

# ***Complaint Resolution Policy for Students & Employees***

***This policy is NOT intended to address reported violations of the Discrimination, Harassment, Sexual Misconduct, Retaliation (DHMSR) Policy.***

***Please consult the [POLICY RESOURCE GUIDE](#) for additional information including reporting and response procedures.***

## CONTENTS

<b>CONTENTS</b>	1
<b>Introduction</b>	2
Contacts for this Policy	2
Administrative Personnel	2
<b>Policy Applicability</b>	3
<b>Confidentiality</b>	3
<b>Reporting</b>	3
Student External Reporting	4
<b>Resolution Procedures</b>	4
Informal Complaint Resolution Procedure	4
Formal Complaint Resolution Procedure	4
<b>Sanctions and Remedies</b>	5
<b>Appeal Procedure</b>	5
<b>Timeframes</b>	5

## Introduction

The University expects all community members to interact with each other in a professional manner that prevents misunderstandings and minimizes the possibility of problems or disputes. The most important elements for such communication are 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. This assurance does not preclude disciplinary action based on the findings in a complaint proceeding.

## Contacts for this Policy

### Students Wishing to Make a Complaint:

Dr. Paul Raccanello - VP for Student Affairs  
415.485.3223 / [paul.raccanello@dominican.edu](mailto:paul.raccanello@dominican.edu)  
50 Acacia Avenue, San Rafael, CA 94945  
Office Location: Edgehill Mansion

### Employees Wishing to Make a Complaint:

Human Resources  
415.257-1354 / [humanresources@dominican.edu](mailto:humanresources@dominican.edu)  
50 Acacia Avenue, San Rafael, CA 94945  
Office Location: Carriage House

## Administrative Personnel

For the purposes of this policy, the following administrative personnel involved with reporting, investigations, and outcomes include the following. Please note that complaint investigations may be delegated to an external investigator who will provide a summary of findings to the appropriate decision maker.

Complaint Against:	Report to & Decision Maker:	Appeal Designee:
STUDENT (Student violation of policy)	Vice President for Student Affairs	Vice President for Finance & Admin. Vice President for Academic Affairs
<i>Student Policy</i> (NOT student violation)	Vice President for Student Affairs	Vice President for Finance & Admin. Vice President for Academic Affairs
STAFF <sup>1</sup>	Vice President for Finance & Admin.	Vice President for Student Affairs Vice President for Academic Affairs
<i>University Policy</i> (non-academic)	Vice President for Finance & Admin.	Vice President for Student Affairs Vice President for Academic Affairs
FACULTY	Vice President for Academic Affairs	Vice President for Student Affairs Vice President for Finance & Admin.

<sup>1</sup> Staff includes third-party consultant, contractor, or vendor working for the University

Academic Policy	See specific policy: <a href="#">academic policies and procedures</a>
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## Policy Applicability

The complaint resolution policy and procedures outlined in this document are intended to respond to complaints from members of the University community where there is a perceived violation of policy or procedure on the part of a student or employee, or where a student is seeking resolution to complaints about Dominican's policies, procedures and programs.

**IMPORTANT:** *This policy is intended for use by students or employees to grieve general issues or concerns at the University where the matter is not subject to a separate University policy or process (ex: student violations of policy will follow procedures in the Student Handbook).*

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 violations of University policies or procedures were involved in the challenged decision or recommendation.

This complaint resolution procedure is not available to persons seeking admission to the University as a student, nor to applicants for employment.

**NOTE:** *this policy is not intended to address reported violations of the Title IX policy, the SB493 policy, or the Discrimination, Harassment, Retaliation (DHR) Policy. Please consult the [POLICY RESOURCE GUIDE](#) for information about reporting and response procedures.*

## Confidentiality

When a problem occurs, reasonable attempts will be made to maintain confidentiality in order to protect the right to privacy of those 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.

## 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.

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

## Student External Reporting

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:

*Bureau for Private Postsecondary Education  
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.*

## Resolution Procedures

### 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.

*IMPORTANT: Complaints of sexual misconduct should not be resolved through informal means; please consult the [POLICY RESOURCE GUIDE](#) for more information.*

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 their supervisor; or a faculty member may wish to speak with their department Chair or the Dean of their 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. 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 may conduct a preliminary inquiry to determine if there is reasonable cause to believe a policy has been violated. If the inquiry suggests cause, the involved parties will be notified and a thorough and prompt investigation will commence. 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.

Upon completion of the investigation (typically 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 given in writing to each involved party.

## 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 those who are not satisfied with the outcome or decision. The person who wishes to appeal must submit a written request to the decision-maker within five (5) working days of the receipt of their written decision.

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:

- A procedural or substantive error occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.). A summary explaining the error must be included with the request for an appeal.
- To consider new evidence, unavailable during the original investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included with the request for appeal.
- The sanctions imposed are substantially outside the parameters or guidelines set by the University for this type of offense or the cumulative conduct record of the responding student. A summary explaining the disproportionality of the sanctions must be included with the request for an appeal.

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.

Upon determining there is basis for an appeal, the designated appeal administrator will review the appeal request and render a decision within 30 days of receipt of the request. Copies of the final decision, including notice of any corrective action taken, will be provided to all parties.

## 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 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.