

# Grievance Procedures & Resolution of Harassment, Discrimination, and Sexual Violence Complaints Against Employees

This grievance procedure is established to provide recourse for any student, prospective student, employee or member of the community who feels that his/her civil rights have been violated as set out in the following legislation:

- 1) Title VI and Title VII of the Civil Rights Act of 1964 (as amended by the Equal Employment Opportunity Act)
- 2) Title IX of the Educational Amendments of 1972
- 3) Section 504 of the Rehabilitation Act of 1973
- 4) The Americans with Disabilities Act of 1990
- 5) Violence Against Women Act 2014

The purpose of this procedure is to secure at the lowest possible level, equitable solutions to problems that may arise affecting students or employees in their dealings with Beville State Community College. These proceedings will be kept as informal and confidential as may be appropriate at any level of the procedure. For the purpose of this procedure, a grievance is a claim by a student, prospective student, employee or community member who cites a failure of the institution to comply with civil rights legislation.

## Informal Grievance Process - Procedures

1. Any member of the College community who believes that he or she has been the victim of sexual harassment or illegal discrimination should immediately bring the matter to the attention of the Title IX Coordinator, or to any academic or administrative officer, dean, director, supervisor, or advisor, who will then forward the complaint to the Title IX Coordinator or the person designated by the President to coordinate the investigation of such complaints. The Title IX Coordinator will determine the Dean or Administrative representative to participate in the investigatory process. Upon receipt of the complaint, the Title IX Coordinator shall meet and interview the complainant. During this initial meeting, in addition to gathering the additional information needed to initiate an investigation into the complaint, the Title IX Coordinator shall explain the procedure and shall present a copy of this Harassment and Discrimination Policy. The President shall be promptly notified of the complaint.
2. The complainant should present the complaint as promptly as possible after the alleged sexual harassment or discrimination occurs, preferably within thirty (30) calendar days of the incident. The complainant should submit a written statement of the allegations.
3. It is the intention of this policy to resolve complaints of sexual harassment and illegal discrimination as promptly as possible after the complaint and/or report is made. All complaints and/or reports will be investigated and resolved within forty-five (45) calendar days of receipt, except in extraordinary cases that require more time for completion of the investigation. Both the complainant and alleged offender shall be given periodic updates as to the status of the investigation.
4. The investigation record shall consist of formal and/or informal statements from the alleged victim, the alleged offender, witnesses identified by the victim or offender, and others deemed by the investigator to have pertinent knowledge of the facts involved in the complaint. All witnesses who provide relevant information should submit a written, signed statement attesting to their knowledge of the incident. The investigation will afford the accused a full opportunity to respond to the allegations.
5. Complaints may be resolved through informal or formal procedures. Informal means are encouraged at the beginning point, but the choice of where to begin rests with the complainant. If the Title IX Coordinator, or the person designated by the President to handle the complaint, believes that the matter is sufficiently grave because of the nature of the alleged offense, or because the complainant seeks to have a sanction imposed, then formal procedures shall be initiated.
6. The complainant may, if he or she chooses, attempt to resolve the matter directly with the alleged offender and report to the Title IX Coordinator. However, if the complainant does not feel safe in confronting the alleged offender concerning the behavior or if the behavior does not stop, he/she shall immediately report such behavior to the Title IX Coordinator.
7. The Title IX Coordinator may notify the alleged offender of the complaint and take whatever steps deemed appropriate to

affect an informal resolution that is acceptable to both parties. The informal action stage will last no more than fifteen (15) calendar days, unless extended by the consent and agreement of the complainant.

8. If the complaint is resolved informally, no record of the complaint will be entered in the alleged offender's personnel file or student record. However, the Title IX Coordinator will keep a record of the complaint and the resolution. A copy of the record will be forwarded to the President. All such records will remain confidential.
9. If the results of the investigation and informal resolution of the complaint are accepted by the alleged victim and he or she desires no further action against the alleged offender, then the complainant will sign a statement requesting that no further action be taken. The alleged offender will receive a statement explaining the resolution of the investigation as conducted under this policy and procedure and will sign a statement documenting his or her receipt of the resolution.
10. Some reports of sexual harassment and discrimination may not be appropriate for informal resolution and may require a formal investigation at the discretion of the Title IX Coordinator, or the person designated by the President to coordinate the investigation of the complaint. Substantial weight will be given to the wishes of the complainant when determining whether to investigate a complaint; however, BSCC may investigate a complaint without the complainant's and/or alleged offenders consent when circumstances so warrant.

## Formal Grievance Process - Procedures

1. If the complaint cannot be resolved on an informal basis within fifteen (15) calendar days or such extended time as agreed to by the complainant, the complainant may file or pursue a formal complaint. Each complainant has the right to proceed with or withdraw from the formal complaint procedure once it has been submitted. The issues involved in the complaint should not be changed once the charge has been made. However, administrative procedures may be revised to accommodate issues arising during the investigation which were not known to the complainant or the institution when the initial complaint was filed.
2. If the formal complaint is against an employee of the College, it shall remain with the Title IX Coordinator for investigation and disposition pursuant to applicable law and grievance/discipline procedures. The Title IX Coordinator will determine the Dean or Administrative representative to participate in the investigatory process.
3. In the event of complaints against employees and/or students, the Title IX Coordinator will notify the alleged offender in writing of the complainant's decision to take formal action. Formal action will consist of the Title IX procedures as set forth:

A. The original and two copies of Grievance Form A must be filed with the Title IX Coordinator within thirty (30) calendar days following the date of the alleged violation(s). The alleged violation(s) must be clearly and specifically stated. Complainant is advised to keep a copy of all forms.

B. The Title IX Coordinator will conduct whatever inquiry he/she deems necessary and will arrange conferences with the complainant, the alleged offender, and any other appropriate persons. The investigation will afford the accused an opportunity to respond to the allegations and offer any witnesses or evidence which are relevant to the resolution of the complaint. The Title IX Coordinator will make a record of the case, including a record of their decision, and a copy of that record will be retained as confidential files. Within forty-five (45) calendar days following the receipt of Grievance Form A, the Title IX Coordinator shall notify the complainant and the alleged offender of the outcome of the investigation; however, that information should be treated by both parties as confidential and private. Said notification shall be mailed to his/her home address by certified mail, return receipt requested.

C. Within fifteen (15) calendar days following receipt of the findings, a complainant or accused not satisfied with the resolution achieved by the formal procedures may seek an appeal by the completion and submission of Form B with the Title IX Coordinator and the President. If a notice of appeal is filed, appeal Form B must be used. Complainant or accused must state clearly and specifically on Form B the objections to the findings and/or decision. Copies of Form B must be provided to the Title IX Coordinator and the President or President's designee. If complainant or accused fails to file notice of appeal by the end of the 15th calendar day following receipt of the findings, the right to further appeal will be forfeited.

D. The President will have thirty (30) calendar days following date of receipt of notice of appeal to investigate and study allegations and the written report of findings. At the completion of the President's review, the complainant and alleged offender shall be provided with a written report and disposition. Said notice shall be mailed to his/her home address by certified mail, return receipt requested. In addition, a copy of the written report and disposition shall be provided to the Title IX Coordinator. The decision of the President is final.

## Remedial Action

Based on the findings and the decision of the President of Beville State and the Chancellor of the Alabama Community College System, disciplinary action will be imposed as appropriate, depending on the severity of the findings.

## Retaliatory Harassment

After the conclusion of the grievance process (formal or informal) should the complainant believe that he or she has become the victim of retaliatory harassment, the Title IX Senior Compliance Coordinator should be immediately notified.

NOTE: It is the intent of the Policy to provide for a prompt and thorough investigation of any complaints. The time limits set forth within these guidelines are subject to change as needed to ensure satisfactory conclusion of the investigation.

NOTE: Grievances against students will be handled according to usual and customary student discipline procedures as outlined in the handbook; with the exception of students charged with violating the SEXUAL ASSAULT AND VIOLENCE POLICY. A student charged with this conduct violation will be immediately referred to the Grievance Procedures and Resolution of Harassment, Discrimination and Sexual Violence Complaints found in Section III of this catalog. Sanctions for this violation may range from probation to expulsion, depending on the severity of the incident.