's responsibility to show that the decision in question is arbitrary, i.e., without a reasonable basis, or was made for improper reasons in violation of section 1 of this policy. The student is entitled to a written response within thirty days of the completion of his or her presentation. A decision to change the grade or modify the decision which has been appealed is advisory to and subject to the approval of the president.

4. *The foregoing decision may be appealed to the president* by filing a statement of appeal within ten calendar days of the date of the decision. Review by the president shall be on the basis of the

written record unless he or she decides that fairness requires broader review. The decision of the president shall be final.

5. *The time frames* provided herein may be modified by the president for good cause shown.

(Adopted October 18, 1976; amended February 19, 1979, April 20, 1981, July 20, 1981, November 16, 1987, February 26, 1990, March 16, 1998, and November 15, 1999)

Attachment 2

## **POLICY AGAINST SEXUAL HARASSMENT:**

### Implementing Statement

#### What is Sexual harassment?

Sexual harassment is a form of sex discrimination which is illegal under state and federal law and is also prohibited by the Board of Trustee's Nondiscrimination Policy. The Board's policy recognizes that sexual harassment undermines the integrity of employer-employee and student-faculty-staff relationships and interferes with the right of all members of the College community to work and learn in an environment free from harassment. Such conduct will not be tolerated.

Sexual harassment may be described as:

Any unwelcome sexual advance or request for sexual favors, or any conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education, (2) submission to or rejection of such conduct by an individual is used as a basis for employment or academic decisions affecting the individual, or (3) such conduct has the purpose or effect of substantially interfering with an individual's academic or work performance or creating an intimidating, hostile or offensive employment or educational environment.

Sexual harassment may be verbal, visual, or physical. It may be overt or implicit and may, but need not, have tangible adverse effects on the victim's employment or learning experience.

Example of conduct which may constitute sexual harassment include but are not limited to:

- sexual flirtation, touching, advances or propositions
- verbal abuse of a sexual nature
- pressure to engage in sexual activity
- graphic or suggestive comments about an individual's dress or appearance
- use of sexually degrading words to describe an individual
- display of sexually suggestive objects, picture or photographs
- sexual jokes
- stereotypic comments based upon gender

- threats, demands or suggestions that retention of one's employment or educational status is contingent upon toleration of or acquiescence in sexual advances.

The perpetrator of sexual harassment, like the victim of such conduct, may be a man or a woman. Sexual harassment may involve individuals of the same or opposite sex and, in the College environment, may involve an employee and a student, an employee and another employee or a student and another student. Harassment in any of these relationships is a violation of the Board's policy.

Because of the power relationship between faculty and student, and between supervisor and subordinate employee, freedom of choice may be compromised in such relationships. Accordingly, this policy holds that where a faculty member or professional staff member has responsibility for a student through teaching, advising, supervision or other obligation, romantic or sexual liaisons between such persons shall be deemed a violation of this policy. Romantic or sexual liaisons between supervisors and subordinate employees, while not prohibited, are strongly discouraged.

It should be noted, additionally, that retaliation against a person for complaining or being associated in any way with the resolution of a complaint of sexual harassment also violates Board policy.

### **What To Do If You Are The Victim of Sexual Harassment**

When an employee or student feels that he or she has been the victim of sexual harassment, he or she should report such incident(s) to a College official.

- Employees may report incidents of sexual harassment to the Dean of the area of the College in which the individual is involved, the College Affirmative Action Officer, or another College official who has been designated by the President as a recipient of such complaints.
- Students may report incidents of sexual harassment to the Dean of Students or to such other College official as the President may have designated. Nothing shall prevent students from speaking to a college counselor about their concerns. However, such communication is not a substitute for filing a complaint of sexual harassment with an appropriate College designee.
- A claim that an employee of a third party contractor has engaged in sexual harassment on College premises or in connection with the performance of the third party contract should be reported immediately either to the President or to another appropriate College official as set forth in this document. The President will ensure that appropriate follow-up action is taken.

Depending on the nature of the complaint and the desires of the complainant, the College official to whom the complaint has been made may attempt to resolve the complaint informally. Any informal resolution of a complaint must be approved by the College President. No person shall be forced to pursue informal avenues of resolution before filing a formal complaint of sexual harassment.

If informal resolution is not possible or appropriate, a written complaint should be filed in accordance with the existing Affirmative Action Grievance Procedure for employees (see Board Policy 2.1.3) or Student Grievance Procedure for students (see Board Policy 5.2.2).

- For employees, a written complaint should be filed within fifteen (15) calendar days of the alleged harassment. This time frame may be extended by up to fifteen (15) additional calendar days if efforts at informal resolution have been made.

- For students, a written complaint should be filed within thirty (30) days of the date the grievant knew or should have known of the alleged harassment. However, a delay in filing a formal complaint will not be a reason for refusing to investigate such complaints. Although the ability to investigate may be compromised by delay, a written complaint will be treated in the manner prescribed by this policy if filed within 180 days of the date the student knew or should have known of the alleged harassment.

When a formal complaint of sexual harassment is received, it will be investigated by the College. The rights of all persons involved in the investigation shall be respected and every effort will be made to protect the confidentiality of both the alleged victim and the alleged harasser. Toward this end, only persons with a need to know shall be made privy to the complaint. However, complete anonymity cannot be assured, given the College's obligation under law to investigate and take appropriate action in all cases of sexual harassment. All complaints of sexual harassment shall be taken seriously. It is expected that complaints will be made in good faith; however, frivolous or vexatious complaints can cause irremediable damage to the reputation of an accused person, even though he or she is subsequently vindicated. Therefore, any person who files a false complaint of sexual harassment shall himself or herself be subject to disciplinary action, up to and including termination, if an employee, or expulsion, if a student.

In addition to invoking the available grievance procedure, an employee who believes he or she has been sexually harassed may file a complaint with the Connecticut Commission of Human Rights and Opportunities, 21 Grand Street, Hartford, CT 06106 and/or the Equal Employment Opportunity Commission, One Congress Street, Boston, Massachusetts 02114, within 180 days of the date when the harassment occurred. A student who believes he or she has been sexually harassed may, in addition to the available grievance procedure, file a complaint with the Federal Office for Civil Rights, U.S. Department of Education (Region 1), John W. McCormack Post Office and Courtroom, Room 222, Post Office Square, Boston, Massachusetts 02109.

### **Publication of Sexual Harassment Policy**

This document shall be distributed to all members of the College community. Notice of the Board's policy against sexual harassment also shall be given to any independent contractor with whom a College has a business relationship, as a mandatory part of that contract.

### **Training**

Training in the implementation of the Board's policy against sexual harassment and in sexual harassment prevention shall be provided for all supervisory employees, in accordance with the provisions of State law. Attendance at such training sessions shall be mandatory. In addition, awareness and sensitivity training for all employees and students is strongly encouraged.