Age Discrimination Grievance Procedure for Students

Revised July 2014
Flagler College Age Discrimination Grievance Procedure for Students

Flagler College ("Flagler" or the "College") is committed to ensuring that no individual is subjected to discrimination in connection with, or denied access to, the College’s programs or activities because of his or her age. The College will take steps to prevent the recurrence of any discrimination and to correct discriminatory effects on the complainant and others, if appropriate.

In support of this commitment, the College has adopted the following Grievance Procedure to ensure the prompt and equitable resolution of complaints alleging any action prohibited by the Age Discrimination Act of 1975. This law and its accompanying regulations may be examined in the Human Resources office located at 20 Valencia Street. The College has designated Ms. Tricia Kristoff, Human Resources Generalist, to coordinate its efforts to comply with this law and its accompanying regulations. The following is Ms. Kristoff's contact information:

Ms. Tricia Kristoff, Human Resources Generalist  
20 Valencia Street  
Saint Augustine, Florida 32084  
904-819-6311  
TKristoff@flagler.edu

Who May Grieve?

Any student currently enrolled at the College who believes he or she has been discriminated against or harassed on the basis of age by a College employee (e.g., administrator, faculty, staff, adjunct faculty, or other agent of the College); College student; or, in certain circumstances, by a visitor to the College, may use this process to file a grievance (the “Grievant”).

What May Be Grieved?

An action or decision may be grieved if it involves alleged discrimination or harassment by a College employee; College student; or, in certain circumstances, by a visitor to the College against a student on the basis of that student’s age.

Confidentiality and Prohibition Against Retaliation

The College will treat all information submitted in connection with a grievance filed under this Procedure as confidential. Subject to FERPA and other applicable privacy laws, however, the College official investigating the grievance will inform individuals with a legitimate need to know of the grievance and may provide them related information as necessary to allow the College official investigating the grievance to conduct a meaningful and thorough investigation. The College official investigating the grievance will inform all involved parties of the need to maintain the confidentiality of such information.
Flagler College prohibits retaliation for submitting a grievance or participating in a grievance investigation. Retaliation includes threats, intimidation, reprisals, and adverse actions. The College official investigating the grievance will advise all involved parties of this strict prohibition against retaliation.

**Informal Grievance Procedure**

The Informal Grievance Procedure is designed to facilitate a satisfactory resolution of the grievance in an informal manner. The Grievant has the option to forego the Informal Grievance Procedure and move immediately to the Formal Grievance Procedure.

A Grievant initiates the Informal Grievance Procedure by contacting the Human Resources Generalist by e-mail, phone, or in person. If the Human Resources Generalist is the subject of the grievance, the Grievant initiates the Informal Grievance Procedure by contacting the Vice President of Business Services in the Office of Business Services located at 20 Valencia Street, who will assign an administrator in lieu of the Human Resources Generalist. To initiate the Informal Grievance Procedure, a Grievant is not required to submit the grievance in writing, but the Human Resources Generalist may ask the Grievant to do so or to submit other evidence, if necessary to facilitate a satisfactory resolution.

The Human Resources Generalist will attempt to expeditiously facilitate a satisfactory resolution. The Human Resources Generalist may meet in person with the Grievant, confer with the individual(s) against whom the grievance is filed, attempt to arrange a meeting between the Grievant and the individual(s) against whom the grievance is filed, or take any other steps the Human Resources Generalist believes will be useful in promoting resolution.

Within twenty one (21) calendar days after the Human Resources Generalist receives the grievance complaint, the Human Resources Generalist will inform the Grievant and, as appropriate, the individual(s) against whom the grievance is filed in writing of the outcome of the Informal Grievance Procedure.

**Formal Grievance Procedure**

If the Grievant is not satisfied with the resolution reached using the Informal Grievance Procedure, or if the Grievant chooses not to use the Informal Grievance Procedure, the Grievant may initiate the Formal Grievance Procedure by submitting a written complaint to the Human Resources Generalist. If the Human Resources Generalist is the subject of the grievance, the Grievant initiates the Formal Grievance Procedure by contacting the Vice President of Business Services in the Office of Business Services located at 20 Valencia Street, who will assign an administrator in lieu of the Human Resources Generalist. A Grievant who chooses to initiate the Formal Grievance Procedure after participating in the Informal Grievance Procedure must do so within fourteen (14) calendar days of receipt of the Human Resources Generalist’s written notification of the outcome of the Informal Grievance Procedure. The written complaint must:

- be dated;
• state the problem or action alleged to be discriminatory and the date of the alleged action;
• state how the action is discriminatory or how the decision is unreasonable;
• name the individual(s) against whom the grievance is filed;
• state the requested remedy; and
• be signed by the Grievant.

Within seven (7) calendar days of receiving the written complaint, the Human Resources Generalist will provide written notification of receipt of the complaint to the Grievant and to the individual(s) against whom the grievance is filed. The Human Resources Generalist will also conduct a thorough and impartial investigation of the complaint, affording all relevant persons an opportunity to present witnesses and submit evidence regarding the allegations.

Within thirty (30) days of receipt of the written complaint, the Human Resources Generalist will provide the Grievant and the individual(s) against whom the complaint is filed a written decision regarding the grievance. The decision will include findings of fact, a conclusion, and, if applicable, an explanation of remedies, which may include the imposition of disciplinary sanctions and/or referral to an individual’s supervisor or another administrator for the determination and imposition of disciplinary sanctions.

**Appeal**

The Grievant and/or the individual(s) against whom the grievance is filed may appeal within fourteen (14) calendar days of receiving the Human Resources Generalist’s written decision and/or any associated disciplinary sanctions by writing to the Vice President of Business Services. The written appeal must clearly set forth the grounds for the appeal and must include all supporting evidence. Generally, the Vice President of Business Services will limit his or her review of the Human Resources Generalist’s decision to determining whether the Human Resources Generalist considered the proper facts and whether there were any procedural irregularities.

Within twenty-one (21) days of receipt of the appeal, the Vice President of Business Services will provide the grievant and the individual(s) against whom the grievance is filed a written decision regarding the appeal. The decision of the Vice President of Business Services is final, and the College will disregard any subsequent appeals (in any form) to any College representative, including the College President.

**Adjustment of Deadlines**

The Human Resources Generalist or the Vice President of Business Services may change the above deadlines for good cause, such as semester or summer breaks. Likewise, if the application of time deadlines creates a hardship due to the urgency of the matter or the proximity of an event, the Human Resources Generalist or Vice President of Business Services, at the request of the Grievant, will determine if an expedited procedure can be created.
Interim Measures

If necessary while any Grievance investigation is ongoing, the College will take interim measures to stop discrimination or prevent its recurrence and to correct any discriminatory effects on the complainant and others, if appropriate. Such interim measures may include, but are not limited to, limiting interaction between the parties, or, if deemed warranted, placing the individual against whom the grievance is filed on paid leave.

Confidentiality of Records

Once the Human Resources Generalist or Vice President of Business Services has made the final decision regarding the grievance, the records related to the grievance will be confidentially maintained in the Human Resources office for three years.

Disability Accommodations

The College will make arrangements to ensure that individuals with disabilities are provided appropriate accommodations as needed to participate in this Grievance Procedure. Requests for accommodations must be made to the College’s Director of Disability Services, whose office is located in Room 211 of the Proctor Library. The Director will review the supporting disability-related documentation, make a decision about the request, notify the student about approved accommodations, and make arrangements for the accommodations. Accommodations may include, but are not limited to, providing interpreters for the deaf, providing recordings of materials for the blind, and assuring a barrier-free location for the proceedings.

External Complaints

The availability and use of this Grievance Procedure does not prevent a student from filing a complaint of discrimination with external agencies such as the U.S. Department of Education, Office for Civil Rights.