



Policy Name: Title IX Grievance and Appeal Procedure Policy

Policy Number: 3108

I. Policy Statement

Hebrew Union College-Jewish Institute of Religion prohibits all forms of sexual discrimination including sexual harassment, sexual misconduct, sexual violence, relationship or dating violence, domestic violence, and stalking (collectively referred to through this policy as “Prohibited Conduct.”)

II. Purpose of Policy

An expansion of the policy statement, detailing its obligations and requirements

III. Applicability (Audience)

This policy applies to students and employees in both the work and academic environments.

IV. Definitions

V. Procedures and Implementation

When an allegation of Prohibited Conduct is brought to the College-Institute’s attention, a prompt investigation will be performed. Please see the College-Institute’s Sexual Misconduct and Interpersonal Violence Policy and Complaint Procedure for more detailed information related to filing a complaint and a possible resulting investigation. <http://huc.edu/sexual-harassment-sexual-assault-sexual-misconduct-reporting-form>.

Upon conclusion of the investigation, a report will be prepared and submitted to the Title IX Coordinator. In the event that the Title IX Coordinator has probable cause to believe that a violation of this policy has occurred, the Title IX 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 Title IX Coordinator does not have probable cause to believe that a violation has occurred, the Title IX Coordinator will notify both the complainant and the accused in writing of that finding.

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

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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 Dean of the pertinent campus for a final decision regarding discipline.

VI. Enforcement

Grievance and Adjudication Procedure:

Step 1: All grievances shall be written and submitted to the Title IX Coordinator within seven (7) days of the date the grievant receives the above-described notice from the Title IX 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 grievant is requesting through the grievance procedure. The Title IX 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 Title IX Coordinator within seven (7) days of receipt of the grievance.

If the grievant or respondent believes that the Title IX 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 three (3) business days of the filing of the grievance to the Chief Financial Officer. If it is determined by the Chief Financial Officer that the Title IX Coordinator has a conflict of interest or bias, the Title IX Coordinator will be recused from the grievance process and a separate trained administrator will perform all duties assigned to the Title IX Coordinator.

Step 2: After receipt of the grievance, the Title IX 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 Title IX 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-Institute 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-Institute'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 Title IX Coordinator within three (3) business days of notification of the Grievance Committee's composition. If the Title IX 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 Title IX Coordinator will notify the grievant and the respondent of the date, time, and location of the grievance hearing. The parties will receive at least seven (7) days' notice of the hearing. Prior to the Grievance Committee hearing, the Grievance Committee will be provided with a copy of any investigatory report.

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 Title IX Coordinator the witnesses and/or evidence he or she intends to present at the hearing no later than three (3) days prior to the hearing. The Title IX Coordinator will promptly provide each party with the other party's list of identified witnesses and evidence.

Step 5: Grievance hearings are closed to the general public and must be live. The investigators shall be present at the Grievance Committee Hearing. Both the grievant and the respondent are permitted to have an advisor present. Opening statements are permitted. Each party's advisor must be permitted to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination must be conducted directly, orally, and in real time by the party's advisor and not by the party personally. At the request of either party, the College-Institute will provide for the live hearing to occur with the parties located in separate rooms assisted by technology that allows the Committee and the parties to see and hear simultaneously the person answering



questions. If a party does not have an advisor present at the live hearing, the College-Institute must provide, without fee to the party, an advisor to conduct cross-examination on the party's behalf. The Committee has the authority to exclude irrelevant questions. Closing statements are permitted. An audio or audiovisual recording or transcript will be made and will be available to the parties for inspection and review.

Step 6: Within seven (7) 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 written decision will include the identification of the alleged prohibited conduct, a description of the procedural steps followed, findings of fact supporting the decision, conclusions regarding the application of the College-Institute's policies to the facts, a rationale for the result as to each allegation, including a determination regarding responsibility, any discipline imposed, whether remedies designed to restore or preserve equal access to the College-Institute's programs or activities will be provided and the procedures for appeal. If the Grievance Committee is not unanimous in its findings or recommended discipline, its written decision shall record that fact.

The Title IX Coordinator will promptly provide simultaneous written notice to both the grievant and the respondent of the Grievance Committee's decision. The Title IX 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 Title IX Coordinator notifies the parties of the Grievance Committee's decision, either party will have seven (7) days to submit a written appeal of the Grievance Committee's decision to the Dean of the pertinent campus. The possible bases for appeal include: (1) a procedural error that has impacted the outcome of the hearing; (2) new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter; (3) where a sanction is substantially disproportionate to the Grievance Committee's findings; or (4) where the Title IX Coordinator, investigator(s) or Committee members had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

If either party chooses to appeal, the other party will have seven (7) days to submit a written opposition to the appeal to the Dean of the pertinent campus. Upon receipt of the written opposition or the passing of the timeframe allowed to submit a written



opposition, the Dean 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 Dean remands the Grievance Committee's decision, the Dean may order that a new Grievance Committee hear the matter. The Dean's decision will be issued in writing to both parties. Each party will be given a reasonable opportunity to submit a written statement in support of, or challenging, the outcome.

A decision regarding responsibility will be considered final if no party submits a timely appeal of a Grievance Committee's decision or if the Dean 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. However, the commitment to concluding any investigation and Grievance Committee proceeding within 60 days must be viewed as extremely important. Any request for an extension of time must be submitted to the Title IX Coordinator. 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-Institute 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 ("DFEF"): (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-Institute finds that any student has been a victim of Prohibited Conduct, the College-Institute will take immediate measures to remediate

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and/or correct the conduct or circumstances. Any individual who is subjected to such conduct will be notified of the College-Institute's measures to remediate and/or correct such conduct.

The College-Institute prohibits retaliation against anyone who files a grievance or otherwise complains under this section. 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. Nothing in this provision prevents corrective action with respect to complaints made with knowing falsity and malice.

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 Title IX 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).

Transcript Notations (NY Campus Only)

As per New York Education Law, Article 129-B, the College-Institute will include notations on the transcripts of students found responsible through the institution's conduct process for conduct which also constitutes those crimes set forth in 20 U.S.C. 1092(f)(1)(F)(i)(I)-(VIII) of the Clery Act. Such transcript notations will state "suspended after the finding of responsibility for a code of conduct violation" or "expelled after a finding of responsibility for a code of conduct violation," as applicable. Should the student withdraw from the College-Institute while the investigation of the complaint is pending, his or her transcript must note "withdrew with conduct charges pending." Should a student wish to appeal such a transcript notation, they may do so by writing to the Provost within ten (10) days of the outcome of a hearing. The Provost's decision may be appealed to the College-Institute's President within ten (10) days of the Provost's decision.

VII. Policy Owner, Management and Point of Contact Information

Title IX Coordinator

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The Global Director of Human Resources is HUC's designated Title IX Coordinator. Direct questions to the Title IX Coordinator: hr@huc.edu, 513 824 3201.

Chief Financial Officer

New York Campus Dean, Rabbi David Adelson, (212) 824-2217

Cincinnati Campus Dean, Rabbi Jonathan Hecht, (513) 487-3255

Los Angeles Campus Dean, Joshua Holo, (213) 749-3424

Jerusalem Campus Dean, Rabbi Naamah Kelman, 972-2-620-3331

VIII. Exclusions

None.

IX. Effective Date

June 2022

X. Related HUC-JIR Policies and Documents

Sexual Misconduct and Interpersonal Violence Policy and Complaint Procedure, <http://huc.edu/sexual-harassment-sexual-assault-sexual-misconduct-reporting-form>.

XI. Notification of Policy Changes and Revision History

The College-Institute reserves the right to change this policy at any time. This policy is posted in the Policy Library, the employee handbook, and the student handbook.

XII. Appendices, References, and Related Materials

Title IX of the Education Amendments of 1972

20 U.S.C. 1092(f)(1)(F)(i)(I)-(VIII), Clery Act

20 U.S.C. 1232g § 444, Family Education Rights and Privacy Act of 1974 (FERPA)

New York Education Law, Article 129-B

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