

COLUMBUS STATE COMMUNITY COLLEGE
POLICY AND PROCEDURES MANUAL

SEXUAL HARASSMENT/HARASSMENT

Effective June 26, 2000

Procedure No. 3-33 (E)

Page 1 of 9

- (1) Members of the college community, or others who believe they have been sexually harassed or harassed in the college community, are entitled to an investigation and complaint process as detailed in this procedure.
- (2) It is college policy to investigate thoroughly and to resolve any reported incidents of harassment. To accomplish this, harassment must be brought promptly to the attention of the administration. Except under extraordinary circumstances, in order for the college to take effective action pursuant to the Sexual Harassment or Harassment Policy, any employee, student, or other person who feels harassed has an obligation to communicate his/her problem within 180 days of the incident. It is important that complaints be resolved promptly at each step. Every effort should be made by all parties to expedite the process.
- (3) The college will make all reasonable efforts to maintain the confidentiality of parties involved in a sexual harassment or harassment investigation. However, confidentiality cannot be guaranteed. Parties involved and individuals cooperating in any investigation, including appearing at a hearing, should treat all information as confidential and not engage in public discussion of the case.
- (4) Reporting the Harassment - The steps outlined below should be followed when a member of the college community or other person as described above has a complaint of harassment.
 - (a) The offended party should directly inform the person engaging in harassing conduct that such conduct is offensive and must stop.
 - (b) If, for whatever reason, the offended party does not feel capable of communicating directly with the person whose conduct is allegedly offensive, or if the conduct continues, the offended party should immediately contact one of the people listed below:
 - (i) If the offender is a student, the Associate Provost.
 - (ii) The Coordinator of Mental Health and Drug Prevention Counseling Services.

COLUMBUS STATE COMMUNITY COLLEGE
POLICY AND PROCEDURES MANUAL

SEXUAL HARASSMENT/HARASSMENT

Effective June 26, 2000

Procedure No. 3-33 (E)

Page 2 of 9

- (iii) The Equal Employment Opportunity (EEO) Officer of the college.
 - (iv) The Department of Public Safety if the offices above are closed.
 - (c) Any employee who has direct knowledge of an alleged incident of harassment must immediately report that alleged incident to the college's EEO Officer without taking any other action.
- (5) Informal Process - The college's informal process is intended to resolve the complaint. The EEO Officer and a designee appointed by the President on a continuing basis, who is not the same gender as the EEO Officer, will implement the informal process of the college.
 - (a) The EEO Officer will inform the alleged offender that a complaint has been filed against him/her. If the offender(s) is a student, the Associate Provost will be informed.
 - (b) Depending upon the nature of the complaint and the wishes of the person(s) claiming harassment, informal resolution may involve but is not limited to one or more of the following:
 - (i) Discussion of the complaint and advising the person(s) how to communicate the unwelcome nature of the behavior to the alleged harasser.
 - (ii) Separate discussions with both parties and other appropriate individuals, such as the parties' administrator(s), to work out a resolution.
 - (iii) If both parties agree, arranging and facilitating a meeting between the person(s) claiming harassment and the person(s) accused of harassment to work out a resolution.
 - (iv) Explaining the option of using the formal process described in this procedure.

COLUMBUS STATE COMMUNITY COLLEGE
POLICY AND PROCEDURES MANUAL

SEXUAL HARASSMENT/HARASSMENT

Effective June 26, 2000

Procedure No. 3-33 (E)

Page 3 of 9

- (c) Information about all informal complaints and resolutions will be kept on file in the office of the EEO Officer. Should the formal process be used, the information gathered shall be forwarded to the Investigative Team.
- (6) The college offers a formal process leading to resolution of a complaint, if informal resolution is not achieved within a reasonable period, and if the specific nature of the complaint warrants it as decided by the EEO Officer.

- (a) The EEO Officer and the President will appoint two (2) trained individuals to serve on a continuing basis as the Investigative Team to investigate and make written recommendations as to whether or not complaints warrant a formal hearing.

The team members will:

- (i) Not be of the same gender.
- (ii) Have no reporting or familial relationship to the parties involved.
- (iii) Have had no previous involvement in the complaint.
- (b) If a team member does not satisfy the provisions in (6)(a) for a specific complaint, the EEO Officer and the President will appoint an alternate for that complaint.
- (7) The investigative guidelines followed by the team are outlined below:
 - (a) A detailed written statement dated and signed by the complainant(s) must be filed with the Investigative Team. The statement should be as specific as possible including dates, times, locations, a description of the alleged harassing behavior, and the name(s) of the alleged harasser(s). The statement should also identify any person(s) who may have information that would be helpful to the Investigative Team.
 - (b) The Investigative Team will contact the respondent(s), provide them with a copy of the written statement, and interview them. The team may request a written response to be submitted within three (3) working days following interview. The response should also identify any person(s) who may have information that would

COLUMBUS STATE COMMUNITY COLLEGE
POLICY AND PROCEDURES MANUAL

SEXUAL HARASSMENT/HARASSMENT

Effective June 26, 2000

Procedure No. 3-33 (E)

Page 4 of 9

be helpful to the Investigative Team. Within five (5) working days after receiving the respondent's report, the Investigative Team may schedule meetings to discuss the harassment incident(s) with each of the parties and any individuals identified by either party as having information that may be relevant to the investigation.

- (c) To the extent possible, the Investigative Team will protect the privacy interests of those involved and only provide the information to those designated under this procedure. Therefore, all individuals discussing the complaint with the team will be advised not to comment on their discussions outside of the meeting with the team.
 - (d) Within a reasonable period after completing their investigation, the team shall recommend whether the complaint warrants going to a hearing. The written determination prepared by the team will have supporting logic and reasoning and will be submitted to the EEO Officer.
 - (e) Within five (5) working days of receiving the Investigative Team's recommendation, the EEO Officer will review the team's report and determine if the complaint should go to a formal hearing.
 - (f) The EEO Officer can mutually agree on a solution with the respondent and the complainant.
- (8) If it is determined that no hearing will take place, the EEO Officer will communicate the decision to the complainant(s) and the respondent(s). The complaint will be considered resolved.
- (9) If the EEO Officer determines that the complaint will go to a formal hearing, within five (5) working days the EEO Officer will select three (3) individuals from the college Employee Problem Review Pool described in Procedure 3-31 (B) (8) to serve on the Harassment Review Panel.
- (a) If one or both parties in the complaint is a student, one of the three panel members will be chosen from a special pool of six (6) students approved by the Provost from candidates recommended by the Associate Provost. The Associate Provost will make recommendations from students who are members of honorary

COLUMBUS STATE COMMUNITY COLLEGE
POLICY AND PROCEDURES MANUAL

SEXUAL HARASSMENT/HARASSMENT
Procedure No. 3-33 (E)
Page 5 of 9

Effective June 26, 2000

organizations on campus, or in some other way have distinguished themselves as being capable to effectively serve on a hearing panel. In addition, these pool member candidates will be trained and must commit to one year of service in the Harassment Review Panel Pool while retaining their classification as a student. The other two panel members will be selected from the college Employee Problem Review Pool described in Procedure No. 3-31 (B) (8).

- (b) If a student is not involved in the complaint as one of the parties, the EEO Officer will select all three (3) individuals from the college Problem Review Pool described in Procedure No. 3-31 (B) (8).
- (c) All Harassment Review Panel members will be selected by the EEO Officer according to the following guidelines:
 - (i) One panel member will represent the complainant's employment classification, and one panel member will represent the respondent's employment classification. If both parties are in the same classification, one panel member may serve to represent that classification.
 - (ii) The panel will represent diversity.
 - (iii) The panel members will have no reporting or familial relationships to the parties involved.
 - (iv) The panel members will not be employed in the same work group or department as any of the parties. Student panel members will not be in the same classes or have a close student relationship, such as being members of the same student organization.
 - (v) The panel members will not have been previously involved in the complaint in any way.
- (10) Within five (5) working days after the panel has been selected, the EEO Officer will schedule an organizational meeting of the Harassment Review Panel to accomplish the following items:

COLUMBUS STATE COMMUNITY COLLEGE
POLICY AND PROCEDURES MANUAL

SEXUAL HARASSMENT/HARASSMENT

Effective June 26, 2000

Procedure No. 3-33 (E)

Page 6 of 9

- (a) The panel will select a chairperson and a secretary who will produce the panel's report of findings.
 - (b) The EEO Officer will review the hearing process as described in this procedure.
 - (c) The EEO Officer will provide the panel members and both parties with copies of documentation generated from the procedure to date.
- (11) Within a reasonable period after the organizational meeting, the chairperson of the panel will schedule and conduct the hearing according to the following guidelines.
- (a) To the extent possible, the Harassment Review Panel will protect the privacy interests of those involved. Therefore, all individuals appearing before the panel will be advised not to comment on their discussions outside the proceedings of the hearing.
 - (b) The complainant(s) and the respondent(s) will be allowed to have an advocate of their choice (as defined in the Employee Problem-Solving Procedure No. 3-31 (B), pages 1 and 2) attend the meeting. Advocates may consult with their party, they may address the panel, but they may not ask questions. All advocates will be bound by the confidential terms of the hearing panel's rules.
 - (c) The EEO Officer will attend the hearing, represent the interests of the college, and ensure compliance with all appropriate laws.
 - (d) The panel will consider information it has received in writing from the Investigative Team, as well as the statements and other documents presented to it during the hearing. The panel may request members of the college community and others to appear at the meeting, and if necessary, continue the meeting to a later date.
 - (e) All persons other than the complainant(s), respondent(s), the EEO Officer, advocates of the parties, and the Investigative Team will be permitted to attend only during their own statements and questioning.
 - (f) Persons bringing complaints will be invited to make a statement for the hearing

COLUMBUS STATE COMMUNITY COLLEGE
POLICY AND PROCEDURES MANUAL

SEXUAL HARASSMENT/HARASSMENT
Procedure No. 3-33 (E)
Page 7 of 9

Effective June 26, 2000

- panel. Panel members will be permitted to ask questions at the conclusion of these statements.
- (g) Persons responding to the complaint will be invited to make a statement to the hearing panel. Panel members will be permitted to ask questions at the conclusion of these statements.
 - (h) The Investigative Team will be invited to make a statement to the hearing panel members. Panel members will be permitted to ask questions at the conclusion of these statements.
 - (i) At the conclusion of the panel's questioning, the complainant(s), the respondent(s), and the EEO Officer may ask questions of each other, but all such questions must be directed to the chairperson.
 - (j) Other persons may be asked to appear before the panel to make statements. Panel members will be permitted to ask questions at the conclusion of the statements.
 - (k) At the conclusion of the panel's questioning, each of the parties and the EEO Officer may ask questions of the person providing information, but all such questions must be directed to the chairperson.
 - (l) After the panel has heard from all other persons invited to appear, the panel members may ask further questions of all parties, the Investigative Team, and the EEO Officer.
 - (m) The chairperson shall conclude the hearing, and the panel will retire to consider its decision.
- (12) Within a reasonable period after the conclusion of the hearing, the panel will issue a written report to the EEO Officer that will contain one of the following findings with supporting rationale.
- (a) The college's sexual harassment and harassment policies have not been violated;
 - (b) The college's sexual harassment has been violated. To issue this finding, the panel

COLUMBUS STATE COMMUNITY COLLEGE
POLICY AND PROCEDURES MANUAL

SEXUAL HARASSMENT/HARASSMENT

Effective June 26, 2000

Procedure No. 3-33 (E)

Page 8 of 9

must be convinced by the “preponderance of evidence” that it is more likely than not that the sexual harassment took place.

- (c) The college’s harassment policy has been violated. To issue this finding, the panel must be convinced by the “preponderance of evidence” that it is more likely than not that the harassment took place.
- (13) After receiving a copy of the report, both parties and the EEO Officer will have the option to submit a written response to the report of findings issued by the Harassment Review Panel. These responses must be submitted to the respondent’s vice president-level administrator within five (5) working days of receiving the report of findings.
- (14) Using the report of findings and the responses that have been received, the respondent’s vice president-level administrator will consult with the President and the Director of Human Resources and make the written decision regarding the appropriate action to be taken, which may include disciplinary action up to and including discharge or dismissal.
- (15) The EEO Officer will then inform the respondent of the decision in writing and the plans for corrective or disciplinary action, if any, and give the respondent an opportunity to reply in writing.
- (16) The EEO Officer will inform the complainant concerning the resolution of the complaint.
- (17) A record of every complaint received will become a part of a complaint investigation file. This file will be maintained separate from the employee’s personnel file by the college EEO Officer. If disciplinary action is decided upon, the EEO Officer will send complete documentation of the incident to the Director of Human Resources to be placed in the offender’s personnel file.
- (18) Minor variations from this procedure which do not unreasonably prejudice the parties shall not be grounds to invalidate the process.
- (19) There will be no retaliation against an individual bringing forth a good-faith complaint of harassment.

COLUMBUS STATE COMMUNITY COLLEGE
POLICY AND PROCEDURES MANUAL

SEXUAL HARASSMENT/HARASSMENT

Effective June 26, 2000

Procedure No. 3-33 (E)

Page 9 of 9

- (20) Any individual knowingly or maliciously making a false or frivolous allegation of harassment will be subject to disciplinary action up to and including discharge or dismissal.