



**PIEDMONT TECHNICAL COLLEGE**

**PROCEDURE**

**PROCEDURE NUMBER: 8-5-1010.1**

**PAGE: 1 of 6**

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**TITLE: Anti-Harassment**

**RELATED POLICY AND PROCEDURES: 8-5-1010 Anti-Harassment**

**DIVISION OF RESPONSIBILITY: Business and Finance**

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September 6, 2013

September 19, 2013

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**Date Approved by President**

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**Date of Last Review**

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**Date of Last Revision**

**DISCLAIMER**

**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 PIEDMONT TECHNICAL COLLEGE.**

**Administrative Responsibility**

It is the responsibility of the Director of Human Resources to review and revise this procedure.

**Definitions**

- A. 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, or other protected status.



## PIEDMONT TECHNICAL COLLEGE

### PROCEDURE

**PROCEDURE NUMBER: 8-5-1010.1**

**PAGE:**

**2 of 6**

---

The College will not tolerate harassing conduct that affects tangible job benefits (pay, promotion, time off, etc.), that interferes unreasonably with an individual's work performance, or that creates an intimidating or hostile environment.

#### **B. 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.
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.

The victim, as well as the harasser, may be male or female. The victim does not have to be of the opposite sex. The victim does not have to be the person harassed but could be a bystander who witnessed and was offended by the conduct.

**C. Stalking** consists of a pattern of words (written or electronic) or conduct that is intended to cause, or causes, a targeted person (and would cause a reasonable person in the targeted person's position) to fear:

1. Death of the person or a member of his family.
2. Assault upon the person or a member of his family.
3. Bodily injury to the person or a member of his family.
4. Criminal sexual contact against the person or a member of his family.
5. Kidnapping of the person or a member of his family.
6. Damage to the property of the person or a member of his family.

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



## PIEDMONT TECHNICAL COLLEGE

### PROCEDURE

**PROCEDURE NUMBER: 8-5-1010.1**

**PAGE:**

**3 of 6**

---

with various forms of harassment, committed by co-workers, other students, supervisors, vendors, or clients.

#### **Procedure**

##### **A. Roles and Responsibilities**

###### **1. Employees**

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

###### **2. Director of Human Resources and Other Designated Personnel Specialists**

- a) The Director of Human Resources 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 are posted on appropriate bulletin boards and made known to all Department Heads/Academic Program Directors, Deans, and Vice Presidents.
- b) Individuals desiring to report a complaint after daily operating hours should contact the Public Safety Office (941-8000); Public Safety advises the individual of phone numbers for the Director of Human Resources or other designated personnel.
- c) If an individual is reluctant to discuss his/her complaint with the Director of Human Resources and/or other designated personnel, the President designates an alternate contact person.
- d) As policy/procedure coordinator, the Director of Human Resources is responsible for conducting investigations, maintaining records of all complaints, recommending appropriate disciplinary actions to the President, and coordinating the College's response to formal complaints. Required reports on the nature and outcome of complaints at the College are prepared by the Director of Human Resources; data from these reports are used as information in the planning and assessment of progress toward the elimination of harassment.



## PIEDMONT TECHNICAL COLLEGE

### PROCEDURE

**PROCEDURE NUMBER: 8-5-1010.1**

**PAGE:**

**4 of 6**

---

3. President

The President is the subject of a complaint, the Chairperson of the Area Commission or an outside individual designated by the Chairperson conducts an investigation and prepares a report to be made to the full Commission.

4. Vice President for Student Development

In cases where either the complainant or alleged offender are students, the Vice President for Student Development is notified of the complaint by the Director of Human Resources 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 is also consulted in situations involving an employee harassing a student.

#### **B. Complaint Process**

1. Mediation

- a) Students should refer to Student Grievance Procedure 3-2-1060.1 and the S. C. S Student Code & Grievance Procedure in the Piedmont Technical College (PTC) Catalog.
- b) 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 designates an individual.
- c) During mediation, the complainant meets with the contact person to describe the behavior that is offensive. The complainant and the contact person consider options that might resolve the situation
- d) The Director of Human Resources notifies 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 Director of Human Resources shall retains the only copy of all documentation produced in the mediation process.
- e) 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.



## PIEDMONT TECHNICAL COLLEGE

### PROCEDURE

**PROCEDURE NUMBER: 8-5-1010.1**

**PAGE:**

**5 of 6**

---

#### 2. Formal Complaint

- a) The complainant meets with the Director of Human Resources and/or alternate who receives the formal complaint.
- b) The complainant must provide a signed and dated statement including a description of the alleged offensive behavior.
- c) The Director of Human Resources informs the offender that an investigation has begun and directs him/her not to engage in any retaliatory behavior against the complainant.

#### 3. Investigation Under The Formal Complaint Process

- a) The Director of Human Resources and/or alternate, or any other individual(s) designated by the President conducts 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.
- b) The investigation is 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.
- c) 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 informs the alleged offender of the allegations, and the individual is given an opportunity to respond to these allegations before the investigator submits the report and statement of findings.
- d) The investigator documents 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.
- e) At the conclusion of the investigation, a final report, including a statement of findings, is presented to the President. If the President determines that the final report is thorough and complete, he/she will terminate the investigation.



## PIEDMONT TECHNICAL COLLEGE

### PROCEDURE

PROCEDURE NUMBER: 8-5-1010.1

PAGE:

6 of 6

---

However, if the President finds the report to be incomplete or does not concur with the findings, he/she may send the report back for further investigation.

- f) If there is no finding of harassment or related unprofessional conduct, the President sends letters to the alleged offender and the complainant informing them of the results of the investigation. No materials pertaining to the complaint is placed in the personnel or student file in such an instance. Accordingly, the Director of Human Resources retains the only record of the formal complaint.
- g) If there is a finding of harassment or related unprofessional conduct, the President returns the report to the Director of Human Resources who provides copies to the supervisor of the alleged offender. The supervisor, in consultation with the Director of Human Resources and appropriate Vice President, discusses appropriate disciplinary action. Once a course of action has been decided, and approved by the President, the Director of Human Resources meets with the offender and provides a letter outlining the disciplinary action being taken. If the offender is a student, the Vice President for Student Development initiates appropriate disciplinary procedures. A record of any disciplinary action taken is placed in the appropriate personnel file.
- h) 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.
- i) **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.**

#### C. Education

1. 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:
  - a) Make available to all employees copies of the Policy and this Procedure for the



## PIEDMONT TECHNICAL COLLEGE

### PROCEDURE

PROCEDURE NUMBER: 8-5-1010.1

PAGE:

7 of 6

---

implementation of the policy.

- b) Periodically distribute materials that define harassment and explain the rights and responsibilities of individuals under the procedure.
  - c) Provide faculty and staff with information and training to heighten awareness of the issues and of the college's expectations.
2. 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.

#### D. Timeliness

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

#### E. 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.**