

INSTITUTIONAL DIRECTIVE 6-8

November 20, 2006

PURSUANT TO SECTION 41-1-110 OF THE CODE OF LAWS OF SC, AS AMENDED, THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE COLLEGE.

Title: No Harassment

I. Purpose

Piedmont Technical College is committed to maintaining a work environment that is free of discrimination. The following procedures are established to aid faculty, staff, and students deal with various forms of harassment, committed by co-workers, other students, supervisors, vendors, or clients.

II. Policy

It is the policy of Piedmont Technical College to maintain a work environment that is free from any form of harassment. Harassment consists of unwelcome conduct, whether verbal, physical or visual, that is based upon a person's sex, color, race, religion, national origin, age, disability, sexual orientation, or other protected status. Piedmont Technical College will not tolerate harassing conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile, or offensive work environment.

III. Sexual Harassment- Clarification

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex. Sexual harassment is indicated when: (1) submission to the conduct is an explicit or implicit term or condition of employment, (2) submission to or rejection of the conduct is used as the basis for an employment decision, or (3) the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment. Sexual harassment may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented "kidding" or "teasing", "practical jokes", jokes about gender-specific traits, foul or obscene language or gestures, displays of foul or obscene printed or visual material, and physical contact, such as patting, pinching, rubbing, or intentionally brushing against another's body.

Office of Responsibility: President

IV. Roles and Responsibilities

A. All Employees

All employees are responsible for helping to eliminate harassment. If any employee feels that he or she has experienced or witnessed harassment, it is their responsibility to report such behavior to their supervisor. Supervisors must report all complaints to the Human Resources Manager or other designated personnel.

B. Human Resources Manager and Other Designated Personnel Specialists

1. The Human Resources Manager is designated as the contact person/policy coordinator by the President to advise individuals with regard to behavior that may violate this policy, and to help individuals better understand the processes involved in formal and informal complaints. Alternate contacts who may receive complaints are the designated personnel specialists assigned to the Human Resources Office. The names of the contact person and alternates will be posted on appropriate bulletin boards and made known to all department heads, deans, and vice presidents.
2. Individuals desiring to report a complaint after daily operating hours should contact the Public Safety Office (941-8000); Public Safety will advise the individual of phone numbers for the Human Resources Manager or other designated personnel.
3. If an individual is reluctant to discuss their complaint with the Human Resources Manager and/or other designated personnel, the President will designate an alternate contact person.
4. As policy coordinator, the Human Resources Manager is responsible for conducting investigations, maintaining records of all complaints, recommending appropriate disciplinary actions to the President, and coordinating the institution's response to formal complaints. Required reports on the nature and outcome of complaints at the institution will be prepared by the Human Resources Manager; data from these reports will be used as information in the planning and assessment of progress toward the elimination of harassment.

C. President

If the President is the subject of a complaint, the Chairperson of the Area Commission or an outside individual designated by the Chairperson will conduct an investigation and prepare a report to be made to the full commission.

D. Vice President for Student Development

In cases where either the complainant or alleged offender are students, the Vice President for Student Development will be notified of the complaint by the Human Resources Manager so that appropriate actions may be taken by the Vice President for Student Development, in accordance with applicable student complaint guidelines. The Vice President for Student Development will also be consulted in situations involving an employee harassing a student.

V. Complaint Process

A. Mediation

1. Students should refer to Institutional Directive 8-29 and the S. C. Student Code & Grievance Procedure in The Piedmont Technical College Catalog.

2. Because of the sensitive nature of most harassment incidents, every effort should be made to resolve such problems on an informal basis if possible. If an aggrieved employee desire a third party mediator to help resolve the complaint, the President will designate an individual.
 3. During mediation, the complainant meets with the contact person to describe the behavior that is offensive. The complainant and the contact person will consider options that might resolve the situation, including but not limited to:
 - a. Preparing a letter to the alleged offender, which describes the offensive behavior and requests that it cease;
 - b. Setting up a meeting between the contact person and the alleged offender to discuss the offensive behavior;
 - c. Preparing the complainant to meet with the alleged offender regarding the offensive behavior;
 - d. Exploring other options to end the offensive behavior or resolve the complainant's concern about the offensive behavior.
 4. The Human Resource Manager shall notify the President and applicable Vice President of the nature of the complaint, resolution processes to be used, and outcomes. Others who may have a legitimate need to know (such as a supervisor) shall be informed on a case-by-case basis. The Human Resource Manager shall retain the only copy of all documentation produced in the mediation process.
 5. If the resolution is not satisfactory to the complainant, or if the complainant does not wish to seek informal mediation of his/her complaint, then such employee may file a formal complaint.
- B. Formal Complaint
1. The complainant meets with the Human Resource Manager and/or alternate who will receive the formal complaint.
 2. The complainant must provide a signed and dated statement including a description of the alleged offensive behavior.
 3. The complainant is advised that the alleged offender will receive a copy of the complaint.
 4. The Human Resource Manager sends a copy of the written complaint to the alleged offender with a letter informing same that an investigation has begun and directs him/her not to engage in any retaliatory behavior against the complainant. The letter shall either be hand-delivered or sent certified to the alleged offender's mailing address marked "confidential". Copies of the letter and complaint are sent to the complainant, the President, and supervisors as appropriate.
- C. Investigation Under The Formal Complaint Process
1. The Human Resources manager and/or alternate, or any other individual(s) designated by the President will conduct investigations of alleged offenses. The complainant and/or the alleged offender may object to the selection of the investigators if either believes there is demonstrable or perceived bias on the part of either investigator. Any objection must be raised within 5 working days of receipt of notice of the investigation. However, the President has final authority in the appointment of investigators.
 2. The investigation will be conducted as expeditiously as possible without compromising thoroughness. The investigator(s) will meet separately with the

complainant and the alleged offender. The investigator(s) will request information about the alleged incident(s) and will seek information from individuals who might know about the incident(s) or other information helpful to the investigation.

3. If, in the course of the investigation, other allegations surface against the individual being investigated which may themselves constitute harassment or related unprofessional conduct, the investigator shall inform the alleged offender of the allegations, in writing, and the individual will be given an opportunity to respond to these allegations before the investigator submits the report and statement of findings.
4. The investigator will document all meetings with principals and witnesses. If principals and/or witnesses elect to have counsel present at the meetings, the college reserves the right to also have counsel present.
5. At the conclusion of the investigation, a final report, including a statement of findings, will be presented to the President. If the President determines that the final report is thorough and complete, he will terminate the investigation. However, if the President finds the report to be incomplete or does not concur with the findings, he may send the report back for further investigation.
6. If there is no finding of harassment or related unprofessional conduct, the President will send letters to the alleged offender and the complainant informing them of the results of the investigation. No materials pertaining to the complaint will be placed in the personnel or student file in such an instance. Accordingly, the Human Resource Manager will retain the only record of the formal complaint.
7. If there is a finding of harassment or related unprofessional conduct, the President will return the report to the Human Resource Manager who will provide copies to the supervisor of the alleged offender. The supervisor, in consultation with the Human Resource Manager and appropriate Vice President, will discuss appropriate disciplinary action. Once a course of action has been decided, and approved by the President, the Human Resource Manager will send the offender a letter outlining the disciplinary action being taken. If the offender is a student, the Vice President of Student Development will initiate appropriate disciplinary procedures. A record of any disciplinary action taken shall be placed in the appropriate personnel file.
8. If the conclusion of the case is not satisfactory to the complainant (employee only), the matter may be appealed to the Executive Director of the State Board for Technical and Comprehensive Education. Appeals must be submitted in writing within five (5) calendar days of receipt of notification.
9. **All action on a formal harassment complaint by a PTC employee must be completed within a period of twenty (20) calendar days from the receipt of the initial complaint. Any employee, who does not have action on his/her formal complaint completed within twenty (20) calendar days, may appeal directly to the Executive Director of the State Board for Technical and Comprehensive Education.**

VI. Education

- A. In an effort to maintain an atmosphere of mutual trust and respect, the College will provide educational programs that work toward the elimination of offensive behavior. In these programs the institution will:
1. Make available to all employees copies of this Policy and this procedure for the implementation of the policy;
 2. Periodically distribute materials that define harassment and explain the rights and responsibilities of individuals under the policy;
 3. Provide faculty and staff with information and training to heighten awareness of the issues and of the college's expectations.
- B. The College will continue to support, monitor and revise the educational program in terms of working toward the goal of eliminating harassment and related unprofessional conduct and enhancing mutual trust and respect.

VII. Timeliness

Students or employees should file complaints within fourteen (14) calendar days of the alleged act leading to the complaint.

VIII. Confidentiality

All harassment complaints will be handled confidentially as long as legally and administratively possible. When a harassment complaint is filed, either informally or formally, only the President and individuals with a legitimate need to know will be informed.

<u>Original on File</u>	<u>11/20/06</u>
Approved for Publication	Date