

Complaint Procedures for Discriminatory Harassment

Reporting

Inquiries and complaints about discriminatory harassment involving employees may be brought to the Director of Human Resources, 812-535-5284, Guerin Hall, Room 110. Complaints involving employee-campus student will be addressed by the Director of Human Resources and the Dean of Students, 812-535-5219, LeFer Hall, Room 018, or the Vice President for Academic Affairs, 812-535-5181. Complaints involving employee-WOL/Graduate student will be addressed by the Vice President for Operations, 812-535-5216, LeFer Hall 139. The management of all complaints of harassment and the implementation of these procedures is the responsibility of the Director of Human Resources. In the instance that a Vice President is the subject of a discriminatory harassment charge the President will be requested to designate another individual to fulfill responsibilities normally filled by an appropriate Vice President.

The complainant or the person reporting the alleged violation will complete a written report containing all pertinent information of date, time, location, persons involved, and description of incident. There are both informal and formal processes for resolving complaints of discrimination and harassment. A Complainant may elect to invoke either the informal or formal resolution process. If the Complainant finds that initial informal efforts are unsatisfactory, the Complainant may then seek formal resolution.

The College may initiate an investigation of circumstances that may involve discrimination and/or harassment even where no complaint, formal or informal, has been filed. In such situations, the College may elect to investigate and, if warranted, impose disciplinary sanctions pursuant to these or other established College procedures.

Privacy

To protect both the Complainant and the Respondent, every effort will be made to protect the privacy interests of the persons involved in a manner consistent with the need for a thorough review of a report or complaint.

If the Complainant requests that his or her name or other identifiable information not be shared with the Respondent, or requests that the College take no formal action in response to a report, the Director of Human Resources in consultation with the appropriate Vice President(s) shall evaluate such request and notify the individual of the College's response to the request. The College will honor the Complainant's request to the extent possible based on a careful balancing of such requests with any legal reporting requirements, the risk of harm to any individual and the College's duty to maintain a safe and non-discriminatory environment for all.

If the College honors the request for confidentiality, the College's ability to meaningfully investigate the incident and pursue disciplinary action against a Respondent may be limited. Complainants are advised, however, that the College may be obligated to move forward with a College – Initiated Investigation and potential disciplinary action if there is an individual or public safety concern and sufficient independent information exists to establish that the Discriminatory Harassment Policy has been violated.

Interim Measures

Upon receipt of a complaint, the College will take interim measures to address concerns regarding safety and well-being. If necessary, the College will assist the Complainant in making reasonable efforts to avoid contact with the Respondent(s). Interim measures may include no contact directives, changes in class or work schedules, changes in College-owned living arrangements, interim suspension, College-imposed leave or any other measures that the College deems appropriate. Interim measures are available under both Informal and Formal Resolution Processes, although the ability to impose certain protective measures against a Respondent may require that the report be resolved through the Formal Resolution Process.

Time Frame

The College encourages prompt reporting. Persons who have experienced or witnessed discriminatory harassment are encouraged to report the incident involving employees to the Director of Human Resources or incidents involving students, to the Dean of Students or the Vice President for Operations as outlined above. Complaints must be filed within 120 days of the incident of discriminatory harassment or, where the discrimination or harassment is of an ongoing nature, within 120 days from the most recent incident. To file an Informal or Formal Complaint, a Complainant must complete a Complaint Information Form online, in

person, or via electronic mail. The 120-day deadline to file a complaint does not apply to College-Initiated Investigations.

The resolution of the informal or formal complaint must be reached within thirty (30) days with the initial steps of the processes beginning within five (5) days of the filing of a complaint.

Expectations Regarding Participation by the Parties

All employees and students have an obligation to cooperate in the conduct of these Procedures. Failure to do so may result in disciplinary action. In the event that a Complainant chooses not to participate in an interview or declines to provide information requested by the Director of Human Resources, the appropriate Vice President(s) and the Director of Human Resources may dismiss the Complaint. The Director of Human Resources and the appropriate Vice President shall provide written notice of such dismissal to the Complainant(s) and the Respondent(s). In the event that a Respondent chooses not to participate in an interview or declines to provide information requested by the Director of Human Resources or the Vice President, it may be determined that such information or interview, if provided or conducted, would be adverse to the Respondent. Where the Complaint or the circumstances involve potential criminal conduct, however, a party may choose to remain silent during the process, and such silence will not be held as an admission or considered to be adverse to the party.

Informal Resolution Process

The Informal Resolution Process is designed to empower the parties to an Informal Complaint to reach a mutually satisfactory agreement. For employee related incidents, the Director of Human Resources in consultation with the appropriate Vice President may take steps to resolve the Informal Complaint. For incidents involving students the Vice President for Operations will confer with the Director of Human Resources. Possible resolutions by agreement of the parties may include, but are not limited to, the following: an apology to the Complainant, assisting the Respondent to better understand the effects of his or her conduct and ways in which this behavior could be changed, participation in educational programs about equal opportunity or harassment, verbal or written reprimands, or other interventions or actions aimed at ending the discrimination or harassment, preventing its recurrence and addressing its effects.

Mediation may not be used, even with the agreement of the parties, in Complaints involving Sexual Violence or Relationship Violence. Similarly, a Complainant will not be required to resolve the matter directly with the Respondent.

The Informal Resolution Process will be concluded by one of the following: 1) a decision to stop further action on the Informal Complaint, 2) a resolution of the Informal Complaint by agreement of the parties or 3) initiation of the Formal Resolution Process.

Formal Resolution Process

A Formal Complaint may be filed as the first course of action or following an Informal Complaint if there is no mutually acceptable resolution during the Informal Resolution Process. The College may also initiate an Investigation in the absence of a Formal Complaint by a Complainant.

To file a Formal Complaint, a Complainant must complete a written statement in person, or via electronic mail. The Complaint must be dated by the Complainant and describe the alleged incident(s) with the relevant date(s), name(s) of the Respondent(s) and name(s) of witness(es). For incidents involving employees, The Director of Human Resources can provide assistance in completing the Complaint Information Form.

Formal Complaints or College-Initiated Investigations in which a student or recognized student organization is named as a Respondent will be decided by the adjudicator.

Formal Complaints or College-Initiated Investigations against employees, including faculty and staff, will be decided by the adjudicator.

Investigations of Formal Complaints

As soon as practicable, the Director of Human Resources/Dean of Students/Vice President for Operations will interview the Complainant. Following the completion of his or her interview with the Complainant, the appropriate Vice President will be notified in writing as to whether or not the allegations set forth in the Complaint, if substantiated, would constitute a violation of College policy.

In the event that this notification indicates that the allegations set forth in the Complaint, if substantiated, would constitute a violation of College policy, or if the appropriate Vice President determines that the matter should be investigated, the Director of Human

Resources will conduct a thorough fact-finding investigation and will meet separately with both the Complainant and the Respondent(s), interview pertinent witnesses and review relevant documents regarding the Formal Complaint. The Director of Human Resources may consider all relevant information, including evidence of pattern or prior misconduct by the Respondent, credibility of the parties and witnesses, and in very limited circumstances, the prior history of the Complainant with the Respondent. Both parties will be provided the opportunity to provide information and names of witnesses to the Director of Human Resources.

Determination

Within five (5) days following the conclusion of the investigation, the Director of Human Resources will prepare and deliver a report to the appropriate Vice President. The report will include a finding based upon a preponderance of the evidence that 1) the allegations cannot be substantiated, 2) some or all of the allegations are substantiated or 3) the Formal Complaint was knowingly false or malicious. No violation of College policy will be presumed unless a preponderance of the evidence standard supports the finding of a violation. This preponderance of the evidence standard requires that the facts and information supporting each finding are more convincing than the facts and information offered in opposition to such finding. The report will include the basis upon which the Director of Human Resources reached his or her conclusions. The report will also include the determination of whether a violation of any College policy has occurred and a recommendation of the sanctions to be imposed, if any.

Sanctions and Remedial Measures

Sanctions will be decided by the Director of Human Resources and the appropriate Vice President. Sanctions will be decided on a case-by-case basis and will be in accordance with College policy. Possible sanctions for employees include, but are not limited to, the following: a letter of reprimand, suspension or leave of absence without pay, reassignment of teaching or other responsibilities, denial of a pay increase, demotion, probation or termination. Sanctions for students are listed in Regulations Governing Student Conduct and may include without limitation verbal or written warnings, restrictions, probation, probated suspension, suspension or dismissal.

Remedial measures for students, faculty and staff will be decided on a case-by-case basis. Such measures may include providing an escort to ensure safe movement on campus,

ensuring that the Complainant and Respondent do not share classes or extracurricular activities, reassignment in the residence hall, tutoring or other academic support, arranging for extra time to complete or re-take a class or withdraw from a class without academic or financial penalty, job reassignment, targeted training for a group of students, faculty or staff and other remedies that can be tailored to the needs of the parties.

The appropriate Vice President will communicate in writing the final sanctions and/or remedial measures for the complainant/respondent employee(s) and/or complainant/respondent student.

Appeal

The Complainant and the Respondent each have the right to appeal the decision of the appropriate Vice President and imposition of any sanction to the President of the College. The appeal must be in writing and filed in person, via courier, or via postal or electronic mail within ten (10) days of the issuance of notification of the decision with all supporting materials attached. Decisions not appealed within such time are deemed final.