

Procedure

Procedure # 3.03.01

Effective Date _____

<i>(Impact Area - Dept Name)</i> Employees	<i>(General Subject Area)</i> Non-Discrimination	<i>(Specific Subject Area)</i> Sexual Harassment Complaints Procedure
	Author:	Supersedes Procedure # (See p. 2.103-2.107)
Relates to Policy # 3.03.1	Impact:	
Legal Citation (if any):		
<i>North Idaho College</i>		

Procedure Narrative

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SEXUAL HARASSMENT COMPLAINTS PROCEDURES

PREAMBLE

The College Welfare Committee recommends that the policy and procedures on sexual harassment be instituted for an initial three-year period and reviewed by the College Welfare Committee at the end of that three-year experience.

1. Persons who believe they have been sexually harassed should communicate that to the perceived offender as soon as possible. However, sexual harassment is a sensitive subject upon which few will want to directly confront the perceived offender. Individuals may not wish to take such complaints to a departmental grievance committee. Accordingly, a diverse set of resources and a set of special procedures, different from those to be used for other academic or employment grievances, provide a readily accessible and flexible means of dealing with complaints of sexual harassment.

- a. These procedures may be used by students, employees, or other persons providing or receiving services to or from North Idaho College.
 - b. Complainants are encouraged to use the college's internal sexual harassment procedures to resolve complaints. If all of the remedies available at NIC for conflict resolution have been exhausted, either party (complainant or accused) may initiate procedures with the administrative agencies listed in Section 7 or through the appropriate court system.
 - c. The procedures attempt to balance the rights of both the harassed person and the perceived offender.
 - d. The person making the complaint has the following options:
 1. May ask that the process be delayed at the informal level until a later date (for example, after the end of a course or past the date of an examination).
 2. May stop the process or withdraw the complaint at any step in the informal procedure.
 3. May stop the process or withdraw the complaint within two working days of initiating the formal procedure thus terminating all further action.
 4. May terminate the procedure if the situation is remedied by a mediated mutual consent at any point in the procedure.
 - e. Every person who follows this procedure shall be safe from restraint, interference, discrimination, or reprisal. Any attempt to penalize a person for initiating a complaint will be treated as a separate incident of harassment.
2. Sexual Harassment Advisory Committee

At the end of each semester, the affirmative action officer, as chair of the committee, will call together two representatives from each of the following college constituencies: the Faculty Assembly, the Associated Student Body, Staff Assembly and Administration. These representatives will constitute the Sexual Harassment Advisory Committee.

- a. The committee members shall be elected by their constituencies for three-year terms of service. In order to achieve continuity, these elections will be staggered.
- b. Copies of the membership list of the committee will be distributed by the affirmative action officer before the second week of fall semester to the president's office, academic affairs Office, vocational office, ASNIC Office, student advisors, and Staff Assembly Executive Committee.

- c. The affirmative action office is responsible for coordinating a training program for advisory committee members.

Committee Member Responsibilities

The Sexual Harassment Advisory Committee's responsibilities shall include the following:

- a. To educate on a continual basis, the college community concerning sexual harassment.
 - b. To disseminate information of the college's policy and procedures for dealing with sexual harassment complaints.
 - c. To design and update forms and establish format as required in order to maintain fair and adequate procedures.
 - d. To receive all complaints alleging sexual harassment.
 - 1. At the informal level, individual members provide confidential advice and assistance.
 - 2. At the formal level, the committee members serve as a review panel to investigate formal complaints.
 - e. To insure that upon receiving the initial complaint, the outlined procedures are followed within the prescribed time frame and that the case is monitored following resolution.
 - f. To meet as a committee at least once each semester to review complaint patterns, to make recommendations regarding procedures, to determine the best ways to educate and disseminate information regarding the sexual harassment policy.
3. Informal Procedures
- a. Any member of the Sexual Harassment Advisory Committee can provide confidential advice and assistance upon request. The list of committee members is available in the president's office, academic affairs office, vocational office, office of administrative services, ASNIC Office, affirmative action office, student advisors, and the Staff Assembly Executive Committee.
 - b. During the informal procedure, record keeping by committee members will consist only of nameless "pattern" data and not identifiable "person" data.

- c. Each committee member's function is to provide help to the complainant in weighing choices and evaluating referral options.
- d. To consult with any member of the committee, a person need not lodge a grievance nor make a formal complaint.
- e. The committee member may recommend that the complainant file a formal complaint if the accusation described is so serious that, if true, it would be cause for disciplinary action.

4. Formal Procedures

The following time lines have been established in order to resolve sexual harassment complaints in a speedy and timely manner. If reasonable grounds can be shown to the Sexual Harassment Advisory Committee, any or all of the formal procedural timetables may be extended.

Formal procedures may be initiated only when the complainant is willing to be identified and to lodge a signed, written complaint.

- a. The formal complaint, including a statement of the accusation, must be filed with the college affirmative action officer within ninety (90) calendar days of an incident.
- b. The signed complaint will be held in strict confidence for two working days. Unless the complaint is withdrawn within two working days, the process continues.
- c. At the conclusion of two working days, a copy of the complaint will be sent immediately to the accused.

The affirmative action officer shall ask the accused to reply in writing to the formal complaint within fourteen (14) calendar days of the receipt of the complaint.

- a. Written response shall be mandatory. The accused shall be required to deny and/or agree with the accusations in whole or in part.
- b. Failure to respond shall be deemed a breach of professional responsibility and a notice of such failure will be given to the college president.

Both the complainant and the accused will be provided with the list of eligible committee members. Each will select two names to serve on the review panel. Those committee members chosen by the complainant and the accused will select the additional members bringing the review panel membership up to a total of five.

- a. Any committee member who has not participated in the informal procedure of the complaint may serve on the review panel.
- b. Any committee member, including one who has participated in the informal procedure of the complaint, may be asked to act as advisor to either the complainant or the accused.

The review panel will meet separately with the parties to the complaint to conduct a thorough investigation into the charges. The Idaho Rules of Evidence shall be used as the guideline. The meetings will occur within fourteen (14) calendar days after the response is filed.

- a. The affirmative action officer will chair the review panel and will vote only in instances where a tie vote has occurred.
- b. Each party may have an advisor and/or legal counsel present at the meeting.
- c. The affirmative action officer will insure accurate and confidential documentation of the proceedings.
- d. A copy of the full statement of the charges and supporting evidence and all information arising during the investigation will be made available to the complainant and to the accused.
- e. All investigations surrounding sexual harassment complaints will be designed to protect the privacy and reputation of the accused, as well as the complainant.

The review panel shall act on the formal written complaint in one of the following ways:

- a. It may dismiss the complaint as being without merit.
- b. It may mediate, arranging for the parties to sign a written statement of agreement. The mediation agreement will stipulate a timely follow-up meeting with the affirmative action officer to review compliance.
- c. It may determine that the accused acted in violation of the college policy on sexual harassment.

Whether the allegation is dismissed, mediated, or substantiated, the Review Panel will send a written report to the vice president of the employee's work area and to the college president with copies sent to both parties.

- a. This report will be sent within fourteen (14) calendar days of the completion of the review and will include:
 1. A statement of allegation
 2. Statement of evidence and findings
 3. A copy of the mediation agreement, if any
 4. Recommendations for actions, if any
 5. Information associated with rights to appeal
- b. The President shall take one of the following actions:
 1. Agree with the decision of the panel
 2. Overturn the decision of the panel by dismissing the allegations, or by imposing sanctions
 3. Decide that enough information has not been obtained and request a board of trustees hearing
- c. The president shall provide written notification to the parties with a copy to the affirmative action officer and the vice president of the employee's work area within fourteen (14) calendar days of receiving the report from the review panel.
- d. All materials shall be retained in the review panel's files, and the files shall be made available to the board of trustees only upon appeal.
- e. If the review panel dismisses the complaint and the complainant does not appeal the dismissal or if the parties sign a written statement of agreement, the files shall be closed in the following way:
 1. The affirmative action officer will gather all written records of proceedings including the following:
 - a. The formal written complaint
 - b. The accused's reply
 - c. Testimony of witnesses
 - d. A copy of the review panel's recommendations
 - e. A copy of any written agreements
 - f. The president's written reply
 - g. Any other documents relating to the complaint

2. These materials will be placed in the central personnel file for a period of seven years. Thereafter, they shall be destroyed by the officially designated record officer of the college.

5. Appeals

Either the complainant or the accused may appeal the president's decision by filing a notice of appeal with the affirmative action officer within fourteen (14) calendar days of the president's written notification of the panel's action. In case of appeal, the board of trustees will conduct a new hearing.

6. Sanctions by the President

The president may rule:

- a. That an accused acted in violation of the college policy on sexual harassment and propose no further official action.
- b. That the violation is more serious and warrants more severe treatment. Sanctions may include, but are not limited to:
 1. Verbal and/or written reprimands
 2. Suspension with pay
 3. Suspension without pay
 4. Demotion
 5. Expulsion
 6. Removal for cause
- c. That the act of sexual harassment was of an extremely serious nature and recommend criminal action.

7. Filing a Formal Complaint Outside the Institution

A complainant may also file a complaint with federal and state agencies, such as:

Idaho Human Rights Commission
450 W. State Street
Boise, ID 83720
208/334-2873

U.S. Office for Civil Rights
Department of Education
2910 3rd Avenue, Mail Stop 106
Seattle, WA
206/442-1636

Office of Federal Contract Compliance
Room 3038, Regional Office or
Room 1104, Area Office
909 First Avenue
Seattle, WA

Equal Employment Opportunity Commission
1321 2nd Avenue, 7th Floor
Seattle, WA 98101
206/442-0968

U.S. Department of Labor
Wage and Hour Division
909 First Avenue, Room 1068
Seattle, WA