

Student Procedure - Harassment Complaint Procedure

Purpose:

To provide a complaint procedure for employees/students who believe they have been victims of harassment as defined in the Harassment Policy.

Policy:

It is the policy of Bismarck State College that all complaints of harassment will be reviewed. All notices and actions provided for in this policy shall be initiated and completed in a reasonable and timely manner, with due regard for the legitimate interests of the parties, and subject to the right of any party to have a deadline for any phase of this procedure established by negotiation. Any individual or group filing is entitled to protection from harassment, reprisals or retaliation as a result of having filed a complaint. Any violation of this protection may, in itself, constitute grounds for a grievance. No hardship, no loss of benefit and no penalty may be imposed on an employee/student as punishment for filing or responding to a bona fide complaint of harassment.

Supervisor and Employee Responsibility:

When an administrator, manager, or supervisor knows that harassment or retaliation is occurring, or receives information that harassment or retaliation might be occurring, he or she must take immediate action to address the problem. The administrator, manager, or supervisor should contact the Chief Human Resources Officer or designee for consultation and discussion of appropriate actions to be taken. Actions could include, but are not limited to, speaking directly with the injured person, developing a specific account of the actions, omissions or occurrences that are alleged to be discriminatory, and corrective or disciplinary action.

When any form of harassment or retaliation might be or is occurring with employees, students, visitors, vendors, etc., it should be reported to the Chief Human Resources Officer or designee and a Harassment Complaint Form should be filled out (attached). In compliance with the law, an initial investigation will be conducted by the Chief Human Resources Officer or designee to determine if further actions are warranted.

Complaint Procedure:

1. A person who feels harassed or retaliated against shall be entitled to a review of the complaint.
2. A review may be initiated by a verbal or written (employees/students are encouraged to fill out a Harassment Complaint Form) request to the Chief Human Resources Officer or designee.
3. Unless the Chief Human Resources Officer stipulates otherwise, this request must be made

within six (6) months of the alleged violation.

4. The verbal or written complaint must include the following:
 - Specific act or circumstances that are the basis of the complaint, including the time and place of the alleged action;
and
 - The remedy or action requested.
5. The Chief Human Resources Officer or designee will contact the person who allegedly initiated the harassment, and inform the person of the basis of the complaint and the opportunity to respond in writing.
6. The Chief Human Resources Officer or designee, after conducting a thorough investigation, including possible interviews with all parties involved, will:
 - a. Determine the facts relevant to the complaint;
 - b. Discuss the application of equal opportunity laws, regulations and policies;
 - c. Attempt to resolve the complaint through further discussion and negotiation.
7. If it is determined that harassment or retaliation has occurred, appropriate disciplinary action up to and including termination will be taken. The severity of the discipline will be determined by the severity and frequency of the offense, or other conditions surrounding the incident.
8. When the investigation/review is completed, the complainant will be informed of the action taken. If the problem is not resolved, to the satisfaction of the employee/student through the complaint process, the employee/student may proceed with a formal grievance.
 - For staff, refer to [NDUS HR Policy 28. Grievance Procedures](#)
 - For faculty, refer to [BSC Faculty Policy – Faculty Grievances](#)
 - For students, refer to [BSC Student Policy – Student Grievance and Appeal](#)
9. Information and advice with respect to this procedure is available from the Chief Human Resources Officer and/or designee.

History of This Policy:

First policy draft October 17, 2005.

Revisions: May 27, 2008; February 23, 2015; July 14, 2015; This procedure was removed from the General policies and only applies to students because it is covered in the general harassment policy. Reviewed by the Operations Council on November 14, 2018 and approved by the Executive Council on November 14, 2018.