

# Grievance Procedure

			Policy identification number: <i>To Come</i>	
			File: <i>Ethical &amp; Responsible Conduct Policies / Anti-Discrimination Policies</i>	
<h2>Grievance Procedure</h2>				
<p>Policy Summary</p> <p>These Procedures are intended to provide a prompt and equitable resolution for all complaints or reports of conduct that violate the following five Fort Lewis College policies:</p> <ol style="list-style-type: none"> <li>1. Sexual Misconduct</li> <li>2. Student Conduct</li> <li>3. Equal Opportunity and Affirmative Action</li> <li>4. Discriminatory Harassment</li> <li>5. Disability Anti-Discrimination</li> </ol>				
Policy Owner	Approval Date	Effective Date		
Vice President for Student Affairs	October 5, 2018	October 5, 2018		
Search Terms	Scheduled for Review			
vpsa, grievance, procedure, g	Fall 2022			

## I. Definitions

**Coordinator.** Coordinator is the Title IX Coordinator, or the Equal Opportunity Coordinator, or the College employee charged with coordinating the College's response to conduct prohibited under the Relevant Policies (listed below).

**Complainant.** Complainant is an individual or organization, including the College, filing a complaint.

**Disciplinary Authority.** The disciplinary authority is the individual who has the authority or delegated authority to impose discipline upon a particular employee, faculty member, or student.

**Employee.** Employee means any individual who receives payment from the College for work performed, including but not limited to faculty, exempt and classified staff, student employees, or temporary employees.

**Parties.** Parties are the complainant and the respondent. The victim may be treated as a party for notice purposes, if the victim is not the complainant.

**Respondent.** Respondent is the individual against whom a Complaint has been filed.

**Student.** Student means any individual who has confirmed admission to the College, is a new student at orientation, is currently enrolled in courses at the College, whether full-time or part-time, was enrolled in the previous semester, or is registered for a future semester.

**Working Days.** Working days are those days when the administrative offices of the College are open.

## II. Scope and Jurisdiction

1. **Relevant Policies:** These Procedures are used to handle complaints or reports of misconduct that violate the Fort Lewis College Student Conduct Policy, Equal Opportunity and Affirmative Action Policy, Sexual Misconduct Policy, Discriminatory Harassment Policy, and Disability Anti-Discrimination Policy.
2. **Jurisdiction:** These Procedures govern all students, faculty, staff, contractors, volunteers, affiliated entities, and other third parties regarding
  - A. Conduct that occurs on College property or at official College functions or at College sponsored programs conducted off campus.
  - B. Conduct that occurs off College property if it has a potential continuing effect on campus or creates an ongoing hostile environment on campus, including, but not limited to, adversely affecting the health, safety or security of any member of the College community or the mission of the College.
  - C. These procedures may operate in conjunction with additional policies or procedures per section VI.F.3 of these procedures, below.
3. **Jurisdiction Exceptions:** A jurisdiction exception may exist for third parties. Matters concerning contractors, volunteers, affiliated entities and other third parties who would be respondents under any of the Relevant Policies may, at the discretion of the College, be resolved under the College contracts, agreements, policies and laws applicable to the entity.
4. **Criminal or Civil Process:** Actions taken under these Procedures are separate and independent from any law enforcement or other court process or proceeding, such as a civil lawsuit or criminal prosecution that may relate to the same underlying factual incident. The applicability of these Procedures is not dependent upon whether criminal charges are filed. Investigations or inquiries conducted by the College are not postponed while criminal or civil proceedings are pending unless determined appropriate by the College. Dismissal of criminal charges or acquittal in a criminal case does not prevent the College from investigating and adjudicating an incident.
5. **Time Limits:** There are no time limits to make a complaint under the Relevant Policies to initiate these Procedures long as the College has jurisdiction over the parties involved at the time of the incident or complaint.
6. **Failure to Appear:** The failure of an individual to appear and/or respond to the College does not prevent the College from proceeding with these Procedures.
7. **Review:** The College may review and take any appropriate action deemed necessary, including re-opening an investigation, if evidence, including but not limited to, results from a sexual assault nurse examination (SANE), becomes available that was previously unavailable to the College or the Procedure as set forth herein was not followed.
8. **Off-Campus Program Incidents:** College employees and students sometimes work or study at the worksite or program of another organization affiliated with the College. When a violation is alleged by or against College employees or students in those circumstances, the complaint shall be handled as provided in the affiliation agreement between the College and the other entity. In the absence of an affiliation agreement or a provision addressing this issue, the College may, at its discretion, choose to (1) conduct its own investigation; (2) conduct a joint investigation with the affiliated entity; (3) defer to the findings of an investigation by the affiliated entity where the College has reviewed the investigation process and is satisfied that it was fairly conducted; (4) use the investigation and findings of the affiliated entity as a basis for further investigation; or (5) take other action as determined appropriate by the College.
9. **Prior Conduct:** Conduct alleged to have occurred before an individual became affiliated with the College may be addressed through applicable remedial, protective, and/or educational measures as determined by the College if the alleged conduct interferes with or impedes upon equal access to employment or education for any current College community members.

## III. Reporting

1. If an individual wishes to notify the College of possible discrimination or misconduct and pursue formal or informal resolution under these Grievance Procedures, they must submit a complaint as follows:
  - A. **Sexual Misconduct Complaints:** Information or complaints of sexual misconduct should be directed to the Title IX Coordinator, 230 Skyhawk Station, (970) 247-7241, or [TellSomeone@fortlewis.edu](mailto:TellSomeone@fortlewis.edu). Complaints concerning sexual misconduct may also be filed online at [www.fortlewis.edu/TellSomeone](http://www.fortlewis.edu/TellSomeone). Complainants may also file a report with campus police or local law enforcement at any time, in addition to filing a complaint with the College. Individuals who would like help can request it from the Title IX Coordinator, counselors, or health center employees. If Fort Lewis College knows about possible sexual misconduct or discrimination through the filing of a complaint or other reliable information sources, it will conduct a prompt, thorough and impartial investigation and resolution. Fort Lewis College will act to end discrimination, prevent its recurrence, and remedy its effects on victims and the Fort Lewis College community. No one is required to notify law enforcement about sexual assault or sexual harassment if they do not wish to do so. Similarly, individuals may report an incident to law enforcement without reporting to the College. Individuals reporting that they were a victim of sexual harassment, sexual violence, dating violence, domestic violence, sexual assault or stalking will receive a resource sheet explaining their reporting options and available services.
  - B. **Discrimination Complaints:** Information or complaints involving Equal Opportunity and Affirmative Action, disability discrimination or discriminatory harassment should be directed in writing to Equal Opportunity Coordinator, [David Pirrone](mailto:David.Pirrone@fortlewis.edu), Human Resources, (970) 247-7182, or filed online at [www.fortlewis.edu/TellSomeone](http://www.fortlewis.edu/TellSomeone).
  - C. **Student Conduct Policy Complaints:** Individuals wishing to report a Student Conduct Policy violation may file online at [www.fortlewis.edu/TellSomeone](http://www.fortlewis.edu/TellSomeone). Residential students may inform residential housing staff.
2. **Contents of Complaint:** Generally, all complaints alleging misconduct, discrimination, or retaliation should be made as soon after the event as possible so that the matter may be investigated in a timely manner. Complaints of alleged misconduct, discrimination, or retaliation should state the "who, when, where, and what" of the situation.
3. The complainant may or may not be the victim. A third party may make a report of misconduct, discrimination, or retaliation, or the appropriate Vice President may, on behalf of Fort Lewis College, initiate a complaint, serve as complainant, and initiate proceedings without a formal complaint by the victim of misconduct.

## IV. Interim Measures

1. Interim measures are individualized services offered to either or both parties involved in an alleged incident of misconduct, prior to an investigation under these Procedures or while an investigation is pending, so that neither student is unnecessarily deprived of their access to education. Interim measures will be determined by the Coordinator and will be individualized and appropriate based on the information gathered by the Coordinator. As the needs of each party may change over time, the Coordinator will communicate with the parties throughout the investigation to ensure that interim measures are necessary and effective based on each party's needs.
2. The Coordinator will provide both parties with written notice of the availability of interim measures at the time the Notice of Investigation is issued. Interim measures may include, but are not limited to, the following:
  - A. Referrals to counseling, health services, SANE, or advocacy or legal assistance;
  - B. Extensions of time or other course-related adjustments;
  - C. Academic support services, such as tutoring;
  - D. Modifications of work or class schedules;
  - E. Modifications of housing assignments;
  - F. Leaves of absence;
  - G. No contact" directives from the College;
  - H. Assistance with civil or criminal protection orders.
3. Victims need not report incidents to the College or law enforcement in order to receive support from the College. Victims may request interim measures even if the victim chooses not to make a formal complaint by contacting the Coordinator.
4. Restraining Orders: Victims may apply for a civil restraining order through local law enforcement. Forms and information is online [here](#). The Coordinator may refer the victim for assistance with applying for a civil restraining order. In addition, Fort Lewis College complies with Colorado law in recognizing court protection orders. Individuals who wish to may provide a copy of such an order to the Fort Lewis College Police and/or the Coordinator.
5. Retaliation: The College will work to prevent retaliation and respond strongly if retaliation occurs. Any complaints of retaliation are grounds for a separate complaint and disciplinary action. Complainants or other participants in the investigation or disciplinary proceedings who experience retaliation should file a report at [www.FortLewis.edu/Tellsomeone](http://www.FortLewis.edu/Tellsomeone) or report it to the Coordinator. Retaliation means any adverse action threatened or taken against a person because an individual has reported misconduct, filed a complaint, provided information in connection with a complaint, or participated in an investigation. An "adverse action" is one that would dissuade a reasonable person from reporting an allegation of misconduct or participating in an investigation of misconduct and includes, but is not limited to, direct and indirect intimidation, coercion, threats, and discrimination or harassment.

## V. Complaint Resolution

1. **College's Obligation:** If an individual makes a report of prohibited conduct which involves one of the Relevant Policies, the College has an obligation and jurisdiction to conduct a preliminary inquiry to determine whether the conduct occurred during, or had continuing effects on, a College program, activity or employment.
2. **Method of Resolution:** The Coordinator has discretion to determine the appropriate means for addressing the report or complaint. Options include but are not limited to:
  - A. Formal Complaint Resolution
  - B. Informal Complaint Resolution
  - C. Determining that the facts of the complaint or report, even if true, would not constitute a violation of the Relevant Policies listed above and closing the matter following a preliminary inquiry.
  - D. Determining that the facts of the case are such that there is no ongoing hostile environment or risk of recurrence of a hostile environment and closing the matter on the basis of mootness following a preliminary inquiry. Such a determination may be made in circumstances such as, but not limited to, the following: where the respondent is no longer a student or will cease to be a student before a fair proceeding can be completed, where the respondent is no longer an employee of the College, where the complaint is made regarding an individual who is not a member of the College community, or where the alleged misconduct occurred beyond the College's jurisdiction.
  - E. Referring the matter to an employee's disciplinary authority or supervisor, depending upon the employee's employment classification. In such event, the employee's disciplinary authority will meet with the employee prior to taking any disciplinary action, and the College will work to redress the effects of any discrimination and harassment resulting from the alleged misconduct.
3. **Interim Suspension:** In appropriate circumstances, the Vice President for Student Affairs or designee may suspend a student from the College for an interim period, pending resolution under this Grievance Procedure, in accordance with the College's Interim Suspension Policy.
4. **Formal Complaint Resolution:**
  - A. The Formal Complaint Resolution process is initiated by sending the parties a Notice of Investigation. The Notice will include:
    - i. A link or links to the Grievance Procedure and the applicable Relevant Policy or Policies;
    - ii. Identities of the parties involved;
    - iii. The specific section of the Relevant Policy allegedly violated;
    - iv. A summary of the alleged conduct constituting the potential violation;
    - v. The date and location of the alleged incident;
    - vi. Applicable interim measures, such as no-contact directive;
    - vii. Non-retaliation notice;
    - viii. Notice of appointment of an investigator, requirement of responding to investigator and consequences for non-response to the investigator;
    - ix. Notice of possible separation from the College, if applicable.
  - B. The Notice of Investigation will be sent to both parties by College email or and may additionally be sent to permanent addresses in the College's information system, to an address appearing in a police report, or may be hand-delivered.
  - C. Notice shall be considered provided on the date of hand-delivery or on the date emailed. For employee respondents, a copy of the Notice will be sent to the employee's supervisor and/or the employee's appointing/disciplinary authority as well as Human Resources.
  - D. Non-participation: If the respondent does not schedule or attend an interview with the Investigator, or if the respondent schedules an interview but does not attend or attends but does not participate, the Investigator may complete the investigation based on the totality of information obtained, which may include police investigation reports and other relevant documents or information.
  - E. Investigator: The Coordinator will appoint an investigator to conduct a thorough and impartial investigation of the alleged misconduct. Investigations will be conducted by qualified employees who are trained to complete a prompt, fair, equitable and impartial investigation. The Coordinator will ensure that all investigators receive annual training on issues related to sexual assault, intimate partner abuse, stalking, sexual harassment, protected class discrimination and harassment and retaliation. The Coordinator may opt to have more than one investigator assigned to a case.

- F. Outside Investigators: The Coordinator may also designate other individuals, either within or outside the College, to conduct or assist with an investigation. Circumstances which may warrant the designation of an outside investigator include conflicts of interest, allegations of bias, or workload. The Coordinator retains the discretion to determine whether the use of an outside investigator is warranted and reasonable given the circumstances and information available and known at the time. Any outside investigator retained by the College shall have adequate training, qualifications and experience to, in the judgment of the Coordinator, complete a prompt, fair, and impartial investigation. Any outside investigator designated to address an allegation must adhere to the requirements of the Grievance Procedure and confer with the Coordinator on a regular basis regarding the progress of the investigation.
- G. Investigative Process: The College follows an investigative model whereby investigator(s) interview the complainant and the respondent separately and provide each party the opportunity to be heard and to respond. There are no formal hearings. The complainant and respondent shall each have the right to:
  - i. Timely notice of an interview or meeting where a party's presence is requested.
  - ii. Provide relevant information and evidence to the investigator.
  - iii. Identify relevant witnesses.
  - iv. Submit questions to the Investigator, for use during interview(s) with the other party.
  - v. Have an advisor of their choice present during any interview, which may include, but is not limited to, an attorney or an advocate from outside the College. An advisor may not act or speak on behalf of a party. It is a party's responsibility to select and pay for an advisor whose schedule permits attendance at scheduled interviews.
  - vi. Review and respond within five (5) working days to a written Draft Investigation Report, prior to finalization of the Investigation Report.
  - vii. Receive a copy of the final Investigation Report at the conclusion of the investigation and a Notice of Outcome, which will include a statement of factual findings and a determination as to whether or not there was a violation of policy.
  - viii. Receive a Notice of Sanction, if applicable, in writing.
- H. Disclosure of Draft Investigation Report: Following the fact gathering, the investigator(s) shall send a written Draft Investigation Report to the parties. The Draft Investigation Report will include a summary of the relevant and material facts and the investigator's preliminary findings. The parties will each have five working (5) days to review and respond, in writing. The parties will also have access at this time to witness identities.
- I. Investigative Report: At the conclusion of the investigation and following review and response of the Draft Investigation Report by the parties, the investigator shall finalize the Investigative Report, which will include factual findings and a determination as to whether or not there was a violation of the Relevant Policies.
- J. Review Committee: In cases where (1) the Notice of Investigation indicated the possibility of suspension, expulsion, termination, or other long term or permanent separation from the College; or (2) the Coordinator recommends, the Investigator will submit the report to the Review Committee prior to finalization of the Investigation Report. All persons serving on the Review Committee will receive annual training on issues related to sexual assault, intimate partner abuse, stalking, sexual harassment, protected class discrimination and harassment and retaliation. Investigators described above may also serve on the Review Committee. The Report will be reviewed by three members of the Review Committee for bias and impartiality, thoroughness of the investigation, and the existence of sufficient information to support the finding. The Review Committee may not conduct its own investigation or hearing. The Review Committee may:
  - i. Review the whole investigative file;
  - ii. Consult with the Investigator(s);
  - iii. Approve the Investigation Report;
  - iv. Recommend additional investigation or a new investigation by the same or other investigator. Any substantial changes to a Draft Investigation Report or a new Draft Investigation Report resulting from this action will trigger another review by the parties pursuant to V. D.8. "Disclosure of Draft Investigation Report."
- K. Investigation Report Distribution: Parties will receive simultaneous copies of the final written Investigation Report. Appointing/Disciplinary Authorities, Human Resources, and supervisors of employee Respondents and Human Resources will receive notice of investigation findings, and access to the remainder of the report depending on their need to know the contents.
- L. Timeline: The College intends to complete any investigation and distribute the resulting Investigation Report within ninety (90) days after issuing the Notice of Investigation, although this time frame may be extended for good cause. Good cause may exist for a variety of factors, including the complexity of the circumstances of each allegation, the integrity and completeness of the investigation, to comply with a request by law enforcement, to accommodate the availability of witnesses, to provide translation services, to account for College breaks or vacations, to access relevant documentation that is not immediately available, or for other relevant reasons. In the event the ninety-day timeframe is extended, both the complainant and respondent will be notified in writing.
- M. Evidence: The standard of proof required for a finding of responsibility is a preponderance of the evidence (i.e., the information gathered demonstrates that it is "more likely than not" that the misconduct occurred).
  - i. The past sexual history or sexual character of a party will not be admissible by the other party in a sexual misconduct investigation or hearing unless such information is determined to be highly relevant by the Investigator. A prior consensual dating or sexual relationship between the parties does not support an inference of affirmative consent or preclude a finding of sexual misconduct.
  - ii. The Investigator will review, if available, any prior complaints of misconduct regarding the Respondent if they are relevant or probative to the alleged conduct at issue, or if they demonstrate a pattern of behavior. Such prior complaints, if relevant or probative, may be used in the imposition of interim protective measures, the investigative finding, and/or sanctioning.

#### 5. Informal Complaint Resolution

- A. Voluntary Informal Complaint Resolution: If all parties voluntarily agree to participation in Informal Complaint Resolution that does not involve the full investigation after receiving a full disclosure of the allegations and the option for Formal Complaint Resolution, and if the College determines that the particular complaint is appropriate for Information Complaint Resolution, the College may facilitate an informal resolution, including mediation, to assist the parties in reaching a voluntary resolution.
  - i. In some cases, Informal Complaint Resolution may not be appropriate. In such cases, the Coordinator will notify the Complainant that a formal investigation will take place. The complainant may determine whether to participate in the formal investigation.
  - ii. Any mediation agreed to by the parties will be facilitated by the Coordinator. The results of Informal Complaint Resolution are final and may not be appealed.
- B. Other Informal Complaint Resolution: The Coordinator may elect Informal Complaint Resolution, particularly in cases where there is no threat to individual or campus safety. The focus in such cases is on remedies tailored to the specific facts of the case and the particular student or employee.

## VI. Sanctions

1. Serious violations of policy by students and employees are likely to result in temporary or permanent separation from Fort Lewis College.
2. **Party Input:** In cases where the investigation results in a determination that a Relevant Policy or Policies have been violated, within seven (7) days of the date of the Notice of Outcome, the respondent and complainant may request a meeting with the Coordinator or designee to discuss any mitigating or aggravating circumstances related to the incident that may impact sanctioning. Alternatively, the complainant or respondent may submit a written statement within seven (7) days of the Notice of Outcome. A written statement may be up to three pages in length and must be limited to the description of mitigating or aggravating circumstances that may affect sanctioning. Any statement beyond such limitations will not be considered. It is the responsibility of the parties to request to meet with the Coordinator or to submit a written statement within the time prescribed. Failure to meet with the Coordinator or to submit a written statement will constitute a waiver of this opportunity.
3. **Sanctioning Factors:** Repeated violations are likely to result in progressively more severe sanctions. In the event that no violation of the Relevant Policies is found, discipline for inappropriate or unprofessional conduct, or other misconduct, may still be administered. Factors pertinent to a sanctioning decision may include as applicable:
  - A. Severity of conduct and whether it escalated during the incident;
  - B. Whether the complainant was incapacitated at the time;
  - C. Whether there was force/violence, weapons, or threats of force/violence;
  - D. Any prior history of related criminal or policy violations;
  - E. Severity of impact on complainant;
  - F. Acceptance of responsibility by respondent; and/or
  - G. On-going safety risk to complainant and/or community.
4. **Notice to Parties:** The Coordinator will ensure, to the extent possible, that the parties receive simultaneous notice of sanctions and any other steps taken by the College to remedy the misconduct, to the extent permitted by law.
5. **Sanctions for Students:** The Vice President for Student Affairs or designee is responsible for determining all sanctions related to student policy violations. Sanctions for student policy violations may include, but are not limited to:
  - A. Referrals for behavioral assessments from the Counseling Center and/or community based resources and compliance with the results of those assessments.
  - B. Limitations on hours for using campus services.
  - C. Change in housing assignment.
  - D. Restriction from campus facilities, events, co-curricular activities, athletics, and/or residential building(s).
  - E. Housing removal.
  - F. Restriction from having guests in campus housing.
  - G. Payment of restitution.
  - H. Written reflection, written apology.
    - I. Restriction from leadership role and campus employment.
    - J. Campus or community service.
    - K. Restriction from enrollment in classes with a victim.
    - L. Required educational program(s).
    - M. Exploration and utilization of academic support services on campus.
    - N. No contact directive(s).
    - O. Disciplinary warning.
    - P. Disciplinary probation.
    - Q. Disciplinary suspension.
    - R. Delayed conferral of degree;
    - S. Expulsion.
    - T. Revocation of admission.
6. **Sanctions for Employees:**
  - A. The Coordinator will notify the employee's disciplinary authority if a respondent was found to have violated a policy or acted inappropriately or unprofessionally. The disciplinary authority may have access to the investigative records. The Coordinator and the employee's disciplinary authority will, together, determine appropriate sanctions. The Coordinator and the employee's disciplinary authority may consult, as needed, with the investigator, the Coordinator, and any other administrative staff, to determine appropriate sanctions.
  - B. Disagreements between the Coordinator and the employee's disciplinary authority will be resolved by submitting the complaint and investigation information to the President or designee for review and final decision. The President or designee may have access to the investigative records and may consult with the investigator in order to take appropriate action.
  - C. Prior to the imposition of sanctions, employees whose terms of employment are also governed by other policies or procedures such as the Faculty Handbook or the State Personnel Board rules may be subject to those additional policies or procedures. The disciplinary authority will impose sanctions at the conclusion of such additional disciplinary policies and procedures. Employee sanctions may include but are not limited to:
    - i. Letter of Expectation/Reprimand: A warning/written letter of expectation or reprimand is a statement from the disciplinary authority that the behavior was inappropriate and that more serious disciplinary action will be taken should subsequent infractions occur.
    - ii. Mandatory Training: The employee may be required to attend a training, class, or program relevant to the misconduct.
    - iii. Demotion: The employee is demoted from their current position.
    - iv. Job Duty Modifications: The disciplinary authority may modify the employment responsibilities of the employee.
    - v. Reduction in Salary/Ineligibility for Merit Increases: The employee's salary is reduced either permanently or temporarily or the employee is not eligible for merit increases either permanently or temporarily.
    - vi. Exclusion: In consultation with the disciplinary authority, the Coordinator may deny access for the employee to all or a portion of College property. When an employee is excluded from College property, that employee may be permitted onto College property for limited periods and specific activities with the permission of the disciplinary authority or College Police. Should the employee enter College property without permission, action may be taken by the College Police for trespass.
    - vii. Termination of Employment and/or Ineligibility for Future Employment: Pursuant to applicable laws and policies specific to the employee's status, the disciplinary authority may recommend or terminate current employment and/or prohibit future employment.
    - viii. Additional Sanctions: The disciplinary authority has the discretion to impose additional sanctions that may be warranted and appropriate given the circumstances of the case.



## VII. Records

1. **Record Retention and Confidentiality of Records:** In all cases, the Coordinator shall retain the investigator's report and the disciplinary authority's final sanction decision for a minimum of three years or for as long as any administrative or legal action arising out of the complaint is pending. All records, reports and investigations shall be considered confidential and shall not be disclosed publicly except to the extent required by law. No record of the disciplinary proceedings may be made except as authorized by the Associate Vice President. Student disciplinary files are kept for seven years from the final decision date except for expulsion cases, which are kept indefinitely.
2. **Student Disciplinary Hold:** While the Grievance Procedure is underway, the College may place a disciplinary hold on the student's records. The disciplinary hold prohibits the student from registering for classes until the Procedure has been completed. A disciplinary hold may also be placed if a student fails to complete assigned sanctions, which has the same impact on a student's records and registration as described above. The disciplinary hold will not be removed until all sanctions are completed. A disciplinary hold shall be placed on a student's record if they are suspended from the College after being found in violation of any of the Relevant Policies.
3. **Release of Student Information:** Provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA), as amended by the Higher Education Amendments of 1998, govern access to a student's disciplinary file. Students have the right to inspect and review their educational records. To do so, students must submit a written request to the Coordinator. The Coordinator will comply with a request for access within a reasonable time, not to exceed 45 days.
4. **Employee Disciplinary Record:** An individual employee's disciplinary proceeding records will be added to the employee's existing personnel file.
5. **Re-Release of Information:** Individuals who receive confidential information due to their participation in the Grievance Procedure, or due to the signed consent of the student whose records are in question, are prohibited from further disclosing/releasing the confidential information, unless expressly permitted by law as in cases involving a crime of violence or non-forcible sexual offense. Violation of this prohibition could result in additional charges or other appropriate action.

## VIII. Reason for Policy

To initiate operating procedures for handling complaints filed under the Fort Lewis College Student Conduct Policy, Equal Opportunity and Affirmative Action Policy, Sexual Misconduct Policy, Discriminatory Harassment Policy, and Disability Anti-Discrimination Policy.

## IX. Responsibilities

**For following the policy:** All students and employees regardless of their employment classification

**For enforcement of the policy:** Associate Vice President, Student Affairs, Title IX Coordinator, Deputy Title IX Coordinators, Equal Opportunity Coordinator

**For oversight of the policy:** Vice President for Student Affairs

**For notification of policy:** Policy Librarian

**For procedures implementing the policy:** Associate Vice President, Student Affairs, Title IX Coordinator, Deputy Title IX Coordinators, Equal Opportunity Coordinator

## Cross Referenced Policies

[Discriminatory Harassment](#)

[Disability Anti-Discrimination](#)

[Student Conduct](#)

[Equal Opportunity and Affirmative Action](#)

[Sexual Misconduct Policy](#)

## Revision History

Approved by Fort Lewis College Board of Trustees: February 11, 2009. Revised by Fort Lewis College Board of Trustees: December 6, 2013. Revised by Fort Lewis College Board of Trustees: February 13, 2015. This revised policy was approved by the President's Cabinet on August 24, 2016 and the Board of Trustees on October 7, 2016. This revised policy was approved by the Board of Trustees on October 5, 2018: