

COLUMBUS STATE COMMUNITY COLLEGE
POLICY AND PROCEDURES MANUAL

SEXUAL MISCONDUCT

Effective June 26, 2000

Procedure No. 3-35 (E)

Page 1 of 5

- (1) Members of the college community alleged to be involved in a consensual sexual relationship, in violation of the Sexual Misconduct Policy No. 3-35, are entitled to an investigative process and, if appropriate, a formal hearing as detailed in this procedure.
- (2) The college will make all reasonable efforts to maintain the confidentiality of parties involved in a sexual misconduct 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.
- (3) When the EEO Officer is made aware of the alleged consensual sexual misconduct and has determined an investigation is warranted, the process listed below will be utilized:
 - (a) The Investigative Team as defined in Procedure No. 3-33 (E) appointed by the EEO Officer and the President to serve on a continuing basis to investigate sexual harassment complaints will conduct the institutional investigation of sexual misconduct and make written recommendations as to whether or not a formal hearing is warranted.
 - (b) It is college policy to investigate thoroughly and to resolve any reported incidents of sexual misconduct. To accomplish this, the alleged misconduct 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 Misconduct policy, any employee, student, or other person with direct knowledge that someone has violated the policy should communicate the violation 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.
 - (c) The Investigative Team will be provided with a written summary of the allegation by the EEO Officer and will conduct an investigation into the alleged consensual sexual misconduct. The team will provide the respondents with the opportunity to respond to all appropriate information relating to the alleged consensual sexual misconduct and the opportunity to identify any person(s) who may have information that would be helpful to the Investigative Team.
 - (d) 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.

COLUMBUS STATE COMMUNITY COLLEGE
POLICY AND PROCEDURES MANUAL

SEXUAL MISCONDUCT

Effective June 26, 2000

Procedure No. 3-35 (E)

Page 2 of 5

- (e) Promptly after completing their investigation, the team shall recommend whether the alleged misconduct warrants going to a formal hearing. The written report prepared by the team will have supporting logic and reasoning and will be submitted to the EEO Officer.
 - (f) Within five (5) working days of receiving the Investigative Team's recommendation, the EEO Officer will determine if the complaint should go to a formal hearing.
 - (g) If it is determined that no hearing will take place, the EEO Officer will communicate the decision to the parties. The alleged policy violation will be considered resolved.
 - (h) At any point during the process the EEO Officer could reach an agreement with the parties as to an appropriate resolution to the alleged policy violation.
- (4) If the EEO Officer determines that the complaint should go to a formal hearing, within five (5) working days the EEO Officer will select three (3) individuals to serve on the Review Panel.
- (a) The EEO Officer will select three (3) individuals from the Employee Problem Review Panel described in Procedure No. 3-31 (B) (8). 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 organizations on campus, or in some other way have distinguished themselves as being capable to effectively serve on a hearing panel.
 - (b) Review Panel members will be selected by the EEO Officer according to the following guidelines:
 - (i) One panel member will represent the respondent's employment classification.
 - (ii) The panel will represent diversity.
 - (iii) The panel members will have no reporting or familial relationships to the parties involved.

COLUMBUS STATE COMMUNITY COLLEGE
POLICY AND PROCEDURES MANUAL

SEXUAL MISCONDUCT

Effective June 26, 2000

Procedure No. 3-35 (E)

Page 3 of 5

- (iv) The panel members will not be employed in the same work group or department as any of the parties.
 - (v) The panel members will not have been previously involved in the complaint.
- (5) Within five (5) working days after the panel has been selected, the EEO Officer will schedule an organizational meeting of the Review Panel to accomplish the following items:
 - (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 the alleged policy violator(s) with copies of documentation generated from the procedure to date.
- (6) 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 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 only consult with their party; they may not address the panel and 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 and represent the interests of the college.
 - (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.

COLUMBUS STATE COMMUNITY COLLEGE
POLICY AND PROCEDURES MANUAL

SEXUAL MISCONDUCT

Effective June 26, 2000

Procedure No. 3-35 (E)

Page 4 of 5

- (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 alleged policy violations will be invited to make a statement for the hearing panel. Panel members will be permitted to ask questions at the conclusion of these statements.
 - (g) Persons responding to the alleged policy violations will be invited to make a statement to the hearing panel.
 - (h) The Investigative Team will be invited to make a statement to the hearing panel members.
 - (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.
 - (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.
- (7) Within a reasonable period after the conclusion of the hearing, the hearing 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 misconduct policy has not been violated;

COLUMBUS STATE COMMUNITY COLLEGE
POLICY AND PROCEDURES MANUAL

SEXUAL MISCONDUCT

Effective June 26, 2000

Procedure No. 3-35 (E)

Page 5 of 5

- (b) The college's sexual misconduct policy has been violated. To issue this finding, the panel must be convinced, in light of all the information presented, that it is more likely than not that the sexual misconduct took place.
- (8) The parties will have the option to submit a written response to the report of findings issued by the Review Panel. These responses must be submitted to the EEO Officer within five (5) working days of receiving the report of findings.
- (9) Using the report of findings and the responses that have been received, the EEO Officer will consult with the President and Director of Human Resources and make the decision regarding the appropriate action to be taken, which may include disciplinary action up to and including discharge or dismissal.
- (10) The EEO Officer will then inform the respondent of the decision and the plans for corrective or disciplinary action, if any, and give the alleged offender an opportunity to respond. If disciplinary action is decided upon, the vice presidential administrator will send complete documentation of the incident to the Director of Human Resources to be placed in the offender's personnel file.
- (11) The EEO Officer will inform the complainant concerning the resolution of the complaint.
- (12) A record of every report of sexual misconduct 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 the offender is found to have violated the policy, a sealed letter will be placed in the personnel file summarizing the complaint incident and its resolution, including any disciplinary action that was taken.
- (13) Minor variations from this procedure which do not unreasonably prejudice the parties shall not be grounds to invalidate the process.
- (14) There will be no retaliation against an individual bringing forth a good-faith complaint of sexual misconduct.