

Discrimination Grievance Policy

Introduction

As a University dedicated to fostering the dignity of each person, Boston College affirms the right of each individual to be free from unlawful discrimination, as described more fully in the University's [Notice of Nondiscrimination](#). This policy establishes a protocol for addressing complaints regarding unlawful discrimination in the University's programs, activities, and services. The purpose of this policy is to ensure that no individual is subjected to unlawful discrimination at Boston College and to ensure that discrimination complaints are responded to and investigated promptly and adequately.

Scope

This policy covers all faculty, staff, and students and applies to all complaints of discrimination, except those brought on the basis of disability, those dealing with discriminatory harassment, and those involving a grade determination or other academic assessment, all of which are covered by other University policies, as follows:

- Students who wish to file a grievance alleging discrimination on the basis of disability should follow the procedures in the [Grievance Procedures for Students with Disabilities](#).
- Employees who wish to file a grievance alleging discrimination on the basis of disability should follow the procedures in the [Reasonable Accommodations for People with Disabilities policy](#).
- Employees and students who wish to bring a complaint about discriminatory harassment should follow either the [Discriminatory Harassment Policy](#) or, if the complaint is against a Boston College student, the [Student Code of Conduct](#).
- Complaints alleging sexual harassment or misconduct will be addressed in accordance with the [Title IX Harassment Policy](#) to the extent it applies; otherwise the complaint will be addressed under the [Discriminatory Harassment Policy](#) or the [Student Sexual Misconduct Policy](#).
- Students wishing to bring a complaint of discrimination in connection with a grading determination should follow grievance procedures of the applicable School or College.

Nothing in this policy should be construed to infringe on the academic freedom of members of the University community and their right to use the academic forum provided by the University either to discuss controversial subjects or to express ideas with which some or most members of the University community strongly disagree.

Policy

Office for Institutional Diversity

The Executive Director of the Office for Institutional Diversity coordinates the University's efforts under this policy. The Office for Institutional Diversity serves as a resource for employees and students who have any questions about this policy or prohibited discrimination, and can assist in directing individuals to the appropriate grievance procedure under this policy.

Informal Resolution

An employee or student with a discrimination complaint is encouraged, though not required, to bring the problem to the attention of the person whose actions were found objectionable. The Executive Director of the Office for Institutional Diversity may also be able to assist the employee or student in resolving a complaint informally.

Filing a Complaint

If a problem cannot be resolved informally or the individual elects not to handle the matter informally, the individual may initiate a complaint by submitting a written complaint to the Office for Institutional Diversity. The individual should be as specific as possible regarding the circumstances that prompted the complaint (including the dates and places of the incidents at issue, the individuals involved, and the names of any witnesses) and should include a description of any efforts to resolve the matter informally and the results, and any other relevant information. The complaint should be brought in as soon as possible after the action giving rise to it, but in no case later than forty-five (45) days after the action. The time period may be extended for complaints involving an ongoing academic course, or other extenuating circumstances as determined by the Executive Director of the Office for Institutional Diversity.

Investigation and Resolution of Complaints

The University has designated specific offices and individuals to investigate complaints of unlawful discrimination. Depending on whether the individual accused of engaging in discrimination is a student, a member of the faculty, or a member of the staff, the investigation will be conducted by the designated office as set forth below, provided that in any particular case, the Provost or the Executive Vice President may designate which office or individual will investigate a complaint. In any case, the Office for Institutional Diversity may recommend and approve the use of an outside investigator to conduct some or all of the investigation. In no event will a person who is the subject of a complaint be assigned to investigate or make a determination about the complaint. The Office for Institutional Diversity (if not investigating the complaint) and the Office of the General Counsel will provide advice or assistance to the investigation process.

The investigation may involve meeting with the parties, interviewing witnesses, requesting written statements from the parties, informing the person whose actions are the subject of the complaint of the allegations and/or providing that person a copy of the complainant's statement, and making any other appropriate inquiries. The investigation may also involve the establishment of a fact-finding committee to perform one or more of the above tasks. Both the complainant and subject will have an equal opportunity to present facts and witnesses to the designated investigator(s) and/or factfinder(s). Before any adverse determination is made, the individual or individuals whose actions are the subject of the complaint will be informed of the complaint and have an opportunity to respond. Complaints alleging sex discrimination under this policy will be addressed in accordance with the requirements of Title IX of the Education Amendments of 1972.

The University will conduct an investigation in a timely manner so that a decision can be reached promptly, within sixty (60) days of the receipt of the complaint whenever possible. The outcome of a complaint may include a finding that the allegations are unwarranted or could not be substantiated; a negotiated settlement; or a finding that unlawful discrimination has occurred. The standard of proof for a finding of discrimination is a "preponderance of evidence," meaning that the evidence indicates that it was more likely than not that the discrimination occurred. Whether or not a finding of unlawful discrimination is made, nothing in this policy should be construed to limit the University's ability to take measures, including disciplinary measures, regarding behavior identified through use of this policy, in accordance with any other applicable University policies.

A confidential record of all complaints and their dispositions related to employees will be maintained by the investigating unit, with a copy to be provided to and maintained by the Office for Institutional Diversity.

A confidential record of all complaints and their dispositions related to students will be maintained by the investigating unit, with a copy to be provided to and maintained by the Division of Student Affairs.

Sanctions

Upon a finding of discrimination, appropriate disciplinary action will be taken by the University official with management or disciplinary responsibility for the subject. Discipline may also be enforced against any supervisory

personnel who knowingly permitted the discriminatory activity or behavior to continue. Discipline may include, without limitation: a requirement not to continue the discriminatory conduct, a requirement to attend training, workplace restrictions, reprimands, denial of pay increase or promotion, reassignment, suspension, or separation from the University.

Interim Measures

In some cases, the alleged conduct specified in a complaint may be such that the University determines that it is necessary to take interim measures pending the outcome of the investigation. These measures may include a suspension, leave, reassignment, or other temporary measures designed to protect the complainant or the University community.

Complaints Against Faculty Members

A complaint about a faculty member will be referred to the Dean of the applicable School or College. The Dean or the Dean's designee will investigate the complaint as described above, with the advice and assistance of the Office for Institutional Diversity and the Office of the General Counsel. The Dean or designee may elect to refer the matter to a fact-finding committee and may elect to make use of the School or program's established grievance procedure as part of the investigation process, in cases where that procedure has not previously been invoked.

Complaints Against Students

All complaints against students will be referred to the Office of Student Conduct, which will investigate and handle the complaint in accordance with the procedures set forth in the [Student Code of Conduct](#) for disciplinary matters provided that the Director of Student Conduct shall consult with the Office for Institutional Diversity and the Office of the General Counsel as noted above.

Complaints Against Staff Members

The matter will be referred to the applicable Vice President, unless the subject of the complaint is within the purview of a Dean of the applicable School or College (if the subject of the complaint is a staff member in a School or College). The Dean, Vice President, or their designee will investigate the complaint as described above, with the advice and assistance of the Office for Institutional Diversity and the Office of the General Counsel. The Dean or Vice President may elect to refer the matter to a fact-finding committee and may elect to make use of an established grievance procedure applicable to the relevant program.

Based on findings from an investigation, grievance procedures, or fact finding committee, the relevant Dean or Vice President will determine, in conjunction with the Vice President for Human Resources and the Office of the General Counsel, what action, if any, is appropriate. Action involving staff will be consistent with any applicable collective bargaining agreement and University policy.

Confidentiality

Reasonable efforts will be made to protect the privacy and confidentiality of all parties during the investigation, consistent with and subject to the University's need to investigate and resolve the complaint. Due to the University's obligation to investigate complaints, no representative of the University is authorized to promise complete confidentiality to any person who possesses information relevant to the investigation of a complaint, including the complainant.

Appeals

A complainant may appeal the resolution of a complaint if the individual believes that the resolution of the complaint has not rectified the discrimination. To make an appeal, the complainant must submit to the Executive

Director of the Office for Institutional Diversity a written statement specifically describing the basis for the appeal and any persisting discrimination within fifteen (15) days of being informed of the proposed initial resolution of the complaint. The Executive Director will direct the appeal to the appropriate officer of the University for review and disposition. For complaints against students, the appeal will normally be reviewed by the Vice President for Student Affairs. For complaints against faculty or relating to staff members for academic programs, the appeal will normally be reviewed by the Provost. For complaints against non-academic staff members, the appeal will be reviewed by the Vice President for Human Resources. In cases where the underlying complaint has been investigated initially by the Vice President for Student Affairs, the Provost, or the Vice President for Human Resources, the appeal shall be referred to the Executive Vice President or a designee of the Executive Vice President.

An individual whose actions are the subject of a complaint may appeal adverse action taken as a result of the complaint in accordance with the applicable appeal procedures. Students disciplined under the Student Code of Conduct should follow the appeal procedures outlined in that document. Faculty members should follow the procedures in the Faculty Handbook. Other employees should follow the grievance procedures outlined in the Employee Handbook or their collective bargaining agreement, whichever is most appropriate.

Retaliation Prohibited

No member of the University may retaliate, threaten or take any adverse action against an individual bringing a complaint under this policy. An employee or student who feels that he or she has been threatened with or subjected to any retaliation should promptly file a complaint under this policy.

Contact Information

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Approved: William P. Leahy, S.J.
Date: August 14, 2020