

Le Moyne College
Equal Employment Opportunity/ Affirmative Action Policy

Approved by
the Board of Trustees

Table of Contents

Le Moyne College Equal Employment Opportunity/Affirmative Action Policy

Introduction	3-4
Equal Employment Opportunity/Affirmative Action Statement	4
The Le Moyne College Vendor Use Policy	4
Equal Employment Opportunity/Affirmative Action Commitment	4

Procedures for Implementing Equal Employment Opportunity/Affirmative Action Policies

Responsibility for Implementation	
The Equal Employment Opportunity/Affirmative Action Officer	5
The Equal Employment Opportunity/Affirmative Action Committee	6
Dissemination of Policies	6-7
College Vice Presidents, Department Chairs and Administrators	7

Appendices

<i>Appendix A</i>	Administrators of the Policy	8
<i>Appendix B</i>	Definitions	16-17
<i>Appendix C</i>	Grievance Process	11-15
<i>Appendix D</i>	Notice of Complaint Form	16-17

Le Moyne College Equal Employment Opportunity/ Affirmative Action Policy

Introduction

Le Moyne College establishes this Equal Employment Opportunity/Affirmative Action Policy for hiring and promotion, reaffirming the belief of the College - including its trustees, president, administrators, faculty, and staff - that all persons have the right to work and to advance themselves on the basis of merit and ability in a non-discriminatory work environment. Accordingly, this Equal Employment Opportunity/Affirmative Action Policy establishes these procedures which are designed to ensure equal employment opportunity for all persons who apply to Le Moyne College for employment and all persons currently employed by the institution regardless of race, color, religion, national origin, age, gender, marital status, sexual orientation, gender identity, disability, or term of pregnancy. The Catholic Church ordains only men to the priesthood. Thus, where Catholic priesthood is required for employment, their employment is an exception to this statement.

- In this specific regard, Le Moyne College will recruit, hire, train, appoint, and promote persons in all job classifications without regard to race, color, religion, national origin, age, gender, marital status, sexual orientation, disability, or term of pregnancy, except as specifically noted in this Equal Employment Opportunity/Affirmative Action Policy.
- The College hereby pledges that all the terms and conditions of employment, including, but not limited to, compensation, stipends, personnel benefits, transfers, reductions-in-force, layoffs, returns-from-layoffs, pregnancy leave, College-sponsored training, education, tuition assistance, and social and recreation programs will be administered according to the procedures established by this Equal Employment Opportunity/Affirmative Action Policy subject only to limitations imposed by law or by contract. The College pledges to endeavor to make all collective bargaining agreements and other contractual relationships with its employees consistent with this Equal Employment Opportunity/Affirmative Action Policy.
- The responsibility for implementing and monitoring this Equal Employment Opportunity/Affirmative Action Policy lies with the President who shall delegate this responsibility to the Equal Employment Opportunity/Affirmative Action Officer (EEO/AA Officer). The EEO/AA Officer will report directly to the President of the College or the President's designee.
- The Officer will conduct annual reviews of personnel actions and business practices to ensure compliance with the terms of this Equal Employment Opportunity/Affirmative Action Policy. Each January a summary of findings will be reported as part of the annual report through the Committee, to the President, who in turn may share this report with others at his/her discretion before submission to the Board of Trustees.
- The College will also make reasonable accommodation to employees in the matter of time away from work for religious observances.
- To underscore the College's commitment to the fair and equitable treatment of all individuals, the College hereby affirms and endorses this Equal Employment Opportunity/Affirmative Action Policy which prohibits the use of insulting conduct in the workplace. Such conduct shall include, but is not limited to:
 1. The use of ethnic, racial, sexual, homophobic, or religious slurs, epithets, or other specific innuendoes made toward an employee of the College.

2. The use of remarks, language, or other explicit illustrations which serve to deprecate, berate, or otherwise offend an individual's ethnic background, gender, sexual orientation, race, or religion.
3. The creation of a hostile or offensive working environment due to any of the above behavior.

Any employee who believes that (s)he has been the subject of such offensive behavior should follow the grievance procedures as outlined in this Equal Employment Opportunity/Affirmative Action Policy appendix except for charges of sexual harassment which shall follow Le Moyne College's Manual on Sexual Harassment and Nonconsensual Sexual Activity.

The College also recognizes that false or malicious accusations made unjustly can have serious, adverse effects on innocent individuals. Persons who believe that they have been subjected to false or malicious accusations have the right to file a complaint under the procedures of this Equal Employment Opportunity/Affirmative Action Policy. The College trusts all employees of Le Moyne College will act professionally and responsibly to maintain a pleasant working environment absent of harassment based on race, color, religion, national origin, age, gender, marital status, sexual orientation, gender identity, disability, or term of pregnancy.

Equal Employment Opportunity/Affirmative Action Statement

Le Moyne College establishes this Equal Employment Opportunity/Affirmative Action Policy in order to enhance employment opportunities for persons belonging to groups that historically have suffered discrimination. Le Moyne College will achieve dissemination and enforcement of this Equal Employment Opportunity/Affirmative Action Policy throughout the College and will establish recruitment, hiring and employment procedures to encourage and actively seek applicants who are persons of color, women and/or Jesuits.

The Le Moyne College Vendor Use Policy

Le Moyne College recognizes that a positive and meaningful social statement must be made by the manner in which it interacts financially with the community. While the expenditure of funds may not, in itself, be an effective means of social change, the College reaffirms the important role played in the economic life of the community by businesses owned by persons of color, and/or women.

Once each year, the purchasing department will invite business persons of color and/or women business owners to campus to acquaint them with College's purchasing policy and introduce themselves to College officials who are responsible for buying supplies and services.

Equal Employment Opportunity/Affirmative Action Commitment

The College will vigorously fulfill the guidelines present in its Mission Statement of encouragement and institutional support of intellectual, cultural, ethnic, economic, and religious diversity especially among its employees. After three years, the Equal Employment Opportunity/Affirmative Action Committee will review this Equal Employment Opportunity/Affirmative Action Policy with a view toward recommending changes, if necessary.

President _____

Date _____

Responsibility for Implementation

The Equal Employment Opportunity/Affirmative Action Officer

The responsibility for implementing and monitoring the Equal Employment Opportunity/ Affirmative Action Policy at Le Moyne lies with the President of the College who shall delegate this responsibility to the EEO/AA Officer. That Officer will report directly to the President of the College or the President's designee. The responsibilities of the Equal Employment Opportunity/Affirmative Action Officer shall include the following:

1. Review personnel actions of the College, and recommend modifications and revisions to the Equal Employment Opportunity/Affirmative Action Policy, as appropriate.
2. Ensure effective communication of the Equal Employment Opportunity/ Affirmative Action Policy and programs to all departments and offices of the College.
3. Provide liaison between the College and select government agencies, advocacy groups of color, women's organizations, and community groups.
4. Maintain adequate records pertaining to the enforcement of the Equal Employment Opportunity/Affirmative Action Policy for all areas of the College.
5. Prepare reports (statistics, goals, government reports) on the College's Equal Employment Opportunity/Affirmative Action Policy which will evaluate actions taken, identify problems and/or deficiencies, and propose new programs.
6. Seek the counsel and assistance of key individuals and groups within the College in the development and improvement of the Equal Employment Opportunity/Affirmative Action Policy.
7. Ensure that all search committees receive an Equal Employment Opportunity/Affirmative Action packet consisting of Equal Employment Opportunity/Affirmative Action statements, guidelines for development of appropriate job descriptions and advertisement announcements, and appropriate forms to monitor and report relevant aspects of the search and selection process. In addition, the Officer will be available to consult with search committees, as needed. This shall include a formal presentation at the beginning of each search process and a formal review at the conclusion of the search.
8. Review appropriate job descriptions, application forms, job announcements, and employment and compensation records in order to eliminate practices which may be deemed exclusionary or discriminatory. All employment information shall be made available by race and gender to the Officer for review purposes; compensation information shall be made available in aggregate form.
9. Ensure that all officers of the College, department chairs, deans, and administrators, are held accountable for the Equal Employment Opportunity/Affirmative Action Policy and procedures in their respective work groups.
10. Handle grievances as outlined in the grievance procedures.

The Equal Employment Opportunity/Affirmative Action Committee

The Committee shall consist of three (3) faculty members appointed by the President (in consultation with the Faculty Senate), three (3) administrators appointed by the President (in consultation with the Administrative Forum), three (3) support staff representatives appointed by the President (in consultation with the Staff Forum), and the Equal Employment Opportunity/Affirmative Action Officer.

The Office of the President shall appoint the chair. The annual meeting of the EEO/AA Committee shall be held early in the fall semester of each year to:

- a) Elect a Vice Chair who shall assume the responsibilities of the chair in his or her absence;
- b) Review the preceding academic year's progress in equal employment opportunity/affirmative action efforts in the College;
- c) Recommend new programs to the President to enhance employment, advancement, and retention opportunities for persons of color, women and Jesuits;
- d) Guide and support the equal employment opportunity/affirmative action efforts of the College;
- e) Review the duties and responsibilities of the Officer to assist in the fulfillment of the objectives of the College's Equal Employment Opportunity/Affirmative Action Policy.

Dissemination of Policies

A general statement of the Equal Employment Opportunity/Affirmative Action Policy will be posted on official College bulletin boards in all College buildings.

With the mutual cooperation of the Equal Employment Opportunity/Affirmative Action Officer and the Director of Human Resources, all supervisory personnel will become familiarized with the procedures of the Equal Employment Opportunity/Affirmative Action Policy in order to achieve its effective implementation. This shall include a formal presentation made annually to new faculty chairs and new employees usually in the Fall of each year.

For all positions, the Director of Human Resources will make the information available to appropriate organizations and will request their assistance in recruiting persons of color, women and Jesuit candidates.

All advertisements and notices of position vacancies at Le Moyne College will state that:

AD: Le Moyne College is an equal opportunity employer and encourages women, persons of color, and Jesuits to apply for employment.

POSTING: Le Moyne College is an equal employment opportunity employer with an active Equal Employment Opportunity/Affirmative Action Policy and a strong commitment to racial, cultural, and ethnic diversity. Therefore, the College actively seeks and encourages nominations and applications from women, persons of color, and Jesuits.

The existence of the College's Equal Employment Opportunity/Affirmative Action Policy will be made known to all employees, who will be advised that copies of this Equal Employment Opportunity/Affirmative Action Policy will be available upon request.

The College's Equal Employment Opportunity/Affirmative Action Policy will be made available upon request to any applicant for an existing opening at the College. Copies shall also be made available in the College Library, the Office of Human Resources, and the Equal Employment Opportunity/Affirmative Action Office.

College Vice Presidents, Department Chairs and Administrators

All College vice presidents, department chairs, and administrators shall make personnel selections, assignments, transfers, salary adjustments, faculty stipends, interim appointments, and promotions, and shall provide training opportunities in accordance with the goals of the Equal Employment Opportunity/Affirmative Action Policy. In addition, they shall make every effort to identify both career opportunities and issues relating to this Equal Employment Opportunity/Affirmative Action Policy.

Vice Presidents, department chairs, and administrators are to notify members of their staff of Le Moyne College's Equal Employment Opportunity/Affirmative Action Policy and of governmental regulations relating to affirmative action and equal employment opportunity objectives. The appropriate Vice President shall report all matters related to discrimination or violations of the Equal Employment Opportunity/Affirmative Action Policy to the EEO/AA Officer. (See Grievance Procedures, Appendix C)

Academic department chairs shall similarly support the College's equal employment opportunity/affirmative action commitment in hiring and shall be accountable to the President, or the Officer, for the implementation of this Equal Employment Opportunity/Affirmative Action Policy. They also shall report their efforts to fulfill this commitment to the Academic Vice President and/or Academic Dean.

Appendix A

Administrators of the Policy

A. EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION OFFICER (EEO/AA OFFICER)

The Equal Employment Opportunity/Affirmative Action Officer ("EEO/AA Officer") is appointed by and reports directly to the President or the President's designee.

The EEO/AA Officer is responsible for implementing this policy. The Officer will coordinate educational programs for the College community; will train all relevant personnel; will determine the applicability of the policy to the stated complaint; will administer the procedures described here; will monitor case resolutions; will maintain accurate, secure records; will publish informative statistics and reports on the incidence and resolution of discrimination at Le Moyne College; and will meet on a regular basis with the Affirmative Action Committee.

B. THE COMMITTEE

The EEO/AA Committee shall consist of three (3) faculty members appointed by the President (in consultation with the Faculty Senate), three (3) administrators appointed by the President (in consultation with the Administrative Forum), three (3) support staff appointed by the President (in consultation with the Staff Forum), the EEO/AA Officer.

C. REVIEW OFFICERS

In cases where a formal grievance has been filed, notice of the complaint will be sent by the EEO/AA Officer to the Review Officer under whose jurisdiction the accused falls. The person designated the Review Officer shall be the most senior administrator who directly reports to the President in the chain of command of the accused. The Review Officer determines whether any interim measures should be taken while the case is being resolved and appoints an Investigating Team. If formal review is approved by the Investigating Team, the Review Officer convenes a Review Panel and is the party to whom the Panel's finding and recommended sanctions, if any, are submitted.

D. INVESTIGATING TEAM

In cases where a formal grievance has been filed, an Investigating Team will be appointed by the Review Officer to conduct a preliminary investigation. This team will normally consist of the Director of Human Resources, and two Vice Presidential Review Officers under whose jurisdiction the accused does not fall. However, an additional fourth person - to come from the ranks of the Committee - will be appointed, if needed for diversity. In cases where the accused is at or above the Vice Presidential level, however, the Investigating Team will consist of the Chair of the Board of Trustees and two representatives of the Board of Trustees.

E. REVIEW PANEL

In cases involving formal grievances, if the Investigating Team finds that the complaint potentially involves an incident of discrimination, the case will be heard by a Review Panel, which is responsible for making a guilty/not guilty finding and, if appropriate, recommending sanctions and remedies to the Review Officer under whose jurisdiction the accused falls.

In cases where the accused is a member of the faculty, staff, or administration below the Vice Presidential level,

the Review Panel will be composed of five Committee members selected by the Review Officer. A Committee member who has had any involvement with the case or who has a potential conflict of interest is automatically disqualified. At least one member of the Review Panel must occupy the same status as the complainant, and one member must occupy the same status as the accused.

In cases where the accused is an administrator at or above the Vice Presidential level, the Chair of the Board of Trustees will appoint five individuals to serve on the Review Panel; two members shall come from the Affirmative Action Committee and three members from the Board of Trustees. No member shall have had any previous involvement with the case or have a potential conflict of interest.

F. APPEALS BOARD

Both the complainant and the accused have the option of appealing a Review Panel's finding. Appeals must be based on questions of improper procedure, new evidence uncovered after the Review Panel hearing, excessively harsh sanctions, or inadequate remedial relief. If either party files an appeal, the Review Officer will appoint an Appeals Board, whose finding is final.

In cases where the accused is a member of the faculty, staff, or administration below the Vice Presidential level, the Appeals Board will be appointed by the President and will consist of five Committee members who have had no previous involvement with the case. At least one member of the Appeals Board must occupy the same status as the complainant, and one member must occupy the same status as the accused. In the event that there are not enough eligible Committee members to serve on the Appeals Board, the Review Officer may choose a person(s) who has (have) completed an immediately previous term or terms of service on the Affirmative Action Committee.

In cases where the accused is an administrator at or above the Vice Presidential level, the Chair of the Board of Trustees will appoint five individuals who have had no previous involvement with the case to serve on the Appeals Board; two members shall come from the Affirmative Action Committee and three members from the Board of Trustees.

G. LEGAL COUNSEL

An attorney who is responsible to the Board of Trustees shall be made available by the College to advise the EEO/AA Officer, Chair of a Review Panel or Appeals Board, and/or Review Officers.

Appendix B

DEFINITIONS

Accused:	The employee against whom a complaint is filed.
Complainant:	An employee who files a complaint against another employee.
Gender Identity:	One's perception as male, female, or transgendered. The socially and culturally constructed differences between females and males found in meanings, beliefs, and practices associated with femininity and masculinity.
Hiring:	A process to employ an individual with the skills and qualifications to fill a job vacancy.
Informal Mediation:	Intervention by a neutral party to resolve a complaint. It may involve both parties meeting together or individually.
Job Category:	A grouping of similar positions having common tasks, duties, and responsibilities.
Opening:	An unfilled position for which persons may apply for employment to perform specific duties and tasks.
Personnel Request:	A document provided by the Office of Human Resources outlining specific duties and tasks needed by the hiring department to fulfill a job vacancy.
Persons of Color:	Anyone other than Caucasian.
Disability:	A physical or mental impairment that substantially limits one or more of the major life activities of the individual; a record of such impairment; or being regarded as having such an impairment, within the meaning of the Americans with Disabilities Act.
Promotion:	An opportunity to allow an individual to perform specific duties and tasks above the level of responsibility in one's present position.
Religion:	Devotion to a religious faith: an organized system of faith and worship.
Sexual Identity:	See Gender Identity
Sexual Orientation:	The preference for relationships with a particular sex, which endures despite daily circumstances or social pressures. Heterosexual, gay, lesbian, bisexual, and transgender are the preferred terms.
Transfer:	The act of moving a currently employed person from the currently held position to another position.
Vacancy:	A job available to be filled either by a new employee or by an existing employee of the college.

Appendix C

GRIEVANCE PROCEDURES

A. INFORMATION

As an advocate of the policy, it is the duty of a Committee member to provide information about avenues of redress. A person who feels that he or she has been the victim of discrimination has the right to choose whether or not to pursue informal mediation, formal campus judicial charges and/or criminal prosecution.

Individuals are encouraged to bring complaints forward in a timely manner, as it becomes more difficult to establish the facts of the case as time goes by.

B. INFORMAL MEDIATION

A person who feels that he or she is the victim of discrimination may choose to file an informal complaint with the EEO/AA Officer in an attempt to reach a satisfactory resolution without pursuing formal campus judicial procedures and/or criminal proceedings, which tend to be more adversarial in nature. The primary purpose of informal mediation is to stop the alleged offending behavior. Specific actions or remedies other than the cessation of offensive behavior, however, may be included in an informal resolution. Informal mediation is particularly appropriate in cases where the accused may be unaware that his or her behavior has caused offense that can be construed as a violation of this policy. Procedures for filing an informal complaint are as follows:

1. The complainant has the right to choose any member of the Le Moyne College community as his or her mediator provided this person agrees to take the case. A Committee member will decline if there is a potential conflict of interest or other special circumstances.
2. When an individual files an informal complaint the EEO/AA Officer will promptly arrange a meeting with the accused and apprise him or her of the complaint. (See "Notice of Complaint," Appendix D)
3. The identity of the complainant will not be revealed to the person against whom the complaint is made without the written consent of the complainant. The complainant should be aware that successful mediation is often more difficult if he or she does not give the EEO/AA Officer permission to reveal his or her identity to the accused.
4. The EEO/AA Officer will attempt to resolve the matter informally to the satisfaction of all concerned within a reasonable time, normally within fifteen business days after the initial interview with the party who brought the complaint. Mediation at the informal level will be sought in a non-legalistic, non-threatening manner. No member of the Le Moyne community, other than the EEO/AA Officer, will be involved as a mediator without the written permission of both the complainant and the accused. Proceeding only with the input of the complainant, the EEO/AA Officer will suggest various remediation options to the complainant. Examples of such options may include, but are not limited to, the following:
 - a. The EEO/AA Officer or a representative of the College, facilitating a dialogue between the complainant and alleged offender, which may be either direct or indirect, and which has the purpose of discussing and resolving the perceived offending behavior to the

satisfaction of both parties.

- b. The EEO/AA Officer assisting the complainant with the development of a letter to the alleged offender outlining details of the perceived offending behavior and its impact on the complainant's life, and asserting that the complainant would like the behavior to stop.
 - c. The EEO/AA Officer attempting to facilitate a solution and written statement of agreement, acceptable to both the complainant and the alleged offender.
5. If the matter is not resolved at the informal level, the complainant may choose to pursue formal grievance procedures.
6. A written summary of the complaint, actions taken, and their outcome will be prepared by the mediator and submitted to the EEO/AA Officer.

C. FORMAL GRIEVANCE HEARING

To file a formal complaint, an individual need not have undertaken informal mediation. Before filing a formal complaint, however, a person who feels that he or she is a victim of discrimination is required to be briefed by the EEO/AA Officer about the College's definitions of discrimination, the procedures for hearing a formal complaint, and the rights of the complainant and the accused. The complainant may ask a member of the Le Moyne College community to help him or her prepare the written report that is needed to initiate formal grievance procedures. If a person chooses to file a formal complaint, the following procedures will be observed:

1. Filing of Complaint and Conduct of Preliminary Investigation

- a) The request to initiate formal grievance procedures must be submitted in writing to the EEO/AA Officer. The complainant shall submit a written statement describing the date, time, place, and nature of the alleged incident(s), identifying the alleged offender(s), and listing the names of people he or she believes can provide corroborating evidence.
- b) The EEO/AA Officer will notify the accused by certified mail of the complaint and shall identify the person who has brought the complaint. The notice should: (i) include copies of this policy and the complainant's written statement; (ii) notify the accused that if he or she fails to participate at any stage of the grievance process, the Administrators of the Policy will assume a denial of the charges and will proceed with the review of the complaint; (iii) remind the accused that no retaliatory action may be taken against the complainant, witnesses for the complainant, or any other persons involved in processing the case; (iv) contain the recommendation that the accused meet with a EEO/AA Officer to discuss the procedures for hearing the complaint and the rights of the complainant and the accused; and (v) notify the accused that he or she has five working days upon receipt of the complaint to submit to the EEO/AA Officer a signed written response to the charges made by the complainant and a list of people he or she believes can provide corroborating evidence.
- c) A copy of the accused's response will be sent by the EEO/AA Officer to the complainant as soon as it is received.
- d) Notice of the complaint, including the written statements of the complainant and accused, will be sent by the EEO/AA Officer to the Review Officer under whose jurisdiction the accused falls (see Appendix A, Section C). Depending upon the circumstances, the Review Officer may take action to relocate, reassign, or suspend the accused (with pay, if relevant) pending the outcome of the formal proceedings.
- e) The Review Officer will promptly appoint an Investigating Team as per the policy's guidelines (see Appendix A, Section D). The purpose of the Preliminary Investigation will be to determine if there is

enough evidence to proceed to formal action, not to come to any conclusion about what actually occurred. Possible outcomes of the investigation are (i) a judgment that the allegations are unfounded or that the allegations, even if true, do not constitute discrimination; (ii) a judgment that there is a reasonable probability that the offense occurred as alleged and that the accused committed the offense; or (iii) a mediated settlement.

- f) In order not to preclude support staff from serving as the complainant's or the accused's advisor at the Preliminary Hearing (or at later hearings if the case proceeds to formal action) a member of the staff who is asked to be an advisor may file a request with the EEO/AA Officer for organizational release time to attend the hearing. Such requests will be forwarded by the EEO/AA Officer to the staff person's immediate supervisor, who will make reasonable efforts to secure the necessary release time.
- g) The Preliminary Investigation will be conducted in private. The Investigating Team shall review the written statements of the complainant and the accused, separately interview the complainant, the accused, and other persons believed to have pertinent information, and obtain any other evidence relevant to the incident. A determination of "reasonable cause" shall be made on the basis of evidence or other information produced in the investigation.
- h) The decision whether the case may proceed to formal action will be made by majority vote and is not subject to appeal.
- i) A written report of the outcome of the Preliminary Investigation will be prepared by the Investigating Team and sent to the EEO/AA Officer, who will forward copies to the complainant, the accused, and the Review Officer.
- j) Except under special circumstances (e.g., a college vacation) the Investigating Team shall complete its investigation within ten (10) working days from the time it received the complaint from the Review Officer.
- k) At any stage during formal grievance procedures, either one of the parties may contact the EEO/AA Officer to indicate his or her interest in reaching a mediated settlement. The EEO/AA Officer will contact the other party, and if similar interest is evinced, will consult with both parties to find a mutually satisfactory mediator to work towards a settlement. Mediation will be concurrent with formal grievance proceedings unless the Review Officer suspends formal action, at the written request of both parties. Normally, formal proceedings may be suspended only one time, for ten working days. Any mediated agreement must be approved by the Review Officer and recorded with the EEO/AA Officer.

2. Procedures for Taking Formal Action

- a) Upon a positive recommendation by the Investigating Team that the case proceed to formal action, the Review Officer will appoint a Review Panel as per the policy's guidelines (see Appendix A, Section E).
- b) Except under special circumstances, the EEO/AA Officer will schedule the Review Panel hearing to take place between five and ten working days after they receive the Investigating Team's report.
- c) The EEO/AA Officer will schedule an organizational meeting with the Review Panel so that the Panel may elect a chair and the EEO/AA Officer will distribute copies of the written record compiled thus far.
- d) The purpose of a Review Panel hearing shall be to determine whether the accused has violated this policy as alleged by the complainant, and if a violation is found, to make recommendations for action to the Review Officer. Contemporaneous charges relating to the case (e.g., perjury or retaliation) shall also be considered. A determination shall be made on the basis of evidence or other information presented at the hearing. Formal rules of evidence will not apply; the Chair will rule on all matters of procedure and admissibility of evidence.
- e) Possible outcomes of the Review Panel hearing are (i) a judgment that the allegations are partly or wholly substantiated, and recommended remedies and/or sanctions; (ii) a judgment that the allegations are not substantiated in whole or in part; or (iii) a mediated settlement.
- f) The complainant and the accused each has the responsibility of giving the EEO/AA Officer written notice of the witnesses they would like to have testify on their behalf. Each party's list of witnesses must be

submitted to the EEO/AA Officer at least 72 hours in advance of the Review Panel hearing and will be made available by the EEO/AA Officer to the other party.

- g) The standard of proof that the Review Panel will use to make a finding is that of “a preponderance of credible evidence”—that is, what a reasonable person would conclude were more likely the facts.
- h) If the accused cannot attend a hearing due to some emergency, it is his or her responsibility to contact the EEO/AA Officer prior to the hearing. Failure to contact the EEO/AA Officer will result in the hearing being conducted in the person’s absence.
- i) EEO/AA Officer will be present during the Review Panel’s hearing as a non-voting participant who is responsible for observing the proceedings and providing information about the policy if necessary.
- j) The Review Panel hearing will be conducted in private. Each party will have an opportunity to present evidence in his or her behalf, to call witnesses, and to request that the Chair direct certain questions to the other party or other party’s witnesses. The Chair may also call witnesses if he or she believes their testimony will help the Panel make a proper determination. The complainant and the accused, along with their advisors from the Le Moyne College community and not from persons outside the community including lawyers, may be present during the presentation of all testimony, but third-party witnesses shall be present at the hearing only when they are giving testimony. Witnesses must remain available, however, for the duration of the hearing unless excused by the Chair.
- k) At the opening of the hearing, the Chair shall introduce all participants, and admonish them that they are expected to be truthful in all their testimony. No one may speak at the hearing unless recognized by the Chair, who shall have full authority over the proceedings.
- l) The Chair shall introduce the formal statement of the charges and ask the complainant and the accused for any opening statement or information not contained in their written statements. The opening statement can not exceed fifteen (15) minutes. Both parties must offer at the hearing all information known or available to them which they desire to be considered. After both sides have presented their version of the facts, each side has the right to produce witnesses in an order to be determined by the Chair.
- m) The Chair and members of the Review Panel may question all present at the hearing at any point during the hearing, or may have any participant recalled for questioning. The complainant and the accused will not question each other. Questions asked by the accused of the complainant or of any third-party witnesses called by the Chair or the complainant must be submitted in writing to and asked by the Chair, the Chair will determine what questions are relevant and appropriate for the hearing. The same procedure will be observed for questions asked by the complainant of the accused or of witnesses called by the Chair or the accused.
- n) At the conclusion of the hearing, the Chair shall offer both the complainant and the accused an opportunity to make a closing statement which shall not exceed five (5) minutes.
- o) Following the closing statements, the Chair shall adjourn the hearing, and everyone except members of the Panel shall be dismissed from the hearing room. Deliberations by the Panel are strictly confidential.
- p) If the Review Panel arrives at a guilty finding, it will recall the EEO/AA Officer before deciding what disciplinary action or remedies to recommend. The EEO/AA Officer will inform the Review Panel of precedents, possible sanctions or remedies, and the accused’s prior violations of the Equal Employment Opportunity/Affirmative Action Policy, if any.
- q) All decisions of the Review Panel shall be made by majority vote.
- r) Within three working days of the conclusion of a Panel hearing, the Chair will submit a written report to the EEO/AA Officer and the Review Officer outlining the Panel’s vote, findings, supporting rationale, and recommendations for disciplinary action, if appropriate.
- s) If, after reviewing the recommendations and considering the full disciplinary record of the accused, the Review Officer accepts the Panel’s recommendations, he or she shall promptly take formal action. The complainant, accused, EEO/AA Officer, and members of the Review Panel shall be notified in writing of the action taken.
- t) If the Review Officer does not accept the Panel’s recommendations, he or she shall inform the Panel and

EEO/AA Officer in writing of the reasons for his or her disagreement. Within ten working days, the EEO/AA Officer shall call the Review Officer and Review Panel to a meeting in an effort to resolve differences. The final decision at this stage rests with the Review Officer. Following the meeting, the Review Officer shall take formal action and notify the complainant, accused, EEO/AA Officer, and members of the Review Panel of the action taken.

D. APPEALS PROCEDURE

1. After a Review Panel has made its judgment and the Review Officer has taken formal action, the complainant or the accused may appeal the finding and/or disciplinary sanctions. Appeals must be submitted in writing to the EEO/AA Officer within six working days of the original decision.
2. Appeals must be based on claims of improper procedure, new evidence uncovered after the hearing, excessively harsh sanctions, or inadequate remedial relief.
3. Notice of the appeal(s) will be sent by the EEO/AA Officer to the Review Officer and the other involved party. This party shall be given six working days to submit a written response. The EEO/AA Officer shall then send copies of the appeal(s), the response(s), and the entire written record to the President (or Chair of the Board of Trustees if the accused is an administrator at or above the Vice Presidential level (see Appendix A, Section F).
4. The Review Officer or the President will appoint an Appeals Board as per the policy's guidelines (see Appendix A, Section F).
5. Except under special circumstances, the EEO/AA Officer will schedule the Appeals Board hearing to take place between five and ten working days from the time they receive the appeal.
6. The EEO/AA Officer will schedule an organizational meeting with the Appeals Board so that the Appeals Board may elect a chair and the EEO/AA Officer may distribute copies of the written record compiled thus far.
7. The purpose of an Appeals Board hearing shall be to determine whether further process is due, and if so, to re-examine the case according to whether it (the Appeals Board) rules that the case should be heard de novo or limited to those points contained in the appeal. The Appeals Board may alter the Review Panel's finding and/or make alternative recommendations for action to the President. The Appeals Board's decision as to whether the case warrants further review is final. If the Appeals Board decides the case should be re-examined, its decision as to how to process the appeal (de novo or based on those points contained in the appeal) and its finding are final. The Chair may consult with the College's legal counsel as needed (see Appendix A, Section G) and shall have full authority over the proceedings.
8. In keeping with the procedures established for the Review Panel hearing, the Appeals Board hearing will be conducted in private, the EEO/AA Officer will be present, the Appeals Board shall use "a preponderance of credible evidence" standard of proof, the Appeals Board's decision shall be made by majority vote, and its deliberations shall be strictly confidential.
9. Within three working days of the conclusion of an Appeals Board hearing, the Chair will submit a written report to the EEO/AA Officer and the President outlining the Appeals Board's vote, findings, supporting rationale, and recommendations for disciplinary action, if any. After reviewing the recommendation and considering the full disciplinary record of the accused, the President shall promptly take formal action, which is final. The complainant, accused, Review Officer, EEO/AA Officer, and members of the Review panel and Appeals Board shall be notified in writing of the action taken.

Appendix D

NOTICE OF COMPLAINT FORM

Person(s) involved

Please list the person who is directing this discriminatory behavior towards you.

Name: _____ Office/Room: _____

Department: _____ Telephone: _____

Position: _____

Are there others involved in this discriminatory behavior towards you? ☐ *Yes ☐ No

*If yes, please fill out a form for each additional person.

Is this person your immediate supervisor? ☐ Yes ☐ No

Where did the incident occur?

When did the incident(s) occur? (times and dates)

DESCRIPTION: Please describe the incident(s) and include such information such as how you were discriminated against; and if there were any witnesses to the incident(s). Please use as much space as necessary, attaching extra sheets if needed.

Have you discussed the situation with the person involved? ☐ Yes ☐ No

If not, why not? If yes, what was the response? Please list date, time, and location of this discussion.

Have you discussed this situation with the person's supervisor? ☐ Yes ☐ No

If not, why not? If yes, what was the response? Please list date, time, and location of discussion.

Have you discussed this situation with your supervisor or the appropriate College administrator? ☐ Yes ☐ No

If not, why not? If yes, what was the response? Please list date, time, and location of discussion.

Please list any additional information which you feel would be helpful in investigating your complaint.

The above summation of my complaint is accurate to the best of my knowledge.

Name: _____

Address: _____

City/State/Zip: _____

Telephone: ☐ Home/Cell: _____ ☐ Work _____

Signature: _____

Signature of person taking report: _____

Title: _____ Date: _____