



STETSON LAW

College of Law Student Grievance Procedure for Discrimination Complaints

Students who believe they have been discriminated against on any basis protected by law or University or College of Law policy, or have been denied reasonable accommodation for disability or religion, based on actions or inactions of faculty or staff members, or against third-party providers of educational programs and activities (such as but not limited to internship and clinic providers), may seek redress of their grievance(s) in accordance with the following campus *Student Grievance Procedure for Discrimination Complaints*.

Students attending the College of Law should use this procedure only for complaints arising for their participation in degree programs or activities arising from the Gulfport and Tampa campuses. A separate procedure is available for complaints arising on the DeLand and Celebration campuses or from programs and activities emanating from those campuses (such as the M.B.A. aspect of the joint J.D./M.B.A. degree).

I. Introduction

Stetson University College of Law is an equal opportunity educational institution and complies with all federal, state, and local laws guaranteeing the rights of persons to be free from unlawful discrimination including, but not limited to, Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; and the Americans with Disabilities Act. A full copy of our institutional non-discrimination statement and associated policies are contained on the policies page of the website at <http://www.law.stetson.edu/policies/home/>. Certain of these laws require that Stetson University designate one or more coordinators to manage compliance. A list of all such coordinators is posted on the policies page of the website at <http://www.law.stetson.edu/policies/home/> or by contacting the Associate Dean for Academics at 727-562-7809.

II. Scope of Policy and Cross References

This policy applies to all student complaints of discrimination, harassment, or denial of accommodation by faculty, staff, or third providers of educational programs and activities on the basis of sex, disability, race, age, religion, color, national or ethnic origin, ancestry, marital status, veteran status, sexual orientation, gender identity, gender expression, genetic information, physical characteristics, or any other category protected by federal, state, or local law. In the context of disability and religion, this procedure encompasses disagreements or denials regarding requested services, accommodations, or modifications to College practices or requirements, and alleged inaccessibility of a College of Law program or activity, in addition to any other claimed violations.

Complaints of discrimination by students against students are addressed through the *Code of Student Professionalism and Conduct*. All other concerns can be raised through the general *Student Concern and Complaint Policy* unless another specific procedure applies.

This procedure should be read in conjunction with the overall institutional nondiscrimination policies on the website. With the approval of the Dean, this and the above-referenced policies may be modified or adapted as needed to effectuate the overall intent of the College of Law's nondiscrimination commitment when policies overlap or the legal requirements of other locations or circumstances occur which might reasonably require an adjustment (for example, a situation arising in a foreign country during one of the College's study-abroad programs).

III. Informal Procedure

If a student believes that he or she has received discriminatory treatment, or in the context of disability accommodation issues has been unable to resolve the issue with the ADA Coordinator, the individual should contact the Office of the Dean in writing within fifteen calendar days after the alleged discriminatory action. The Dean may exercise discretion if contacted after the fifteen-calendar-day period.

Upon receiving a concern, the Dean will appoint an Equal Opportunity (EO) Officer to handle the matter. A typical appointment might include the Associate Dean for Academics, a professional within Student Life, a Human Resources professional, a professor, or a person outside of the College of Law.

The EO Officer does not serve as an advocate for either the aggrieved individual or the alleged discriminating party, but merely processes the allegation(s) and attempts to resolve the differences between the two parties informally. If the student is not satisfied with the outcome of the informal process, he or she may file a formal grievance within fifteen days after the conclusion of the attempt to informally resolve the differences. The informal process generally should not exceed thirty days, unless classes are not in session or the school is closed.

IV. Formal Procedure

A. Initial Process

The aggrieved individual initiates the formal procedure by filing a formal grievance in writing to the EO Officer with a copy to the Dean. The EO Officer's role is neutral and the EO Officer will not serve as an advocate for any party to the complaint. In the Dean's discretion, the EO may be the same individual who served as the EO during the informal process, or may be a different person. The student can request an appointment of a different EO Officer if the actions or inactions that are the subject of the contemplated grievance involve the appointed EO Officer.

Although the College of Law encourages students to participate in the Informal Procedure described above, participation is optional and students are not required to do so before initiating

a formal grievance. In certain situations, such as those involving sexual assault, the Informal Procedure may not be an appropriate option.

When a student elects to bypass the Informal Procedure, the student should file the formal grievance with the Office of the Dean within fifteen calendar days of the alleged discriminatory action. If the student bypasses the Informal Procedure, but the Dean or Dean's designee believes the issue presented is appropriate for informal resolution and the Informal Procedure may assist in resolving the issue, the processing of a formal grievance may be temporarily deferred to allow for the Informal Procedure to occur.

The formal grievance may be a simple written statement, but should include the following minimum information:

1. A full description of the problem and any relevant facts, including but not limited to the specific acts considered to be discriminatory, including when, by whom, and what was specifically done or not done, and its impact or consequence to the complainant.
2. A summary of the steps, if any, the student has already taken in attempt to resolve the problem, including the names of persons involved;
3. A statement of the requested resolution and the student's rationale for the requested resolution for each perceived violation;
4. Any supporting documentation; and
5. The name, contact information and signature of the person initiating the complaint.

To facilitate a clear and prompt resolution, once initiated, a grievance may not be expanded beyond the issues presented in the student's initial complaint. This does not preclude a student from submitting a new grievance if additional concerns have arisen. The College of Law reserves the right to redirect a grievance to the proper grievance procedure or to any other appropriate review procedure where appropriate.

B. Grievance Resolution

Once the complaint has been properly filed, the EO Officer should conduct a thorough review of the allegations and collect information necessary to determine the merits of the grievance. This review can include, but is not limited to, convening a meeting during which the complainant, the individual(s) against whom the grievance has been brought, and witnesses can supply factual information about what occurred; interviewing those involved and any witnesses to determine the issues and facts that have occurred and to resolve any factual dispute, including those hinging on credibility; and/or obtaining and reviewing any records, documents, emails, etc. relevant to the issues presented. Only the EO Officer will question witnesses but any party to the grievance may suggest areas of inquiry to be explored. Because this is an internal matter, no legal counsel

is permitted at grievance meetings. Once the matter has been fully examined, the EO Officer will develop a documented report of findings and submit a written recommendation to the Dean of the College of Law with copies to the student and individual(s) against whom the grievance was brought. In those instances where the EO Officer recommends that remedial or disciplinary action should be taken against the individual against whom the grievance was filed, those recommendations will be provide separately with a copy provided only to the individual against whom the recommendation is made. The EO Officer's review and preparation of the report and recommendation normally should take no longer than thirty days unless the College is closed or not in session, or absent extraordinary circumstances.

C. Final Disposition

The EO Officer only has recommendation authority. Either the complainant or the alleged discriminatory party has fifteen calendar days from receipt of the EO Officer's findings and recommendations to appeal to the Dean. Any appeal should be in writing and should specifically describe the point(s) on which the appeal is based. The Dean also has the independent authority to accept or reject the EO Officer's findings and recommendations in whole or part regardless of whether an appeal is filed. The Dean will make the final decision in all cases upon receipt of the EO Officer's report and after the time for appeals has passed. The Dean should notify all affected parties of his or her decision within a reasonable period of time—typically fifteen days after receipt of the EO Officer's report or any appeal is filed (whichever is later) unless school is closed or other extraordinary circumstances exist—and initiate whatever action he or she deems necessary. The Dean may, in his or her discretion, appoint a designee to issue the final disposition for the College of Law. Except when otherwise required by law, the Dean will determine the amount of information to provide the parties. When the resolution of a student complaint under this policy in turn causes adverse action to be taken against a faculty or staff member, such as discipline or a loss of employment, the faculty or staff member may in turn seek review using the applicable faculty and staff grievance procedure.

D. Allegations Against the Dean

If a concern raised under this procedure involves the Dean's conduct, the University Provost will assume all responsibilities under this procedure that would have typically been performed by the Dean.

E. Expedited Time Frames

In the context of accommodation issues that may be time sensitive due to upcoming events or activities for which a decision must be made quickly, the EO Officer and the Dean or his or her designee can expedite all time frames under this policy to facilitate a prompt resolution.

V. Retaliation

The College of Law prohibits retaliation against any student for filing a grievance under this process or against any other individual participating in the investigation of a grievance. Any such retaliation is a violation of College policy. Those committing retaliation may be subject to

disciplinary action up to and including termination, or sanctions in accordance with applicable student conduct and honor codes. Students or employees who have participated in the grievance process in support of the student may file a grievance under the applicable procedure if they feel they have been retaliated against.

VI. Confidentiality

The student's confidentiality will be maintained by each person involved in the informal or formal investigation or resolution of a student grievance under this policy. Any disclosures regarding the student or the investigation will be limited to the minimum necessary to accomplish the investigation, address the student's grievance, and address any other proceedings that may arise from these circumstances. For additional detail, see the Confidentiality section in the policy on *Equal Opportunity and Nondiscrimination*.

VII. Effect on Other Processes

Use of this process does not preclude an individual from filing a formal complaint with the Office for Civil Rights of the United States Department of Education (OCR), or any other Federal agency. Contact information for OCR is as follows:

U.S. Department of Education
Office for Civil Rights
D.C. Enforcement Office
400 Maryland Avenue SW
Washington, D.C. 20202-1475
Telephone: 1-202-245-8300
FAX: 202-245-8301
TDD: 877-521-2172

This procedure was initially developed with the assistance of and formally approved by the US. Office of Civil Rights on March 19, 1996, and included in the Administrative Guidelines for Students and Applicants with Disabilities (November 2001); it was re-stated separately and updated effective March 5, 2010, with revisions adopted on July 14, 2010 and June 26, 2011.