

## **Complaint/Grievance Procedure – Discrimination and/or Harassment**

For conduct of a sexual nature, domestic violence, dating violence, or stalking, please refer to the Sexual Misconduct and Interpersonal Violence Policy.

### **Introduction:**

The Hebrew Union College –Jewish Institute of Religion (“HUC-JIR”), as an institution of higher education and as a community of scholars, is committed to the elimination of discrimination and the provision of equal opportunity in education and employment. HUC-JIR does not discriminate on the basis of disability, race, color, religion, national origin, ancestry, genetic information, marital status, sex, age, sexual orientation, veteran status or gender identity and expression in its programs and activities. HUC-JIR does not tolerate discrimination, harassment, or retaliation on these bases and takes steps to ensure that students, employees, professors, administrators, visitors, and other third parties are not subject to a hostile environment in its programs and activities.

When an allegation of discrimination or harassment is brought to the College’s attention, a prompt investigation will be performed. Please see the College’s Equal Opportunity and Non-Discrimination Policy for more detailed information related to filing a complaint and a possible resulting investigation. Upon conclusion of the investigation, a report will be prepared and submitted to the EEO Coordinator. In the event that the EEO Coordinator has reasonable grounds to believe that a violation of this policy has occurred, the EEO Coordinator will issue a written notice of violation to the accused and provide a copy of that notice to the complainant. Any notice of violation will also include a recommendation regarding disciplinary measures. In the event that the EEO Coordinator does not have reasonable grounds to believe that a violation has occurred, the EEO Coordinator will notify both the complainant and the accused student in writing of that finding.

If either party feels aggrieved by the findings, he or she may challenge those findings through this grievance procedure.

If a notice of violation has been issued, and the accused fails to challenge the notice of violation by submitting a written grievance within the requisite time period, the notice of violation will be submitted to the Provost for a final decision regarding discipline.

### **Grievance and Adjudication Procedure:**

**Step 1:** All grievances shall be written and submitted to the EEO Coordinator within ten (10) days of the date the grievant receives the above-described notice from the EEO Coordinator. All written grievances shall include the following: (1) the name, addresses, and phone number of the grievant; (2) a detailed description of the circumstances

surrounding the grievance; and (3) the specific relief the grievance is requesting through the grievance procedure. The EEO Coordinator will promptly provide a copy of the grievance to the other involved individual(s), hereafter referred to as the respondent(s). The respondent may submit a written response to the grievance to the EEO Coordinator within 10 days of receipt of the grievance.

If the grievant or respondent believes that the EEO Coordinator has a conflict of interest or bias, the grievant or respondent shall identify his or her reasons for that belief in writing and submit that writing within 3 business days of the filing of the grievance. If it is determined that the EEO Coordinator has a conflict of interest or bias, the EEO Coordinator will be recused from the grievance process and a non-involved member of the senior administration will perform all duties assigned to the EEO Coordinator.

**Step 2:** After receipt of the grievance, the EEO Coordinator will contact the grievant and the respondent within five (5) business days to schedule separate pre-hearing meetings. Pre-hearing meetings are not mandatory. These pre-hearing meetings are designed to allow the grievant and/or the respondent to ask questions regarding the grievance and adjudication procedure as well as review any investigatory report. Both the grievant and the respondent are permitted to be accompanied by an advisor during the pre-hearing meeting. The advisor should not be someone who may be considered a witness to the incident at issue.

**Step 3:** After the pre-hearing meetings (or after the parties decline the pre-hearing meetings), the EEO Coordinator will submit the grievance and the respondent's response, if any, to a Grievance Committee. The Grievance Committee will consist of three (3) College faculty members or administrators randomly chosen from a defined pool. If either party is a faculty member or administrator, no faculty member or administrator from that party's same department will be chosen to be on the Grievance Committee. Each of the faculty members in the defined pool receives annual training on issues related to sexual harassment, sexual assault, domestic violence, dating violence, and stalking and on the College's grievance and adjudication process. The grievant and the respondent will be promptly notified of the Grievance Committee's composition.

If either party believes that a member of the Grievance Committee has a conflict of interest or bias, that party shall identify his or her reasons for that belief in writing and submit that to the EEO Coordinator within three (3) business days of notification of the Grievance Committee's composition. If the EEO Coordinator determines that a member(s) of the Grievance Committee has a conflict of interest or bias, that member(s) of the Grievance Committee will be replaced by a different faculty member(s) from the defined pool. That process will continue with the newly identified member(s) until the Grievance Committee is finalized.

**Step 4:** After the Grievance Committee is finalized, the EEO Coordinator will notify the grievant and the respondent of the date, time, and location of the grievance hearing. The

parties will receive at least ten (10) days' notice of the hearing. Prior to the Grievance Committee hearing, the Grievance Committee will be provided a copy of any investigatory report. The parties will also be provided a copy of the investigatory report, but without copies of sensitive documents such as medical records. Note that the parties have an opportunity to review the full investigatory report in the pre-hearing meeting.

Both the grievant and the respondent are permitted to present relevant witnesses and evidence at the hearing. Each party must identify in writing to the EEO Coordinator the witnesses and/or evidence he or she intends to present at the hearing no later than seven (7) days prior to the hearing. The College prefers the use of live witnesses, but if a witness is unavailable to participate in a live proceeding, a signed, written statement may be submitted for the witness. If a signed, written statement is submitted for a witness, it must be provided to the EEO Coordinator no later than seven (7) days prior to the hearing.

The EEO Coordinator will promptly provide each party with the other party's list of identified witnesses, evidence, and/or signed, written statement(s).

**Step 5.** Grievance hearings are closed to the public. Both the grievant and the respondent are permitted have an advisor present. However, that advisor is not permitted to participate as a vocal advocate during the hearing. The investigators shall be present at the Grievance Committee Hearing.

At the hearing, each party will be permitted to give an opening statement. Each party will then be permitted to present evidence and/or witnesses. A party will permitted to ask questions of the other party and/or the other party's witnesses, but the questions must be first submitted to the Grievance Committee. The Grievance Committee will then ask the questions on the party's behalf. The Grievance Committee retains discretion to refrain from asking questions it believes are irrelevant or unnecessary and/or exclude presentation of any witnesses or evidence. For example, information about a party's prior sexual history with persons other than the other party will typically be excluded. Each party will also be permitted to make a closing statement.

The College will accommodate requests from either the grievant or the respondent to not be present in the same room during the grievance hearing.

Official minutes of the hearing will be kept. The official minutes will be made available to either party.

**Step 6:** Within fourteen (14) days of the conclusion of the grievance hearing, the Grievance Committee will issue a written decision. The Grievance Committee will use a preponderance of the evidence (i.e., "more likely than not") standard to determine whether or not an alleged violation occurred. The Grievance Committee will also issue a recommendation on the discipline, if applicable. If the Grievance Committee is not

unanimous in its findings or recommended discipline, its written decision shall record that fact.

The EEO Coordinator will promptly provide written notice to both the grievant and the respondent of the Grievance Committee's decision. The EEO Coordinator will also notify the parties of their right to appeal the decision and, if applicable, the sanctions or disciplinary measures to be imposed.

**Step 7:** After the EEO Coordinator notifies the parties of the Grievance Committee's decision, either party will have ten (10) days to submit a written appeal of the Grievance Committee's decision to the Provost. The possible bases for appeal include: (1) a procedural error that has significantly impacted the outcome of the hearing; (2) the introduction of previously unavailable relevant evidence which would have significantly impacted the outcome of the hearing; or (3) where a sanction is substantially disproportionate to the Grievance Committee's findings

If either party chooses to appeal, the other party will have ten (10) days to submit a written opposition to the appeal to the Provost. Upon receipt of the written opposition or the passing of the timeframe allowed to submit a written opposition, the Provost will promptly issue a written decision affirming the Grievance Committee's decision; reversing the Grievance Committee's decision; or remanding the grievance back to the Grievance Committee to consider additional evidence or remedy a procedural error. If the Provost remands the Grievance Committee's decision, the Provost may order that a new Grievance Committee hear the matter. The Provost's decision will be issued in writing to both parties.

A decision will be considered final if no party submits a timely appeal of a Grievance Committee's decision or if the Provost affirms or reverses the Grievance Committee's decision. Any sanctions or discipline imposed will be stayed until the resolution of the appeal process.

All of the time frames above may be extended by a showing of good cause. All parties involved will be promptly notified if a time extension has been granted.

A student is not required to file a grievance with the College and, if applicable, may file a complaint with federal or state agencies such as:

- The U.S. Department of Education's Office for Civil Rights ("OCR")
  - Chicago Office (for Cincinnati campus): (312) 886-8434
  - San Francisco Office (for Los Angeles campus): (415) 556-4275
  - New York City Office (for NY campus): (212) 637-6466
  
- The Ohio Civil Rights Commission ("OCRC"), Cincinnati Regional Office: (513) 852-3344

- The State of California Department of Fair Employment and Housing (“DEFE”): (800) 884-1684 (toll free for complaints and information)
- The New York City Equal Employment Practices Commission: (212) 240-7902
- The New York State Human Rights Commission on Discrimination Complaints: (212) 306-7450

In the event that the College finds that any student has been a victim of discrimination or harassment, the College will take immediate measures to remediate and/or correct the conduct or circumstances. Any individual who is subjected to such conduct will be notified of the College’s measures to remediate and/or correct such conduct.

The College prohibits retaliation against anyone who files a grievance under this section or otherwise complains that he or she has been a victim of discrimination or harassment. This prohibition of retaliation similarly extends to anyone who has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing relating to a grievance or complaint under this section.

All documents, witness statements, evidence, and written submissions associated with a grievance under this section will be confidentially maintained, to the extent permitted by law, in the student’s disciplinary record. Any request by a student to review the documents, witness statements, evidence, and written submissions associated with his or her grievance under this policy should be submitted to the EEO Coordinator.

The notifications required by this policy will not constitute a violation of section 444 of the General Education Provisions Act (20 U.S.C. § 1232g), commonly known as the Family Education Rights and Privacy Act of 1974 (FERPA).

## **Statement Concerning Field-Based Educational Experiences**

Hebrew Union College - Jewish Institute of Religion (HUC-JIR) is highly committed to Field-Based Education Programs as an integral part of the educational process. This commitment is expressed through the institution’s approach to field-based educational experiences, which are designed to be both academically rigorous and practically effective. HUC-JIR Field-Based Education Programs – which include student pulpits, internships and related placements – aim to foster learning communities that model and teach students ways of thinking, being and doing that are integral in developing their professional identity. These experiences integrate such things as knowledge, skill, moral integrity, religious tradition and commitment in actual practice, which is the very essence of religious and communal leadership formation.

In partnership with participating synagogues and community-based organizations, field-based educational experiences provide learning laboratories to practice the art and craft of (religious) leadership, including but not limited to the following:

- Critical reflection on practice and theology;
- Exploration of differing models for ministering to congregants and others;
- Examination of the issues of faith and social issues; and
- Development of professional identity and skills.

### **The Learning Agreement**

A critical component to HUC-JIR's Field-Based Education programs is the Learning Agreement. A Learning Agreement is the institution's official document which outlines the expectations and responsibilities of each party for the semester-long or year-long Field-Based Education placement, student pulpit or internship.

In general, students should be exposed to as much of the day-to-day functioning of the organization as possible. For students working in synagogues, this will often include experience with worship, teaching, youth engagement, committee meetings, social gatherings, and both the pastoral and administrative responsibilities associated with congregational settings.

For HUC-JIR students working in community-based organizations or similar Field-Based Education placement sites, this will often include meeting with clients, participating in the development and/or execution of programs, becoming familiar with administrative aspects of operating the organization, participating in staff meetings and lay committee meetings, and possible exposure to the role that fundraising plays in maintaining vital programming.

### **Pre-Field Based Educational Experience Workshop**

In addition to the Learning Agreement, HUC-JIR encourages its Program Directors / Fieldwork Supervisors – prior to the start of the Field-Based Education placement, student pulpit or internship – to conduct workshops on ethical and other issues that HUC-JIR students might encounter in field placements. These workshops shall be a prerequisite to students' participation in field placements. They shall be designed both to introduce and address many of the specific issues faced in congregational or organizational settings.

### **Orientation of HUC-JIR Students at Field-Based Educational Placements**

Institutionally, HUC-JIR strongly encourages that students participating in Field-Based Education placements – including student pulpits and internships – be oriented at the field site on the day the placement begins. The objective of this orientation is to familiarize the student with the following:

- The organization’s history and mission;
- The organizational structure in place at the field placement site and the particular individuals with whom the student will work;
- The needs of those being served by the congregation, community-based organization or other field placement site; and
- The organization’s expectations and policies, as well as the student’s rights and responsibilities while engaged in the placement. This will include a review of protocol and procedure concerning harassment, discrimination, personal safety, emergencies, and related circumstances.

The orientation should also address the anticipated workload associated with the placement, which should be consistent with the parameters established by HUC-JIR and the congregation, community-based organization or other field placement site.

### **Supervision in Field-Based Educational Placements**

Field-Based Education Placement Site Supervisors (hereafter referenced as the “*Placement Site Supervisor*”) may include ordained clergy (rabbis and cantors), chaplains, counselors, pastoral care directors, teachers and educators, administrators, social workers, advocates and activists, some of whom pursue vocations in congregational settings and others in non-congregational settings such as hospitals, community-based programs, school settings (primary, secondary, and higher education), governmental agencies, nonprofit organizations and other diverse types of organizations. Whether supervising an HUC-JIR student in a congregational or non-congregational setting, the Placement Site Supervisor is critical to the success of the field-based educational placement.

All Placement Site Supervisors are expected to have:

- A thorough understanding of HUC-JIR’s mission and philosophy, as well as working knowledge of the institution’s approach to Field-Based Education and the objectives of this aspect of the students’ training;
- A desire to work collaboratively with HUC-JIR staff who oversee field-based placement and the ability to ensure open communication with both the student and HUC-JIR staff;

- The ability and willingness to engage the HUC-JIR student participating in Field-Based Education as a “colleague in training”;
- A commitment to participate in any required Orientation and/or Training developed by the College-Institute, to adhere to all of the requirements of HUC-JIR Field-Based Education Placement Programs and to conform to HUC-JIR policy relating to behavioral conduct, including policies prohibiting discrimination, harassment and similarly offensive and potentially illegal conduct.

## **Professional Ethics**

The Hebrew Union College – Jewish Institute of Religion (HUC-JIR) expects all Placement Site Supervisors, clergy, educators, social workers and other professionals with whom our students work in Field-Based Education Placements to conduct themselves in accordance with the highest standards of professional and personal ethics. HUC-JIR students are expected to conduct themselves in a similar manner.

Adhering to such ethical standards involves a commitment to behaving in an honest way and with integrity, manifest in simple actions such as keeping one’s word and following through on commitments. For the student this is exemplified by arriving at the field placement on time and prepared to work, offering the time and energy expected in the Field-Based Education Placement, and presenting one’s best effort. The Placement Site Supervisor demonstrates comparable integrity by respecting the agreed upon parameters of the placement and by focusing her/his best efforts on the student.

## **Policies and Practices in the Context of Field-Based Educational Placements**

Hebrew Union College - Jewish Institute of Religion considers Field-Based Education programs to be an extension of its campus-based education programming and central to the curriculum. As such, all Field-Based Education Placement Sites must adhere to the policies of the College - Institute. Prior to the start of a Field-Based Education Placement, HUC-JIR will provide the Placement Site Supervisor with a current version of the National Student Academic Handbook, which contains the institution’s policies regarding appropriate student conduct. Field-Based Education Placement sites will also receive HUC-JIR policies relating to conduct expected of HUC-JIR faculty and staff. Throughout the fieldwork period HUC-JIR students and their Placement Site Supervisors, as well as other individuals associated with the placement, are expected to maintain proper bounds of conduct as outlined in HUC-JIR institutional policy.

Any student who violates these policies while serving in a Field-Based Education Placement or internship will be subject to disciplinary action, as specified in the National Student Academic Handbook. Additionally, the Field-Based Education Placement or internship site, including the Placement Site Supervisor and any individual associated with the site who is connected with the

fieldwork or internship in any manner, is expected to maintain an appropriate, professional environment free from harassment, discrimination, intimidation and related conduct.

### **Use of Power**

In the realm of covenants, one of the most fundamental relationships is the use of power. As students advance through HUC-JIR's programs of study and participate in Field-Based Educational Placements – irrespective of whether they are student pulpits, internships or other types of placements – it is important that both the Placement Site Supervisor and the student understand and appreciate the ethics of power. Power is inherent in the role of clergy and in the role of the supervisor. As HUC-JIR students and their Placement Site Supervisors work together it is important that appropriate boundaries are both observed and acknowledged. In Field-Based Education Placements, students should also recognize the need and develop the ability to relate in a responsible manner to congregants, clients, colleagues and others with whom they interact.

### **Sexual Ethics**

As discussed in the “Equal Employment and Non-Discrimination Policy” and the “Sexual Misconduct and Interpersonal Violence Policy,” HUC-JIR will not tolerate sexual harassment in any organizational setting in which HUC-JIR students are placed. It is always the Placement Site Supervisor's responsibility to maintain appropriate boundaries and a professional relationship with the student. It is also important for Placement Site Supervisors and students to remember that it is not appropriate for sexual contact to occur in the context of Field-Based Educational Placements, including but not limited to sexual contact between the Placement Site Supervisor (as well as others within the organization who participate in guiding aspects of the field-based educational placement) and the HUC-JIR student, between the student and a congregant in a synagogue setting, or between a student and a client in a community-based organizational setting. Such conduct will result in the immediate termination of the Field-Based Educational Placement.

### **Procedures for Handling Incidents of a Sexual Nature in Field-Based Educational Placements**

Any student who has been subjected to sexual harassment, or any untoward conduct of a sexual nature, should refer to the “Sexual Misconduct and Interpersonal Violence Policy” for information regarding how to proceed.