

**PROCEDURE**

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**ACADEMICS, EMPLOYMENT, SAFETY, STUDENT LIFE**

# **Complaint Procedures in Cases of Alleged Unlawful Discrimination or Harassment**

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RESPONSIBLE OFFICE

**Equal Opportunity Office**

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Boston University prohibits discrimination on the basis of race, color, creed, religion, ethnic origin, age, sex, disability, sexual orientation, gender identity, or other unlawful basis. The goal of the procedures outlined below is to ensure that non-discrimination is a reality at Boston University and that no person in the University community is subjected to such unlawful conduct. All members of the University community can assist in the furtherance of this goal by ensuring that complaints of discrimination are promptly directed to the departments or individuals who have been designated to receive them, in accordance with these procedures.

Any employee, student, or applicant for employment or admission who believes that he or she has been subjected to any form of unlawful discrimination may make a complaint. Unlawful discrimination includes harassment based on an individual's membership in any legally protected category. Boston University will conduct a fair and impartial investigation of all such complaints, with due regard for the rights of all parties. Retaliation against any person who has

made a complaint of discrimination, or who has cooperated in the investigation of such a complaint, is illegal and a violation of Boston University policy. The purpose of these procedures is to ensure that all complaints of discrimination are thoroughly and fairly investigated by authorized University officials who have the necessary expertise.

Any complaint of discrimination should be referred to one of the departments, or individuals who are responsible for receiving or investigating such complaints. Any employee who receives a complaint, but who is not specifically designated to formally handle such a complaint, is responsible for directing the complainant or otherwise referring the complaint to the appropriate individual or office. All complaints, either verbal or written, must be referred to the appropriate office, as set forth below.

## I. Applicability of These Procedures

The process outlined in this section applies to all complaints of unlawful discrimination or harassment, except (1) those alleging any form of sexual misconduct, and (2) those brought by students on the basis of disability. Any person alleging sexual misconduct on the part of any Boston University faculty or staff member, affiliate (e.g., visitor, vendor, etc.), or non-affiliate should refer to University's [Sexual Misconduct/Title IX Policy](#) and the [Procedures for the Resolution of Sexual Misconduct Complaints Against Faculty, Staff, Affiliates, and Non-Affiliates](#). Any person alleging sexual misconduct on the part of a Boston University student should refer to University's [Sexual Misconduct/Title IX Policy](#) and the [Procedures for the Resolution of Sexual Misconduct Complaints Against Students](#). Students who would like to file a complaint alleging discrimination based on disability should file with the Office Disability Services, in accordance with the procedures set forth in the last section of this document, [Student Grievance Procedure in Cases of Alleged Disability Discrimination](#).

The University's Executive Director of Equal Opportunity is the designated coordinator for complaints arising under Title VI and Title VII of the Civil Rights Act and Massachusetts General Laws Chapter 151B. General inquiries regarding the application of Title VI and Title VII should be directed to the Equal Opportunity Office.

[Executive Director](#)

[Equal Opportunity Office](#)

888 Commonwealth Ave., Suite 303

## II. Initiating a Complaint

Employees, students, or applicants for employment or admission who believe that they have been subjected to unlawful discrimination may initiate a complaint either by meeting with the appropriate individual in one of the offices listed below, or by submitting a written complaint to that individual or office. The information provided in the complaint should be as specific as possible regarding the circumstances that precipitated the complaint. The complaint should include the dates and places of the incidents at issue, the individuals involved, the names of any witnesses, any actions taken in an attempt to resolve the matter and the result of these actions, and any other pertinent information.

### Offices in Which a Complaint of Discrimination May Be Initiated

There are several offices available to receive complaints from students, faculty, and staff who believe they have been subjected to unlawful discrimination.

#### Complaints by Students

Students may initiate a complaint by speaking to the Dean's office of the student's School or College or by contacting the [Equal Opportunity Office](#) or the Dean of Students Office. Students living in University residences may also speak to a member of the Residence Life staff.

#### Complaints by Members of the Faculty or Staff

Faculty or staff may initiate a complaint by contacting the [Equal Opportunity Office](#) or Human Resources. Employees in academic units may also initiate a complaint with the Dean's office of the applicable School or College. Employees covered by a collective bargaining agreement may have additional options under that agreement for addressing complaints.

## **Complaints from applicants for employment or admission, visitors, or other non-affiliated individuals**

These complaints may be initiated in the [Equal Opportunity Office](#).

## **Complaints from students, faculty, or staff at off-site locations**

Any individual at an off-site location, such as Washington, D.C., overseas programs, etc., may bring a complaint to any of the above offices as appropriate, to the Study Abroad office, or to the on-site director of the program.

The address and phone number for each of the offices noted above is [listed at the end of this document](#).

# **III. Investigation and Resolution of Complaints**

The offices available to receive complaints, noted above, were selected to give all members of the University community the opportunity to initiate a complaint in a place in which they will feel comfortable doing so. These offices have the responsibility, after speaking with the complainant and/or reviewing a written complaint, to ensure that the complaint is directed to the proper office or individual for investigation.

The University has designated specific offices and individuals to investigate complaints of unlawful discrimination. Depending upon whether the individual accused of engaging in discrimination is a student, a faculty member, or a staff member, the investigation will be conducted by the designated office or individual with the appropriate expertise and jurisdiction to do so. The offices and individuals responsible for investigating complaints of discrimination are set forth below. In any particular case, the University Provost may designate the office or individual to investigate a complaint. The University will ensure that no person who is the subject of a complaint will be assigned to investigate that complaint. The Equal Opportunity Office, if it is not conducting the investigation, will provide advice or assistance to the investigation process.

The investigation may involve meeting with the parties, interviewing witnesses, requesting written statements from the parties, informing the person whose actions are the subject of the complaint of the allegations and/or providing to that person a copy of the complainant's statement, and/or making any other appropriate inquiries. Before any adverse determination is made, the individual whose actions are the subject of the complaint will be informed as to the nature of the complaint, and will have an opportunity to respond.

The investigation should be completed promptly so that a decision can be rendered within 60 calendar days of receipt of the complaint. If the investigation cannot be completed within 60 days, the complainant will be informed of the status of the investigation.

A confidential record of all complaints, including their disposition, will be maintained by the investigating unit. The Equal Opportunity Office will be informed and maintain a confidential record of all complaints of discrimination against faculty and staff investigated by other units. Records of complaints against students will be maintained by Judicial Affairs.

## **A. Complaints Against Students**

The person who receives a complaint against a student will generally refer the matter for investigation to the Dean of Students. The Dean of Students will take any action that might be appropriate based on the results of the investigation, consistent with the applicable provisions in the Code of Student Responsibilities.

## **B. Complaints Against Faculty Members**

The person who receives a complaint against a member of the faculty will refer the matter to the Executive Director of Equal Opportunity, who will inform the Dean of the faculty member's School or College. The complaint will be investigated by the Executive Director of Equal Opportunity in consultation with the Dean or the Dean's designee. If the complaint also involves academic matters such as grades, curriculum, etc., the investigator will ensure that those matters are addressed by the appropriate officials within the School or College. The Dean of the School or College will be informed in writing of the findings of the investigation and will determine whether further action is appropriate. Any action involving faculty will be consistent with the procedures outlined in the [Faculty Handbook](#).

## C. Complaints Against Staff Members

The person who receives a complaint against a member of the staff will refer the matter for investigation to the Equal Opportunity Office. That office will inform the appropriate Dean or administrative head and Human Resources. The Executive Director of the Equal Opportunity Office will designate a member of the Equal Opportunity Office staff to investigate the complaint. The investigator will provide findings, in writing, to the Dean or administrative head, who will determine what action, if any, is appropriate. Action involving staff will be consistent with any applicable collective bargaining agreement and University policies.

## IV. Confidentiality

Every reasonable effort will be made to protect the privacy and confidentiality of all parties during the investigation, consistent with and subject to the University's need to investigate the complaint and/or implement decisions made in order to resolve the complaint. However, to enable the University to carry out its obligation to investigate all complaints fairly, and to ensure that non-discrimination is a reality within the University community, no representative of the University is authorized to promise complete confidentiality to any person who possesses information relevant to the investigation of a complaint, including the complainant.

Any individual who requests confidentiality before disclosing a complaint must be informed that because any apparent violation of Boston University policy must be addressed, complete confidentiality may not be possible. An individual who insists on confidentiality as a condition of disclosing a complaint may be advised of the opportunity to consult with one of the University's medical or mental health professionals, the Faculty and Staff Assistance Office (FSAO), or with the [University Ombuds](#), with whom such matters may be discussed in confidence. However, consulting with these professionals does not constitute the initiation of a complaint. Medical and mental health professionals and the University Ombuds are not representatives of the University for this purpose and are not authorized to investigate or respond to complaints of discrimination.

# V. Appeals

In the event that the complainant believes that the resolution of the complaint has not rectified the situation, an appeal may be made. In cases involving complaints against staff, the appeal should be filed with the Executive Director of Equal Opportunity, who will direct the appeal to the appropriate officer of the University for review and disposition. In cases involving complaints against students, the appeal should be filed with the Dean of Students in accordance with the appeal procedures outlined in Section V of the [Code of Student Responsibilities](#). In cases involving complaints against a faculty member, the appeal should be filed with the Executive Director of Equal Opportunity, who will consult with either the Dean of the School or College in which the faculty member is appointed (if the Dean did not make the decision being appealed) or the University Provost to determine the appropriate officer of the University to whom the appeal should be directed.

An individual whose action(s) are the subject of a complaint may appeal adverse action taken as a result of the complaint. Students disciplined under the [Code of Student Responsibilities](#) should follow the appeal procedures outlined in that document. Faculty members should follow the procedures in the [Faculty Handbook](#). Other employees should follow the grievance procedures outlined in the [Employee Handbook](#), or their collective bargaining agreement, whichever is appropriate.

These procedures shall constitute the grievance procedures mandated by the regulations implementing Section 504 of the Rehabilitation Act of 1973. The procedures for student grievances under Section 504 are set forth below in the [Student Grievance Procedure in Cases of Alleged Disability Discrimination](#).

***Questions about the University's Complaint Procedures in Cases of Alleged Unlawful Discrimination or Harassment may be addressed to the Equal Opportunity Office.***

***Exceptions to these procedures may be granted by the President, University Provost, Medical Campus Provost, or the General Counsel.***

# VI. Offices Where Complaints May Be

# Initiated

## Equal Opportunity Office

888 Commonwealth Ave., Suite 303  
Boston, MA 02215  
617-353-9286

Dean's Office (in the complainant's school or college)

## Dean of Students

775 Commonwealth Ave., Second Floor  
Boston, MA 02215  
617-353-4126

Human Resources, Charles River Campus

## Human Resources Business Partner

25 Buick St.  
Boston, MA 02215  
617-353-4044

[www.bu.edu/hr/partners/](http://www.bu.edu/hr/partners/)

Human Resources, Medical Campus

## Human Resources Business Partner

801 Massachusetts Avenue, Suite 400  
Boston, MA 02118  
617-638-4610

[www.bu.edu/hr/partners/](http://www.bu.edu/hr/partners/)

## Office of Residence Life

25 Buick St.  
Boston, MA 02215  
617-353-4380

## Study Abroad

888 Commonwealth Ave.  
Boston, MA 02215



## **Student Grievance Procedure in Cases of Alleged Disability Discrimination**

Boston University prohibits discrimination against any individual on the basis of physical or mental disability. This policy extends to all rights, privileges, programs, and activities, including housing, employment, admissions, financial assistance, educational and athletic programs. It is also the policy of Boston University to provide reasonable accommodations to persons with disabilities unless such accommodations would impose an undue burden or fundamental alteration to the program in question. The purpose of these procedures is to ensure that all complaints of discrimination based on disability are thoroughly and fairly investigated by the authorized units of the University. Boston University will conduct a fair and impartial investigation of all allegations of discrimination, with due regard for the rights of all parties. Retaliation against any individual who has filed a complaint of discrimination, or who has cooperated in the investigation of such a complaint, is illegal and a violation of Boston University policy.

When a student believes that he or she has been discriminated against on the basis of disability, he or she may file, in writing, a formal grievance with the Director of Disability Services, who is the University's compliance officer for Section 504 of the Rehabilitation Act of 1973. The statement should be as specific as possible regarding the actions(s) or inaction(s) that precipitated the grievance: date, place, persons involved, efforts made to settle the matter informally, and the remedy sought.

If a student with a grievance alleging disability discrimination is also employed by the University, and the grievance arises out of the student's employment, the grievance may be filed under the University's Complaint Procedures in Cases of Alleged Unlawful Discrimination or Harassment (above). If the Director of Disability Services receives a grievance which appears to allege disability discrimination arising out of a student's employment, the grievance may be referred to the Equal Opportunity Office to be handled under the policy applicable to employees.

Where the grievance arises out of a decision made by Disability Services regarding a student's eligibility for academic or other accommodations, the grievance will be forwarded for

investigation to the University Provost. Grievances otherwise involving academic matters, for example, cases in which grades are disputed, will also be forwarded to the University Provost, who will determine which office(s) should conduct the investigation.

Otherwise, the Director of Disability Services shall investigate the matters set forth in the written grievance. In conducting this investigation, the investigator may forward a copy of the grievance statement to the persons whose actions (or inactions) are the subject of the grievance, and may request a written response from appropriate individuals in the University. The investigator may also choose to interview witnesses, to meet with concerned parties, to receive oral or written statements, and to make other appropriate inquiries.

After completing the investigation, the investigator will forward a copy of a report and recommendation to the appropriate University official. If the complaint arises out of an academic unit, the report will be forwarded to the Dean of the appropriate School or College, unless he or she is the subject of the grievance. In such cases, the report will be sent to the University Provost. If the complaint arises from a nonacademic unit, the report will be forwarded to the administrative head of the unit, unless he is the subject of the grievance. In such cases, the report will be forwarded to the Dean of Students, who will forward it to the appropriate officer of the University.

Within 60 days of the filing of the grievance, the University Provost, Dean, or administrative head will render a decision on the merits of the student's complaint. If resolution is not possible within 60 days, the University Provost, Dean, or administrative head shall inform the student of the status of the investigation.

Copies of the decision by the University Provost, Dean, or administrative head will be sent to the student, the University Provost (when not issued by him), and the Director of Disability Services. A copy may also be sent to the department and/or the persons whose actions (or inactions) are the subject of the grievance, as appropriate.

In the event that the student is not satisfied with the resolution of the grievance, an appeal may be made. The appeal should be filed with Disability Services, who will direct the appeal and all appropriate records to the appropriate office of the University for review and disposition.

Copies of the decision will be maintained in the Office of the Provost and at Disability Services.

These procedures shall constitute the grievance procedure mandated by regulations implementing Section 504 of the Rehabilitation Act.

***Questions about the University's Student Grievance Procedures in Cases of Alleged Disability Discrimination should be addressed to Disability Services.***

***Exceptions to these procedures may be granted by the President, University Provost, Medical Campus Provost, or the General Counsel.***

**[Back to Offices Where Complaints May Be Initiated.](#)**

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END OF POLICY TEXT

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Categories: Academics, Employment, Employment, Harassment and Discrimination, Safety, Sexual Misconduct, Student Life, University Policies Affecting Student Life, Workplace