



## **PURPOSE**

The purpose of these procedures is to afford prompt, objective and equitable resolution of reports or complaints of discrimination or harassment as defined in applicable Company policies. Any person believing that they have been subjected to discrimination or harassment under these policies may file a complaint with the Company. These procedures address all complaints of alleged discrimination or harassment, including sexual harassment, sexual misconduct and complaints of retaliation against those who have opposed discriminatory practices, those who have filed complaints of discrimination or harassment, and those who have testified or otherwise participated in enforcement of applicable discrimination or harassment policies.

It is important that all members of the Company community understand that Company policy does not only prohibit workplace discrimination or harassment. Company policy also prohibits discrimination, harassment or retaliation against members of the Company community more generally, including discrimination by employees against guards or supervisors, between guards or supervisors, or by a third party (non-community) individual. Company non-discrimination policy applies to all programs and activities, including, but not limited to, extracurricular activities, instruction, grading, Company housing and Company employment.

Reports or complaints alleging discrimination and harassment are processed on the basis of the status of the alleged perpetrator (respondent). Reports or complaints against any Company employee will be processed by the Human Resources (HR). Reports or complaints brought against individuals who are not members of the Company community (e.g., vendors, outside contractors, guests) will also be processed by HR. Reports or complaints against any Company student will be processed by the Human Resources Department.

## **Complaints Against Employees (or third parties)**

The HR is primarily responsible for coordinating compliance with federal and state civil rights laws. The HR is not an advocate for either the complainant or the respondent. HR staff will explain the informal and formal processes for resolution of the complaint, as well as confidentiality provisions. Where appropriate, HR will provide information regarding interim remedial services (e.g., medical services, counseling services, academic services, advocacy services) and information on how to make a criminal report. If an individual does not wish to file a complaint, but merely wishes to file a report or seek consultation, HR will inform the individual that the Company will be limited in the actions it can take without cooperation. The HR will also explain that retaliation for reporting discrimination or for participating in resolution of a complaint is a separate policy violation and that any retaliation should be immediately reported and will be promptly addressed.

## **Informal Resolution**

If the reporter or complainant requests and the respondent agrees that an informal resolution should be pursued, HR will attempt to facilitate a resolution that is agreeable to the parties. Informal resolution shall not include disciplinary action beyond a letter of reprimand. Typically, informal resolution efforts will be completed within thirty (30) calendar days of receipt of the complaint. If it is mutually agreeable to both parties, this timeframe may be extended. If at any point during the informal process, the reporter, complainant, respondent or HR wishes to stop the informal process and proceed through formal resolution procedures, a formal process shall commence. Informal resolution is not available in cases involving sexual assault.

## **Formal Resolution**

HR will discuss allegations with the complainant and respondent as appropriate, and provide information regarding policy and procedures as well as available resources. HR will also consider whether immediate or interim action is appropriate. HR will conduct an impartial investigation that will include interviewing relevant witnesses and documentary evidence offered by both parties. At the conclusion of the investigation both parties will have a final opportunity to meet with the investigator prior to a determination.



After the final meeting, HR determines whether there is a preponderance of evidence to believe that the respondent is in violation of relevant Company policy. A preponderance of evidence requires that the evidence supporting a finding be more convincing than the evidence in opposition to it. In determining whether behavior created a hostile environment, HR will consider not only whether the conduct was unwelcome to the complainant, but also whether a reasonable person in the complainant's situation would have objectively perceived the alleged conduct as sufficiently severe or pervasive as to alter the conditions of employment or academic or extracurricular pursuit. HR's determination will be in writing and will be provided to both complainant and respondent. In the case of the complainant, the letter of determination will include information regarding the availability of appropriate on-going remedies.

Typically, formal complaint procedures will be completed sixty (60) calendar days of receipt of the complaint. If, at the sole discretion of HR, it becomes necessary to extend the process, both parties will be notified of a revised timeframe.

If HR determines by a preponderance of evidence that a policy violation does not exist, the complaint is documented and closed; in this case the complainant will be advised of their right to file a complaint with a relevant federal or state agency. Appropriate remedies may also be considered.

If HR determines that a preponderance of evidence of a policy violation exists, HR will prepare a written report that will include recommendations for steps to be taken to stop the behavior, prevent recurrence of the violation and for prevention of retaliation, and as appropriate, recommend disciplinary sanctions for the respondent. Disciplinary sanctions may range from a letter of reprimand, up to and including, termination from employment. The report will be provided to the Company administrator with the authority to impose disciplinary sanctions in accordance with applicable employment policies and procedures.

**Reporter or Complainant Requests that No Action Be Taken**

If a reporter or complainant requests that neither informal nor formal processes be initiated, HR will consider the request, including the safety of the person allegedly harmed as well as that of other members of the Company community. If HR has concerns that not taking action might endanger the health or safety of others, it will initiate confidential consultation with appropriate individuals to evaluate the circumstances and to make a determination as to what appropriate action to take, if any. HR will make the final determination as to whether to initiate a formal investigation or to take informal measures as described above.

**Confidentiality Statement**

The Company has a duty to respond to allegations of discrimination (including sexual harassment) and therefore cannot guarantee absolute confidentiality once allegations are disclosed to Company officials. The confidentiality of information disclosed during the course of investigations or informal resolution efforts will be respected to the extent feasible and practical. This means that information about the complaint is shared only with those individuals within the Company community who "need to know" in order to effectively investigate and/or resolve the complaint. Parties with a need to know may include witnesses or Company officials who need to be informed of the complaint in order to cooperate with an investigation or to implement resolution. These parties will be advised that they should keep the information confidential in the best interests of all parties.