

# Human Rights Committee

The Human Rights Committee is a fact-finding committee whose purpose is to respond to and resolve harassment complaints, except as otherwise indicated in the Sexual Misconduct Policy. The Committee is a standing committee appointed by the President and comprised of three faculty members, two staff members, and two students. The student members of the Committee will participate only in those cases where other students are involved. The Director of Human Resources will serve as coordinator without vote. If the complaint should be against the Director of Human Resources, one of the committee members is to serve as the coordinator, with vote.

## Student to Student Harassment

Student-to-Student harassment complaints are to be processed under the disciplinary procedure established and operated by the Office of Student Life except as otherwise indicated in the Sexual Misconduct Policy. All other harassment complaints are to be processed by the procedures outlined in this policy.

## “On Notice” Option of Complaint

Individuals who feel they have been harassed may choose to put the offender “on notice” that the offender’s behavior is unwelcome. Often this direct communication by the individual brings a stop to the harassment, and no further action is necessary.

Use of the “on notice” option is not a prerequisite to initiating the complaint procedures set forth in this policy, and the College will not refuse to investigate a complaint on the grounds that the victim did not have a discussion with the offender. In other words, the victim always retains the right to avoid direct interaction with the offender and to initiate the complaint procedure explained in this policy.

## Procedures for Informal Complaint

Individuals who believe they have been the victim of harassment That does not fall under the Sexual Misconduct Policy may seek an informal resolution of the problem. Use of the informal complaint procedures is not a prerequisite to initiating a formal complaint.

Informal complaints may be oral or written and directed to the Director of Human Resources or to any member of the Human Rights Committee. Informal resolution will generally involve the Director of Human Resources or the Human Rights Committee serving as mediators in an effort to resolve the complaint. The accused will be informed of the existence and nature of the informal complaint and will have an opportunity to respond. The Human Rights Committee or the Director of Human Resources, serving as intermediaries, will seek a resolution that both the complainant and the accused can agree upon. If no mutually satisfactory resolution can be found, the Human Rights Committee, the Director of Human Resources, and/or the complainant can decide if further action is appropriate.

## Procedures for a Formal Complaint

Harassment complaints that do not fall under the Sexual Misconduct Policy are to be directed to the Director of Human Resources or to a member of the Human Rights Committee. The Director of Human Resources or the contact person on the Committee will prepare a written record of the individual’s factual allegations which the complainant will then have the opportunity to review before signing. Although complaints should be brought as soon as possible, preferably within six months after an offensive incident, the College recognizes that the sensitivity involved in certain situations may cause individuals to delay taking action.

Once the initial complaint is prepared, the Director for Human Resources or the contact person on the Committee shall convene the entire Human Rights Committee to review the complaint, and to conduct an appropriate investigation of the allegations. This investigation may be limited to mediation and a negotiated settlement between the complainant and the accused. Based on the evidence collected, a designated member of the Human Rights Committee will prepare a report containing the Committee's findings and conclusions.

Possible outcomes of the investigation are that the allegations are substantiated, or that allegations are not substantiated, i.e. an inconclusive investigation. In the event the allegations are substantiated, the Director of Human Resources or the Human Rights Committee may endeavor, through mediation, to reach a negotiated settlement of the complaint.

If a negotiated settlement cannot be reached, the Human Rights Committee will refer the matter to the College's Vice Presidents for resolution. The Vice Presidents will not reopen a completed investigation unless it can be shown that the investigating individuals made specific errors in reviewing the facts. The Vice Presidents will consider the findings and recommendations of the Human Rights Committee and, in consultation with the President, render a decision. Decisions will be made using the preponderance of evidence standard (i.e. it is more likely than not that the alleged conduct occurred).

## Protection of Complainant and Others

All information regarding harassment will be kept in confidence to the greatest extent practicable and appropriate under the circumstances. The College cannot guarantee that the identity of the complainant will be concealed from the accused harasser, but any retaliation committed by the accused harasser by way of irresponsible, malicious or unfounded complaints will be investigated. If an investigation reveals that the complainant falsely accused another of harassment knowingly or in a malicious manner, the complainant will be subject to appropriate sanctions and/or discipline.

In order to ensure that a complete investigation of harassment claims can be conducted it may be necessary for the College to disclose to others portions of the information provided by the complainant. The College will try to honor any complainant's request that the College not disclose certain information provided, consistent with the College's obligation to identify and correct instances of harassment.

## Penalties

Every claim of harassment will be considered on its own merits. The College will take whatever corrective action and/or disciplinary measures it considers appropriate under the circumstances, including but not limited to counseling, reprimand, probation, suspension, transfer, demotion or immediate termination of an employee or student in accordance with the provisions, policies and procedures outlined in the appropriate Faculty, Staff or Student Handbook.

Approved by President Larry R. Thompson, August 14, 2020.

Approved by the Board of Trustees, November 12, 2020.

Updated June 1, 2021.