

THE COLLEGE OF CHARLESTON

SECTION: Human Relations

Date Issued: 7/1/1995

Revised: 3/15/2006

SUBJECT: Reporting Responsibilities for Discrimination, Harassment, and Abuse

APPLIES TO: All Employees (whether faculty or members of the staff or administration) and Students

ISSUED BY: College of Charleston Human Relations and Sr. Vice President for Academic Affairs

POLICY

REPORTING RESPONSIBILITIES, INVESTIGATION AND COMPLAINT RESOLUTION FOR PROTECTED STATUS DISCRIMINATION, HARASSMENT, AND ABUSE [(See also the related policy “Prohibition of Discrimination, Harassment (Including Sexual Harassment), and Abuse”)]

Reporting Duties for All Types of Discrimination, Harassment and/or Abuse.

Any student or employee who believes that the words or actions of a College student or employee or third party in college related settings constitute protected status discrimination, harassment or abuse toward himself or another has a responsibility to report the matter to the College. See Prohibition of Discrimination, Harassment (Including Sexual Harassment), and Abuse. The report should be made to one of the following individuals (“Designated Recipients”):

Director of Human Relations
Associate Provost
General Counsel
Dean of Students

In the case of conflict, unavailability or other concern with any of the aforementioned avenues, a report of discrimination, harassment, abuse or retaliation may also be made to the President, or in case of a conflict to the Chair of the College’s Board of Trustees.

Timeliness of reporting is extremely important; it allows a more complete investigation and better prevention of recurrence. Complainants are expected to bring complaints of discrimination, harassment or abuse to a Designated Recipient as soon as possible. Additionally, any threat, attempt, or act of retaliation should be immediately brought to the attention of the Human Relations office and/or other Designated Recipient.

Additional Duty in Reporting Non-College Related Child Abuse.

The College strives to abide by South Carolina law, which dictates requirements for reporting child neglect or abuse, even when it occurs outside the College. South Carolina law requires that any physician, nurse, dentist, optometrist, medical examiner or coroner or an employee of a county medical examiner’s or coroner’s office or any other medical, emergency medical services, mental health, or allied health professional, member of the clergy, including Christian Science practitioner or religious healer, school

teacher, counselor, principal, assistant principal, social or public assistance worker, substance abuse treatment staff, or childcare worker in any day care center or foster care facility, police or law enforcement officer, undertaker, funeral home director or employee of a funeral home, persons responsible for processing of films, computer technician, or any judge who has reasonable cause to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect as defined by state law is to immediately report it to the local DSS or other proper law enforcement agency. S.C. Code Ann. § 20-7-510. For purposes of this law, a "child" is a person under the age of eighteen. S.C. Code Ann. § 20-7-30.

It should be understood that if a student under age 18 is believed to have been abused or harassed, the legal requirements for reporting child abuse may apply. The state law definition of child abuse and neglect is specific and detailed. An employee who suspects or has any concern regarding child abuse or neglect is expected to report this information promptly to the General Counsel who, in turn with the Dean of Students, will determine the College's duty and, if determined appropriate, assist in contacting the proper authorities.

An employee who has reason to suspect abuse or neglect and fails to report it, is subject to prosecution; however, the person making the report based on valid suspicion and concern is protected by law from both civil and criminal retaliation.

Action by Designated Recipient.

The Designated Recipient is expected to obtain information from the complainant detailing alleged discrimination, harassment, abuse, or retaliation, including the identity of the accused, the specific incidents, dates, locations and any witnesses. The Designated Recipient is expected to promptly convey the information to the Director of Human Relations and/or General Counsel for further action.

Initial Actions and Appointment of Investigator.

Upon receipt of the complaint, the Director of Human Relations, in conjunction with General Counsel and the Provost, will assign an investigator to investigate the complaint. In the event one of these three individuals is the subject of the complaint, the remaining two will assign an investigator to investigate the complaint.

The College may also take any immediate actions it deems appropriate to preserve privacy, safety or the smooth functioning of college operations. At any time following notice of complaint of discrimination, harassment, abuse, or retaliation, the College, at its sole discretion may re-assign the living quarters and/or suspend from class or employment with or without pay, any College student or employee accused or suspected of abuse or harassment as defined herein.

The College, or the appointed investigator, strives to place the individual charged on notice of the complaint promptly. Impracticality of immediate notification to the accused does not prevent the College from taking such immediate action as it deems appropriate, including but not limited to separating, suspending and/or questioning and/or preliminary corrective/disciplinary action of the individual[s] involved.

Confidentiality.

Information provided is kept as confidential as possible in keeping with an investigation that is as thorough as the College determines necessary and appropriate to the charge. Additionally, once a complaint of discrimination or college related abuse or harassment or retaliation has been filed, the investigator or the investigator's designee may periodically keep the accuser, the accused, the reporting party and appropriate members of the Administration informed as the investigation and decision processes unfold and of the ultimate resolution and/or action to be taken. The College reserves the right to keep other concerned persons informed, within its discretion.

College Initiated Action.

In circumstances where a report of inappropriate behavior is made but the complainant does not wish to pursue the matter, the College reserves the right to investigate the report and take appropriate action. The College also reserves the right to investigate complaints or reports by persons external to the College community about conduct of College employees alleged to be guilty of protected status harassment.

Retaliation.

Retaliation against any student or employee for filing a complaint, participating in or cooperating with an investigation is strictly prohibited. The College does not tolerate adverse treatment of employees, or students because they report discrimination, harassment or abuse or provide information related to such complaints. After a report, the College may make follow up inquiries to determine that any prohibited activity has in fact ended and retaliation has not occurred.

Any incident of retaliation directed toward the complainant or others who have participated in the investigation must be reported immediately to a Designated Recipient. The Designated Recipient is responsible for making sure the report of retaliation is promptly conveyed to the Director of Human Relations or General Counsel. Examples of potential evidence of retaliation directed toward the complainant or others who have participated in the investigation may include such things as the following: adverse employment action; adverse academic action; lowering a grade or giving a poor academic recommendation; exclusion from employment or educational opportunities; limiting scholarly activities (e.g., exclusion from teaching or research, or interfering with publication); and spreading false information about an individual who has made, pursued or supported a complaint.

Complaints of retaliation are promptly investigated in accordance with this policy.

Investigation of Protected Status Discrimination, All Types of Harassment and/or College Related Abuse.

The appointed investigator documents the information relevant to the complaint and conducts a prompt investigation of any allegations of protected status discrimination, or harassment or abuse or retaliation defined by College policy. See, "Prohibition of Discrimination, Harassment (Including Sexual Harassment), and Abuse."

During the investigation, anyone who is alleged to have committed acts of protected status discrimination, harassment or abuse or retaliation may be contacted and permitted to respond to specific allegations. Upon review of the investigation and/or evidence the appropriate Sr. Vice President, in conjunction with General Counsel and Provost as applicable, determines the seriousness of the circumstances, and may take such action as the College deems appropriate, including, as determined appropriate, remedial and/or preventive measures.

Written Statement/Report.

While the initial complaint to the Designated Recipient may be made verbally, once an investigator has been appointed, the investigator may ask the complainant to submit a written statement detailing the alleged discrimination, harassment, abuse or retaliation. The complainant is expected to cooperate with the College's investigation, including but not limited to, preparation and submission of a comprehensive written complaint. Although failure to immediately receive the complaint in writing does not prevent investigation, delay or lack of substantiated detail may hamper the investigation and appropriate resolution.

The written statement should include, if known: (1) the names of the complainant and of the alleged offender; (2) a complete description of the alleged discrimination, harassment, abuse or retaliation, including the dates, times, locations and any witnesses to the alleged incidents (3) a description of any adverse consequences resulting from the discrimination, harassment or retaliation (4) a description of any evidence that corroborates the allegations and (5) a statement of the remedy requested.

The investigator may personally interview the complainant and the alleged offender(s) as well as others with relevant information. Both the complainant and accuser may provide statements from any witnesses.

The investigator may, in his or her sole discretion, provide the accused with a copy of the written statement. At a minimum, the investigator shall notify the individual accused of the complaint, the identity of the person allegedly mistreated, the specifics of the alleged wrongdoing, and the dates, times, and locations of the same. The accused is allowed an opportunity to respond, identify witnesses and present evidence to rebut or dispute the allegations.

Cooperation.

All College employees, students, and/or parents/guardians are expected to fully cooperate as requested in any investigation. If the College determines that anyone involved in the investigation has intentionally withheld information, or provided false information at any time, appropriate action may be taken.

Report of Investigation/Findings/Conclusion.

Upon completion of the investigation, as soon as reasonably possible, the investigator makes a written report of his/her investigation, findings and conclusion to the General Counsel and the appropriate Sr. Vice President.

For complaints against faculty members, the investigative report is made to the General Counsel and the Sr. Vice President of Academic Affairs. For complaints against an individual, faculty or otherwise, who reports directly to the President, the investigative report is made to the General Counsel and the President. (In the event the complaint is made against the General Counsel, the investigative report is made to the

President only). For complaints against all other employees, the investigative report is made to the General Counsel and appropriate Sr. Vice President. For complaints against students, the investigative report is made to the General Counsel and the Dean of Students.

College's Action.

Within 10 business days of receipt of the investigative report and finding, the appropriate individual (as determined by the status of the accused in the foregoing section) will issue to the complainant and the accused a written determination of the corrective or remedial action, if any, and the basis for the determination. Alternatively, should this individual determine that additional investigation or information is needed before a determination can be made, he or she may remand the investigation to the original investigator or another investigator with instructions for additional action, or take direct to obtain information deemed important to a final determination.

Any student or employee determined by the College's investigation and at the sole discretion of the College to have participated in any form of protected status discrimination, harassment, abuse, or retaliation as defined in College policy, is subject to discipline and/or corrective/responsive action, up to and including immediate termination, suspension or expulsion. Other discipline and/or corrective/responsive action may include, but is not limited to, training, referral to counseling and/or corrective action such as a warning, reprimand, suspension from class or employment, transfer, demotion, reassignment within the campus residential living system, removal of responsibility and related pay, community service and/or other requirements and/or penalties. Ongoing civil or criminal charges, pleas or other court related action will not impede the College from making an independent determination to the extent it determines it has sufficient information to take such action as it deems appropriate.

Grievance/Appeal Rights.

In the event the College determines that a corrective action is necessary, the accused individual may contest the corrective action pursuant to procedures available in the **Student Handbook, Faculty/Administration Manual** or the **Grievance Procedures for College of Charleston Employees**, as applicable.

In the event the complainant disagrees with the corrective action recommended by the College, the complainant may file a grievance pursuant to procedures available in the **Student Handbook, Faculty/Administration Manual** or the **Grievance Procedures for College of Charleston Employees**, as applicable.

Record Keeping.

To better assure College-wide compliance with the policy and with applicable law, the Director of Human Relations and General Counsel are to be advised of all complaints of discrimination, harassment, abuse, or retaliation and their resolution.