

## **Office of the Director of Operations**

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[claw@libi.edu](mailto:claw@libi.edu)

Students, faculty, staff, student clubs, academic departments, administrative units, vendors, and individuals external to the college may file formal complaints with the Director of Operations.

Please note:

### **Academic Integrity**

Academic integrity violations should be reported to the office of the Provost. The following individuals may be contacted to do so:

Provost Johnson: [sjohnson@libi.edu](mailto:sjohnson@libi.edu)

Dean Agcaian: [pagcaian@libi.edu](mailto:pagcaian@libi.edu)

Administrative Assistant to the Academic Department: [jmartinez@libi.edu](mailto:jmartinez@libi.edu)

### **ADA Complaints**

LIBI is committed to providing reasonable accommodations and academic adjustments to allow qualified individuals the opportunity to participate in programs, activities and employment. In most cases, it is necessary for LIBI's accessibility coordinator and the individual requesting accommodations to meet formally to determine the best course of action. LIBI thoroughly reviews all requests on a case-by-case basis in accordance with applicable federal, state and New York City law.

As mentioned, LIBI will assess all accommodation requests on an individual basis to determine what reasonable accommodations, or modifications, can be made to remove workplace barriers to enable qualified individuals to perform their jobs. For qualifying students, reasonable accommodations are adjustments to policies or programs that when made provide equal access to LIBI's academic and co-curricular or outside activities. Please note that, the college, in consultation with the individual requesting the accommodation, will determine based on each case what "reasonable accommodation" will be extended. The college is not obligated by law to use the most expensive or unduly extensive solution, the most substantial, or disruptive solution, or those that would fundamentally alter the nature or operation of the college. If a particular accommodation imposes an undue hardship, the college will consider whether an alternative accommodation is available that would not impose an undue hardship.

Students and employees requesting accommodations or academic adjustments have the right to expect privacy and discretion. All documentation provided to the Accessibility Coordinator will be shared with other college officials on a need-to-know basis only. The Accessibility Coordinator will keep all of the student and student-applicant accommodation related documentation and medical forms used to evaluate the accommodation request in a separate file. Documentation for employees and

applicants will be maintained by the Director of Operations in a separate file.

Students, employees, and applicants who require accommodation or academic adjustments should make their requests without fear of retaliation or reprisal. LIBI categorically prohibits retaliation against individuals for requesting reasonable accommodations or academic adjustments, appealing decisions concerning such requests, or for making or participating in claims of discrimination.

ADA complaints should be filed with the designated Accessibility Coordinator. The coordinator, Ms. Karin Chang, can be reached by email at [kchang@libi.edu](mailto:kchang@libi.edu). Ms. Chang handles accessibility related concerns at all three LIBI locations. Ms. Chang is able to assist and advocate for both students and employees. If a mutually acceptable accommodation cannot be determined, the Accessibility Coordinator will refer the case to the Director of Operations. The Director of Operations will investigate the case and attempt to assist the student, employee, or applicant. If a mutually acceptable accommodation cannot be determined at that point, then the Accessibility Coordinator and the Director of Operations will make their recommendations to the president of the college, who will make the decision concerning the complaint.

#### Summary of Steps:

Students, employees, and applicants who believe that a decision to deny the request for a reasonable accommodation or academic adjustment was based on unlawful discrimination should contact the Director of Operations at [claw@libi.edu](mailto:claw@libi.edu). In the event that after communicating with the Director of Operations the student, employee, or applicant is still believes that his/her request for accommodation is being unlawfully denied, the complainant should contact the President of the college at [mfoote@libi.edu](mailto:mfoote@libi.edu).

Should the student, employee, or applicant believe after contacting the President of the college that a reasonable accommodation has been unlawfully denied, he/she may file a complaint, without fear of retaliation, with one or more of the outside agencies listed below.

The U.S. Department of Education, Office for Civil Rights  
<http://www2.ed.gov/about/offices/list/ocr/complaintprocess.html>

The U.S. Equal Employment Opportunity Commission  
[https://www.eeoc.gov/federal/fed\\_employees/filing\\_complaint.cfm](https://www.eeoc.gov/federal/fed_employees/filing_complaint.cfm)

New York State Division of Human Rights  
<https://dhr.ny.gov/complaint>

New York City Commission on Human Rights  
<https://www1.nyc.gov/site/cchr/enforcement/complaint-process.page>

## **FERPA Complaints**

Students concerned about potential FERPA violations should file a written complaint with the Office of the Internal Auditor by emailing [wchong@libi.edu](mailto:wchong@libi.edu). If the issue is not resolved, the student should contact the Director of Operations at [claw@libi.edu](mailto:claw@libi.edu). Students followed the internal grievance procedure and still wish to file a further complaint under FERPA should do so by completing the complaint form available electronically through the US Department of Education. Complaints can also be manually emailed to [FERPA.Complaints@ed.gov](mailto:FERPA.Complaints@ed.gov). Alternatively, students may print out the form, sign and mail it to the following address:

U.S. Department of Education  
Student Privacy Policy Office  
400 Maryland Ave, SW  
Washington, DC 20202-8520

## **Religious Accommodations**

A Student requesting accommodations under Education Law - EDN § 224-a, will not be expelled from or be refused admission as a student to LIBI for the reason that he or she is unable, because of his or her religious beliefs, to register or attend classes or to participate in any examination, study or work requirements on a particular day or days.

A Student who is requesting an accommodation under Education Law - EDN § 224-a, who is unable, because of his or her religious beliefs, to attend classes on a particular day or days shall, because of such absence on the particular day or days, be excused from any examination or any study or work requirements.

Students requesting such a religious accommodation should contact the Academic Advising Office at the campus which they are enrolled. The student, the student's academic advisor, and the Dean of Academics will engage in an interactive process with the goal of finding an acceptable accommodation. Please note that religious accommodation is based on a sincerely held belief. Those requesting religious accommodation should be prepared to provide some supporting documentation such as the individual's religious official or clergy member, who are aware of the religious practice or belief.

Employees and applicants requesting a religious accommodation should contact the Office of the Director of Operations by emailing [claw@libi.edu](mailto:claw@libi.edu). The Director of Operations and the employee or applicant will engage in an interactive process with the goal of finding an acceptable accommodation.

All individuals (students, employees, and applicants) requesting religious accommodations will be asked to fill out a form so that the interactive process may commence. Reasonable accommodations may include but are not limited to flexible arrival and/or departure times, permission to make up a test or graded assignment, or

time and/or space to pray.

The Dean of Academics or the Provost will send the student making a request a written letter granting or denying the request along with an explanation if the request is denied. The Director of Operations will produce such communication for employees and job applicants.

### Appeal/Complaint Process

Students, employees, and applicants may appeal a denial of their accommodation request by filing a complaint with the Internal Auditor. The complaint/appeal should be made in writing and emailed to [wchong@libi.edu](mailto:wchong@libi.edu).

The Internal Auditor will investigate the facts of the case and will attempt to assist in finding a resolution. If a mutually acceptable accommodation cannot be found, the case will be referred to the President of the college.

The President of the college will make the final determination concerning the complaint.

### **Filing Written Complaints:**

Faculty, staff, and students may file complaints using two methods.

Individuals wishing to submit an anonymous complaint can do so by filling out the online incident form located on the college website. The online form allows individuals to include or exclude their names and contact information; however, those opting to submit these forms anonymously should be as thorough as possible when providing details of the incident. Incomplete or very general forms make it difficult for the college to react as quickly as we may need to. LIBI is committed to addressing all complaints in the most expedient fashion and is grateful to members of the community who come forward with reports.

Please note, the online form allows individuals who are filing to include their contact information, so the form can be used for both, anonymous and non-anonymous, reporting. Every computer in LIBI's computer classrooms has access to this form. To quote the Department of Homeland Security, "If you see something, say something®". This applies to any safety related observations, as well as any complaints related to working or studying at LIBI.

Faculty, staff, and students may also file complaints by contacting the Office of the Director of Operations directly by email at [claw@libi.edu](mailto:claw@libi.edu). Individuals opting to file a complaint by email may request confidentiality, if they wish to do so. Please note that confidentiality will be maintained as much as feasible and practicable but cannot be guaranteed.

When emailing, please be sure to include:

- Complainant's name and contact phone number where you can best be reached.
- Include the best time to contact you if more information is required to address the complaint.
- Provide the date and time of the incident or alleged behavior you are reporting.
- Describe the incident (the nature of alleged violation/behavior).
- If known, name of person(s)/department responsible for the alleged violation/behavior.
- Provide a detailed statement of what occurred.

### **Student Complaints about Faculty Conduct**

LIBI has a variety of policies and procedures in place to address student-related issues. These policies help to maintain courteous and productive relationships between members of the college community, including students and faculty. From time to time, however, faculty conduct in the classroom is reported to the Academic Administration. Generally, as a first step, students are encouraged to speak directly to the faculty member whose conduct has bothered or disturbed the student. Frequently students find that the matter can be resolved quickly by going directly to the person involved. The college strongly encourages students to make this the first recourse. There are times, however, when a student may feel uncomfortable approaching the faculty directly. LIBI has in place resources to assist students who may be bothered by how they were treated or by witnessing an unjust treatment of others. LIBI's Academic Advising Office is generally a good place to start the conversation. The advisors are a resource and all students are encouraged to bring up their concerns to their assigned advisor. The advisors can be very effective in resolving misunderstandings and students are strongly encouraged to discuss their feelings and concerns openly with their advisor.

If the student finds that the academic advisor's assistance did not yield an acceptable resolution or if the student believes that a faculty member's behavior was extreme, he or she may raise the matter with the Dean of Academics. If it has not already occurred, the Dean may ask the student to resolve the matter informally with the person involved, or the Dean may refer the matter to the Director of Operations.

Please note that LIBI strives to honor the academic freedom of its faculty when it comes to the presentation of the material or the faculty member's teaching style. The college does acknowledge that mutual respect in the classroom is of paramount importance in a well-functioning and academically effective classroom. The following policy has been established for addressing complaints about faculty treatment of students that are not protected by academic freedom.

This policy encompasses a range of behaviors that can be classified into several categories (note, this is not an exhaustive list but rather examples):

1. Gross incompetence or neglect of duty. Failure to meet the responsibilities of instruction, including: (a) arbitrary denial of access to instruction; (b) significant intrusion of material unrelated to the course; (c) significant failure to adhere, without legitimate reason, to the expected rules and requirements of teaching and supervision; (d) evaluation of student work by criteria not directly reflective of course performance; (e) undue and unexcused delay in evaluating or the administrative processing of student work.
2. Physical or mental incapacity
3. Participating in or deliberately abetting disruption, interference, or intimidation in the classroom.

## Formal Complaint

If the student attempted an informal resolution, but it did not yield a resolution, or if the student could not pursue an informal resolution, the student may file a written complaint with the Director of Operations.

- 1) Formal complaints should be filed within 45 calendar days of the alleged behavior/incident. If an attempt at an informal resolution made meeting the deadline impossible, an exception may be granted by the Director of Operations. Unless there is a conflict of interest, the Director of Operations will assist the investigator, or may conduct the investigation herself.
- 2) The written complaint must be as detailed as possible. The Director of Operations, or a designee, will begin the process of investigation. This will include meeting with the faculty or staff member in question.
- 3) Filing a formal grievance does not automatically imply that there was wrong doing. The accused will be made aware of complaint but will also be informed that an open investigation does not imply that any wrongdoing took place.
- 4) The accused will be informed that no retaliatory action can take place against the student.
- 5) Either party can object in writing to the individual who is conducting the investigation if they feel that the investigation process may be biased. The letter must provide detailed reasons why the request for a new investigator is being made. At that point, the Director of Operations will seek the counsel of the Provost and the President of the college. If the request is deemed a legitimate one, the Director of Operations will appoint a new investigator.
- 6) The investigator will meet with both the accused faculty or staff member and the student. This meeting may take place with both parties present or separately. The investigator will use full discretion and professional judgement to protect the student from any adverse actions. The aim of this meeting will be to discuss the facts of the complaint and to come to a mutually acceptable resolution, if possible. If a mutually acceptable resolution is not feasible, the investigator may need to interview other persons familiar with the situation or behavior being investigated. These individuals can be other students in the course, other faculty members, any other members of the college community with knowledge of the alleged incident/behavior. To the extent possible, the investigator will not reveal the identity of the student making the complaint

while questioning relevant members of the community.

7) The investigator may at various points after the initial interview request to meet with the student or the faculty member to clarify any points of their accounts.

8) The complaining student may request to have a support person present with them during the meetings with the investigator.

9) The investigator will need to determine if the conduct in question was protected by academic freedom. The investigator will then compile a written report outlining the findings of the investigation and recommendations.

10) The student and the faculty member in question will receive a copy of the written report. The Provost and the Academic Dean will also be sent the report.

11) Unless well documented and substantiated extenuating circumstances occur, the final report should be completed within 30 calendar days of the commencement of the investigation.

## Appeal Process

If either party is dissatisfied with the findings of the report, that party (or both parties) may file a written appeal to the Provost within 14 calendar days of receiving the report. The Provost will call for an emergency meeting of the Faculty Governance Council (FGC) to review the report. If in the opinion of the Provost, there is a perceived conflict of interest, the Provost will ask the FGC to appoint a panel comprised of no fewer than 5 members (3 faculty members and 2 staff members). Either the FGC or the appointed group will review the findings and recommendations of the report. The group will be charged with determining whether the conduct in question was protected by academic freedom. This group will not conduct its own investigation, rather they will weigh the facts in an effort to try to determine whether the conclusion was correct or if it ought to be overturned. If in the course of the review the factual findings are discovered to be in error, the group will direct the investigator to reconsider the case, or may assign a new person to work with the investigator on correcting the facts surrounding the case. The group will issue a written decision within 14 calendar days after receiving the appeal. The written decision will be sent to the student, the faculty member, and the Provost.

## Finalizing the Process

Upon receiving the written reports the Provost will decide next steps. If the reports indicate that the faculty member acted inappropriately and outside of the realm of academic freedom, the Provost may act to place the investigation report into the faculty member's HR file. The Provost may move to bring additional disciplinary charges against the faculty member at the conclusion of the investigative process. In particularly egregious circumstances, the college may move to suspend the investigative process and may bring disciplinary proceedings against the faculty member. The disciplinary process will follow the process outlined in the faculty handbook.

## **General Student Complaint Policy**

LIBI is committed to ensuring that every student is treated fairly, equitably, and with appropriate respect in accordance with the college's policies and procedures. Any student who feels that they have been treated in a manner not consistent with the policies and procedures set forth by the college, may seek redress of their grievance through various mechanisms the college has in place.

Complaints related to sexual harassment or intimate partner violence, discrimination, grade grievances, as well as complaints under the Americans with Disabilities Act (ADA), privacy violations under FERPA, and appealing dismissals, have their own policies and complaint mechanisms. Anyone wishing to file complaints in these areas should review those policies or seek the assistance of the Director of Operations.

Students who wish to file a formal complaint regarding behavior or incidents not governed by any other complaint mechanism, should follow the steps outlined below.

Participating in a complaint process is protected from retaliation. Students will not experience or be subject to any adverse action for filing a complaint with the college, if that complaint is filed in good faith. Should retaliation occur, LIBI will take prompt action to investigate any report of retaliation and will pursue disciplinary action as appropriate. Any student who in good faith reports potential misconduct or participates in the investigation of suspected wrongdoing under this policy is entitled to protection from any form of retaliation following the report, even if the reported misconduct is later not proven.

### **Purpose**

This complaint procedure is available to all LIBI students who seek to resolve a problem that could not be addressed by any other compliant mechanism available at LIBI. This policy covers complaints against the college and the actions of its employees acting in their official capacity. Reportable actions are those that breach the written policies in place.

### **Exceptions**

Students should not use this policy to file complaints related to Title IX (sexual discrimination and harassment on the basis of sex). These are complaints related to verbal or written harassment, sexual assault, including rape and other unwanted sexual touching, stalking, dating or domestic violence. There is a separate policy on reporting Title IX related complaints.



This policy also does not encompass complaints related to discrimination based on race or any other category protected by law, ADA reasonable accommodations complaints, grade grievances, dismissal appeals, financial aid appeals, or privacy violations under FERPA.

Complaints related to academic program decisions are under the jurisdiction of the Provost's office. The college catalog outlines how to appeal academic decisions and dismissals.

These questions should help you decide if this policy is the correct pathway to take to redress your grievance:

1. Is my complaint covered by any other policy or grievance mechanism?

Yes      No

2. Does my complaint involve a member of the faculty or staff acting in their official capacity?

Yes      No

3. My rights as outlined in college publications have been violated.

Yes      No

4. LIBI's policies have not been followed as written.

Yes      No

5. I have attempted an informal resolution, but it has not yielded a solution to my complaint.

Yes      No

If you answered NO to question 1 and YES to questions 2-4 then this is the correct mechanism to use.

## **Complaint Policy**

LIBI encourages students to try to resolve issues informally before filing a formal complaint; however, if the student has unsuccessfully attempted an informal resolution, or extenuating circumstances exist that make an informal attempt not possible, then the student should follow the steps outlined in this policy.

Students who believe that their rights as LIBI students have been abridged, or they have been subject to behavior not consistent with the written policies of the college, are asked to file a formal written complaint with the Director of Operations. If the matter concerns the Director of Operations, the written complaint should be addressed to the Internal Auditor.

The following information should be included with as much detail as possible.

- 1) Your (the complainant's) name and contact phone number where you can best be reached.
- 2) Include the best time to contact you if more information is required to address the complaint.
- 3) Provide the date and time of the incident or alleged behavior you are reporting.
- 4) Provide a detailed statement of what occurred.
- 5) Describe the incident (the nature of alleged violation/behavior) and the circumstances under which the alleged claim may have been committed.
- 6) If known, name of person(s)/department responsible for the alleged violation/behavior.
- 7) Provide names of witnesses, if any.

## **Time Limitations**

Formal complaints should be filed within 45 calendar days of the alleged behavior/incident. If an attempt at an informal resolution made meeting the deadline impossible, an exception may be granted by the Director of Operations.

## **Process**

It is the policy of the college to encourage students to engage in an informal resolution-seeking discussion with the individual alleged to be responsible for the violation or wrongdoing. The student submitting the formal complaint will be asked about this step by the Director of Operations. If an attempt at an informal resolution was not possible or there were extenuating circumstances around this step, the student will need to inform the Director of Operations.

If possible, the Director of Operations will meet with the student in person to ensure that all facts of the case are correctly represented in the letter the individual responsible for the alleged transgression (the respondent) will receive. The Director will produce and deliver the notice of the complaint to the respondent within 10 calendar days of receiving the claim. If there are extenuating circumstances that prevent the Director from meeting this deadline, the Director will advise the student of the delay and provide a new deadline ensuring no further undue delays.

Once the notification is made the Director of Operations will offer the student and the respondent an opportunity for mediation. If the parties agree, the Director will arrange for a meeting between the student and the respondent. The Director will attend the meeting(s) and will attempt to assist in the resolution of the complaint. Participating in the internal mediation will not preclude the student from making the decision to move forward with a formal complaint. Internal mediation is confidential, and if a resolution is reached the case will not be deemed a formal complaint.

At any point during the process students are encouraged to get clarification from the Director of Operations or the Internal Auditor.

If the matter is not resolved through internal mediation, the student must notify the Director of Operations within 10 calendar days that he/she wishes to proceed with the formal complaint. The student will then be asked to produce a written description of the redress that he/she seeks.

The Director of Operations and the Internal Auditor will then assign an investigator to the case. Absent any conflict of interest, the Director may serve as the investigator.

The investigator will review the written grievance and the allegedly violated policy. A time will be set for the student to meet with the investigator. If other individuals with knowledge of the incident or behavior are identified, the

investigator will meet with those individuals. The investigator will also determine whether he/she should interview additional individuals who may help the investigator better understand the circumstances around the claim.

The investigator will draft a report of his/her investigation, findings, and recommendations within 10 calendar days after concluding the investigation. The report will be submitted to the Dean and to the Internal Auditor. Upon review of the findings the Dean will direct the Director of Operations to draft an official written decision to the student and to the respondent. The letters should be originated no later than 5 calendar days.

Should the complaint involve the Dean or the Internal Auditor, the investigator will discuss his/her findings with the Provost. If the Provost is satisfied with the investigation process and findings, she will then direct the Director of Operations to draft an official written decision to the student and to the respondent.

LIBI is committed to conducting a fair and unbiased investigation into all student complaints. If at any point during the process either the student or the respondent feels that the investigator is not maintaining complete neutrality, the concerned party should immediately come forward. A new investigator will be selected if a conflict of interest exists.

## **Appeal Process**

If either party is dissatisfied with the findings of the report and final decision, that party (or both parties) may file a written appeal to the Provost within 14 calendar days of receiving the decision. If the complaint is against a faculty member, the Provost will call for an emergency meeting of the Faculty Governance Council (FGC) to review the report. If in the opinion of the Provost, there is a perceived conflict of interest, the Provost will ask the FGC to appoint a panel comprised of no fewer than 5 members (3 faculty members and 2 staff members). Either the FGC or the appointed group will review the findings and recommendations of the report. The group will be charged with determining whether the interpretation of the policies was justly applied to the case. This group will not conduct its own investigation, rather they will weigh the facts in an effort to try to determine whether the conclusion was correct or if it ought to be overturned. If in the course of the review the factual findings are discovered to be in error, the group will direct the investigator to reconsider the case or may assign a new person to work with the investigator

on correcting the facts surrounding the case. The group will issue a written decision within 14 calendar days after receiving the appeal. The written decision will be sent to the student, the respondent, and the Provost.

### **Finalizing the Process**

Upon receiving the written reports, the Provost and the Director of Operations will decide next steps. If the reports indicate that the respondent acted inappropriately and outside of LIBI's written policies, the Provost and the Director of Operations may act to place the investigation report into respondent's HR file. The Provost and the Director of Operations may move to bring additional disciplinary charges against the respondent at the conclusion of the investigative process. In particularly egregious circumstances, the college may move to suspend the investigative process and may bring disciplinary proceedings against the respondent.

If after the appeal process the student is still not satisfied that his/her grievance was not addressed, the student may write to the President of the college requesting a final review. The written request from the student should be sent to the President within seven calendar days after receiving the decision of the appeals committee.

### **Special Notes**

In unusual circumstances deviation from this policy may be necessary. If the college deems it necessary to alter or to omit the sequence of the proceedings, the college will do so in its sole discretion.