

# Grievance Procedures

The grievance process is intended to investigate and where possible resolve complaints of alleged discrimination, complicity, or retaliation against prospective employees, employees, prospective students, and students involved at the Amherst campus. The guidelines below are to be used by the EO Office to enable all University complainants to use the grievance process to resolve the initiating problem without fear of retaliation. These procedures are intended to ensure that the EO Office will conduct a thorough impartial investigation of all allegations of discrimination, complicity or retaliation. The procedures should aid complainants and the University representatives in arriving at just resolutions.

The EO grievance process is comprised of two procedures - the formal procedure and the informal procedure.

## A. Informal Procedure

### 1. Informal Resolution of Dispute

- a. In an attempt to encourage prompt resolution of potential grievances, any of the parties involved may request the intervention of the EO Office to resolve the matter informally. The EO Office will attempt to resolve the matter informally with the administrators closest to and best able to discuss the situation. Informal resolution attempts will not have precedential value nor will any statements or efforts made to resolve the matter informally have prejudicial effect on any formal grievances.
- b. The EO Office may initiate a review in the absence of a request by the allegedly aggrieved party but only on the basis of significant evidence.
- c. Informal attempts at settlement will not extend beyond thirty calendar days without the written agreement of all parties. If the complainant requests an attempt at informal settlement, then he or she will not be free to make a formal complaint with the office until an informal settlement is proposed or the thirty days have elapsed whichever comes first.

## B. Formal Procedure

### 1. Initiation of Formal Internal Complaint

- a. An individual or group of individuals may initiate a formal complaint by detailing the factors related to the allegations of discrimination, complicity or retaliation in a written and signed statement.
- b. These allegations are filed with the EO Office, 225 Bartlett Hall. The telephone number is (413) 545-3464. The Office will acknowledge receipt of each complaint within 5 working days from the time the complaint is

received. The complainant will be called in for an interview within 15 working days.

- c. At the interview the complainant(s) is informed of the steps to be taken to resolve the specific complaint; the complainant then reviews the charge for accuracy; and signs the initiation of complaint form.
- d. The charge is served on the respondent and the vice chancellor or executive officer of the respondent's unit in which this alleged act of discrimination is said to have occurred within 20 working days from the initial receipt of the complaint.
- e. Data and documents from the parties, and rebuttal statements from the respondent are to be submitted to the EO Office within 20 working days from the date the charge is served.

## 2. Investigation Process

- a. Investigation may include interview of witnesses, review and comparative analysis of data and documents, and may take up to 45 working days from the time of receipt of the position statement from the respondent.
- b. Written finding(s) of fact is made by the EO Office and is sent within 15 working days of the conclusion of the investigation to the complainant, the respondent, and the University Legal Counsel; each of whom have an opportunity to submit rebuttals to the finding(s) of fact within 10 working days.
- c. The EO Office may initiate an investigation into any apparent discrimination, complicity and/or retaliation issue identified out of the investigation of a charge filed with it.

## 3. Resolution of Complaints

- a. The EO Office prepares a written report of each formal investigation. It includes pertinent information related to the specific complaint, including finding(s) of fact. This report will make a recommendation to the appropriate vice chancellor or executive officer for settling the complaint.

Copies will be send to the complainant and the respondent. The report will be issued within 10 working days of receipt of all material referenced above.

- b. The appropriate vice chancellor or executive officer will respond to the EO Office's letter of finding(s) within 10 working days and that response will be sent to the Executive Director for EO Office. The response will accept, reject, or modify the recommendation of the EO Office.

- c. Within 5 working days of receipt of the response of the vice chancellor or executive officer, the EO Office will send a letter of notification to the complainant and to the respondent outlining the University's position.

### **III. Scope of Resolution of Complaints**

Acceptable resolutions of a discrimination, complicity or retaliation complaint must be made in accordance with federal, state, and University of Massachusetts Amherst Affirmative Action policies, and federal and state statutes and regulations.

### **IV. State and Federal Remedies**

In addition, complaints of discrimination and harassment may be filed with one or more of the government agencies set forth below.

#### **A. Massachusetts Commission Against Discrimination (MCAD)**

Under Chapter 151B, Massachusetts General Laws Annotated, it is unlawful to discriminate against a person(s) on the basis of race, color, religion, creed, national origin or ancestry, handicapping condition, veteran status, or sexual orientation. The MCAD, a state agency, monitors discrimination in the areas of housing, employment, loans, and educational opportunities. Any person claiming to be aggrieved by an alleged unlawful practice may file a complaint with this agency. The offices to contact are:

##### **Springfield Office:**

Massachusetts Commission Against Discrimination  
436 Dwight Street, Room 220  
Springfield, MA 01103  
(413) 739-2145

##### **Boston Office:**

Massachusetts Commission Against Discrimination  
One Ashburton Place, Suite 601  
Boston, MA 02108  
(617) 994-6000  
TTY (617) 994-6196

#### **B. Office of Federal Contract Compliance Programs (OFCCP)/ Department of Labor**

On October 5, 1978, President Carter signed Executive Order 12086. This order is the most recent amendment to Executive Order 11246. It gives OFCCP the compliance responsibility for equal opportunity programs previously assigned to eleven other federal agencies. This agency monitors discrimination in employment and in educational institutions (including hiring, upgrading, salaries, fringe benefits, training, and other conditions of employment) on the basis of race, color, religion, national origin, or sex. The local office to contact is:

Office of Federal Contract Compliance Programs  
U.S. Department of Labor  
John F. Kennedy Federal Building  
Room E-235  
Boston, MA 02203  
(617) 624-6780

C. Equal Employment Opportunity Commission (EEOC)

The EEOC monitors discrimination in employment under Title VII which prohibits discrimination in employment (including hiring, upgrading, salaries, fringe benefits, training, and other conditions of employment) on the basis of race, color, religion, national origin or sex. The EEOC places great emphasis on employment practices which classify jobs as "male" or "female" or which maintain separate line of progression based on sex where this would adversely affect any employee. The local office to contact is:

U.S. Equal Employment Opportunity Commission  
John F. Kennedy Federal Building  
475 Government Center  
Boston, MA 02203  
(800) 669-4000  
TTY (800) 669-6820

D. Office for Civil Rights (OCR)/U.S. Department of Education

The OCR monitors: 1) Title IX, which specifies prohibitions against discrimination on the basis of sex in educational programs; 2) the Rehabilitation Act of 1973, which prohibits discrimination based on handicap in areas related to employment, program accessibility, and student programs. Anyone who has a complaint relating to sex discrimination or discrimination based on personal impairment may contact:

U.S. Department of Education  
Office for Civil Rights  
5 Post Office Square, 8<sup>th</sup> Floor  
Boston, MA 02109-3921  
Telephone: (617) 289-0111  
TTY: (800) 877-8339

**V. Procedures Related to Complaints Filed  
Outside the University System**

- A. Notification of external complaints are usually sent by the outside agencies directly to the Chancellor's Office to the attention of the EO Office. A copy of the complaint is then sent to the appropriate vice chancellor or executive officer and the University Legal Counsel for their information.

- B. Responses to compliance agencies' queries are submitted to the EO Office by the appropriate parties closest to the alleged problem. The Chancellor, in consultation with the EO Office, University Legal Counsel, and the appropriate administrators, will determine the University's position vis-a-vis the complaint. The EO Office will typically investigate and coordinate, with assistance of the University Legal Counsel, the responses to the outside agency and advise the University administrators who present the University's position to the agency.
- C. Any determination or resolution of these complaints is made by the appropriate vice chancellor or executive officer in whose area the complaint has been filed, usually after consultation with the EO Office and the University Legal Counsel.
- D. All legal matters are handled by the University Legal Counsel in consultation with the vice chancellor or executive officer in whose area the complaint has been placed, and the Executive Director for EO.

*Effective Date: March, 2019.*