PROcedures for Individuals Claiming Unlawful Discrimination or Harassment

Claims of harassment or discrimination are: (1) claims of violation of the University’s nondiscrimination policy, and (2) claims of violations of the University policy in opposition to harassment.

The following complaint procedure has been established to ensure prompt and effective investigation into allegations of discrimination including harassment, under Title VI, Title IX, Section 504 of the Rehabilitation Act and the Age Discrimination Act.

An individual who believes that she/he has been discriminated against, including being harassed, may report the situation to the Executive Director of Human Resources who serves as the primary University officer responsible for such matters. In the absence of the Executive Director or if the complaint is against the Executive Director, the report may be to the Vice President of Human Resources or any Vice President of the University. Reports/complaints are to be filed within ninety (90) calendar days after the conduct complained of occurred or within the time the person reasonably becomes aware of the conduct. (Note: this filing period may be extended for good cause.)

The report can be written or oral and should consist of the following:

• the specific conduct objected to,
• the date(s) and time(s) such conduct took place,
• the name(s) of the alleged harasser(s) or person(s) believed to be discriminating against them,
• the location(s) where the conduct occurred,
• the name(s) of any witness(es)
• action sought to remedy the situation, and any other details or information requested by the Executive Director or her/his designee.

• In addition, the person should provide any documentation (emails, notes, pictures, etc.) or other information in support of the allegation of discrimination or harassment.

Informal Procedure

Any individual who believes that she/he has been unlawfully harassed or discriminated against may, if she/he chooses to, attempt to resolve the situation through a discussion with the other party. If that is not practical, the individual should consult with the Executive Director of Human Resources who serves as the officer responsible for such complaints, or her/his designee. The purpose of this consultation is multi-fold. The Executive Director or her/his designee will provide information and assistance to help the individual assess whether or not the behavior is harassing or discriminatory, will explain the University’s grievance procedure and provide guidance regarding the investigative procedure. There is no requirement that an informal resolution must be attempted by the complainant.

The individual may also request the Executive Director or her/his designee to attempt to facilitate a resolution of the grievance informally after investigating the matter. If the individual desires an informal resolution, the Executive Director or her/his designee will attempt to provide an informal resolution within twenty (20) working days of the receipt of the request.

Investigation of Complaints

Upon receipt of a complaint or report a prompt investigation will take place in a confidential manner so as to disclose information only to those who have a need to know or those who may have pertinent information. The respondent and witnesses will be interviewed. Disclosure of the
complainant’s name will be made if in the judgment of the investigator it is necessary to the investigation. The investigation will be kept as confidential as possible without compromising the investigation.

The Executive Director or her/his designee (investigator) will determine whether there is a reasonable basis for the complaint. At the conclusion of this stage of the investigation the investigator will report her/his conclusions to the complainant in writing with the resolution of the complaint. The investigation should be completed within thirty (30) working days of the complaint filing unless extended for reasonable cause.

The investigation may be delayed during the period of an attempted informal resolution should the Complainant desire it.

If it is determined that discrimination or harassment has occurred, the University will take action to stop the violation, prevent a reoccurrence and correct any discriminatory effect. Such action may include counseling, warning, disciplinary action, termination of employment, or expulsion.

A confidential record of the proceedings will be maintained in a private file in the office of the investigator.

If a complainant is dissatisfied with the resolution because the investigation was not conducted as described above or due to the discovery of evidence not reasonably available during the investigation, she/he may request a review by the Vice President of the University division within which the discrimination was claimed to have occurred. If the complaint involves that Vice President the President of the University or his/her designee shall conduct the review.

The request for review must be made within ten (10) working days of the notice of the result of the investigation. The review by the Vice President must be completed within thirty (30) working days and submitted in writing either sustaining the investigation result or reopening the investigation for further consideration if the investigation was not conducted as described above or due to the discovery of evidence not reasonably available during the investigation. The decision on the review shall be final.

State and Federal Rights

The complainant may at any time file a complaint with the Department of Education, Office for Civil Rights, or other applicable federal or state agency for the enforcement of federal or state laws within the jurisdiction of such agency.

Time Lines

Working days are days when the administrative offices of the University are regularly open for business; weekends, holidays, snow days and days the University is closed shall not be counted as working days.

Personnel

EXECUTIVE DIRECTOR OF HUMAN RESOURCES
Ms. Julia Nofri, 203-365-4837
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