Procedures for Resolution of Harassment/Discrimination Complaints

These procedures will be followed in order to provide a prompt, reliable and impartial investigation of complaints alleging violations by Clemson University employees or other non-students of the following Clemson University Policies for Equitable Treatment: Anti-Harassment and Non-Discrimination Policy, Statement on Amorous Relationships, Policy for Disabled and Vietnam-Era Veterans, Policy on HIV Disease and AIDS, and Policy for Individuals with Disabilities. (These policies can be found at: http://www.clemson.edu/access/under “Policies for Equitable Treatment”)

These procedures apply to complaints of harassment/discrimination based on age, color, disability, sex (including sexual harassment and sexual violence complaints that fall under Title IX of the Education Amendments of 1972), gender, pregnancy, national origin, race, religion, sexual orientation, or veteran’s status, genetic information or protected activity (e.g., opposition to prohibited discrimination or participation in the statutory complaint process, etc.) where the person allegedly acting in violation of Clemson University policy is an employee or other non-student. Such incidents of harassment/discrimination should be reported to the Office of Access and Equity, 110 Holtzendorff Hall, telephone: 656-3181 (voice) and 656-0899 (TDD). If Clemson University Responsible Employees receive such complaints, they should also immediately report them to the Office of Access & Equity.

Complaints alleging harassment or discrimination (including sexual harassment and sexual violence) committed by a student (undergraduate or graduate) should be immediately reported to the Office of Community and Equitable Standards (OCES). The contact information for OCES is 912 University Union, telephone: 656-0510 and the OCES complaint procedures can be found at: http://www.clemson.edu/administration/student-affairs/student-handbook/code-of-conduct/student-conduct.html.

Any harassment/discrimination that is a violation of criminal law (including sexual violence) should also be immediately reported to the Clemson University Police Department (CUPD) if it occurred on campus by dialing 911 or 656-2222 or other appropriate law enforcement agency if it occurred off campus by calling 911. A criminal complaint and a campus complaint through either the Office of Access & Equity or the Office of Community and Equitable Standards can be made simultaneously.

1 At Clemson University, Responsible Employees under Title IX are defined as: Clemson University faculty, staff who work directly with students, Student Affairs staff, athletic coaches, Advisors to recognized Student Organizations, Resident Coordinators and Resident Assistants, managers, supervisors and administrators.
Reports of harassment /discrimination should be brought as soon as possible after the alleged conduct occurs. Prompt reporting enables the University to more effectively investigate the facts, determine if a violation of any policy has occurred, and provide an appropriate remedy or disciplinary action. The University will investigate all reports of discrimination/harassment against a member of our community regardless of the time that has passed since the incident and its reporting.

**Complaint Process**

Upon notification of a complaint alleging a violation of any of the policies identified above (including allegations of sexual discrimination/sexual violence), an investigator in the Office of Access and Equity will conduct a reliable, impartial and prompt investigation into the allegations following the process below. The purpose of the process is to (1) determine whether the alleged conduct occurred, (2) if yes, determine if the conduct constitutes harassment/discrimination under the Clemson University policy, (3) if yes, determine what actions will be taken to end the harassment/discrimination, eliminate any hostile environment, and prevent its recurrence.

- The investigation shall include interviews with the parties, interviews with other witnesses as needed, and a review of relevant documents, if appropriate. Both the complainant and the respondent to the complaint will have an equal opportunity to provide evidence and to identify any witnesses that support their position. If all witnesses identified by the parties are not interviewed, the investigator will document the reason the interviews were not conducted and notify the parties.

- The individual(s) accused of violating any University Policy for Equitable Treatment shall be given a written statement of the allegations made by the complainant.

- Both the complainant and the respondent may have an advisor present (the advisor can be an attorney) during any meetings with the investigator. However, the advisor is present solely to advise the party and not to ask or answer questions during the investigator’s fact finding process.

- The investigation shall be completed as promptly as possible. Generally the investigations will be completed within 60 days of receipt of the complaint. However, complicated cases, absence of witness or other factors may result in longer investigations. If the investigation will exceed 60 days, the investigator will notify the complainant and the respondent.

- The investigation will result in a written report that includes a statement of the allegations, the positions of the parties, a summary of the findings of fact, and a determination by the Investigator as to whether University policy has been violated, and recommendations for actions to resolve the complaint, if the policy has been violated. If all witnesses identified by the parties were not interviewed, the report shall include a statement explaining why. The report shall be submitted to the University official(s) with authority to implement the actions necessary to resolve the complaint.
• The complainant and the respondent shall be informed in writing when the investigation is complete and whether any violations of policy were found. Both parties will be notified of the following:
  1. Whether the alleged conduct occurred and whether it violated any Clemson University policy.
  2. Any sanctions imposed against the Respondent that directly relate to the Complainant.
  3. Any other steps taken to eliminate a hostile environment and to prevent its recurrence.
  4. If all witnesses identified by the parties were not interviewed and the reason they were not interviewed.

In cases involving allegations of sexual violence, the Respondent will not be informed of all remedies offered to the Complainant unless they specifically relate to the Respondent such as a no contact order or No Trespass order.

**Burden of Proof**

The Office of Access and Equity will apply the preponderance of the evidence standard in evaluating complaints. The standard is met when the investigation concludes that it is more likely than not that the applicable policy was violated.

**Confidentiality in Harassment/Discrimination Investigations**

The University recognizes that a complainant may desire confidentiality and may request that the University not investigate or pursue resolution of an allegation of harassment/discrimination. In such cases, the University will maintain confidentiality to the extent permitted by law and other safety and welfare considerations. However, the University may determine that it must investigate and pursue resolution of a report, and take whatever measures it deems necessary in response to an allegation of harassment/discrimination in order to protect the rights, interests and personal safety of the Clemson community. As such, the University may have to disclose the harassment allegation and the identity of the complainant to the accused, other University officials, and others (to implement interim measures) as appropriate. Nevertheless, we will only share information on a limited basis and will keep information confidential to the extent permitted by law.

**Confidentiality and Allegations of Sexual Violence**

If a complainant alleging sexual violence requests that his/her name not be revealed to the alleged perpetrator or asks that the school not investigate or seek action against the alleged perpetrator, the complainant must understand that honoring this request may severely limit the ability to fully respond to the complaint, including pursuing disciplinary action against the alleged perpetrator. All such requests will be referred to and reviewed by the Title IX Coordinator (alleged perpetrator is non-student) or the Deputy Title IX Coordinator (alleged perpetrator is a student). A range of factors will be considered in evaluating these requests including by not limited to:
• Whether there have been other sexual violence complaints about the Respondent;
• Whether the Respondent threatened further violence against the Complainant or others;
• Whether the alleged sexual violence was perpetrated with a weapon;
• Whether the school possesses other means to obtain relevant evidence (e.g. security cameras, witnesses, physical evidence etc.)

If a complainant wishes to speak to a confidential resource, the following resources are available:

A. **Crisis Counseling for Students:** Student victims of sexual violence can seek confidential crisis counseling services through Counseling and Psychological Services (CAPS). During normal business hours, CAPS can be contacted by calling 864-656-2451. After hours and on weekends, CAPS can be contacted by calling 864-656-2222 asking for the CAPS on-call counselor.

B. **Employee Assistance Program:** The Office of Human Resources offers confidential, professional referral assistance to faculty and staff by contacting the Employee Assistance Program at 864-656-3360 or 864-656-2726.

C. All victims of sexual violence may seek crisis counseling services through the Pickens Rape Crisis Council at 864-442-5500.

The University provides many other, non-confidential resources to students who have been victims of harassment/discrimination and sexual violence. Although the University encourages all students to seek help by means of speaking to someone, it is important to keep in mind that the University is required by law to review and attempt to resolve any allegation of sexual violence that is reported to any University official with the exception of those receiving parties that are confidential resources.

The University also has a duty to report sexual misconduct to the Clemson University Police Department for federal statistical reporting purposes (as dictated by the Clery Act). All personally identifiable information is kept confidential, but statistical information must be reported regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given) for publication in the annual Campus Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety.

**Temporary Measures**

At any point in the Complaint Process, the investigator may recommend interim actions to protect parties or witnesses to the investigation including, but not limited to, separating the parties, reassignment, alternative work or student housing arrangements, alternative class schedule, or other types of temporary measures. The University also reserves the right to issue no contact provisions to any or all parties involved in the procedures.
Potential Remedies for Students or Employees Making Complaints of Sexual Violence under these Procedures

Any temporary measure imposed during the investigation process could be made permanent. Other potential remedies include but are not limited to special targeted training for relevant groups or individuals; other actions to separate the Complainant and the Respondent; changes to lighting or other physical aspects of the campus; an escort or other change so the Complainant can move safely between classes and activities; extra time or other changes so the complainant can complete academic assignments/requirements if appropriate to the circumstances; changes to institutional services, policies or procedures etc.

Sanctions

Persons found to be in violation of Clemson University policy pursuant to these procedures will be subject to immediate and appropriate disciplinary action, proportional to the seriousness of the offense. Possible sanctions against employees or other non-students may include but are not limited to: oral or written reprimand, reassignment, demotion, suspension or termination of employment, and/or removal from campus.

Retaliation Prohibited

Retaliation is conduct causing any interference, coercion, restraint or reprisal against a person filing a complaint of discrimination/harassment or assisting in any way in the investigation and resolution of a complaint. Retaliation is a violation of the University’s “Anti-Harassment and Non-Discrimination Policy” and is prohibited. Appropriate sanctions will be taken against anyone found to have participated in any acts of retaliation.

• Persons who feel they have been subjected to retaliation for filing a complaint of discrimination/harassment or for assisting with the resolution of a complaint should contact the Office of Access and Equity.

Filing with External Agencies

In addition to, or in lieu of, the procedures outlined above, a Complainant may file complaints with external agencies as follows:

• Students (undergraduate or graduate) may file a complaint with the United States Department of Education, Office for Civil Rights. Complaints must be filed within 180 calendar days of the date of the most recent alleged discrimination.

Students (either undergraduate or graduate) may contact the following:

United States Department of Education, Office for Civil Rights
61 Forsyth St. S.W., Suite 19T70, Atlanta, GA 30303-3104
Telephone: 404-562-6350; TDD: 404-331-7236
• Employees may file complaints with one of two external agencies: the South Carolina Human Affairs Commission (must file within 180 calendar days of the date of the most recent discrimination); or the U. S. Equal Employment Opportunity Commission (must file within 300 calendar days of the most recent alleged discrimination or 30 days after receiving notice that the state or local agency has terminated its processing of the charge, whichever is earlier).

Employees may contact the following:

South Carolina Human Affairs Commission
2611 Forest Drive, Suite 200, Post Office Box 4490
Columbia, SC  29240
Telephone: (803) 737-7800; TDD: (803) 253-4125

OR

U. S. Equal Employment Opportunity Commission
301 North Main Street, Suite 1402, Greenville, SC 29601
Telephone: (864) 241-4400; TDD: (864) 241-4403

Resources

Please see Appendix A of the Clemson University Anti-Harassment and Non-Discrimination Policy for information about counseling advocacy and support resources available to students and employees – [http://www.clemson.edu/campus-life/campus-services/access/title-ix/resources.html](http://www.clemson.edu/campus-life/campus-services/access/title-ix/resources.html)