

HEARING BOARD FOR COMPLAINTS OF DISCRIMINATORY HARASSMENT (DHHB)

For response to complaints based on the Discriminatory Harassment Policy found at <http://www.stlawu.edu/policies/index.html> **Composition, Organization and Responsibilities of the Discriminatory Harassment Hearing Board (DHHB)**

JURISDICTION:

The DHHB conducts hearings in complaints of alleged discriminatory harassment (based on the Discriminatory Harassment Policy found at <http://www.stlawu.edu/policies/index.html>) where the complainant is a member of the St. Lawrence University community as an active student, active faculty member, or an active member of staff. Notwithstanding the foregoing:

- complaints that are primarily complaints of sexual harassment or sexual discrimination/misconduct where the two parties are students will be referred to the Special Hearing Board;
- when the party charged is a staff member (exempt or non-exempt with or without bargaining unit representation), complaints will be investigated and handled by the Human Resources Office (consistent with the obligations of any applicable bargaining unit agreement) and/or the office of the Vice President with the option of sending the complaint to the DHHB.

Complaints falling within the jurisdiction of the DHHB shall be submitted to and reviewed by the chairperson* of the DHHB to determine merit for submission to the DHHB. A complaint that is deemed to be more appropriately heard or processed under other existing procedures at the University may be referred by the chairperson of the DHHB to those procedures. The DHHB makes appropriate recommendations, up to and including expulsion or termination, based upon a preponderance of information presented to it.

*Whenever the Chairperson is unable to serve he/she will appoint a member of the DHHB to serve as acting chairperson, or “designee”. Any authority vested in the Chairperson under these procedures is also vested in his/her designee.

Complaints heard by the DHHB can not be re-heard or simultaneously heard by other university committees or hearing bodies. When complaints of discriminatory harassment are being heard or investigated as possible violations of federal, state or local laws or regulations the DHHB may decide to postpone hearings on the complaint(s) until the external action is resolved.

CONTACT:

Any member of the St. Lawrence Community may contact the DHHB via the Offices of the Vice President and Dean of Student Life, the Associate Dean of Student Life, the Vice President and Dean of Academic Affairs, the Associate Dean of Faculty Affairs, the Associate Vice President of Human Resources/Special Assistant to the President for Equity Programs (“Special Assistant”), or the chairperson of the DHHB. See the St. Lawrence University Human Resources website [<http://www.stlawu.edu/resources/dhhb%20membership%20spring%202008.pdf>] for a membership listing, and other DHHB information.

SCHEDULING:

In most circumstances a complaint will be considered timely if it has been filed within six months of the alleged misconduct or the cessation of the alleged misconduct, whichever is later. In extraordinary circumstances (including hearing a complaint filed after a student, faculty member, or staff member has separated from the University) the Chairperson of the DHHB may proceed with a complaint filed beyond the six month period. The DHHB conducts hearings as soon as practicable after receipt of the complaint. Hearings are scheduled as determined by the reasonable availability of the parties involved, witnesses, members of the DHHB and the chairperson of the DHHB.

MEMBERSHIP:

The DHHB consists of twelve active members of the St. Lawrence University community: five faculty members, three exempt and one non-union hourly staff member, and three students. The twelve members will meet annually to select a chairperson for the DHHB who will oversee all administrative and procedural requirements.

The Chairperson of the DHHB and the Special Assistant collaborate in identifying faculty, staff and students interested in membership on the DHHB. Membership requires

- 1) A commitment to and sincere interest in the issues of creating an SLU community committed to diversity, and hence willing, through mechanisms such as the DHHB, to respond to instances of discrimination;
- 2) A willingness to participate in training on both hearing procedures and multicultural sensitivity.

The recommendations for faculty membership are forwarded to the Vice President and Dean of Academic Affairs for approval and who shares the information with Faculty Council. The recommendations for staff membership are forwarded to the President of the University, who consults with Senior Staff in approving the appointments. The recommendations for student membership are forwarded to the President of the Thelomathesian Society for approval.

A Facilitator for the DHHB will be chosen by the DHHB from active faculty, staff or student members of the SLU community, but most commonly will be the Special Assistant to the President for Equity Programs. The facilitator will assist the Chairperson in the performance of administrative duties. The facilitator will attend all meetings (including hearings) of the DHHB as a non-voting member.

PROCEDURES:

At least four members of the DHHB will serve with the Chairperson of the DHHB (or designee) as the Hearing Board for each individual complaint; each Hearing Board will, normally, include at least one faculty member, one staff member, and one student. Each Hearing Board will select one member to serve as Chairperson of the Hearing Board. Each Hearing Board will also be assisted by the Facilitator, or a person designated by the Chairperson of the DHHB to serve as facilitator for the Hearing Board.

NOTE: the full Discriminatory Harassment Hearing Board, with or without all members in attendance, is referred to as “DHHB”. When “Hearing Board” is used it refers to the four or five member body established to hear a complaint.

The Hearing Board calls witnesses and makes recommendations based upon a preponderance of information presented. The Hearing Board may request that witnesses appear to provide information: failure to appear or to cooperate with the Hearing Board is a punishable offense.

A complainant has:

- a) the right to have a St. Lawrence University student, staff, or faculty member accompany him/her throughout the hearing. The complainant is not entitled to be accompanied or represented by an attorney-at-law or a non-community member (i.e. not an active member of SLU community) at the hearings or meetings with the DHHB or Hearing Board chairperson and/or facilitator in preparation for the hearings.
- b) the right to provide a personal statement of events.
- c) the right to ask that witnesses relevant to the complaint be called by the Hearing Board to provide relevant information to the Hearing Board. However, the Hearing Board may establish a reasonable limit on the number of witnesses and also place reasonable restrictions on the introduction of any proffered information.
- d) the right to appeal.
- e) the right to identify one member of the DHHB, without cause, who is asked to recuse himself/herself from consideration for serving on the Hearing Board and is replaced by another member.
- f) the right to decline to answer a question. However, the Hearing Board proceeds based on the information provided. Failure to cooperate with the Hearing Board may be considered by the Hearing Board in its hearing of the complaint.

The party charged has:

- a) the right to be informed of the charges in writing, the time and place of the offense and his or her accuser.
- b) the right to have a St. Lawrence University student, staff, or faculty member accompany him/her throughout the hearing. The complainant is not entitled to be accompanied or represented by an attorney-at-law or a non-community member (i.e. not an active member of SLU community) at the hearings or meetings with the DHHB or Hearing Board chairperson and/or facilitator in preparation for the hearings.
- c) the right to provide a personal statement of events.
- d) the right to ask that witnesses relevant to the complaint be called by the Hearing Board to provide relevant information to the Hearing Board. However, the Hearing Board may establish a reasonable limit on the number of witnesses and also place reasonable restrictions on the introduction of any proffered information.
- e) the right to appeal.
- f) the right to identify one member of the DHHB, without cause, who is asked to recuse himself/herself from consideration for serving on the Hearing Board and is replaced by another member.
- g) the right to decline to answer a question. However, the Hearing Board proceeds based on the information provided. Failure to cooperate with the Hearing Board may be considered by the Hearing Board in its hearing of the complaint.

RETALIATION:

No party to the complaint or person or persons acting on his/her behalf can retaliate against the other party or persons acting on behalf of that party. Such retaliation can be considered as information by the Hearing Board or the DHHB in its deliberations. Retaliatory action of any kind (such as, but not exclusive to adverse action vis-à-vis standing in employment or student status, adverse decisions with respect to salary, job performance or student performance, or adverse action taken with respect to opportunity for advancement for an employee or student) taken by any employee (including faculty, department heads, supervisors, managers, and co-workers) or student against any other employee or student as a result of that person seeking redress under the procedures of the DHHB, cooperating in any inquiry of the DHHB, or otherwise participating in any proceedings or hearings under the procedures of the DHHB is prohibited. Any such retaliatory action can be the basis for a separate complaint.

SUMMARY:

After having heard from each party and relevant witnesses as determined by the Hearing Board, and prior to rendering its final decision, a summary of relevant information received by the Hearing Board will be provided to each party by the facilitator for the Hearing Board for the specific complaint, with the statement (if any) of the other party appended. Each party to the complaint will then have a final opportunity to respond, either in writing or in person, as determined by the Hearing Board. In the course of this process, the identification of witnesses will normally remain confidential unless such identification is reasonably necessary to a party's ability to respond.

REPORT:

The Hearing Board issues a written report to the vice president / dean** of both the division of the complainant and the division of the party charged and to each of the parties to the complaint within, normally, ten (10) working days. The Hearing Board's report identifies the complaint, identifies the parties involved, and presents the Hearing Board's recommendation(s). Both vice presidents / deans are free to discuss the written report with the facilitator for this complaint and the Hearing Board for the complaint. Within a reasonable time, normally within ten (10) working days, both vice presidents / deans, taking the report of the Hearing Board into consideration, make a decision or decisions and convey their decision(s) in writing to the complainant and the party charged, with a copy to the facilitator for the Hearing Board for the complaint.

In instances where the vice presidents are unable to make a decision or decisions, the recommendations of the Hearing Board will become the approved decision(s) and will be conveyed as described above.

In instances where the alleged incident(s) are found to be unacceptable in whole or in part under University Policy or Policies other than the Discriminatory Harassment Policy, the Hearing Board report may proceed as described, with the unacceptable conduct and relevant policies identified for action by the appropriate Vice President(s) / Dean(s).

** There may be complaints where only one Vice President/Dean is involved [i.e. faculty vs. faculty would involve only the Vice President for Academic Affairs]: in those situations the process as described is the same, but with only one VP involved.

APPEAL:

An appeal of the decision(s) rendered by the vice presidents/deans, or the Hearing Board in instances of no decision from the vice presidents, may be made in writing to the President of the University* within ten (10) working days. Reasons for an appeal are: improper procedures, new information not reasonably available to a party at the time a matter was being considered by the Hearing Board, unreasonable penalties or the failure of the vice presidents to agree on a decision. The President does not rehear DHHB complaints but ensures that the rights of both parties are protected, appropriate procedures are followed, and penalties are reasonable. Within a reasonable time, normally within ten (10) working days, the President will render a decision on the appeal.

* When the President is a party to the complaint the appeal will go to the Chairperson of the Board of Trustees.

FURTHER ISSUES:

- Students, faculty, or staff who violate sanctions imposed under the Discriminatory Harassment Policy shall be subject to further disciplinary action up to and including termination from the University as determined by the President, or his/her designee.
- No meeting of the DHHB or any Hearing Boards of the DHHB on a complaint shall be recorded in any way other than the individual notes taken by those present.
- All records and relevant files of the DHHB and Hearing Boards of the DHHB will be kept in the Office of the Special Assistant to the President for Equity Programs.
- Failure to cooperate with requests of the DHHB or a Hearing Board of the DHHB or directives of the chairperson of the DHHB or a Hearing Board of the DHHB by either party or persons acting on a party's behalf may be dealt with by appropriate disciplinary action and may be considered by the DHHB or Hearing Board in its hearing of any complaint.
- Complaints that can not be reasonably heard in Canton, N.Y., will be dealt with based on a recommendation of the majority of the available DHHB members.
- Issues and questions that are not specifically addressed in the above are resolved by a majority vote of the available members [those who are available for consultation within a reasonable time] of the DHHB.