

## **DISCRIMINATION GRIEVANCE PROCEDURE**

### **Informal Procedure**

- A. Any employee or applicant to a program who feels that he/she has been discriminated against in violation of Policy 4118.11/4218.11 shall contact the designated Compliance Coordinator within 30 days of the alleged occurrence to discuss the nature of the complaint. The Compliance Coordinator shall maintain a written record which shall contain the following:
1. Full name and address of the complainant
  2. Full name and position of the person(s) who allegedly discriminated against the complainant.
  3. A concise statement of the facts constituting the alleged discrimination.
  4. Dates of the alleged discrimination.
- B. At the time the alleged discrimination complaint is filed, the Compliance Coordinator shall review and explore grievance procedures with the complainant and answer any questions. The Compliance Coordinator shall begin investigating the complaint as soon as practical, but in no case more than ten (10) working days from the time the complaint was received. Within this time limit the Compliance Coordinator shall meet informally with the complainant and the individual(s) against whom the complaint was lodged, shall provide confidential counseling where advisable and shall seek an informal agreement between the parties concerned. Every attempt shall be made to seek a solution and resolve the alleged discrimination complaint at this level.
- C. If the complainant is not satisfied with the initial informal procedure, he/she may initiate the formal procedure, within twenty (20) working days from the date of the original discussion with the Compliance Coordinator.

### **Formal Procedure**

#### **A. Level One - Program Coordinator/Director**

1. The complainant shall file a written formal grievance with the program coordinator/director specifying the alleged discrimination.
2. Within five (5) working days after the receipt of this formal grievance, the program coordinator/director will hold a meeting with the complainant.
3. The program coordinator/director shall, within four (4) working days after the meeting, render a decision and reasons in writing to the complainant.

#### **B. Level Two - Executive Director**

1. If the complainant is not satisfied with the disposition of the grievance at Level One, within five (5) working days after receipt of the decision, he/she may file the grievance with the Executive Director.
2. The Executive Director shall, within five (5) working days after the receipt of the grievance, meet with the complainant.

3. The Executive Director shall, within five (5) workings days after such meeting, render a decision and the reasons in writing to the complainant.

C. Level Three - LEARN

1. If the complainant is not satisfied with the disposition of his/her grievance at Level Two, he/she may, within five (5) working days after the receipt of the decision, file the grievance with the LEARN Board of Directors.

2. The LEARN Board of Directors or a committee thereof shall, within ten (10) working days after the receipt of the grievance, meet with the complainant for the purpose of resolving the grievance.

3. The LEARN Board of Directors or a committee thereof shall, within five (5) working days after such meeting, render its decision and the reasons in writing to the complainant.

Any person may also file a complaint of illegal discrimination with the Office for Civil Rights, Washington, D.C., at the same time he/she files the grievance, during or after use of the grievance process, or without using the grievance process at all. If a complaint is filed with the Office for Civil Rights, it must be filed in writing no later than 180 days after the occurrence of the alleged discrimination.

Compliance Coordinator for Title VI

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Compliance Coordinator for Title IX and Section 504

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Employees or applicants with disabilities

LEARN does not use employment tests or other selection criteria that would screen out disabled persons unless these criteria are demonstrably job-related and unless effective alternatives are not available; nor does it make pre-employment inquiries as to whether the applicant is disabled.

A qualified applicant or employee may request a reasonable accommodation and LEARN must make a reasonable effort to determine the appropriate accommodation. Although cases will arise in which the appropriate reasonable accommodation is obvious to both LEARN and the qualified applicant/employee, in most cases the accommodation will be determined best through a flexible, interactive process that involves both LEARN and the qualified applicant/employee.

Making a reasonable accommodation determination involves the following steps, to be handled by the Director of Human Resources: 1) Assessment and analysis of the job; 2) Consultation with the qualified applicant/employee;

3) Identification of potential accommodation and assessment of its effectiveness; 4) Selection and implementation of a reasonable accommodation.

Once reasonable accommodations have been identified, LEARN must select and implement the accommodation that is most appropriate for both LEARN and the qualified applicant/employee, giving primary consideration to the preference of the qualified applicant/employee, but retaining discretion to make the final choice. LEARN may choose the less expensive accommodation or the accommodation that is easier to provide.

A qualified applicant/employee may provide his or her own accommodation. However, LEARN is not relieved of the duty to provide reasonable accommodation in the event the qualified applicant or employee is (for any reason) unwilling or unable to continue to provide the accommodation.

LEARN is not obligated to provide an accommodation if doing so would result in undue hardship. An accommodation would result in undue hardship if it would be unduly costly, extensive, substantial, or disruptive; or if it would fundamentally alter the nature or operation of LEARN's business.

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