

GRIEVANCE POLICY FOR TITLE IX, DISABILITY, AND AGE DISCRIMINATION ISSUES

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A student grievance is a formal complaint filed by an individual enrolled in the College. An employee grievance is a formal complaint filed by an individual who is on the College's payroll. Either individual may file a complaint. Issues that are grieved, include, but are not limited to:

- Denial of accommodations that have been requested;
- Insufficient accommodations,
- Sex discrimination or gender inequities, OR
- Age discrimination.

The following steps explain the procedure:

- 1) A complaint must be filed in writing with the appropriate coordinator, contain the name and address of the person filing it, and briefly describe the alleged violation.
- 2) Complaints involving disability accommodation or age discrimination issues, must be filed within 30 days after the complainant becomes aware of the alleged violation. Complaints involving sex discrimination must be filed within 180 days after the complainant becomes aware of the alleged violation; nevertheless, individuals are encouraged to file a complaint immediately in order to maximize the College's ability to obtain evidence and conduct a thorough, impartial, and reliable investigation. Failure to promptly report a complaint may result in the loss of relevant evidence and witness testimony.
- 3) The College will keep the complaint and the investigation confidential, to the extent it is possible to do so.
- 4) If all parties agree (in writing), the coordinator may attempt to informally resolve the grievance. An informal resolution is optional and voluntary, and if the grievance is not resolved to the satisfaction of either party in 10 days, the matter will be investigated (step #5).
- 5) An investigation shall follow the filing of the complaint. The appropriate coordinator shall conduct the investigation. These rules allow for a thorough investigation, affording all interested persons and their representatives, if any, an opportunity to present witnesses in support of their respective positions and to submit evidence relevant to the complaint.
- 6) A written determination as to the validity of the complaint and a description of the proposed resolution, if any, shall be issued by the coordinator and a copy forwarded to all interested parties as well as to the President no later than 15 business days after its filing.
- 7) Retaliation against anyone who makes a complaint or participates in the complaint process will not be tolerated.
- 8) In order to prevent recurrence and to remedy the effects of the discrimination, KWC may choose to take actions such as providing academic or administrative support, counseling, or training for the persons affected and/or the College community. Such remedial measures may be imposed regardless of whether a formal complaint has been made. All individuals are encouraged to report to the appropriate coordinator any concerns about the failure of another individual to abide by any of the restrictions imposed by a remedial measure.
- 9) The coordinator shall maintain the files and records relating to complaints filed.
- 10) The coordinator will gather all the documents relating to the investigation and submit the documents with a summary of the case to the Non-Discrimination Committee within 15 business days.
- 11) A hearing will be held within 10 business days of the committee receiving the information. The Non-Discrimination Committee will issue a decision within five business days of hearing the complaint.
- 12) If disciplinary action is to be taken, properly established records of previous conduct and the seriousness of the violation shall be considered. Consideration should be given to whether the sanction will (a) bring an end to the violation in question, (b) reasonably prevent a recurrence of a similar violation, and (c) remedy the effects of the violation on the complainant and the College

Definition and Purpose

As reflected in the College's Non-Discrimination Policy, KWC does not discriminate against students or employees on the basis of their sex, disability, or age. As such, the College cannot exclude, separate, deny benefits to, or otherwise treat differently any person on the basis of their sex, disability, or age. This Grievance Policy is implemented with the express purpose of providing procedures for persons who have complaints relating to Title IX discrimination issues, which include complaints of sex discrimination carried out by students, employees, or third parties, as well as complaints of discrimination on the basis of one's age or disability. Persons having complaints of sexual harassment and/or sexual assault should follow the procedures outlined in the College's Sexual Harassment & Assault policy.

The College will respond to every complaint of discrimination, take action to provide remedies when discrimination is discovered, take action to prevent the reoccurrence of similar violations, and impose appropriate sanctions in a case-by-case manner.

Non-Discrimination Committee

The President of the College will appoint a Non-Discrimination Committee. The members of this committee will serve a two-year term. The committee will consist of one faculty member, one staff member and one student (the 504 Coordinator, the Title IX Coordinator and the Age Act Coordinator cannot be members of this committee). The committee performs two major functions: (1) oversight of disability accommodations and (2) hearing unresolved ADA, Title IX or Age Act grievances.

At least once a year the committee will investigate a random sample of disability cases (students and staff). The committee will report the results of their investigation directly to the President of the College. Their report will include recommendations for improvements.

Complaint Process

A student or employee who alleges a Title IX violation may file a complaint with the Title IX Coordinator. The Title IX Coordinator is:

Jerry L. Garner, J.D., MSc
Administration Building 209C

Owensboro, KY 42301
Work: (270) 852-3242
E-mail: jgarner@kwc.edu

A student or employee who alleges an Age Action violation may file a complaint with the Age Act Coordinator. The Age Act Coordinator is:

Ms. Cindra Stiff
Vice President of Finance
Administration Building 108A
Work: (270) 852-3113
Email: cindrast@kwc.edu

A student or employee who alleges discrimination based on disability may file a complaint with the 504 Coordinator. The 504 Coordinator is:

Dr. Leah Hoover
Associate Dean of the College
Administration Building 109A

community. As referenced in the Student Code of Conduct, contained within the Student Handbook, appropriate discipline for a student may range from an oral reprimand up to and including probation, suspension, expulsion, or any other appropriate remedy. Appropriate discipline for an employee may range from an oral reprimand up to and including termination, dismissal for cause, or any other appropriate remedy.

- 13) The parties to the complaint will be provided notice of their opportunity to request an appeal of the case in instances where he or she is dissatisfied with the resolution. The request for appeal should be made within five business days of receipt of the notice to: Chair of the Board of Trustees, Kentucky Wesleyan College.
- 14) The right of a person to a prompt and equitable resolution of the complaint filed here under shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the responsible federal department or agency. Use of this complaint procedure is not a prerequisite to the pursuit of other remedies.
- 15) These rules shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure that KWC complies with the ADA, Section 504, Title IX, and the Age Act.

The Chair of the Board of Trustees will appoint the Appeals Committee. This committee will hear all appeals related to ADA, Section 504, Title IX, and the Age Act. The committee is composed of one student, one faculty member, one administrator/staff member and one trustee. The Chair of the Board of Trustees appoints one of the committee members as the Chair of the Appeals Committee.

Appeals Committee

- 1) Within 10 days of the appeal request, the Chairperson of the Appeals Committee will begin the hearing and take whatever action is necessary to ensure an equitable, orderly, and expeditious hearing. As presiding officer, the Chairperson may remove anyone not complying with the rules and/or disrupting the hearing. Only clearly relevant and substantive evidence will be allowed.
- 2) Legal, procedural rules of evidence will not be used in the appeals hearing.
- 3) All members of the Appeals Committee, the complainant and the alleged violator of the ADA, Section 504, Title IX, or the Age Act may examine all available evidence and question all witnesses.
- 4) The student and/or employee may bring a representative; however, it is not a requirement. The student and/or employee, or their representative may ask questions if necessary.
- 5) Witnesses will be heard one at a time, and may be excused from the hearing by the Chairperson after testifying.
- 6) After all available evidence and witnesses have been examined and questioned, all persons except members of the Appeals Committee must leave the room.
- 7) Within 30 days of the beginning of the hearing, members of the Appeals Committee will then make a determination of the appeal and render a written decision to all interested parties and to the Chairperson of the Board of Trustees.

Within two business days of the determination, a copy of the final resolution resulting from the complaint procedure shall be provided to the appropriate officer in the school where the violation has occurred and to the Human Resources Department, if an employee of the College is a party to the original complaint. This decision will be the final outcome of the KWC Non-Discrimination process.

(Adopted: October 27, 2006)

(Revised: January 26, 2007 and October 21, 2016)