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## **POLICIES & PROCEDURES FOR EMPLOYEES**

Southwestern Community College - Policies and Procedures Manual

Policy Title: **Sexual Harassment** **4.17.1**  
Responsible Division: Administrative Services  
Date Approved: April 1999

### **1. Complaint**

An employee or student who feels sexually harassed is encouraged, but not required, to informally resolve the complaint directly. The employee or student may choose to circumvent this step and may request mediation or formally report a complaint through one of the following channels:

- a. Supervisor of the alleged offender
- b. Vice President or Director for the appropriate division or department
- c. Director of Human Resources and Facility Development

If upon investigation by the appropriate supervisor, a complaint warrants disciplinary action for prima facie sexual harassment, the supervisor may proceed to take the appropriate disciplinary action as outlined in policy 4.20 and procedure 4.21.1 - Disciplinary Action, Suspension and Dismissal.

If the responsible supervisor cannot determine the facts

and merit of the complaint based upon prima facie evidence, then the complaint proceeds to a modified version of the Employee Grievance Procedure [4.23.1](#), outlined below.

2. **Filing Requirements** - Formal grievances must be filed in written form within 120 days of the action or decision being grieved. The grievance must be submitted to the Office of the President. The employee must include a specific written summary of all allegations and relevant documentation and a list of witnesses who can substantiate the allegations or documentation. All formal charges of sexual harassment must be reported to the Vice President for Administrative Services immediately for insurance reporting purposes.
3. **Appointment of Hearing Panel** - Within ten working days of receipt of the grievance, the President shall appoint a panel consisting of three employees chosen from the roster of full-time employees of the college. None may be from the same division of the college as the complainant or respondent. Any employee named as a party or witness is disqualified. The grievant and the respondent may each disqualify one person from serving if they feel that person cannot remain unbiased. The President will appoint employees to replace those disqualified from service or who decline to serve. The panel must elect one member to act as chairperson. The chairperson's responsibility is to facilitate the process.
4. **Pre-Hearing Activities** - The panel will decide by a majority vote any evidentiary dispute arising in the course of the deliberation.
  - a. The **respondent** is the party named by the grievant as the person making the decision or action which is the basis of the grievance. The respondent shall be notified of the grievance by the Hearing Panel. The Hearing Panel shall request from the respondent a written summary providing any relevant

documentation to substantiate the action(s) which are being appealed by the grievant. The hearing panel must share copies of the grievance statements with both parties. The respondent shall have ten working days in which to respond.

- b. **Pre-hearing conferences** may be held at the discretion of the hearing panel. The hearing panel may request additional information about the nature of the grievance, the redress sought, and the identity of all involved parties; give information about the nature of the hearing procedures and the rights of third party observers.
  - c. **Amending the Grievance** - the grievance can be amended by the grievant only until the hearing panel convenes the formal hearing. At the pre-hearing conference, the hearing panel may advise the grievant that the matter is a non-grievable issue and allow an amendment to the grievance statement.
  - d. If an issue is **not properly grievable**, the hearing panel must prepare a report that the grievance be dismissed and state such reasons.
  - e. A grievance may be **withdrawn** by the grievant at any stage of the grievance process.
5. **Hearings** - All hearing shall be conducted in accordance with the following guidelines:
- a. The hearing panel will decide and communicate:
    1. Order of testimony presentation
    2. Admissibility of evidence
    3. Procedure for questioning the parties and witnesses
    4. Allowance and relevance of questions

- a. Heresy evidence may only be admitted if the source of that information is revealed so that the person(s) can be requested to appear
  - b. The hearing panel should not allow any questioning that is irrelevant, unduly repetitious, or abusive
5. Attendance of persons at the hearing
  - a. Grievance hearings are confidential as provided by state law
  - b. Grievance hearings are not open to spectators
  - c. The grievant is allowed one third party observer and the respondent is allowed one third party observer
  - d. Third party observer may be an attorney, but may not address the panel, present witnesses, question witnesses or parties, or present evidence.
- b. Official Record - the hearing panel will maintain the official record. The official record will consist of tape recordings of the hearing, numbered copies of records, documents, and statements.
6. **Findings of the Hearing Panel** - The hearing panel shall prepare a report of their findings within ten working days from the conclusion of the hearing.
  - a. The report shall state a separate finding for each particular item of grievance.
  - b. The findings should resolve the material issues of fact that have been disputed.

- c. Recommend action(s) for the President to take
  - d. The report shall include any minority views of a panel member
7. **Response of the President** - The President shall receive the report of findings from the hearing panel along with the official record of the hearing. The President may accept, modify, or set aside the recommendations of the hearing panel. The President will inform all parties involved and the hearing panel of his or her decision within 15 working days.

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