



## **HARASSMENT POLICY AND COMPLAINT PROCEDURES**

### **General Statement**

Cox College is committed to creating and maintaining an atmosphere in which all individuals can work and learn free of all forms of harassment, exploitation or intimidation. Cox College prohibits discrimination on the basis of age, sex, gender, color, disability, marital status, race, religion, ethnic or national origin.

Harassment consists of unwelcome conduct, whether verbal, physical or visual, based on a person's protected status such as age, sex, color, disability, marital status, race, religion, ethnic or national origin. Cox College will not tolerate, condone, or subject anyone to any form of harassment. In addition to being illegal, any form of harassment violates the dignity of the individual and the integrity of the College as an institution of learning.

Sexual harassment is a type of harassment based on sex. Sexual harassment as defined by the Equal Employment Opportunity Commission is "Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic standing and
2. Submission to or rejection of such conduct by an individual is used as a basis for academic or personal decisions affecting such an individual, or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work or learning environment. Sexual harassment may include explicit sexual propositions, sexual innuendo, gender-specific traits, foul or obscene language or gestures, display of foul or obscene printed or visual material, and physical contact such as patting, pinching or brushing against another's body."

### **Applicability**

These complaint procedures apply to complaints alleging discrimination and/or harassment on the basis of age, sex, color, disability, marital status, race, religion, ethnic or national origin, including complaints made by College employees and students against faculty, staff, students, supervisors, co-workers, or non-employees (such as vendors). All individuals involved in processing complaints under these procedures will be trained in complaint investigation and knowledgeable about the College's obligation to comply with laws prohibiting discrimination in the College's programs.

### **Filing a Complaint**

The College has designated a Non-Discrimination/Harassment Coordinator to coordinate inquiries regarding its efforts to carry out this policy, to comply with laws prohibiting discrimination, and to receive complaints of discrimination and harassment. The Non-

Discrimination/Harassment Coordinator may be contacted as follows:

Director of Student Support  
Cox College  
1423 N. Jefferson Ave., Terrace 1  
Springfield, MO 65802  
417-269-3598  
[studentservices@coxcollege.edu](mailto:studentservices@coxcollege.edu)

Any employee or student who believes he or she has been subjected to discrimination or harassment on the basis of age, sex, color, disability, marital status, race, religion, ethnic or national origin may initiate a complaint by filing a written complaint with the Non-Discrimination/Harassment Coordinator detailing: (1) the date(s) and time(s) of the alleged conduct; (2) the names of all persons involved in the alleged conduct, including possible witnesses; (3) pertinent facts of the incident; (4) contact information for the complainant so that the College may follow up appropriately. In the complaint is to be filed against the Non-Discrimination/Harassment Coordinator, then the complaint should be filed with the Vice President of Student Services, Cox College, 1423 N. Jefferson Ave. Number 116, Springfield, MO 65802; 417-269-8423.

Administrators, supervisors, and faculty members who receive a report or complaint of discrimination or harassment, or witness what they perceive to be discrimination or harassment, should immediately report such information to the Non-Discrimination/ Harassment Coordinator. Staff members and students who witness what they perceive to be discrimination or harassment, or receive other information regarding an incident of discrimination or harassment, are encouraged to report such information to the Non-Discrimination/Harassment Coordinator.

Complaints of discrimination and/or harassment on the basis of disability, age, sex, race, color, or national origin may also be filed with the U.S. Department of Education, Office for Civil Rights, One Petticoat Lane, 1010 Walnut, Suite 320, Kansas City, Missouri 64106, (816) 268-0550.

### **Good Faith Complaints**

Good faith complaints of discrimination and harassment will be investigated under these procedures. However, knowingly making a false complaint or report is prohibited, and those who do so will be subject to disciplinary action.

### **Non-Retaliation**

Employees and students can make good faith reports and complaints about discrimination and harassment without fear of reprisal. Retaliation by any person against a person filing a complaint, making a report, or participating in an investigation is absolutely prohibited and will result in disciplinary action.

### **Confidentiality**

The College endeavors to maintain confidentiality with respect to the complaint and investigation to the degree that it can be maintained while conducting a thorough investigation, but the College may be hindered in its ability to investigate a complaint if the person bringing the

complaint requests complete confidentiality.

Those processing the complaint and all parties to the investigation must maintain the confidentiality of information obtained during a complaint, including the name of the person who filed the complaint and other information received during the processing of the complaint.

### **Investigation**

Cox College will thoroughly and promptly investigate all complaints of discrimination and harassment. The investigation will be governed by the following procedures.

#### **A. Commencement of the Investigation**

After receiving the complaint, the Non-Discrimination/Harassment Coordinator will give a copy of the complaint to the V.P. of Student Services, the Director of Human Resources or the V.P. for Academic Affairs (as appropriate depending on whether the respondent is a student, staff member or faculty member) (“Investigating Officer”) who will review the complaint and commence an investigation as soon as practicable but not later than seven (7) days after the complaint is made. During the course of the investigation, the Investigating Officer may consult with appropriate College personnel and outside counsel.

#### **B. The Content of the Investigation**

During the investigation, the complainant will have the opportunity to describe his or her allegations and present supporting witnesses or other evidence. The respondent will have the opportunity to respond to the allegations and present supporting witnesses or other evidence. The Investigating Officer will review the statements and evidence presented and may, depending on the circumstances, interview others with relevant knowledge, review documentary materials, and take any other appropriate action to gather and consider information relevant to the complaint. All parties and witnesses involved in the investigation are expected to cooperate and provide complete and truthful information.

During these conversations with the complainant and respondent, informal resolution methods may be considered and discussed but the complainant is not required to accept any informal resolution. If an informal resolution is reached, it will be documented and signed by both parties and the matter will be deemed resolved.

If the complaint is not resolved informally and the Investigating Officer determines there are genuinely disputed material facts requiring resolution, an evidentiary hearing will be held before a panel of three hearing officers designated by the Investigating Officer. The panel shall select one of its members to preside over the hearing. The Investigating Officer will identify for the panel those genuinely disputed facts requiring resolution. The panel will review the statements and other evidence gathered by the Investigating Officer during the investigation. Both the complainant and respondent will be given an equal opportunity to address the panel. The panel may ask questions of the complainant and respondent, but the complainant and respondent will not be permitted to question each other. In its discretion, the panel may hear live testimony from witnesses, in which case any questioning will be conducted by the hearing panel itself.

The hearing panel shall resolve genuinely disputed material facts under a preponderance of the evidence standard. The hearing panel shall not be bound by the rules of evidence. The hearing panel will provide a written statement of its findings of fact to the Investigating Officer. If an evidentiary hearing is held, both the complainant and respondent will have similar and timely access to any information that will be used at the hearing.

### **C. Non-Attorney Support Person For Cases Involving Students**

During the investigation process, both a student complainant and a student respondent may ask a non-attorney support person from the College community to accompany him or her to meetings with the Investigating Officer and to any evidentiary hearing. The support person must be an administrator, faculty member, or fellow student. In cases involving multiple student complainants or student respondents, the non-attorney support person cannot be another complainant or respondent. The non-attorney support person does not serve as an advocate on behalf of the complainant or respondent, and he or she must agree to maintain the confidentiality of the process.

### **D. Interim Measures**

At any time during the investigation, in consultation with the Non-Discrimination/Harassment Coordinator, the Investigating Officer may determine that interim remedies or protections for the parties involved or witnesses are appropriate. These interim remedies may include separating the parties, placing limitations on contact between the parties, suspension, or making alternative class-placement or workplace arrangements. Failure to comply with the terms of these interim remedies or protections may constitute a separate violation of the Non-Discrimination/Harassment Policy.

### **E. Findings Of The Investigation**

At the conclusion of the investigation, the Investigating Officer will prepare a written report. The written report will explain the scope of the investigation and whether any allegations in the complaint were found to be substantiated by a preponderance of the evidence. The written report will incorporate any findings of fact resulting from an evidentiary hearing.

The preliminary report will be submitted to the Non-Discrimination/Harassment Coordinator. The Non-Discrimination/Harassment Coordinator may accept the preliminary report, request to review additional information, including summaries of party/witness statements or other information, or return the preliminary report for further investigation. After the review of the written report is complete, the Non-Discrimination/Harassment Coordinator will, for both the complainant and respondent, prepare and deliver a written determination of the complaint. The determination will be one of three outcomes:

#### **1. Finding “No Violation”**

If there is a determination that the behavior investigated did not violate the Non-Discrimination/Harassment Policy, both parties will be so informed.

2. Finding “Inappropriate Behavior Not Rising To The Level Of A Violation”

There may be a determination that the behavior investigated did not violate the Non-Discrimination/Harassment Policy, but was inappropriate, unprofessional, or violated some other College policy. The Non-Discrimination/Harassment Coordinator may determine that such inappropriate behavior merits discipline, ongoing monitoring, coaching, or other appropriate action. If so, the Non-Discrimination/Harassment Coordinator may refer the matter to any appropriate administrator, dean or other manager for further proceedings or disciplinary measures consistent with College policy.

3. Finding “Violation”

If there is a determination that the behavior violated the Non-Discrimination/Harassment Policy, the Non-Discrimination/Harassment Coordinator, in consultation with any appropriate administrator, dean, or other manager, will determine appropriate corrective and disciplinary action to be taken. In addition, the Non-Discrimination/Harassment Coordinator will implement reasonable and appropriate measures to ensure that the complainant is not subject to further harassment and to remedy the effects of any discrimination or harassment that may have occurred. Remedial steps may include, but are not limited to, counseling or training, separation of the parties, and/or discipline of the respondent, including written reprimand, suspension, demotion, termination, or expulsion in accordance with College policy. Remedial steps that do not directly affect the respondent shall be redacted from the respondent’s copy of the written summary of findings.

**F. Special Procedure Concerning Complaints Against The President, The Non-Discrimination/Harassment Coordinator, and Administrators Senior To Non-Discrimination/Harassment Coordinator**

If a complaint involves alleged conduct on the part of the College President, the College Board of Trustees will designate an appropriate person to conduct the investigation required by these procedures. The written report of the investigation will be presented to the full Board of Trustees, which will prepare and issue the written determination and implement any appropriate and reasonable measures. The resolution issued by the full Board of Trustees is final and not subject to appeal.

If a complaint involves alleged conduct on the part of the Non-Discrimination/Harassment Coordinator or any administrator senior to the Non-Discrimination/Harassment Coordinator, the President will designate an appropriate person to conduct the investigation required by these procedures. The written report of the investigation shall be presented to the President, who will prepare and issue the written determination and implement appropriate and reasonable measures. The resolution issued by the President is not subject to appeal.

**G. Timing Of The Investigation**

The College will endeavor to conclude its investigation and resolution of the complaint within sixty (60) days of receiving it. Both the complainant and the respondent will be given periodic updates regarding the status of the investigation. If either the complainant

or respondent needs additional time to prepare or to gather their witnesses or information, they shall notify the Investigating Officer in writing explaining how much additional time is needed and why it is needed.

#### **H. Rights Of The Parties**

During the investigation and resolution of a complaint, the complainant and respondent shall have equal rights. They include:

- Equal opportunity to identify and have considered witnesses and other relevant evidence
- Similar and timely access to all information considered by the Investigating Officer and the Non-Discrimination/Harassment Coordinator in resolving the complaint
- Equal opportunity to review any statements or evidence provided by the other party
- Equal access to review and comment upon any information independently developed by the Investigating Officer
- Equal opportunity to address any hearing panel

#### **Appeals**

##### **A. Grounds For Appeal**

The complainant or respondent may appeal the determination of a complaint only on the following grounds:

- The decision was contrary to the substantial weight of the evidence
- There is a substantial likelihood that newly discovered information, not available at the time evidence was presented to the Non-Discrimination/Harassment Coordinator, would result in a different decision
- Bias or prejudice on the part of the Investigating Officer or Non-Discrimination/Harassment Coordinator, or
- The punishment or the corrective action imposed is disproportionate to the offense

##### **B. Method Of Appeal**

Appeals must be filed with the President within ten (10) days of receipt of the written determination of the complaint. The appeal must be in writing and contain the following:

- Name of the complainant
- Name of the respondent
- A statement of the determination of the complaint, including corrective action if any
- A detailed statement of the basis for the appeal including the specific facts, circumstances, and argument in support of it, and
- Requested action, if any.

The appellant may request a meeting with the President, but the decision to grant a meeting is within the President's discretion. However, if a meeting is granted, then the other party will be granted a similar opportunity.

### **C. Resolution Of The Appeal**

The President will resolve the appeal within fifteen (15) days of receiving it and may take any and all actions that he or she determines to be in the interest of a fair and just decision. The decision of the President is final. The President shall issue a short and plain, written statement of the resolution of the appeal. The written statement shall be provided to the complainant, respondent, and the Non-Discrimination/Harassment Coordinator within three (3) days of the resolution.

### **Documentation**

Throughout all stages of the investigation, resolution, and appeal, the Investigating Officer, the Non-Discrimination/Harassment Coordinator, and the President, as the case may be, are responsible for maintaining documentation of the investigation and appeal, including documentation of all proceedings conducted under these complaint resolution procedures, which may include written findings of fact, transcripts, and audio recordings.

### **Intersection With Other Procedures**

These complaint resolution procedures are the exclusive means of resolving complaints alleging violations of the Harassment Policy and Complaint Procedures. To the extent there are any inconsistencies between these complaint resolution procedures and other College grievance, complaint, or discipline procedures, these complaint resolution procedures will control the resolution of complaints alleging violations of the Harassment Policy.