

## **INTERIM EQUAL OPPORTUNITY GRIEVANCE PROCEDURE**

Carroll College is an equal opportunity employer. Carroll College will not refuse employment to a person, bar a person from employment or discriminate against a person in compensation or in a term, condition, or privilege of employment because of basis of race, color, national origin, age, physical or mental disability, marital status, gender identity, sexual orientation, creed, religion, or sex. In the case of religion and creed, distinctions may be appropriate under state and federal constitutional provisions due to the religious character and Catholic identity of Carroll College and the nature of the particular employment position at issue.

This procedure may be used when a faculty, staff, or student believes there has been a violation of Carroll College's Equal Opportunity Policy in employment (including discrimination or harassment based on a protected class, sexual misconduct, or retaliation) or other equal opportunity laws by a faculty, staff member, student, or vendor or other non-employee. The procedure also addresses complaints or reports of retaliation against those who have opposed practices prohibited under Carroll's Equal Opportunity Policy, those who have filed complaints or reports under this policy, and those who have testified or otherwise participated in enforcement of this policy or Carroll's Equal Opportunity Policy in the context of employment at Carroll College.

### **Relation to Code of Student Conduct**

The Dean of Students & Retention is charged with adjudicating Equal Opportunity Policy violations of Student Respondents outside the context of employment through the Carroll College Code of Student Conduct policies and procedures.

## **REPORTING**

There are several avenues for submitting a complaint or report:

1. Equal Opportunity Officer (Director of Human Resources) ("EO")
2. Any Vice President
3. Any Department Chair.

Complaints and reports can be made through voicemail, email, written letter, or personal conversation. If there is a complaint or report about the EO or any staff member within the Human Resources Office, the complaint should be filed with the President of the College. The President will appoint another trained individual to take the place of the EO for purposes of administering this policy. If the person who is the subject of the grievance is the Vice President who would otherwise render a decision regarding sanctions for a violation of the Equal Opportunity Policy, the President will assume the responsibilities of the Vice President as described in this policy. If the person who is the subject of the grievance is the President, the Chair of the Board of Trustees will assume the responsibilities of the Vice President as described in this policy.

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## ***ROLE OF THE EQUAL OPPORTUNITY OFFICER***

The Equal Opportunity Officer/ at Carroll College is Renee McMahon, Director of Human Resources. This position is responsible for the development, implementation, and management of equal opportunity policies and programs at Carroll College. This position is not an advocate for either the Complainant or the individual accused of a policy violation (“Respondent”). The EO will explain to both parties the informal and formal processes and the confidentiality provisions outlined in this policy. Where appropriate, the EO will provide to both parties written information about options for obtaining medical and counseling services; making a criminal report; receiving advocacy services; confidentiality; how to request interim measures to address the misconduct; and helpful campus and community resources. Both parties will also receive a copy of this policy.

The EO will describe the process of a fair and impartial investigation. The EO will explain the right of the Respondent to review and respond to allegations and evidence against him or her. The EO will explain to both parties their rights to have an advisor of their choice with them during their interviews and during the hearing stage of these procedures. If an individual does not want to pursue a complaint, the EO will inform the individual that the College is limited in the actions it can take without the cooperation of the individual. The EO will also explain to parties and witnesses that retaliation for reporting alleged violations of the policy, or participating in an investigation of an alleged violation, is strictly prohibited and that any retaliation should be immediately reported and will be promptly addressed.

## ***INTERIM MEASURES***

The EO will offer to coordinate with other campus officials, when appropriate, to implement interim remedial measures such as no-contact orders, rearrangement of working arrangements, or accommodations. For students, such measures may include arranging for changes in working schedules or living, or transportation arrangements, offering counseling, and modifying test schedules or other class requirements temporarily.

At any time during the grievance process, the EO may make a recommendation to the appropriate vice president regarding immediate remedial action if necessary to protect a party or maintain the status quo pending completion of the grievance process. Such measures may include offering alternative work schedules, escorts, parking, or changes in reporting relationships or work location.

## ***RESOLUTION***

A faculty, staff, or student who believes there has been a violation of the Equal Opportunity Policy or other equal opportunity laws has two avenues for resolution of the alleged violation: formal and informal. Regardless of which avenue the individual chooses, the alleged violation should be reported as soon as possible after the incident or action occurs. Early reporting is encouraged because the college’s ability to investigate an act or report diminishes with time.

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### A. Informal Process and Resolution

A Complainant has the option to proceed informally, when permissible.

If the Complainant, the Respondent and the EO all agree that an informal resolution should be pursued, the EO shall attempt to facilitate a resolution of the conflict that is agreeable to all parties as soon as feasibly possible. Under the informal process, the EO shall be required only to conduct such fact-finding as is useful to resolve the conflict and is necessary to protect the interests of the parties, the College, and the community. Typically, the informal process will be completed within thirty (30) calendar days of receipt of the report. If there is good cause to extend the deadline, both parties will be notified in writing of a revised expected resolution timeframe.

The Complainant and Respondent always have the option to request a formal investigation. The EO also always has the discretion to initiate a formal investigation. If at any point during the informal process, the Complainant, the Respondent, or the EO wishes to cease the informal process and to proceed through formal grievance procedures, the formal process will be invoked.

Any informal resolution must adequately address the concerns of the Complainant, as well as the rights of the Respondent and the overall intent of the College to stop, remedy and prevent policy violations. Informal actions might include, but are not limited to providing training to an individual or work unit; having an informal discussion with an individual whose conduct, if not stopped, could rise to the level of discrimination or hostile work environment; or having a confidential conversation with a student, supervisor, staff member, or faculty member.

### B. Formal Process and Resolution

If the complaint is not resolved informally or if any of the parties or EO wish to move to a formal process, a grievance may be filed with the EO. The grievance should be in writing and describe the nature of the problem and the desired solution. In addition, a list of the names of the person(s) who have knowledge about the grievance and copies of any relevant documents should also be submitted.

#### **A. Formal Process**

**Step 1:** EO discusses the grievance with the individual who filed the grievance (“Complainant”), and the Respondent as appropriate, including providing information about the policy and procedures and other helpful resources. EO also considers whether immediate or interim actions or involvement of other Carroll College offices is appropriate. EO determines whether the office has jurisdiction to investigate the matter. The EO only has jurisdiction to investigate complaints alleging discrimination, harassment, sexual harassment and retaliation in violation of the Equal Opportunity policy.

Option 1: If the EO determines that there is no jurisdiction, the EO will offer to assist the Complainant and, as appropriate, the Respondent, in finding appropriate campus and off-campus resources for addressing the issue of concern.

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Option 2: If the EO determines that there is jurisdiction, the grievance will proceed to Step 2.

**Step 2:** An Investigative Team will conduct a fair and impartial investigation of the grievance. During the investigation, both the Complainant and Respondent may identify witnesses and submit documents. Respondents will have the opportunity to review and respond to evidence considered against them. Typically an investigation will be completed within sixty (60) calendar days of receipt of the grievance. If there is good cause to extend the deadline, both parties will be notified of a revised expected resolution timeframe.

### Investigative Team

The investigation will be conducted by an Investigative Team, comprised of the EO, one faculty, and one staff, except two faculty will be chosen if the Respondent has raised academic freedom as a defense to the allegations at issue. The faculty and staff members of the Investigative Team will be chosen from a pool of staff and faculty who have been trained in investigating allegations of harassment, discrimination, and sexual harassment. The faculty and staff members on the Investigative Team must come from departments other than the ones in which the Complainant and Respondent are employed.

Members of the Investigative Team pool must agree to undergo training, as described below, and agree to conduct an investigation as part of an Investigative Team, if assigned.

### Conflict of Interest

The EO will ask the Complainant and Respondent if they feel anyone in the Investigative Team pool would have a conflict of interest if asked to serve on the Investigative Team that investigates the allegations at issue. A conflict of interest may exist when personal considerations, including without limitation a financial interest or personal relationship, may compromise or may have the appearance of compromising an individual's ability to exercise judgment in a particular matter. If the Complainant or Respondent feels a potential conflict of interest may exist with one or more members of the Investigative Team pool, he or she will identify the potential conflict in writing and submit it to the EO. The EO will determine whether there is an actual conflict of interest, as defined above. If so, the identified pool member will not be considered for service on the Investigative Team considering that particular matter.

If either the Complainant or Respondent feel that the EO has a conflict of interest, as defined above, in serving as a member of the Investigative Team, the Complainant or Respondent must identify the conflict of interest in writing and submit it to the Vice President who supervises the EO, who will determine whether there is an actual conflict of interest. If the Vice President who supervises the EO determines that an actual conflict of interest exists, the Assistant Dean of Students & Director of Residence Life will perform the functions of the EO described below.

Following the initial conflict of interest inquiry, the EO will solicit volunteers from the remaining pool to serve on the Investigative Team to consider a particular matter. The EO will then select two members from among the volunteers and provide them with preliminary information regarding the matter, including the names of the parties and the nature of the grievance. The EO will ask the two members if

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they believe a conflict of interest exists. If any member believes they have a conflict of interest, the member will be removed from consideration for service on the particular Investigative Team, and the EO will invite another person from the list of volunteers to serve on the Investigative Team. This process will be repeated, if necessary, until both members of the Investigative Team confirm that they do not have a conflict of interest in considering the particular matter.

If at the conclusion of the conflict of interest process, there are insufficient faculty remaining to have two faculty on an Investigative Team investigating a matter in which academic freedom has been raised as a defense to the allegations, the Investigative Team will be comprised of one faculty and one staff. If there are no faculty remaining in the Investigative Team pool who have not been disqualified from serving on the Investigative Team, the Investigative Team will be comprised of two staff members who will consult with the Faculty Dean on any issues relating to academic freedom. If the Faculty Dean has a conflict of interest or is unavailable due to a scheduling conflict, the Vice President for Academic Affairs will select a representative from the Faculty Council to fulfill the Faculty Dean's role under this provision.

**Step 3:** The Investigative Team determines whether there is a preponderance of the evidence to believe that an individual violated the Equal Opportunity Policy. This means that individuals are presumed not to have engaged in the alleged conduct unless a "preponderance of the evidence" supports a finding that the conduct has occurred. This "preponderance of the evidence" standard requires that the evidence supporting each finding be more convincing than the evidence in opposition to it.

In making the determination of whether harassment has created a hostile environment in violation of the Equal Opportunity Policy, the Investigative Team 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 perceived the conduct as objectively offensive. The Investigative Team's findings will be in writing and will be provided to both the Complainant and to the Respondent(s). If the Investigative Team is not unanimous in its findings, a written dissent may be attached to the report. Both parties will have the opportunity to review and provide comments to the Investigative Team about the written investigation report before it is finalized. Such comments must be submitted in writing to the EO within (5) five working days of a party's receipt of the report. The EO will disseminate the responses to the other members of the Investigative Team for review prior to finalization of the report.

**Option 1:** If the Investigative Team cannot determine by a preponderance of evidence that the alleged violation of the Equal Opportunity Policy occurred, the matter is documented, communicated to both the Complainant and Respondent, and closed; in this case the Complainant may appeal the finding to the Equal Opportunity Grievance Committee, as described below.

**Option 2:** If the Investigative Team finds that a preponderance of the evidence of a policy violation exists, the Investigative Team's written report will include recommendations for steps to take to prevent recurrence of any such violation, and as appropriate, remedies for the Complainant. The written report, including any dissent and written comments submitted by the parties prior to finalization, will be provided to the Vice President with jurisdiction over the Respondent for a determination of appropriate sanctions. A finding that this policy was violated may be cause for disciplinary action such as corrective counseling, verbal warning, written reprimand, loss of privileges, discretionary sanctions, suspension, disciplinary demotion, suspension, expulsion, or termination. The

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College will take prompt and effective remedial action if the Equal Opportunity Policy has been violated. The action taken must be commensurate with the severity of the offense. The Vice President's decision will also identify whether, in the event an appeal is filed, any interim measures put into place during the grievance process will continue, be modified, or withdrawn; and whether any additional interim measures are necessary, pending the outcome of any appeal. The appropriate Vice President will communicate his or her decision regarding sanctions and interim measures to the Respondent and the EO. The EO will inform the Complainant of the sanctions and interim measures as permitted by state and federal law.

Any sanctions decided by the Vice President will be held in abeyance in the event an appeal is filed, but any interim measures identified in the Vice President's decision will continue until the appeal process is completed.

### **Appeals to the Equal Opportunity Grievance Committee**

#### **Filing an Appeal**

An appeal to the Equal Opportunity Grievance Committee must be filed within five (5) working days of the receipt of the Vice President's decision, or the Investigative Team's decision, as applicable, unless good cause can be shown for an extension of time. The appeal must be filed with the EO. If the EO has been determined to have a conflict of interest, as described above, the Director of Community Living will fulfill the role of the EO through the appeal process.

The appeal must be in writing and must describe the appellant's desired outcome; as well as describe how the appellant believes: (1) there is new information sufficient to alter a decision, but only if the new information was not known to the appellant during the investigation and could not have been discovered by the appellant if sought with reasonable diligence; (2) there is reason to believe that a procedural error so significant as to deny a fair hearing to either party occurred during the grievance process; or (3) the sanctions imposed are not appropriate for the violation which the Respondent was found to have committed.

#### **Composition of the Committee**

The Equal Opportunity Grievance Committee shall have three (3) members. Of the three members, one shall be a member of the faculty, and one shall be a member of the non-academic staff. If the Respondent raises academic freedom as a defense to the allegations, either during the investigation or as part of the appeal, the third member of the Committee shall be a faculty member. In all other cases, the two members shall choose the third member from the Equal Opportunity Grievance Committee member pool.

A previous, serious violation of the Equal Opportunity policy will be considered in determining whether an individual shall become a member of the Equal Opportunity Grievance Committee pool. In the event an individual who has committed a serious violation of the Equal Opportunity policy is invited to serve in

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the Equal Opportunity Grievance Committee pool, the EO will notify the Vice President who submitted the individual's name and will consult with the Vice President regarding whether the individual should become a member of the Equal Opportunity Grievance Committee pool. The Vice President will decide whether to proceed with or withdraw the individual's invitation.

Members of the Equal Opportunity Grievance Committee pool must agree to undergo training, as described below, and agree to serve on an Equal Opportunity Grievance Committee if one is convened.

### ***Conflict of Interest***

If a matter is appealed to the Equal Opportunity Grievance Committee, the EO will ask the Complainant and Respondent if they feel anyone in the Equal Opportunity Grievance Committee pool would have a conflict of interest if asked to serve on a Committee considering the matter. A conflict of interest may exist when personal considerations, including without limitation a financial interest or personal relationship, may compromise or may have the appearance of compromising an individual's ability to exercise judgment in a particular matter. If the Complainant or Respondent feels a potential conflict of interest may exist with one or more members of the Equal Opportunity Grievance Committee pool, he or she will identify the potential conflict in writing and submit it to the EO. The EO will determine whether there is an actual conflict of interest, as defined above. If so, the identified pool member will not be considered for service on the Committee considering that particular matter.

Following the initial conflict of interest inquiry, the EO will solicit volunteers from the remaining pool to serve on an Equal Opportunity Grievance Committee to consider a particular matter. The EO will then select three members from among the volunteers and provide them with preliminary information regarding the matter, including the names of the parties and the nature of the grievance. The EO will ask the three members if they believe a conflict of interest exists. If any member believes they have a conflict of interest, the member will be removed from consideration for service on the particular Equal Opportunity Grievance Committee, and the EO will invite another person from the list of volunteers to serve on the Committee. This process will be repeated, if necessary, until all three members of the Committee confirm that they do not have a conflict of interest in considering the particular matter. When that occurs, the Equal Opportunity Grievance Committee is established.

### **Appointment of Chair**

The established Equal Opportunity Grievance Committee members shall appoint the Chair from among themselves.

### **Standard of Review**

The Equal Opportunity Grievance Committee reviews the findings and recommendations of the Investigative Team. The committee may approve, overturn, or modify the findings and recommendations of the Investigative Team if it finds that (1) there is new information sufficient to alter a decision, but only if the new information was not known to the appellant during the Investigative Team's investigation and could not have been discovered by the appellant if sought with reasonable

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diligence; (2) there is reason to believe that a procedural error so significant as to deny a fair hearing to either party occurred during the grievance process; or (3) the sanctions imposed are not appropriate for the violation which the Respondent was found to have committed.

### **Notice of Hearing**

Within ten (10) working days of receipt of the appeal, the EO will notify the Complainant and the Respondent of the time and place of the hearing before the Equal Opportunity Grievance Committee. This process might be extended during periods between academic semesters when a quorum of the committee cannot be convened. The hearing will normally be scheduled within thirty (30) calendar days of receipt of the written appeal.

### **Preparation for and Conduct of the Hearing**

#### Written Statements on Appeal

Within ten (10) working days of filing the appeal, the party appealing the decision must submit to the EO the following information:

(a) detailed statement regarding the grounds for appeal; (b) names and addresses and anticipated testimony from witnesses to be called who can testify regarding the grounds for appeal; (c) copies of any documents offered as evidence in support of the grounds for appeal; (d) additional materials the party believes the committee should obtain prior to the hearing and relating to the grounds for appeal; (e) reference to the portion of the Equal Opportunity policy alleged to be violated; (f) specific remedy(ies) requested; and (g) whether the party will be represented at the hearing by an advisor of the party's choice and the identity of the advisor.

The EO will forward the information received to the non-appealing party within three (3) working days of receipt. The non-appealing party may also submit the information described in (a) through (g), above, within five (5) working days after receipt of the appealing party's information. This information will be forwarded to the other party within three (3) working days of receipt.

#### Representation by a Support Person

Both parties have a right to be represented by a support person of their choosing. The role of a party's support person shall be limited to consultation with their party and their party's witnesses. The EO will inform each party and the Grievance Committee of the support person(s) should there be any.

#### Forwarding Appeal Documents

The EO will forward copies of the Investigative Team's written report, including any dissent and written comments from the parties submitted prior to the report's finalization; the Vice President's decision and any sanctions; the above-listed materials; and any additional evidence relevant to the matter to the members of the Equal Opportunity Grievance Committee at least five (5) working days prior to the hearing.

#### Pre-hearing Conference

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Prior to the date of the formal hearing the Chairperson of the Equal Opportunity Grievance Committee may call a pre-hearing conference. Topics discussed at a pre-hearing conference may include, but are not limited to: (a) whether the evidence presented is complete; (b) whether additional investigation is required; (c) whether additional witness should be called; and (d) time limits and order of presentation of evidence at the hearing. At the request of any party, the Committee will conduct separate meetings with the appellant and the respondent for purposes of the pre-hearing conference. Both parties must have timely and equal access to any information that will be used during the hearing.

With concurrence of a majority of the Equal Opportunity Grievance Committee, the hearing date may be postponed up to ten (10) working days for additional investigation or to obtain additional witnesses or evidence.

#### The Hearing

The Chair of the Equal Opportunity Grievance Committee will conduct the hearing. The hearing will be a non-adversarial proceeding and strict rules of evidence will not be applied. However, the Chair of the Committee may limit or refuse to allow evidence or testimony that is not reasonably related to the grounds for appeal.

The hearing will be conducted to assure fairness. The parties and witnesses will address the members of the Committee rather than each other. The Chair will be the final arbiter of all matters of procedure. All hearings are closed to the public.

There shall be a single recording made of the hearing. Deliberations shall not be recorded. The recording shall be the property of the College.

#### The Decision

Within ten (10) working days of the conclusion of the hearing, the Equal Opportunity Grievance Committee will issue a written recommendation to the parties, the EO and to the Vice President with authority over the Respondent. The written recommendation will contain an analysis of whether (1) there was new information sufficient to alter a decision, but only if the new information was not known to the appellant during the Investigative Team's investigation and could not have been discovered by the appellant if sought with reasonable diligence; (2) there was reason to believe that a procedural error so significant as to deny a fair hearing to either party occurred during the grievance process; and (3) the sanctions imposed were not appropriate for the violation which the Respondent was found to have committed. The written recommendation will also contain the Equal Opportunity Grievance Committee's recommendation to approve, overturn, or modify the Investigative Team's decision. The President will then review the Investigative Team's report, including any dissent and written comments from the parties prior to the report's finalization; the vice president's decision regarding sanctions; and the Equal Opportunity Grievance Committee's recommendation.

Within ten (10) working days of receiving the Equal Opportunity Grievance Committee's recommendation, the President will approve the Equal Opportunity Grievance Committee's recommendation unless (1) there was new information sufficient to alter a decision, but only if the new information was not known to the appellant during the Investigative Team's investigation, (2) there was reason to believe that a procedural error so significant as to deny a fair hearing to either party occurred

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during the grievance process; or (3) the sanctions imposed were not appropriate for the violation which the Respondent was found to have committed. If it is determined that one of the aforementioned factors exist, within ten (10) working days of receiving the Grievance Committee's recommendation, the President will request that the Equal Opportunity Grievance Committee reevaluate their recommendation by addressing the factor(s) identified by the President. Within ten (10) working days of the request for reconsideration, the Grievance Committee will submit their final written recommendation to the President. The President will analyze the final recommendation on whether (1) there was new information sufficient to alter a decision, but only if the new information was not known to the appellant during the EO's investigation and could not have been discovered by the appellant if sought with reasonable diligence; (2) there was reason to believe that a procedural error so significant as to deny a fair hearing to either party occurred during the grievance process; and (3) the sanctions imposed were not appropriate for the violation which the Respondent was found to have committed. Based on these factors, within ten (10) working days of receiving the final recommendation, the President will render a written decision that will modify, overturn, or approve the Grievance Committee's final recommendation. The President's decision is the final step of the Equal Opportunity Grievance Procedure.

The EO will communicate the final decision to the Equal Opportunity Grievance Committee, the Respondent, and the Vice President with jurisdiction over the Respondent. The EO will inform the Complainant of the sanctions as permitted by state and federal law.

### **Selection of Investigation Team and Equal Opportunity Grievance Committee Pool Members**

Members of the Investigation Team and the Equal Opportunity Grievance Committee are selected from a pool comprised of two benefit-eligible staff members from each respective division (Athletics, Enrollment, Finance & Administration, Community Relations, Academic Affairs, Student Life, and Institutional Advancement) and twelve full-time faculty members (the "Pool" or "Pool Members"). To the extent possible, the faculty will be evenly selected from each of the three divisions (Science, Social Science, and Humanities).

At the beginning of each fall semester, in consultation with the EO, each Vice President will review the Pool Members in his/her respective division. If a vacancy exists within the Pool membership, the Vice President will invite another employee to participate in the Pool. Each Vice President will invite Pool Members from the prior year to participate in the Pool each respective year. If a Pool Member declines, the respective Vice President will select a replacement member.

No individual may serve as a member of both the Investigative Team and the Equal Opportunity Grievance Committee in the same case.

If an individual invited to participate in the Pool was previously found to have committed a serious violation of the Equal Opportunity policy, this factor will be considered in determining whether the individual shall become a member of the Pool. In such cases, the EO will notify the Vice President who submitted the individual's name of the previous violation and will consult with the Vice President regarding whether the individual should become a Pool Member. The Vice President will decide whether to proceed with or withdraw the individual's invitation.

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## ***Training***

All Carroll College employees who are involved in the equal opportunity grievance process, including the EO, Pool Members, and Vice Presidents, will have adequate training. Training will include, but is not limited to, recognizing and appropriately responding to allegations of discrimination, harassment, including hostile environment harassment, and retaliation, protecting confidentiality, recognizing the link between alcohol and drug use and sexual harassment, and how to conduct an investigation and grievance process that protects the safety of victims and promotes accountability.

## ***CONFIDENTIALITY***

Complainant, Respondent, and witnesses have privacy rights and reasonable expectations of confidentiality in the investigation of matters subject to this procedure. In addition, the integrity of the grievance process depends on ensuring reasonable expectations of confidentiality. The EO will keep confidential the complaint, report, witness statements, accommodations provided to the Complainant (if possible), and any other information provided by the Complainant, Respondent, or witnesses, and will disclose this information only to the Complainant, Respondent, or witnesses, as necessary to give fair notice of the allegations and to conduct the investigation; to legal counsel; to law enforcement consistent with state and federal law and College policy; to other College officials as necessary for coordinating interim measures or for health, welfare, and safety reasons or for subsequent proceedings under this policy (e.g. the appropriate vice president and the President); and to government agencies who review the College's compliance with federal law. Members of the Grievance Committee and Investigative Team have the same strict obligations to keep all information they learn confidential and to disclose only as permitted by this policy. Information about complaints and reports, absent personally identifiable information, may be reported to College officials and external entities for statistical and analytical purposes pursuant to state and federal law and College policy.

## ***COMPLAINANT REQUESTS NO INVESTIGATION***

If a Complainant requests confidentiality or that the complaint not be pursued, the college will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. If a Complainant insists that his or her name or other identifiable information not be disclosed to the Respondent, Carroll will inform the Complainant that its ability to respond may be limited. The college will also inform the Complainant that Carroll prohibits retaliation against him or her for reporting a violation of the Equal Opportunity policy and that the college will not only take steps to prevent retaliation but will also take strong responsive action if it occurs.

Carroll College will evaluate Complainant's request that his or her name or other identifiable information not be revealed in the context of the college's responsibility to provide a safe and nondiscriminatory working environment. The EO will initiate confidential consultation with appropriate individuals to analyze the situation and assist in determining appropriate measures to take.

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Consultation may occur with the Dean of Students & Retention, the Vice President for Finance & Administration, the Associate Vice President for Academic Affairs, and legal counsel. This group will weigh the request for confidentiality against the seriousness of the alleged conduct, whether there have been other complaints involving the same Respondent, and concerns about continued safety of the person reportedly harmed and members of the campus community. The group will decide whether a formal investigation should be conducted or whether the College should respond to the report in another manner, including taking informal actions such as those described in this policy.

### ***ANONYMOUS AND THIRD PARTY REPORTING***

The EO accepts anonymous and third-party reports of conduct alleged to violate the Equal Opportunity Policy for purposes of compiling statistics of reported crimes. The individual making the report (Reporter) is encouraged to provide as much detailed information as possible to allow the EO or Investigative Team to investigate and respond as appropriate, including the date, location, and the type of incident. The EO or Investigative Team may be limited in the ability to investigate an anonymous report unless sufficient information is furnished to enable the EO or Investigative Team to conduct a meaningful and fair investigation.

### ***COOPERATION***

If an individual is not personally a victim of harassment or discrimination, but observes actions against others which the individual believes to be unlawful harassment or discrimination, the individual is required to notify the Equal Opportunity Officer. Exceptions to this include health care and mental health care professionals, Victim Advocates, and priests within the context of the sacrament of confession.

As a condition of their employment status, individuals are expected to cooperate in investigations of complaints filed under this policy. Failure to cooperate may result in discipline, up to and including termination. The college prohibits retaliation against any individual because he or she has filed a grievance under this policy, or against anyone who has testified, assisted, or participated in any manner in an investigation or a report of alleged harassment or discrimination.

### ***EXTERNAL COMPLAINTS***

Employees who believe that Carroll College has discriminated on the basis of race, color, national origin, sex, including sexual harassment, disability, age or retaliation may file a complaint with the Office for Civil Rights (OCR) of the U.S. Department of Education based in Seattle, Washington or the Educational Opportunities Section (EOS) of the Civil Rights Division of the U.S. Department of Justice, and a complaint based on religion with EOS of the U.S. Department of Justice.

Complaints based on discrimination or harassment in employment on the basis of race, color, national origin, sex, including sexual harassment, disability, religion, creed, pregnancy, marital status, or retaliation, may be filed with the Montana Human Rights Bureau: <http://erd.dli.mt.gov/human-rights-bureau.html>, 406-444-4356, or the U.S. Equal Employment Opportunity Commission: <http://www.eeoc.gov/employees/charge.cfm>, 800-669-4000. The filing deadlines and the date from

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which they run may vary, depending on the type of discrimination or harassment alleged, whether the complaint is filed under state or federal law or both, and whether the complaint is first filed under this policy. The filing deadline may be as short as 180 calendar days, or it might be longer, in some cases up to 300 calendar days. Due to the complexity of the varying filing deadlines and the consequences of an untimely filing, an employee who is considering filing a complaint with a public agency is encouraged to seek legal advice regarding applicable filing deadlines or to contact the Montana Human Rights Bureau, the EEOC, or the U.S. Department of Education for further information.