

Non Discrimination Policy and Procedures

Policy statement

Xavier University School of Medicine, Aruba, is firmly committed to maintaining an environment free from discrimination. Discrimination on the basis of race, color, sex, gender identity, sexual orientation, religion, creed, national origin, age, ancestry, disability unrelated to job requirements, genetic information, military service, or any other legally protected basis is prohibited.

Reason for policy

To provide a learning and working environment that is free of all forms of harassment and discrimination and is supportive of the right of all individuals to be treated with respect and dignity.

Entities affected by this policy

The policy and procedures for resolution apply to all employees, students and individuals who are authorized to conduct business with and/or perform other services on behalf of the University who believe they may have been harassed or discriminated against on the basis of race, color, creed, religion, gender (including pregnancy, childbirth, or related medical conditions) age, sexual orientation, gender identity and expression, genetic information, national origin, disability, ancestry or any other characteristic protected by law.

Scope

The Medical School has designated Office of the Dean of Student Affairs and the “Grievances Committee” as having primary responsibility for receiving and investigating complaints of harassment and discrimination and acting upon them through both informal and formal processes.

Responsibilities

Complainant Responsibilities

A formal complaint should be filed as soon as possible following the occurrence(s) of the harassment or discrimination; prompt filing within ninety (90) days of the incident or the last occurrence is strongly encouraged. However, the Medical School retains the right to review a complaint of harassment or discrimination that is filed beyond the recommended time period.

Office of the Dean of Students Affairs and Grievances Committee Responsibilities

A staff of the above person initiates the investigation of the complaint within ten (10) working days of receipt of the formal/written complaint or within a time frame after the informal complaint has been filed by the complainant. Documents relevant to the investigation are held in a confidential case file. Information is shared with all parties on a need-to-know basis during the investigation of the complaint.

The Dean of student affairs or his designee/ Chair of the Grievances Committee will inform the party against whom the complaint is made that a harassment or discrimination complaint has been filed against him/her. The respective managers of the complainant and the accused will be informed on a need-to-know basis.

Upon completion of the investigation, the chair reviews the findings with all of the appropriate parties. Every effort is made to complete the review within forty-five (45) working days after the complaint is filed.

If the Chair determines through its investigation that the allegations in the complaint are probable, it will recommend to the appropriate person that disciplinary action be taken against the accused individual. Disciplinary action, which may include expulsion or discharge, will be appropriate to the offense and individuals involved. The complainant will be notified either verbally or in writing of the disposition of the investigation. The accused will be notified either verbally or in writing of the findings and, where/when appropriate, the recommended sanctions.

Procedures

If any individual(s) (complainant) believes he/she has been subject to harassment or discrimination, the individual should initiate a complaint immediately by calling or visiting the Dean of Students affairs to arrange an appointment as soon as possible. The longer the period of time between the incident and the initiation of a complaint, the more difficult it is to reconstruct what occurred. A complaint should be filed as soon as possible following the occurrence(s) of the harassment or discrimination; prompt filing within ninety (90) days of the last occurrence is strongly encouraged. However, the Medical School retains the right to review a complaint of harassment or discrimination that is filed beyond the recommended time period.

The presence/involvement of legal counsel is not permitted at any time during the harassment or discrimination complaint procedures. However, the representative is not a part of the proceedings, but they may be available for support. All parties involved in an investigation, are required to keep information related to the investigation confidential.

Types of complaints

Informal complaint

During the informal complaint process, a complainant shares his/her concern with the office of the Dean of Student affairs / Chair of the Grievances committee or member. The staff member may suggest ways the complainant can resolve the issue(s) in an informal, non-adversarial approach that satisfies all concerned parties.

When filing an informal complaint, the individual must provide the following information:

1. the name of the complainant;
2. the specific nature of actions/behaviors leading to the allegation of harassment or discrimination;

3. the date(s) and time(s) of the occurrence(s) of harassment or discrimination;
4. a detailed description of the occurrence(s) of the harassment or discrimination;
5. the name(s) of the person(s) the complainant is accusing of the harassment or discrimination;
6. the name(s) of other individual(s) who have knowledge of the occurrence(s) of the harassment or discrimination brought forth in the complaint; and
7. the remedy or relief that is being sought.

Formal Complaint

If at any time the complainant considers the informal complaint procedure unsatisfactory, he/she may elect to forego the informal procedure and request that a formal complaint be initiated. The complaint can be emailed at appeals@xusom.com.

The individual(s) accused by the complainant is/are provided a copy of the written report of the complaint and given an opportunity to respond to the allegation(s). The appropriate managers are informed of the filing of a formal complaint on a need-to-know basis.

Retaliation

Retaliation against an individual for filing a complaint of harassment or discrimination, or against any individual for cooperating in an investigation of a complaint, is against the Medical School policy and it is against the law. If retaliation is found to have occurred, appropriate action(s) will be taken.

Appendix:

[Formal complaint form against Discrimination](#)