



## GRIEVANCE POLICY AND PROCEDURE

### Introduction

CONGREGATION MT. SINAI ANSHE EMETH AND EMES WOZEDEK OF WASHINGTON HEIGHTS, INC. (“MSJC”) strives to meet our moral and legal obligations to our members and community and to adhere to Jewish law and ethics and the laws and regulations of the United States, New York State and New York City. It is the intention of MSJC to foster a harmonious and healthy environment for all who enter MSJC property and/or attend MSJC sponsored events. We encourage all to voice their concerns and their complaints. To that end, we implement this Grievance Policy and Procedure (the “Grievance Procedure”) that outlines how to lodge a complaint of discrimination, harassment, retaliation or other objectionable conduct, and how MSJC will respond.

In the event of a situation that represents an immediate threat to health and safety, please contact appropriate emergency personnel (e.g. 911) as well as a shul officer in addition to filing a formal complaint if you so choose. Crime victims are encouraged to seek redress pursuant to the relevant local, state and federal laws in addition to registering a complaint with MSJC. MSJC will not assume any responsibility for facilitating or intervening on behalf of any party to this Grievance Procedure in dealings with law enforcement authorities.

If you have a complaint you consider less serious in nature, you may choose to bypass these procedures. You may simply contact the Executive Director, use suggestion boxes located throughout the MSJC building, or email [suggestions@mtsinaishul.com](mailto:suggestions@mtsinaishul.com). However, such attempts at direct resolution will not be subject to the procedures in this Grievance Procedure. Should your initial attempts at direct resolution prove unsuccessful or unsatisfactory, you may then choose to file a formal complaint as per the procedures outlined below.

### Role and Composition

An ombudsperson (the “Ombudsperson”) shall be nominated annually by the MSJC nominating committee and approved by the membership pursuant to MSJC policy and procedure. The role of the Ombudsperson is to (1) receive complaints and accusations of abuse, harassment, or other violations of MSJC policies; (2) investigate or order an appropriate investigation; (3) make initial attempts to resolve the grievance; and (4) report any and all relevant findings to the Board of Trustees of MSJC (the “Board”), in the manner outlined below.

The three person Grievance Resolution Committee (the “Committee”, and each such member, a “Committee Member”), nominated annually by the MSJC nominating committee and approved by the membership, helps to resolve grievances when the Ombudsperson is unable to do so on his/her own.

The Ombudsperson and the Committee Members are volunteers who will be duly trained to carry out their responsibilities appropriately. The Ombudsperson and the Committee Members cannot serve concurrently on the Committee and the Board.

The Board has ultimate authority for the governance of MSJC, including oversight of MSJC's compliance with applicable law and the activities of the Ombudsperson and Committee, as well as the general operation of the Grievance Procedure. The Board receives reports on the operation of the Grievance Procedure directly from the Ombudsperson and Committee. The Ombudsperson has the right to bring matters directly to the Board's attention at any time.

Throughout the process of resolving a grievance, confidentiality and discretion will be maintained to the greatest extent possible by the Ombudsperson, Committee, Board, and MSJC staff.

### **Procedure for Filing a Grievance**

1. A grievance may be brought forth by any person against (a) an MSJC staff member, (b) any person regarding a matter that took place on MSJC property or at an MSJC sponsored event, or (c) MSJC. This includes, but is not limited to, verbal and physical abuse or threats of the same, financial disputes, or a lack of respect on the part of the staff.
2. All are encouraged to state their grievance in writing.
3. All problems and concerns within the purview of the Grievance Procedure should first be addressed to the Ombudsperson at [ombuds@mtsinaishul.com](mailto:ombuds@mtsinaishul.com). If you prefer to leave a message by phone for the Ombudsperson, you can do so by calling [347-974-3968](tel:347-974-3968). This number is a dedicated voice mailbox that is accessible 24 hours a day and monitored solely by the Ombudsperson. If you feel more comfortable working with the Committee than the Ombudsperson, you may contact the Committee instead at [grievance@mtsinaishul.com](mailto:grievance@mtsinaishul.com).
4. When the Ombudsperson or Committee receives such a complaint, they must notify the President or Vice President of relevant details of the complaint within 24 non-issur melacha hours. In general, the President will be notified of complaints. In the event that the President is the subject of a grievance, the Vice President will be notified. In order to maintain confidentiality, the Board will receive general status reports of all complaints received in the past month and the status of not-yet-resolved complaints from prior months. (The Ombudsperson and Committee will present monthly reports to the Board relevant details of all complaints received in the past month and the status of not-yet-resolved complaints from prior months). These reports will be given by the Ombudsperson and Committee.
5. If an MSJC Officer or Trustee is the subject of the grievance or is associated with the subject of the grievance, he or she will be deemed an "Interested Person". In such a case, the Interested Person shall have an opportunity to make a presentation to the Ombudsperson or the Committee. The Interested Person shall not partake in any Board discussion of the grievance (including voting on any motions). For purposes of this Grievance Procedure, discussions and actions undertaken by the Board regarding a complaint shall be understood to exclude the Interested Person. Determinations regarding conflicts of interest shall be at the reasonable discretion of the Ombudsperson and Committee.

6. If the Ombudsperson or a Committee Member is the subject of a grievance or is associated with the subject of a grievance, he or she will be deemed an "Interested Person." In such a case, the provisions for #5 of this section shall apply.
7. Complainants will receive an official acknowledgement of their grievance within three MSJC business days, at which time the Ombudsperson or the Committee will attempt to set up an in person meeting with the complainant.
8. In the event that calling or emailing the Ombudsperson does not yield a satisfactory or timely response, please contact the Committee at [grievance@mtsinaishul.com](mailto:grievance@mtsinaishul.com). The Committee will also follow the procedures outlined in #4 and #7 above.

### **Investigations**

13. After meeting with the complainant, the Ombudsperson/Committee may seek guidance of professional investigators, legal counsel, rabbis, community leaders, witnesses, mental health professionals, or other applicable experts. Communal funds may be made available for such as necessary. (The Ombudsperson/Committee can consult the Executive Director regarding the procedure for how consultants/vendors are paid.)
14. Completion of an investigation will generally require the complete cooperation of the complainant. Confidentiality and discretion will be maintained to the greatest extent possible. To this end, MSJC will be unable to take action in response to complaints that are reported anonymously. Employees and board members are required to cooperate in the investigation of complaints.

### **Resolution of Grievances**

15. How to resolve a grievance will vary according to the nature of the grievance and the outcome of an investigation. If the Board determines that a violation of its policies or some form of misconduct has occurred, appropriate remedial action will be taken; any person determined by the Board to have violated MSJC policy will be subject to disciplinary action such as the issuance of a warning or immediate discharge.
16. The Ombudsperson and/or Committee can use their discretion to close grievances when they achieve a satisfactory resolution based on their inquiry. The Ombudsperson can use the Committee as a resource to help explore options and achieve a satisfactory resolution. The Board can reopen grievances for additional investigation or action by a  $\frac{2}{3}$  majority vote if it is not satisfied with the resolutions enacted by the Ombudsperson and/or Committee.
17. The Ombudsperson may make recommendations through the Committee if s/he chooses, or directly to the Executive Director (if regarding an MSJC employee), or the Board (if regarding an individual that is not an MSJC employee), regarding whether to suspend the subject of the complaint from MSJC between the time the complaint is filed and deliberations are completed.

18. The Executive Director has initial authority to suspend temporarily any employee that reports directly to him/her. The Board has ultimate authority to make a final decision regarding whether or not to suspend any employee or non-employee from MSJC pending the outcome of an investigation into a grievance.

19. The Executive Director or the Board's decision whether to suspend will be made in light of the severity of the complaint, the potential harm to the complainant, and the subject of the complaint and others; among other considerations.

20. All recommendations by the Ombudsperson or Committee regarding suspensions will be given in writing via e-mail to the Executive Director or to the Board (which, for the avoidance of doubt, shall exclude Interested Persons).

### **After MSJC Resolves the Grievance**

21. The Ombudsperson, Committee, or their appropriate designee, will contact each party in writing regarding the resolution of the grievance within 20 MSJC business days of the filing of the complaint. If no resolution has been reached by that time, the correspondence will provide a status update, and such status updates will be provided once every two weeks until a resolution is reached.

22. Any course of action chosen to resolve the complaint will be executed within 10 MSJC business days of all parties being informed.

### **Appeal Process**

23. If the complainant or the subject of the complaint is unsatisfied with MSJC's decision, either party is welcome to request reconsideration of the decision by notifying the Committee at [grievance@mtsinaishul.com](mailto:grievance@mtsinaishul.com) within twenty (20) MSJC business days of receiving the results.

24. If the Committee receives such a request, they must notify the President and Vice President within 24 non-issur melacha hours. In the event that the President is the subject of a grievance, only the Vice President will be notified. The Committee will include such requests in its monthly reports to the Board.

25. The party asking for reconsideration of MSJC's decision may do so by submitting a written statement to the Committee, outlining the reason the party does not agree with MSJC's decision. Alternatively, the party may request an in person meeting with the Committee. If the Committee has previously been involved with resolving the particular grievance, the party asking for reconsideration may make a written or in person request for reconsideration to the Board by contacting the MSJC President and Vice President.

26. The party asking for reconsideration will receive an official acknowledgement of his/her request within three (3) MSJC business days.

27. In the event that appealing to the Committee does not yield a satisfactory or timely response, please contact the Executive Director or MSJC Officers at [officers@mtsinaishul.com](mailto:officers@mtsinaishul.com). The Officers will also follow the procedures outlined in #19

and #20 above.

28. The Board will hear the request for reconsideration within the next two scheduled Board meetings following such request, at which time the Board will vote whether to reopen the grievance and what further actions to take, if any. Such vote will be the final decision concerning this complaint.

### **Handling of Grievances**

29. All parties to a grievance have the right to have all information and documentation relating to a grievance treated as confidential unless disclosure is required in order to investigate an allegation, to take disciplinary action, or in accordance with a court order. This right may only be waived, thereby allowing MSJC to release publicly information and documentation pertaining to the grievance, if both the party filing the grievance and the subject of the grievance:

- a. present notice of intent to waive this right in writing addressed to MSJC,  
or
- b. make disclosures to non privileged third parties which disclosures demonstrate no reasonable expectation of privacy.

30. All prescribed time limitations may be extended with the consent of both parties or by the Ombudsperson and/or Committee upon good cause.

31. MSJC will not retaliate in any form against anyone for reporting, assisting, or cooperating with a person making a good faith complaint. MSJC reserves the right to take legal actions against individuals who are discovered to have made false or misleading accusations.

32. Records of complaints, and steps taken to resolve them, will be preserved for future reference.



## GRIEVANCE POLICY AND PROCEDURE

### **RIGHTS OF PERSONS WHO ENTER MSJC PROPERTY APPROPRIATELY OR ATTEND AN MSJC SPONSORED EVENT**

You have the right:

1. To be treated with courtesy and respect in a manner responsive to and respectful of your race, religion, cultural, or ethnic heritage, sexual orientation, disability or political belief;
2. To be on MSJC property and attend MSJC events in a safe environment, free from intimidation, harassment or other forms of offensive conduct;
3. To be informed of your rights;
4. To participate in programming on a voluntary basis; and
5. To disagree with actions taken on behalf of MSJC and to discuss the disagreement in the appropriate forum as outlined above.