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Ombudsperson

IONA COLLEGE HARASSMENT AND DISCRIMINATION POLICY

Effective: January 2008

It is the policy of Iona College that no member of the College community shall engage in harassment and/or discrimination. The College will not tolerate behavior between or among members of the College community that creates an unacceptable working, educational, or social environment.

Harassment and discrimination are unacceptable because they interfere not only with an individual's educational or work performance, but also with a person's sense of dignity and well-being in the community. Sexual harassment is also covered in this definition. What constitutes harassment or discrimination will vary with the particular circumstances. Either type of activity may be described generally as verbal, physical, written, or other conduct that denigrates or shows hostility or aversion to an individual on the basis of gender, race, color, religion, age, national origin, ethnicity, veteran status, sexual orientation, gender identity, marital status, disability or any basis prohibited by law when, from the standpoint of a reasonable person, such conduct is unwelcome and substantially interferes with an individual's work or school performance, creating an intimidating, hostile, or offensive working or learning environment even if the person engaging in the conduct does not intend to interfere, intimidate, or be hostile or offensive. In addition, the conduct must be sufficiently severe, persistent, or pervasive in that it creates a hostile or abusive educational or working environment.

It is important to note that a one-time incident may rise to the level of harassment if such conduct is sufficiently severe.

The Ombudsperson, MaryEllen Callaghan can be reached via phone at 914-633-2067, email at mcallaghan@iona.edu or in person in the Office for Human Resources on the second floor of McSpedon Hall. In the event that the Complainant or Respondent under this policy is the Ombudsperson, MaryEllen Callaghan, then the Complainant should contact Mr. Rick Palladino, Director of Libraries at 914-633-2351, email at rpalladino@iona.edu or in person at Ryan Library. This policy is available on the Iona College website, any such amendment or supplement to this policy will be available on www.iona.edu.

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DIVISION I. HARASSMENT AND DISCRIMINATION

Section 1. RATIONALE

- a) Iona College complies with applicable provisions of state and federal law that prohibit discrimination in employment, in admission or access to its educational or extracurricular programs, activities, or facilities, on the basis of race, color, ethnicity, national origin, religion, sex, sexual orientation, gender identity, age, marital status, service in the armed forces of the United States, or against qualified individuals with disabilities on the basis of disability.
- b) Harassment and discrimination will not be tolerated by Iona College. Such behavior subverts the mission of the College and threatens the careers, educational experience, and well-being of students, faculty, administrators, and staff. In both obvious and subtle ways, harassment and discrimination are destructive to individual students, faculty, administrators, staff, and the academic community as a whole. When through fear of reprisal, a student, staff member, administrator, or faculty member is subject to harassment or discrimination, the College's ability to carry out its mission is undermined. In addition, many forms of harassment have been recognized as violations of the civil rights laws by the federal courts, by the U.S. Equal Employment Opportunity Commission, by the New York State Division of Human Rights, and by the U.S. Department of Education.
- c) Harassment and discrimination are especially serious when they threaten relationships between teacher and student or supervisor and subordinate. In such situations, harassment and discrimination unfairly exploit the power inherent in a faculty member's or supervisor's position. Through grades or recommendations for graduate work, wage increases or promotions and the like, a teacher or supervisor can have a decisive influence on a student's, staff member's, administrator's, or faculty member's career at the College and beyond.
- d) While harassment and discrimination most often take place in situations where there is a power differential between the persons involved, the College also recognizes that harassment and discrimination may occur between persons of the same status.

Section 2. EXAMPLES OF HARASSMENT AND DISCRIMINATION

Discrimination may be related to an employee's employment, hiring separation from employment, training or failure to train, including, but not limited to any claims for salary, bonuses, severance pay, vacation pay or any benefits under the Employee Retirement Income Security Act (ERISA). Sexual or other harassment or discrimination may be based on race, color, national origin, ancestry, pregnancy, religion, marital status, gender, sexual orientation, gender identity, citizenship status, medication condition or disability (as defined by the Americans with Disabilities Act, or any other state or local laws), age, or any other unlawful discrimination (under the Age discrimination in Employment Act as amended by the Older Workers Benefit Protection Act of 1990, Title VII of the Civil Rights Act of 1964, as amended or any other federal state, or local laws), or retaliation for any claim of discrimination.

Case law provides many examples of discrimination. All, however, can be summarized in the following manner: Disparate treatment resulting in discrimination occurs when an employer treats some individuals less favorably than other, similarly situated individuals because of their race, color, religion, sex, ancestry, pregnancy, marital status national origin, sexual orientation or gender identity. Thus, a Hispanic professor who has better credentials than a non-Hispanic professor, but was denied tenure while the non-Hispanic professor was granted tenure, will have a discrimination claim.

Examples of the verbal or physical conduct prohibited by Section 2 above include, but are not limited to:

- a) Physical assault or battery;
- b) A pattern of conduct (not legitimately related to the subject matter of a course if one is involved) which causes discomfort or humiliation or both, that includes one or more of the following: i) comments of a harassing or discriminatory nature or ii) explicit harassing or discriminatory statements, questions, jokes, or anecdotes, include the displaying or distribution of jokes and/or sexually explicit pictures via e-mail;
- c) A pattern of harassing or discriminatory conduct which causes discomfort or humiliation, or both, to a reasonable person at whom the conduct was directed.

DIVISION II. IMPLEMENTATION AND EDUCATIONAL PROGRAMS

Section 1. EDUCATION AS A KEY ELEMENT OF THE COLLEGE POLICY

Educational efforts are essential to the establishment of a campus milieu that is as free as possible of harassment and discrimination and in which high standards of conduct are observed. There are at least four goals to be achieved through education about discrimination and harassment:

1. Ensuring that all victims (and potential victims) are aware of their rights;
2. Notifying individuals of conduct that is proscribed;
3. Informing all members of the College community about the proper way to respond to complaints about violations of this policy; and
4. Helping to educate all members of the College community about the problems this policy addresses.

Section 2. PREPARATION AND DISSEMINATION OF INFORMATION

The College shall distribute copies of this policy to all current and future members of the College community. A copy of the harassment and discrimination policy will be included in student orientation materials. In addition, copies of that policy will be made continuously available at appropriate campus locations and on the College Web site.

The Ombudsperson is charged with overseeing and reviewing content for training sessions.

The College Provost has responsibility for providing training sessions for persons who are likely to receive complaints that this policy has been violated, including, but not being limited to, resident advisers, academic advisers, college deans, and administrative personnel. Faculty and staff are expected to attend training within one year of being hired and to attend refresher sessions with each five-year interval of employment, based on hire date. The training can be in person or online. Records of training will be maintained by the Provost's Office.

DIVISION III: HARASSMENT AND DISCRIMINATION COMPLAINT PROCEDURES

I. DEFINITIONS

- a. **APPEAL:** Appeal means the request by the complainant or respondent to have a review of

the determination of the hearing board.

b. **APPEALS BOARD:** Appeals board means the representatives of Iona College who have been delegated authority to decide if the hearing board made a prejudicial error.

c. **COLLEGE:** College means any reference to Iona College.

d. **COMPLAINANT:** Complainant means any employee or student of Iona College who makes an allegation of harassment and/or discrimination.

e. **COMPLAINT:** Complaint means any allegation, informal or formal, by the complainant of harassment, retaliation and/or discrimination which would be prohibited by the Iona College harassment and discrimination Policy, Title VII of the Civil Rights Act, Title IX of the Educational Amendments of 1972, the 1980 implementing regulation, Section 504 of the Rehabilitation Act of 1973, The Americans with Disabilities Act of 1990 and any memorandum, directives, guidelines, or subsequent federal or New York state legislation regarding harassment and discrimination that may be issued or enacted.

f. **CORRECTIVE ACTION:** Corrective action means any sanction imposed by the president of the College, or the president's designee.

g. **DETERMINATION:** Determination means the written advisory decision of the hearing board regarding the validity of the complaint.

h. **HEARING BOARD:** Hearing board means the representatives of Iona College who have been delegated authority to make an advisory determination as to the validity of a complaint at the formal hearing level.

i. **HARASSMENT AND DISCRIMINATION COMMITTEE:** Harassment and Discrimination Committee is the Iona College committee appointed by the president of the College, or the president's designee, to monitor the effectiveness of the Iona College Harassment and Discrimination Policy. The Harassment and Discrimination Committee shall consist of eight members: four faculty members, two administrators, one staff member, and one student. The Harassment and Discrimination Committee shall elect its own chairperson.

j. **OMBUDSPERSON:** Ombudsperson means the employee designated to coordinate Iona College's effort to comply with the Iona College Harassment and Discrimination Policy, Title VII of the Civil Rights Act, Title IX of the Educational Amendments of 1972, the 1980 implementing regulation, Section 504 of the Rehabilitation Act of 1973, The Americans with Disabilities Act of 1990 and any memorandum, directives, guidelines, or subsequent federal or New York state legislation regarding harassment and discrimination that may be issued or enacted.

k. **PREJUDICIAL ERROR:** Prejudicial error means an error substantially affecting the outcome of a hearing.

l. **PREPONDERANCE OF THE EVIDENCE:** Preponderance of the evidence means that the evidence must convince the trier of fact that the existence of the fact in question is more probable than not.

m. **REPLY:** Reply means the answer of the complainant or respondent to the claims made in an appeal.

- n. **RESPONDENT:** Respondent means any employee or student of Iona College alleged to be responsible for committing an act of harassment and/or discrimination.
- o. **RESPONSE:** Response means the respondent's written answer to the allegations of harassment and/or discrimination in the complaint.
- p. **WORKING DAY:** Working day means every day excluding Saturday, Sunday, and holidays recognized by Iona College.

II. FILING A COMPLAINT

- a. **ELIGIBILITY FOR FILING:** Any student or employee of the College may file a harassment and discrimination complaint under this procedure.
- b. **PRECOMPLAINT MEETINGS:** Normally a person considering whether to bring a harassment and discrimination charge will contact the Ombudsperson to discuss the matter. However, it is possible that the potential complainant might first consult with some other appropriate person on campus (including, but not limited to, a faculty member, academic adviser, dean, administrative supervisor, campus minister, counselor, or residence hall adviser). Nothing in this Policy requires a Complainant to contact the Respondent before making a complaint.
- c. **REFERRAL TO OMBUDSPERSON:** It is the responsibility of the person consulted about a harassment and discrimination charge to refer the potential complainant to the Ombudsperson.
- d. **INITIAL MEETING WITH THE OMBUDSPERSON:** At the first meeting between the complainant and the Ombudsperson, the Ombudsperson will:
 - 1. Inform the complainant of the options within the College and outside of the College for pursuing a harassment and discrimination charge.
 - 2. Give the complainant a copy of the Iona College Harassment and Discrimination Policy and Procedures.
 - 3. A written record will be made for the Ombudsperson's file of the complaint, which will be started upon notification of a potential complaint.
- e. **INTERNAL OPTIONS AVAILABLE TO THE COMPLAINANT:** The complainant is not required to decide on a course of action at the initial meeting with the Ombudsperson. However, the complainant must eventually decide to:
 - 1. Discontinue participating in the internal process;
 - 2. File an informal complaint with the Ombudsperson and request an informal mediation; or
 - 3. File a formal complaint with the Ombudsperson and request a formal hearing.
- f. **COMPLAINT FORMS:** Informal and formal complaint forms will be available from the Ombudsperson. The complaint forms should include the name and home or school address of the complainant and the respondent, the nature and date of the alleged act of harassment and

discrimination, and the signature of the complainant. The complaint may also include the remedy sought by the complainant.

g. **TIME LIMIT FOR FILING A COMPLAINT:** The complainant must file an informal or formal complaint with the Ombudsperson within 180 actual days of the occurrence of the alleged act of harassment and discrimination by the accused. If the complainant initially files an informal complaint within the above time limit and the mediation of that complaint is unsuccessful, the complainant may then file a formal complaint. The subsequent filing of the formal complaint will be deemed to be timely (even if it is submitted to the Ombudsperson after the 180 day time limit has expired) so long as the other requirements herein have been satisfied.

III. PROCESSING AN INFORMAL COMPLAINT

a. **NOTIFICATION OF THE RESPONDENT:** Within one week of the filing of an informal complaint with the Ombudsperson, the Ombudsperson will contact the respondent in order to:

1. Give the respondent a copy of the informal complaint that has been filed by the complainant and
2. Give the respondent a copy of the Iona College Harassment and Discrimination Policy and Procedures.
3. A written record will be made for the Ombudsperson's file.

b. **INFORMAL RESPONSE TO AN INFORMAL COMPLAINT:** The respondent will have one week to file a written response to the informal complaint with the Ombudsperson. The response should indicate the respondent's willingness or unwillingness to participate in an informal mediation process. A copy of the response will be given to the complainant by the Ombudsperson.

c. **WILLINGNESS OF RESPONDENT TO PARTICIPATE IN AN INFORMAL MEDIATION PROCESS:** If the Ombudsperson receives a written response from the respondent indicating that the respondent will participate in the informal mediation process, the Ombudsperson will have one week to convene the informal mediation.

d. **INFORMAL MEDIATION PROCESS:** In many instances, an informal mediation process can be useful in resolving perceived and actual instances of harassment and discrimination or unprofessional conduct. Problems are sometimes easier to resolve when an informal atmosphere encourages people to identify the difficulty, talk it out, and agree on how to deal with it. Consequently, the Ombudsperson is encouraged to be flexible in arranging an informal mediation process which will best meet the needs of each individual case. In some instances, the Ombudsperson may find it appropriate to meet with the complainant and respondent separately, together, or in the presence of some other appropriate member of the College community. The informal mediation process may continue for as long as the Ombudsperson, complainant, and respondent are willing. No informal resolution may be imposed on either the complainant or the respondent without both parties consenting to the resolution.

e. **RESOLUTION OF COMPLAINT AS A RESULT OF INFORMAL MEDIATION:** If the informal mediation results in a resolution agreed to by the complainant and the respondent, the Ombudsperson will prepare a memorandum indicating the terms of the resolution and the need, if any, for follow up by the Ombudsperson. The complainant and the respondent must meet with the Ombudsperson within one week of the close of the informal mediation process in order to sign the

memorandum. The complainant and respondent will each receive a copy of the memorandum. The original will be retained in the Ombudsperson's permanent file.

f. **FAILURE TO ACHIEVE MUTUAL AGREEMENT TO A RESOLUTION OF A COMPLAINT AS A RESULT OF INFORMAL MEDIATION:** If the informal mediation fails to produce a resolution mutually agreed to by the complainant and the respondent, the Ombudsperson will prepare a memorandum indicating that the informal mediation was not successful and send copies by certified mail (return receipt requested) to the complainant and the respondent. The complainant and the respondent must meet (either together or individually) with the Ombudsperson within one week of receipt of the copies of that memorandum in order to sign the original memorandum confirming that mediation was not possible. The original memorandum with the signatures of the Ombudsperson, complainant, and respondent will be retained in the Ombudsperson's permanent file.

g. **UNWILLINGNESS OF RESPONDENT TO PARTICIPATE IN AN INFORMAL MEDIATION PROCESS:** If the Ombudsperson does not receive an informal response from the respondent or receives an informal response indicating that the respondent is unwilling to participate in the informal mediation process, the Ombudsperson will immediately send letters by certified mail (return receipt requested) to the complainant and the respondent informing them that there will be no informal mediation. The letter will also indicate that the complainant has one week upon receipt of the certified letter to:

1. Inform the Ombudsperson whether he or she intends to continue participating in the College process;
2. File a written formal complaint with the Ombudsperson and request a formal hearing. (This will be allowed even if the 180 actual day time limit had expired before the unsuccessful mediation process was completed); or
3. Inform the Ombudsperson whether he or she intends to reserve the right to file a written formal complaint. (This will only be allowed if a subsequent formal complaint is filed with the Ombudsperson within 180 days of the alleged harassment and discrimination by the complainant.)

IV. PROCESSING A FORMAL COMPLAINT

a. **FILING OF A FORMAL COMPLAINT:** The formal complaint must be filed by the complainant with the Ombudsperson. If the complainant had filed an informal complaint against the respondent which was not resolved, the complainant may file the same, or an amended, statement of allegations in the formal complaint.

b. **NOTIFICATION OF THE RESPONDENT:** The Ombudsperson, upon the timely receipt of a formal complaint and request for a formal hearing by the complainant, will send a copy of that complaint by certified mail (return receipt requested) to the respondent. If the complainant had not previously filed an informal complaint regarding this same allegation of harassment and discrimination against the respondent, the Ombudsperson will send the respondent a copy of the Iona College Harassment and Discrimination Policy and Procedure. The Ombudsperson will also be available to meet with the respondent to discuss the complaint and the College's policy and procedure.

c. **RESPONSE TO FORMAL COMPLAINT:** The respondent will have one week upon receipt of the formal complaint to file a written response with the Ombudsperson. The response should include a confirmation or denial of the allegations in the complaint; an indication of the extent to which the complaint has merit; and an acceptance or rejection of any remedy sought by the complainant. Upon receipt of the response, the Ombudsperson will send a copy of the response to the complainant by certified mail (return receipt requested).

d. **FAILURE TO RESPOND TO FORMAL COMPLAINT:** The failure of the respondent to respond to a formal complaint will not result in the termination of the formal hearing process.

e. **SUSPENSION OF FORMAL HEARING PROCESS:** The College may suspend the formal hearing process if there is any pending civil and/or criminal litigation in a related matter involving the parties.

f. **FORMATION AND CONSTITUTION OF A HEARING BOARD:** Upon receipt of a formal complaint and request for a formal hearing by a complainant, the Ombudsperson will immediately contact the chairperson of the Harassment and Discrimination Committee to arrange for the calling together of a hearing board. The hearing board will be chosen by the chairperson of the Harassment and Discrimination Committee from among the members of the Harassment and Discrimination Committee and a rotating pool of 48 members of the College community. The Ombudsperson will arrange for each member of the pool to participate in at least one annual training session in the law of Harassment and Discrimination and the Iona College Harassment and Discrimination Policy and Procedure.

The hearing board pool shall consist of 12 faculty members, 12 administrators, 12 staff members, and 12 students. The provost shall make appointments to the pool based on nominations of faculty and students by the academic deans and of administrators and staff members by the administrative officers. In each instance, an attempt should be made to gender balance the appointments.

The hearing board for a specific case will consist of five members:

- 1 member of the Harassment and Discrimination Committee who will serve as the chairperson
- 1 member of the pool who is a peer of the complainant
- 1 member of the pool who is a peer of the respondent
- 2 members of the pool who are neither peers of the complainant nor peers of the respondent

The hearing board should not consist of more than three members of the same sex.

Students may only be selected to serve on hearing boards in which the complainant or the respondent is a student. The Ombudsperson and the chairperson of the Harassment and Discrimination Committee may not serve on a hearing board.

The chairperson of the Harassment and Discrimination Committee will exclude from the hearing board any member of the pool who is not impartial with regard to the parties to a particular hearing or who has specific knowledge of the case in question.

g. **SCHEDULING OF HEARING:** The Ombudsperson shall set the date for the formal hearing to be held no more than three weeks after the Ombudsperson's receipt of the complainant's formal complaint. It is the responsibility of the Ombudsperson to notify the complainant and respondent as to the time and place of the formal hearing.

h. **WITNESS LISTS:** Two working days prior to the hearing, the complainant and the respondent will provide the Ombudsperson with a list of the witnesses who will be called to testify at the hearing. The Ombudsperson will immediately make each list available to the other party. Subsequent amendments to the witness lists will only be allowed at the discretion of the chairperson of the hearing board.

i. **DOCUMENTS AVAILABLE TO HEARING BOARD:** Prior to commencement of the formal hearing, each member of the hearing board will be provided with a copy of the formal complaint, the formal response, and the witness lists.

j. **PERSONS PRESENT AT THE FORMAL HEARING:** The formal hearing will be closed to the public. The people who may be present at the hearing are: the complainant, the respondent, the members of the formal hearing board, the stenographer, and the witnesses called by the complainant, the respondent, and the formal hearing board. Each witness will be allowed to be present in the hearing room only while he or she is giving testimony. In addition, the complainant and the respondent may each have present at the hearing one other person (who may act as an adviser but who will not be allowed to actively participate in the hearing.)

All persons who attend the hearing will be instructed by the chairperson of the hearing board as to the importance of confidentiality.

k. **PROCEDURES GOVERNING THE CONDUCT OF THE FORMAL HEARING:** The specific details for the conduct of a particular formal hearing shall be made by the hearing board. However, the formal hearing must be conducted as expeditiously and fairly as possible. In addition, each hearing must comply with the following requirements:

1. **RECORD OF THE PROCEEDING:** A stenographic transcript will be made to provide a permanent record of the proceeding.
2. **OPENING STATEMENTS:** The formal hearing will begin with an opening statement by the chairperson of the hearing board. The complainant and the respondent will then have the opportunity to make opening statements.
3. **WITNESSES:** The complainant, respondent, and hearing board will have the right to call such witnesses as they deem necessary to develop the facts pertinent to the case.
4. **QUESTIONING OF WITNESSES:** Formal rules of evidence shall not be applied at the formal hearing. The complainant, respondent, and the members of the hearing board will have the right to ask questions of any person participating in the hearing.
5. **CLOSING STATEMENTS:** After all witnesses have been fully questioned, the complainant and then the respondent will have the opportunity to make closing statements.
6. **BURDEN OF PROOF:** The complainant has the burden of proving his or her complaint by the preponderance of the evidence.

7. ISSUES AND OBJECTIONS ARISING DURING THE FORMAL HEARING:

All decisions as to any issues and objections arising during the formal hearing, including, but not limited to, whether a potential witness may testify, whether certain documents and other real evidence are admissible, and whether certain questions are appropriate shall be made by the chairperson of the hearing board after consultation with the other members of the hearing board.

l. **DETERMINATION BY HEARING BOARD:** The hearing board will begin its deliberations in private after the closing statements have been made. The determination that harassment and discrimination have occurred will be made if four of the five hearing board so find. A written statement of the determination and a copy of the stenographic record of the hearing will be given to the president of the College (or the president's designee) within one week of the end of the formal hearing. Any member of the hearing board may write a supporting or dissenting position letter which will accompany the majority determination.

m. **FINAL DECISION AND CORRECTIVE ACTION:** The president of the College (or the president's designee) will have two weeks to review the stenographic record and the determination of the hearing board and to issue a final decision which will include any corrective action which will be taken by the College.

n. **NOTIFICATION AND RECORD KEEPING:** The president of the College (or the president's designee) will send copies of the hearing board's determination and the president's final decision by certified mail (return receipt requested) to the complainant and the respondent. Additional copies will be given to the Ombudsperson and the appropriate dean or administrator for the complainant and the respondent and will become part of the permanent files of the complainant, the respondent, and the Ombudsperson.

V. PROCESSING AN APPEAL

a. **RIGHT OF APPEAL:** If the complainant or respondent is dissatisfied with the determination of the hearing board, he or she may appeal that determination to the Appeals Board. Such an appeal must be made in writing to the Ombudsperson within one week of the receipt of the certified letter containing the determination of the hearing board and final decision of the president. The appeal must briefly state the basis for the dissatisfaction. The appeal process may not be used to reconsider the facts but only to determine if there has been a prejudicial error in applying the Iona College Harassment and Discrimination Policy and Procedure at the formal hearing.

b. **NOTIFICATION TO PARTY NOT FILING AN APPEAL:** Upon the timely receipt of the appeal request, the Ombudsperson will send a copy of the appeal request to the other party. Upon receipt of that notification, that party will then have one week to file a written reply with the Ombudsperson.

c. **FORMATION AND CONSTITUTION OF APPEALS BOARD:** The appeals board will consist of one member of the Harassment and Discrimination Committee (who will serve as the chairperson of the Appeals Board) and two members of the trained pool (described in IV (f) above) who will be selected by the chairperson of the Harassment and Discrimination Committee. The appeals board will consist of one peer of the complainant, one peer of the respondent, and one person who is neither a peer of the complainant nor a peer of the respondent. The appeals board should have no more than two members of the same sex. Members of the appeals board may not have served on the formal hearing board.

d. **PROCEDURES GOVERNING CONDUCT OF THE APPEALS PROCESS:**

1. **INFORMATION SUPPLIED TO APPEALS BOARD:** The Ombudsperson will supply the appeals board with copies of the complaint, the response, the stenographic recording of the hearing, the determination of the board, the final decision of the president, the appeal, and the reply. No new evidence may be introduced during the appeals process.

2. **TIME AND MANNER OF THE APPEALS HEARING:** The Ombudsperson will arrange for the appeals board to conduct the appeals hearing within one week of the deadline for filing the reply. The appeals board will then consider the materials submitted by the Ombudsperson.

e. **DECISION OF THE APPEALS BOARD:** The decision of the appeals board will be submitted in writing to the president of the College (or the president's designee) and the Ombudsperson within one week of the end of the appeals hearing. If the appeals board determines that there was no prejudicial error, it will affirm the hearing board's determination. However, if the appeals board determines that there had been a prejudicial error committed by the hearing board, the appeals board will remand the case to the Ombudsperson for a new hearing. If the case is remanded, a new hearing board will be formed and scheduled to hear evidence, in accordance with the requirements contained in Section IV, within one week of the receipt of the decision of the appeals board by the Ombudsperson.

f. **NOTIFICATION OF THE DECISION OF THE APPEALS BOARD:** The president of the College will send a copy of the decision of the appeals board by certified mail (return receipt requested) to the complainant and the respondent. Copies of the decision will also be sent to all parties who received copies of the determination of the hearing board in order to be placed in the permanent files of the complainant, the respondent, and the Ombudsperson.

g. **FINALITY OF DECISION OF APPEALS BOARD:** The decision of the appeals board will constitute the final determination as to whether the formal hearing was conducted with prejudicial error.

VI. GENERAL PROVISIONS

a. **WAIVER OF TIME REQUIREMENTS:** The waiver of time requirements throughout this process may be made at the sole discretion of the Ombudsperson in those instances where the Ombudsperson has concluded that to follow the time requirements would be impossible or would result in unfairness. The Ombudsperson may also waive the time requirements in those instances where the complainant and the respondent mutually consent to the waiver.

b. **PROHIBITION OF RETALIATION:** No person shall be subject to discharge, suspension, discipline, harassment, or any form of discrimination for having utilized or assisted others in the utilization of this harassment and discrimination complaint process.

c. **AVAILABILITY OF OTHER PROCEDURES:** This Harassment and Discrimination Procedure is primarily designed to handle personal harassment and discrimination complaints initiated by individual members of the College against other members of the College. This procedure does not preclude the College itself from initiating actions under other appropriate procedures.



Harassment and Discrimination Policy

ACKNOWLEDGEMENT AND SIGN OFF

(Please return this sheet to the Office for Human Resources. Keep the policy for your reference.)

I acknowledge that I have received and read a copy of the Iona College Policy on Harassment and Discrimination. I understand that Iona reserves the right to change, revise, amend, modify and/or supplement this policy at any time for any reason whatsoever and acknowledge that any such amendment or supplement to this policy will be available on Iona's website.

I further understand and agree that in the event that I believe I am the victim of any form of harassment or discrimination that I will promptly implement the procedures set forth herein. In addition, I understand that I am expected to cooperate fully, to the best of my ability, with an investigation into a claim of harassment, discrimination or retaliation.

Name (Please Print): _____

Signature: _____

Date: _____