

# TITLE VI OR TITLE VII DISCRIMINATION

## GRIEVANCE AND COMPLAINT PROCEDURES

### EMPLOYEES AND STUDENTS

MVNU prohibits discrimination of its employees and students on the basis of race, color, sex, national origin, age, disability, or military service. Any employee or student, who believes that s/he has been subjected to unlawful discrimination, may make a complaint. MVNU will conduct a fair and impartial investigation of all such complaints, with due regard for the rights of all parties. Retaliation against any person who has made a complaint of discrimination or cooperated in the investigation of such a complaint is illegal and a violation of MVNU policy.

The purpose of these procedures is to ensure that all complaints of discrimination are thoroughly and fairly investigated by authorized officials. Complaints must be referred to the individual responsible for receiving or investigating such complaints. Any employee who receives a complaint, but who is not specifically designated to formally handle such a complaint, must refer the Complainant or the complaint to the appropriate individual, listed below.

#### 1. Applicability of these Procedures

These procedures apply to all complaints of unlawful discrimination arising under Title VI and/or Title VII of the Civil Rights Act, except those alleging sexual misconduct or those brought by students on the basis of disability. Any person alleging sexual misconduct must follow the protocols for Sexual Discrimination, Sexual Harassment, and Sexual Violence, which can be found on the MVNU web site. Any student alleging discrimination based on disability must follow the protocols for Discrimination under the Americans with Disabilities Act.

#### 2. Coordinator

The Director of Human Resources is the designated "Coordinator" for Title VI and Title VII complaints.

#### 3. Complaints by Students

Students will initiate a complaint with the Vice President for Academic Affairs or the Dean of Students.

#### 4. Complaints by Employees

Employees will initiate a complaint with the Director of Human Resources.

#### 5. Initiating a Complaint

The Complainant will submit a written complaint to the appropriate individual ("Recipient"), listed above. The complaint will detail (a) the circumstances that precipitated the complaint, (b) the date(s) and place(s) of the incident(s) at issue, (c) the individual(s) involved, (d) the name(s) of any witnesses, (e) any action(s) taken in an attempt to resolve the matter and the result(s) of these actions, and (f) any other pertinent information.

## **6. Informal Resolution of Complaints**

The Recipient may attempt to resolve the matter informally with the Complainant and the Accused. If the matter is resolved, the Recipient will document this, send a copy to the Coordinator, and the process will end. If the matter is not resolved, the Recipient will refer the matter to the Coordinator for Formal Resolution.

## **7. Formal Resolution of Complaints**

The Coordinator has the responsibility to ensure that the complaint is properly handled. If the complaint is against the Coordinator, it will be referred to the Vice President for Academic Affairs or the Dean of Students.

The Coordinator will investigate the matter. This will involve meeting with the parties, interviewing witnesses, requesting written statements from the parties, informing the accused of the allegations, providing the accused with a copy of the complainant, and making any other appropriate inquiries. Before an adverse determination is made, the accused will have an opportunity to respond.

The investigation should be completed promptly, so that a decision can be rendered within 30 calendar days of receipt of the complaint. If the investigation cannot be completed within 30 days, the Complainant will be informed of the status of the investigation. A confidential record of all complaints, including their disposition, will be maintained by the Human Resources Department. If the complaint is against the Coordinator, a confidential record will be maintained in the office of whomever investigated the complaints (i.e., the Vice President for Academic Affairs or the Dean of Students).

The President will be informed of all complaints of unlawful discrimination.

## **8. Complaints Against Students**

Any action taken will be consistent with applicable provisions in the *Catalog*, *Student Handbook*, and/or other MVNU publication or policy.

## **9. Complaints Against Faculty**

Any action taken will be consistent with applicable provisions in the *Catalog*, *Faculty Handbook*, and/or other MVNU policy.

## **10. Complaints Against Staff**

Any action taken will be consistent with applicable provisions in the *Catalog*, *Staff Handbook*, and/or other MVNU policy.

## **11. Confidentiality**

Reasonable efforts will be made to protect the privacy and confidentiality of all parties during the investigation, consistent with MVNU's need to investigate/resolve the complaint. No MVNU employee is

authorized to promise complete confidentiality to anyone who possesses information relevant to the investigation, including the Complainant.

Any individual who requests confidentiality before disclosing a complaint must be informed that confidentiality may not be possible. Any individual who insists on confidentiality as a condition of disclosing a complaint may be advised to consult with an MVNU mental health professional. Consulting with an MVNU mental health professional does not constitute the initiation of a complaint, and such individuals are not authorized to investigate or respond to such complaints.

## 12. Appeals

Complainant: If the Complainant believes that resolution has not rectified the situation, s/he may appeal the matter. If the Complainant is a *student*, the appeal will be heard by the Vice President for Student Life. If the Complainant is an *employee*, it may be appealed to the Vice President for Finance.

Accused: If the Accused is a *student* and wishes to appeal an adverse action, the appeal will follow the procedures outlined in the Student Handbook. If the Accused is an *employee*, the appeal will be made to the Vice President for Finance.

Appeals must be made by the Appellant, in writing, within 10 calendar days of the resolution. The grounds for appeal are limited to (a) procedural irregularity and/or (b) disagreement with the Coordinator's decision. No new information may be submitted by either party, nor may additional inquiry be conducted by the individual (Vice President for Student Life or Vice President for Finance) handling the appeal. Appeals will be decided within 30 days of receipt of the appeal. A written decision will be sent to the Appellant. Decisions on appeals are final and non-appealable.

***Exceptions to these procedures may be granted by the President, Vice President for Student Life, Vice President for Finance, Vice President for Academic Affairs, or MVNU's Legal Counsel.***