Webster University's Office for Civil Rights Compliance
Grievance Policy

Purpose and Scope

It is the policy of Webster University's Office for Civil Rights Compliance that a grievance process exists to allow for prompt and equitable resolution of current employee (including student-workers acting in their capacity as a student-worker), former employee and applicants for employment complaints alleging discrimination, harassment or retaliation on the basis of one's race, color, national origin or age in accordance with Title VI of the Civil Rights Act of 1964 (34 CFR § 100.1) and the Age Discrimination Act (34 CFR § 110.25(c).

Sex Discrimination/Sexual Harassment

In the event the grievance involves allegations of sex discrimination, including pregnancy discrimination and sexual harassment, as defined by 34 CFR § 106.30, the provisions and procedures set forth in Webster University's *Title IX Policy on Sex Discrimination, Including Sexual Harassment* ("Title IX Policy") will apply. Additional information regarding the University's Title IX Policy may be found at https://www.webster.edu/civil-rights/title-ix.php. Grievances involving discrimination or harassment on the basis of sex that do not meet the definition of Title IX sexual harassment will be processed under this Grievance Policy.

Disability Discrimination

In the event the grievance involves allegations of discrimination or harassment on the basis of disability, as defined by 34 CFR § 104.1 and 28 CFR § 35.101, the provisions and procedures set forth in Webster University's *Disability and Accommodation Policy* ("Disability Policy") will apply. Additional information regarding the University's Disability Policy may be found at https://www.webster.edu/civil-rights/ada-504.php#policy.

This Policy applies to applicants and employees, including student-workers acting in their capacity as a student-worker.

I. Grievance Process

For complaints related specifically to race, color, national origin or age, the following procedures should be followed.

1) The complaint must be submitted to the Director of the Office for Civil Rights Compliance and Title IX Coordinator, Kimberley Bynum-Smith.
   Kimberley Bynum-Smith
   Director, Office for Civil Rights Compliance and Title IX Coordinator
   200 Hazel, 2nd Floor, St. Louis, MO 63119
   314-246-7780
   kimberleybynumsmith@webster.edu

2) The complaint should be submitted in writing and describe the alleged violation of the regulations.

3) Upon receipt of the complaint, the Director of the Office for Civil Rights Compliance will review the allegations and notify all parties involved.

4) The Office for Civil Rights Compliance Investigator (or a designee) will be responsible for conducting a prompt, thorough and impartial investigation of the formal complaint. The purpose of the investigation is to establish whether there is a reasonable basis for believing that a violation of policies has occurred. During such investigations, every reasonable effort will be made to protect the privacy rights of all parties, but confidentiality cannot be guaranteed.

5) The complainant and respondent will receive written notice regarding the following events (as applicable):

   a) determination of whether or not the allegations constitute a grievable offense as defined by the Policy,

   b) dates of relevant meetings and/or hearings,

   c) extenuating circumstances causing delay in timelines (if applicable), and

   d) interim measures taken by the University to protect the complainant while the grievance process is pending (if applicable).

6) At the conclusion of the investigation, the complainant and respondent will receive a written determination as to the validity of the complaint and a description of the resolution, if any. Appropriate, corrective and remedial actions will be taken if the grievance is found to have merit.

7) The Office for Civil Rights Compliance shall maintain files and records relating to the complaints.

8) Either the complainant or the respondent may appeal the Director, Office for Civil Rights Compliance's determination to the Chief Human Resources Officer ("CHRO"), or a designee, in accordance with the policies and procedures outlined below.

II. Grievance Appeal Process

If an employee wishes to appeal the Director, Office for Civil Rights Compliance's determination of a grievance, they must comply with the following procedures:

1) The CHRO (or designee) will serve as the Appeal Officer for purposes of reconsidering the determination of a Grievance Policy violation.

2) Grounds for Appeal

The complainant or respondent may appeal the Director, Office for Civil Rights Compliance's determination on the basis of any one or more of the following grounds:

   1) Procedural irregularity that affected the outcome of the matter;

   2) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or

3) The Investigator and/or Director had a conflict of interest or bias against the employee that affected the outcome of the matter.

An appeal must be filed within 10 calendar days from the date of the outcome.

3) The Appeal Officer will review the record of the investigation conducted by the Investigator and may seek additional information and consult with the University's Office of Civil Rights Compliance or any other person, including the complainant or the respondent, as needed. Ordinarily, the Appeal Officer will accept the Director, Office for Civil Rights Compliance's determination, except where the Appeal Officer concludes that the findings or the recommended actions are not reasonable or supported by the record. The Appeal Officer also may recommend more or less severe disciplinary or other corrective action depending upon the circumstances in any particular case including, but not limited to, the prior employment record of the respondent and due consideration for effective enforcement of this Policy.

4) After reviewing the investigation report and the appeal, the Appeal Officer will issue a written decision accepting or rejecting the investigation report using a preponderance of the evidence standard and outlining any disciplinary actions or proceedings that will be initiated. A copy of the Appeal Officer's decision will be provided to the complainant and the respondent.

5) The decision of the Appeal Officer is final.

III. External Grievance

The United States Department of Education's Office for Civil Rights (OCR) is the agency responsible for addressing complaints related to discrimination, harassment, or retaliation on the basis of race, color, national origin, sex, disability, or age.

A complaint must be filed within 180 calendar days of the date of the alleged discrimination unless the time for filing is extended by OCR for good cause.

How to File a Complaint with United States OCR

Complainants wishing to file a complaint with the OCR may do so by:

1. Mail or Facsimile: Complainants may mail or send by facsimile a letter or use the OCR's Discrimination Complaint Form available from one of OCR's enforcement offices listed below. In your correspondence, please include:
    a. The complainant's name, address and, if possible (although not required), a telephone number where the complainant may be reached during business hours.
    b. Information about the person(s) or class of persons injured by the alleged discriminatory act(s) (names of the injured person(s) are not required).
    c. The name and location of the institution that committed the alleged discriminatory act(s).
    d. A description of the alleged discriminatory act(s) in sufficient detail to enable OCR to understand what occurred, when it occurred, and the basis for the alleged discrimination.
2. Email: Complainants may file a complaint, using the following e-mail address: ocr@ed.gov. (Use the same procedures as above.)

3. Online: Complainants may file a complaint with OCR using OCR's electronic complaint form at the following website: https://www2.ed.gov/about/offices/list/ocr/complaintintro.html
4. For those without current email accounts, Internet access may be freely available from your local public library, and free email accounts are available from many large providers.
   For further information contact:
   U.S. Office for Civil Rights, U.S. Department of Education
   One Petticoat Lane
   1010 Walnut Street, Suite 320 Kansas City, MO 64106
   Telephone: (816) 268-0550
   Facsimile: (816) 268-0559
   Email: OCR.KansasCity@ed.gov

How to File a Complaint with the United States Equal Employment Opportunity Commission

The United States Equal Employment Opportunity Commission is an agency responsible for enforcing federal laws that make it illegal to discriminate against a job applicant or an employee because of the person's race, color, religion, sex (including pregnancy and related conditions, gender identity, and sexual orientation), national origin, age (40 or older), disability or genetic information.

1. 1-800-669-4000
2. 1-800-669-6820 (TTY for Deaf/Hard of Hearing callers only)
3. 1-844-234-5122 (ASL Video Phone for Deaf/Hard of Hearing callers only)
4. info@eeoc.gov
5. Online: Complainants may file a complaint with EEOC using the EEOC's electronic complaint form at the following website: https://publicportal.eeoc.gov/Portal/Login.aspx