

Complaint Resolution Policy

Introduction

The University expects all community members to interact with each other in ways that minimize the possibility of problems or disputes. One of the most important elements for preventing misunderstandings and hurt feelings is clear, honest, direct, and respectful communication. In any organization, a certain amount of disagreement is healthy and indicates that the environment supports and encourages personal expression. However, even with the best communication, occasional problems are inevitable.

In order to ensure equitable, fair, and timely resolution of problems that may arise, the following informal and formal procedures have been established. The University prohibits retaliation. No individual's status with the University shall be adversely affected in any way because he/she utilizes these procedures or participates in a complaint proceeding.

Contacts for this Policy

Title IX Coordinator

Jesse Andrews, Associate Director of Human Resources
Mailing Address: 50 Acacia Avenue, San Rafael, CA 94945
Office Location: Carriage House behind Magnolia House on Magnolia Avenue
(415) 482-1847
jesse.andrews@dominican.edu or TitleIX@dominican.edu

Deputy Title IX Coordinator

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Deputy Title IX Coordinator

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Applicability

Effective Date: October 15, 2017
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The complaint resolution procedures outlined in this section are intended to address all allegations of discrimination, harassment, sexual misconduct, retaliation and violations of University procedures or other policies. It is available to members of the University community seeking resolution to a complaint against an administrator, staff member, faculty member, group/program or third-party consultant/contractor/vendor and students seeking resolution to complaints about Dominican's policies, procedures and programs. This complaint resolution procedure is not available to persons seeking admission to the University as a student, nor to applicants for employment.

Other than student complaints about Dominican's policies, procedures and programs, the procedures expressed herein are not available or intended to resolve conflicts regarding academic programs, or to reassess the substantive merits of administrative decisions or recommendations of faculty committees. As such, an investigator's and/or responsible administrator's review is limited to determining whether discrimination or violations of University policies or procedures were involved in the challenged decision or recommendation.

A complaint against a student (*i.e.*, a violation of the student code of conduct or student policy) should be addressed according to the procedures outlined in the student handbook (available online).

Confidentiality

When a problem occurs, reasonable attempts will be made to maintain confidentiality in order to protect the right to privacy of those who are involved. It is necessary, however, to recognize that in the course of investigating and resolving complaints, some dissemination of information to others may be appropriate and necessary in order to fairly and adequately investigate such claims.

Definitions

Definitions of terms related to discrimination, harassment, sexual misconduct, and retaliation are located in the University's Discrimination, Harassment, Sexual Misconduct and Retaliation Prevention Policy.

For the purposes of this procedure, the designations of **decision-maker** and **appeals administrator** are outlined as follows:

When the complaint is against a	The designated decision-maker is	The designated appeals administrator is
Faculty member	Vice President for Academic Affairs	Vice President for Finance and Administration or Dean of Students
Staff member, group/program, third-party consultant/contractor/vendor	Vice President for Finance and Administration	Vice President for Academic Affairs or Dean of Students
Student	Dean of Students	Vice President for Academic Affairs or Vice President for Finance and Administration

Reporting

Any University employee who perceives or becomes aware of a situation that involves alleged discrimination, sexual or other unlawful harassment or alleged failure to follow applicable University policies or procedures should contact the Director of Human Resources immediately.

It is important to note that in cases involving alleged discrimination, harassment, sexual misconduct or retaliation, the University is legally obligated to conduct a thorough and timely investigation to its conclusion, even if the complainant requests that an investigation not be conducted or that an investigation be discontinued.

Informal Complaint Resolution Procedure

Because problems are generally most easily resolved on an informal basis when they first arise, any individual who believes that he/she has been treated inappropriately is encouraged to discuss the situation honestly, thoroughly, directly, respectfully, and in a timely manner, with the other person who is involved. Complaints of sexual misconduct will not be resolved through informal means; a formal complaint will always be initiated.

In attempting to deal with the problem informally, the complainant may seek the advice and assistance of any appropriate campus official. For example, a staff member may wish to speak with his/her supervisor; or a faculty member may wish to speak with his/her department Chair or the Dean of his/her School. Other specific resources include the Human Resources Office, Office of Diversity and Equity, and the Office of Disabilities Services.

Formal Complaint Resolution Procedure

To be considered a formal complaint, a complaint must be reported with a specific request to be addressed under the University's formal complaint resolution procedures as outlined below. The request must be directed to one of the following individuals:

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In general, a person wishing to report a complaint is encouraged to do so as early as possible. The complaint should be reported within 30 working days of the action/incident being grieved, or the latest date in a series of actions/incidents. Complaints reported beyond the 30 days will be addressed to the extent possible.

Following the reporting of a complaint, the University will begin a formal investigation. The Title IX Coordinator, or a special investigator selected by the Title IX Coordinator/Deputy, will conduct a thorough and prompt investigation and will notify the respondent within 10 working days that a complaint has been filed against him/her. The investigation will generally involve an interview with the complainant, separate interview(s) with the respondent(s), and, if appropriate, interviews with witnesses. In cases involving external third parties, the University will endeavor to encourage collaboration and cooperation with the investigation.

In cases involving sexual misconduct, both the complainant and the respondent will have the opportunity to present witnesses and evidence on their behalf. Both parties may have an advisor of their choosing at any interviews or hearings related to the complaint.

The investigator will issue findings and a recommendation to the designated decision-maker for a decision in the matter. In cases of alleged sexual misconduct, the findings will be based on whether it is more likely than not that an offense occurred. If it is a designated decision-maker against whom the complaint has been filed, the Title IX Coordinator/Deputy will make a determination as to the most appropriate University official to have responsibility for making a decision about the case.

Within 60 working days of the filing of the complaint, the designated decision-maker's decision in the case, including a description of the nature of any corrective or remedial action taken, shall be transmitted in writing to each involved party. In cases of alleged sexual misconduct, the decision will be transmitted simultaneously to the complainant and the respondent.

Sanctions and Remedies

Remedial action commensurate with the severity of the offense will be initiated. For a serious offense this could include termination of employment for a faculty or staff member. Appropriate action will also be taken to deter any future problems of the same or a related nature, and/or to remedy any loss to the grievant.

Appeal Procedure

The appeal procedure is available to staff members and faculty members, or students who are not satisfied with the outcome of the decision by the designated decision-maker. The person who wishes to appeal must submit a written request to the Title IX Coordinator or a Deputy Coordinator within five working days of the receipt of the written decision of the designated decision-maker.

Appeals are limited to a review of the complaint investigation record. In order to be considered, the basis for the appeal must meet one of the following criteria:

- There is new information/facts relevant to the investigation that could not have been known during the initial investigation process; or
- An individual can show that a procedural step has been missed or there was prejudice or bias by the decision-maker; or
- For cases of sexual misconduct only: An individual alleges that the sanction(s) resulting from the investigation and decision are inappropriate for the violation.

Within five working days after the appeal is filed, the findings and recommendations of the investigator and/or the decision of the designated decision-maker will be sent to the designated appeal administrator. The designated appeal administrator will review the findings, recommendations, and decision and may review other facts relating to the investigation process.

The designated appeal administrator will render a decision on the matter within 15 working days of the receipt of the findings and recommendations of the investigator and/or the decision of the designated decision-maker. Copies of the final decision, including notice of any corrective action taken, will be provided to all parties. In cases of alleged sexual misconduct, the final decision will be transmitted simultaneously to the complainant and the respondent. The decision of the designated appeal administrator shall be final in all respects and not be subject to review under any other complaint procedure in effect at the University.

A Note About Timeframes

The University's complaint resolution procedures reflect Dominican's commitment to resolving problems in an expeditious manner. Every reasonable attempt will be made to adhere to the time frames specified, but there may be occasions when it will be necessary to make exceptions. Such occasions could relate to the circumstances and complexity of the matter, the time demands and schedules of the parties involved, or the time of year that a formal complaint is reported (e.g., many faculty members and students are not available during semester breaks or over the summer months). It is the goal of the University to balance the need for an expeditious resolution of problems with the need to make a full and completely accurate investigation of the matter under review. If it is deemed necessary to alter the time frames specified in the policy, all parties will be notified of the amended schedule.

Student Complaints about Dominican's Policies, Procedures and Programs

Students are encouraged to report complaints to the University directly. However, an individual may contact the Bureau for Private Postsecondary Education for review of a complaint. The bureau may be contacted at:

2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 95833,
<http://www.bppe.ca.gov/enforcement/complaint.shtml>,
Telephone: (916) 431-6924, Fax: (916) 263-1897.

Additional Rights and Responsibilities

Individuals should be aware that they also have the right to file complaints relating to prohibited discrimination or harassment in employment with either the Federal Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH); complaints relating to discrimination on the basis of sex may be brought to the attention of the Office for Civil Rights (OCR) in the U.S. Department of Education at www.hhs.gov/ocr/civilrights/complaints/index.html.

Such claims should be filed promptly and will be investigated by the agency with which they are filed. Any member of the University community may seek assistance from the Director of Human Resources regarding how to contact the state and federal agencies with a claim of discrimination or harassment.

An individual may also have the right to pursue further legal remedies, including a prohibition on further harassment, damages, and attorneys' fees in court, if the matter has not been resolved.

Intentionally making a false complaint, claim, or report or providing false information, is grounds for discipline including suspension, expulsion, or termination.