

MERCYHURST
UNIVERSITY



Employee and Student

Complaint Form and Grievance Procedure For Alleged Violations of Protections found in Notice of Non-Discrimination

To file a complaint with the University regarding an alleged violation of any tenets of the Notice of Non-Discrimination found below, please complete and bring this form to the Director of Equal Opportunity Programs, Old Main 300 or send via email to aagnew@mercyhurst.edu. If you are unable to complete this form and would like to make a verbal complaint, please visit the Equal Opportunity Office in Old Main 300.

Mercyhurst University values diversity and is committed to the goal of achieving equal opportunity for all. For that reason, Mercyhurst abides by federal, state and local law in admissions, employment and all services and programs provided. Mercyhurst does not unlawfully discriminate on the basis of race, color, religion, creed, sex, citizenship status, ancestry, national or ethnic origin, age, familial status, sexual orientation, physical or mental disability, military or veteran status or any other legally protected characteristic or because of any individual's legally protected activities. Mercyhurst complies with federal, state and local legislation and regulations regarding nondiscrimination. This policy applies to faculty, administration and staff, applicants for employment, students and applicants for education programs and activities. Mercyhurst University prohibits sexual harassment, including sexual violence.

University Status: (Circle one or more that apply to you)

Administrator

Student

Staff

Employment Applicant

Prospective Student

Other (Please Explain)

Faculty Member

Graduate Student

Name

Date

Department

Work Number

Home Number

Cell Number

Home Address

City

State

Zip

Employee I.D. Number

Student I.D. Number

Background Information: Have you brought this matter to the attention of any other department(s) at the University? If so, please list the name(s) and department(s) of all other persons with whom you have discussed this matter. Please also include the date(s) and time(s) the information was shared.

Witnesses: Please list the names of the witnesses, their relationship to you and their contact information. (The relationship information requested means co-worker, supervisor, faculty member, student, friend, etc.)

Complainant: Please answer the following questions to the best of your ability in full description. Use as much detail as possible and write as much as you feel is necessary. Supplemental sheets may be attached to provide additional detail regarding the alleged violation. When the packet is complete, please turn it in to the Director of Equal Opportunity Programs, Alice Agnew, OM 300, aagnew@mercyhurst.edu.

1. Describe the alleged violation of the protections in the Notice of Non-Discrimination, specifically describing the incident(s) as clearly as possible; include date(s), location(s), the presence of any witnesses, verbal statements (threats, requests, demands etc.), physical contact, denial of services, etc.
2. List the name(s), department(s), and position of the person(s) that allegedly violated a protection found in the Notice of Non-Discrimination.
3. List the names of other students or employees who might have been subject to the same or similar discrimination or retaliation acts.
4. For retaliation complaints, please explain why you believe someone retaliated against you.
5. Include any other information that is relevant to the complaint.

Grievance Procedure

Any employee or student, or any individual on behalf of any employee or student, who believes they have been denied the protections provided for in the Non-Discrimination Notice by the University, or been subject to harassment and/or discrimination by an employee, student, or third party, should contact the Office for Equal Opportunity Programs at 814-824-2362 or via aagneu@mercyhurst.edu to report the situation. Upon receiving a formal written complaint of the incident(s), the Director of the Office for Equal Opportunity Programs or her designee will promptly investigate the incident, when the incident involves an employee as the respondent. Absent a formal written complaint, the Director or her designee will attempt to work with the parties on an informal resolution. Complaints involving students as the respondent will be referred to the Student Conduct office for investigation and resolution. Provisions for adequate, reliable, and impartial investigation of complaints will be provided; complainant and respondent will be able to present witnesses and evidence.

The Director or her designee will prepare a written report of the findings of the investigation and present those to the appropriate Vice President or area supervisor. The Director will work in conjunction with the appropriate Vice President, or area supervisor to determine the appropriate corrective action to be taken, if it is determined that a violation of the Notice of Non-Discrimination policy has taken place.

Anyone alleging a violation of the policy need not report such violation directly to any individual who is alleged to have engaged in the behavior or decision leading to the alleged violation. The right to confidentiality, both of the complainant and of the respondent, will be respected consistent with Mercyhurst University's legal obligations and with the necessity to investigate the allegations of misconduct and take corrective action where this conduct has occurred.

Any supervisor or manager who becomes aware of possible violations of the Non-Discrimination policy should promptly advise the Director of Equal Opportunity Programs. Mercyhurst University aims to conclude investigations within 60 days of the filing of the initial complaint, with an understanding that there may be special circumstances (timing of breaks, scheduling witnesses, etc.) which make this 60 day timeframe unrealistic. Complainants must file a complaint within 180 days of the alleged incident. A decision will be rendered within ten days of the submitted report.

Anyone found to be engaging in discriminatory behaviors or practices will be subject to disciplinary action, up to and including termination of employment. In cases involving students who have been accused of acting in a discriminatory manner, the Student Handbook and its attendant policies on student conduct will control. If Mercyhurst is made aware of any discrimination immediate action will be taken eliminate the discrimination, prevent its reoccurrence, and address its effects.

Information Dissemination

Once the case is closed and complete, the following steps will be taken:

- The packet will be reviewed to make sure that all information is complete,
- A summary of the complete packet will be printed and filed (hard copy and electronically),
- Hard copies of the files will be kept in a secure location by the Director of Equal Opportunity Programs, with copies placed in relevant HR files as necessary.

Outcome Notification

The Director of Equal Opportunity Programs or her designee will inform the complainant and respondent of important developments and decisions in the investigation as necessary. At the conclusion of an investigation, both the complainant and respondent will be notified in writing to inform them if a violation was determined to have occurred.

Appeals

If either party is unsatisfied with the determination made at the initial investigation stage, and wishes to appeal, they must submit an appeal in writing to the Director of Equal Opportunity Programs within 7 days of the decision. The appeal will be heard and the outcome determined by the Director of Human Resources. The appeal decision will typically be issued within 7 days of its submission.