Proventing Sexual Harassment:

“A Toolkit for Managers and Supervisors”

This Resource Manual Is Designed to Equip the Following Individuals with Tools and Knowledge needed to prevent sexual harassment at the University of South Carolina

- Faculty
- Professional Staff
- Managers
- Supervisors
- and Student Leaders
# TABLE OF CONTENTS

- USC Harassment Policies ................................................................. Page #3
- Examples of Discriminatory Behavior ............................................... Page #4
- The Role of Faculty, Staff, and Students .......................................... Page #6
- Contact Information for Campus Resources ..................................... Page #8
- The EOP Complainant Process ...................................................... Page #9
- The Benefits of the Informal Process .............................................. Page #10
- Sexual Harassment Illustration ..................................................... Page #12
- Deal with A Complaint When There Is No Formal Charge .................. Page #13
- Tips for Processing Harassment/Discrimination Complaints ............ Page #14
- Using a Letter to Deal With Sexual Harassment .............................. Page #16
- Keeping Records ........................................................................ Page #17
- Filing a Complaint with the Office of Equal Opportunity Programs .... Page #18
1. USC Harassment Policies

**EOP1.00: Equal Opportunity Policy**
It is the policy of the University of South Carolina to recruit, hire, train, promote, tenure, and otherwise make educational and personnel decisions without regard to race, color, religion, sex, national origin, age, disability, sexual orientation, or veteran status, (except where sex or age is a bonafide occupational qualification.)

**EOP1.01: Equal Opportunity Complaint Processing Procedures**
An individual (i.e., person, student, faculty, staff member or applicant) may file a complaint or seek information about illegal discrimination at the University of South Carolina based on race, color, religion, sex, national origin, age, disability, sexual orientation, or veteran status through the Office of Equal Opportunity Programs (hereinafter referred to as EOP office). Inquiries may be made by telephone, in person, in writing, or by e-mail.

**EOP1.02: Sexual Harassment**
The University of South Carolina will not tolerate the sexual harassment of any member of the University community. Sexual harassment subverts the mission of the University by threatening the careers, educational experiences, and well-being of all members of this community. It undermines the University's deep commitment to the primacy of a reward system based purely on merit, intellectual excellence, and job performance. Sexual harassment of employees or students at the University is defined as unwelcome sexual advances, requests for sexual favors, verbal or other expressive behaviors or physical conduct commonly understood to be of a sexual nature.

**EOP1.03: Discriminatory Harassment**
The University of South Carolina is committed to ensuring that all persons are able to learn, work and enjoy a workplace, educational and living environment that is free from discriminatory harassment, treatment or services. Harassment of any person or group of persons on the basis of race, color, national origin, religion, sex, age, disability or veteran status is a form of illegal discrimination prohibited by University policy, state law and federal law and will not be tolerated by the University of South Carolina.

**EOP1.04: Non-Discrimination Policy**
The University of South Carolina does not discriminate in educational or employment opportunities or decisions on the basis of personal characteristics that are not relevant to an individual's abilities, qualifications, or job performance. Under federal and state law, these characteristics include age, race, color, sex, religion, national origin, and disability status. It is also the policy of the University that an individual's sexual orientation be treated in the same manner.

**STAF6.24: Student Non-Discrimination Policy**
It is the policy of the University of South Carolina that all students should be able to learn and live in an educational and campus environment that is free from discrimination and harassment on the basis of race, color, national origin, religion, sex, gender, age, disability, sexual orientation, genetics, veteran status, or any other category protected by law, in all programs, activities, and services of the University.

**Other Policies**
**STAF 1.08: Sexual Assault Policies and Services**
**STAF 1.09: Relationship Violence and Stalking**
**STAF 3.35: Hazing**
2. Examples of Discriminatory Behavior

Student/Educational/Work Environment

- a faculty member makes racist comments during class that is in no way related to pedagogy;
- a male staff member flirts with male students as they enter his work area and the students do not welcome the comments and are made to feel uncomfortable;
- a student repeatedly sends sexually oriented jokes around on an email list s/he created, even when asked to stop, causing one recipient to avoid the sender on campus and in the residence hall in which they live;
- a male faculty member calls on the same female in class and gives her preferential treatment and eventually invites her to his office after hours and makes her feel very uncomfortable;
- explicit sexual pictures are displayed in an advisor’s office, on the exterior of a residence hall door, or on a computer monitor in a public space;
- two supervisors frequently ‘rate’ several employees’ bodies and sex appeal, commenting suggestively about their clothing and appearance and students consistently overhear the conversation;
- a professor engages students in discussions in class about their past sexual experiences, yet the conversation is not in any way germane to the subject matter of the class. She probes for explicit details, and demands that students answer her, though they are clearly uncomfortable and hesitant;
- an ex-girlfriend widely spreads false stories about her sex life with her former boyfriend to the clear discomfort of the boyfriend, turning him into a social outcast on campus;
- male students take to calling a particular student “Monica” because of her resemblance to Monica Lewinsky. Soon, everyone adopts this nickname for her, and she is the target of relentless remarks about cigars, the president, “sexual relations” and Weight Watchers;
- a student grabbed another student by the hair, then grabbed her breast and put his mouth on it. He says it was just being playful, but it’s not appropriate or allowed;
- pressure for dates;
- offensive remarks about appearance;
- touching;
- sexual/racial jokes;
- use of racially derogatory words, phrases, epithets;
- use of gestures or pictures that would offend a particular racial or ethnic group;
- negative comments about an individual’s skin;
- derogatory or intimidating references to an employee’s mental or physical impairment;
- a professor insists that a student have sex with him/her in exchange for a good grade. This is harassment regardless of whether the student gives in to the request;
Employment

- an organization doesn’t post job openings and routinely fills positions with Whites from both inside and outside the organization—without giving African Americans and other minorities an opportunity to apply for the job as an internal/external hire;
- a student organization that does not provide pay for African Americans performing the same work as Whites (with similar education and work experience);
- segregating racial employees to only work on minority projects and contracts;
- isolating and segregating racial minorities or women by assigning them to work only in specific locations;
- reclassifying jobs at a lower level and assigning racial minorities and women to perform the work;
- not accommodating reasonable requests by employees with disabilities;
- routinely denying women or racial minorities promotions;
- laying off African American employees, women or other racial minorities, while their White counterparts maintain their jobs; and
- asking potential employees to identify their race on an employment application, which might indicate that race may be a factor in hiring decisions.

Hostile Work Environment Harassment

- personal attacks based on stereotypes and racist assumptions;
- a supervisor that regularly screams directly into the face of a subordinate, in private or in front of coworkers;
- physical threats of violence or actual physical abuse (e.g., shoving or bumping);
- verbal abuse/put-downs, name calling or the use of racial/sexual/sexual oriented epithets or slang;
- job threats/intimidation;
- intentionally malicious and false gossip;
- stare down contests; or
- intentional humiliation.

Retaliation

- stripping an employee of their staff; after they complain about alleged discrimination such as:
  1. salary cuts;
  2. the denial of standard employee benefits (e.g., use of leave, etc.);
  3. a demotion;
  4. a transfer to a hard-to-reach office;
  5. stripping an employee of their workload/assignments; or
  6. an intentionally negative and malicious performance evaluation; or
  7. the denial of an anticipated promotion.
3. The Roles of Students, Faculty, & Staff

Mandatory Reporters: An Expectation for Student Leaders, Student Employees, Faculty and Professional Staff

This document is intended to outline the College’s expectation regarding mandated reporting of concerning behaviors, discrimination, harassment and crimes by employees. It explains briefly the meaning and purpose of mandatory reporters, outlines the legal context, and articulates a straightforward set of guidelines for all employees to follow.

Mandatory Reporters: What and Why?
There are three federal laws that establish responsibilities for supervisory/management/faculty employees of colleges to report certain types of crimes and incidents, especially sexual misconduct—the Clery Act, Title VII and Title IX. Each of these areas of federal law has a different purpose, but generally the laws are intended to protect members of the campus community, visitors and guests from criminal and discriminatory behavior. The responsibilities established by these laws give rise to the term “mandatory reporter.” Reporting of concerning and disruptive behaviors is not legally mandated, but is a policy mandate to assist the Behavioral Intervention Team (BIT) in early identification and detection of at-risk situations. Additionally, state law imposes mandates with respect to the reporting of child abuse and sexual abuse as follows…

The Legal Context
The Clery Act creates a duty for institutions to report crimes in 15 different categories and has the broadest scope. It is the University that has the duty to report these crimes and failure to do so can result in substantial fines being imposed on the institution by the U.S. Department of Education Office of Civil Rights. Guided by the language of the Clery Act and subsequent amendments, the University is required to define which employees must report crime information they receive.

The language of the Act would allow the University to exclude some faculty some of the time and many professional staff from the obligation to report. Such an approach, however, risks creating confusion for faculty and staff, takes a minimalist approach to the ethical obligation to inform our community about serious crimes, and makes the institution more vulnerable to enforcement action.

Title VII focuses on sexual harassment in the workplace and failure to take appropriate action can lead to financial liability for the University. In this case, the law creates a duty to report for employees who supervise other employees, including students being paid by the University. As with the Clery Act, this language means that some faculty and staff would be expected to report while others might be exempted. Once again, however, this selective approach may create confusion and risk; and it fails to ask all of us to share the responsibility to create a workplace free of sexual harassment.

Title IX focuses on the adverse consequences faced by victims of gender discrimination and sexual harassment and creates obligations for the University to investigate and to provide a “prompt and effective remedy.” If the victim is a student, Title IX means among other things...
that the University must provide a safe environment that does not interfere with the victim’s right to pursue an education. The University incurs this obligation when a victim has given notice to a “responsible employee,” or when the University, in the exercise of reasonable care, should have known, about the assault or harassment. As with the other laws, the definition of “responsible employee” under Title IX would allow the University to treat only some faculty and staff as mandated reporters but with the same possibility of confusion and risk of institutional exposure.
### 4. Contact Information for Campus Resources

The University of South Carolina has a mandatory reporting expectation. Faculty, staff, and students are expected to report instances or allegations of crime and illegal forms of discrimination. This chart is designed to help you identify the correct campus reporting resources or offices.

<table>
<thead>
<tr>
<th>BIT</th>
<th>Campus Police</th>
<th>Student Conduct</th>
<th>Department Chair/Dean</th>
<th>Counseling Center</th>
<th>Office of Equal Opportunity Programs</th>
<th>SHVIP</th>
</tr>
</thead>
<tbody>
<tr>
<td>7-4333</td>
<td>7-4215</td>
<td>7-4333</td>
<td>??????</td>
<td>7-5223</td>
<td>7-3854</td>
<td>7-8248</td>
</tr>
</tbody>
</table>

- **Working with a student who exhibits the following behaviors**
  - Immediate threat to self or others: *
  - Writes or verbalizes a direct threat to another person: *, *
  - Sleeps in class: *
  - Continuously uses cell phone and pager causing disruption: *, *
  - Exhibits behavior that seems bizarre or out of touch with reality: *
  - Show signs of alcohol or drug abuse: *, *
  - Continuously disrupts class and refuses to stop: *, *
  - Is the subject of complaints from other students regarding behavior: *
  - Is the victim of sexual assault: *, *
  - Having difficulty due to the death of family member or friend(s): *
  - Sexual harassment or civil rights discrimination: *
  - Commits or is the victim of biased based incident: *
  - Violates Carolinian Creed: *, *

* indicates the resource to contact (e.g., BIT, Campus Police, etc.).
5. Process for Initiating Complaints

EOP Complaint Process

You can seek advice from the Equal Opportunity Programs Office about your options.

ATTEMPT TO RESOLVE THE ISSUE YOURSELF
If you feel comfortable doing so, raise your concerns directly with the person involved. This is not a compulsory step.

RAISE THE ISSUE WITH UNIT MANAGER OR DEPARTMENT HEAD
If you don’t feel comfortable approaching the person directly, or you tried this and it was not effective, raise the issue with the Unit Head, Dean, or Chair. The Unit Head is required to report the issue to EOP for advice in handling the situation.

Pre-Complaint Interview/Counseling

Not pursue or Resolve with Offender or Report to Supervisor

If referred to EOP, it may be handled informally. Informal processes (such as mediation and facilitated discussion) focus on finding a resolution, which is acceptable to all parties including the University. The informal process is suited to less serious complaints or when a key aim is to maintain relationships.

Formal processes focus on investigating allegations and making findings. Formal processes suit more serious complaints and factual disputes. Also appropriate if the informal procedure is tried and failed. All formal complaints are recorded on a central database. Formal complaints must be filed in writing with EOP.

APPEAL
If you remain dissatisfied with the handling of your complaint, you may appeal to the Director of the Office of Equal Opportunity Programs or the University President.

Complaint resolved, end of process

EXTERNAL COMPLAINT
You can, at any stage, refer your complaint to an external agency.

Complaint resolved, end of process
THE BENEFITS OF INFORMAL COMPLAINTS

Informal Complaint: Procedures in which the aim is to stop the harassment and prevent it in the future rather than determine whether or not a violation has occurred so that a harasser can be punished.

- Most people do not report or make complaints when they are sexually harassed/discriminated against.
- Only 10% usually come forward.
- Of the 10% who come forward, 90% do not want to file a formal complaint.
- Most complainants only want the behavior to stop.
- Therefore, most complaints can be handled informally. In addition, there are benefits to handling complaints informally.

Benefits of Informal Complaint Resolution

Flexibility: An informal process is more flexible because there are fewer procedures to follow.

Confidentiality: Because it is handled at the lowest level, an informal process involves fewer, so confidentiality (or at least privacy) is easily maintained.

Simpler: Informal procedures can be as simple as someone in authority talking to the person accused of harassment, or providing suggestions that the victim can use to try to stop the harassment or the alleged discrimination. With informal complaints, an investigation may not be required, and, because the resolution usually involves both parties, the parties usually feel better about the resolution or the outcome.

One important caveat!
The more serious the harassment or the allegation, the less likely that informal procedures will or should be used. For example, if the harassment includes criminal behavior such as sexual assault or sexual abuse, informal procedures are inappropriate. Additionally, behaviors that may lead to harm (such as stalking and sending threatening e-mails) are also typically inappropriate for informal resolution.

Whether formal or informal, the goals are the same

- Stop the harassment against this person (and potentially others as well)
- Prevent its recurrence
- Help victim deal with the current and lingering effects of the harassment
- Keep records of what happened
- Follow-up with victim to:
  - ensure that harassment has stopped,
  - assess that there is no retaliation,
  - determine if other interventions are necessary, such as referral to counseling, and change of class, job, and/or change of alleged harasser’s position to minimize contact with complainant.

It is helpful in both informal and formal complaints to summarize in writing to both parties what happened and how it was resolved. The complainant and the alleged harasser should be reminded that retaliation is prohibited, examples of retaliation be given, and the victim encouraged to report any further incidents of harassment.
<table>
<thead>
<tr>
<th>Informal</th>
<th>Formal</th>
</tr>
</thead>
<tbody>
<tr>
<td>No investigation required</td>
<td>Investigation required</td>
</tr>
<tr>
<td>Witnesses and documents may not be involved</td>
<td>Involves witnesses and supporting documentation</td>
</tr>
<tr>
<td>A determination of cause may not be necessary</td>
<td>A determination of cause is found</td>
</tr>
<tr>
<td>Is characterized by flexibility and creative resolutions</td>
<td>Little flexibility, follows a prescribed process</td>
</tr>
<tr>
<td>Privacy and confidential are easily maintained</td>
<td>Privacy is possible, but confidentiality cannot be guaranteed or maintained easily</td>
</tr>
<tr>
<td>Sanctions or admission of guilt may not be necessary in some instances</td>
<td>Sanctions are issued if there is a finding</td>
</tr>
<tr>
<td>May be handled in the employing unit</td>
<td>Will probably be investigated by someone outside of the employing unit</td>
</tr>
<tr>
<td>The behavior can be addressed with the harasser and little involvement of complainant or recipient of the behavior</td>
<td>Both parties are involved in the process, including separate interviews, supplying witnesses and documentation, etc.</td>
</tr>
<tr>
<td>Suit for less serious kinds of complaints</td>
<td>Suited for serious complaints</td>
</tr>
</tbody>
</table>
Sexual Harassment

Three Forms of Sexual Harassment

- Threats of adverse employment or education decisions
- Indecent Exposure
- Comments, questions, request for favors despite rejection
- Pervasive conduct, direct or indirect causing Hostile Learning/Work Environment
- Employment or education reward based on demands for sexual activity
- Promises of rewards based on demands for sexual activity
- Actual or threats of touching or other suggestive physical contact
- Invasion of sexual privacy

Two Types of Sexual Harassment

- Physical
- Visual
- Verbal

Quid Pro Quo Harassment
Unwelcome sexual advances, requests for favors, and other verbal, physical or visual conduct of a sexual nature when:

a) Submission to such conduct is made a term or condition of a person's employment or education

b) Submission to or rejection of such conduct is used as a basis for employment or education decisions affecting such person.

Hostile Learning/Work Environment
Any of the forms of unwelcome behaviors of a sexual nature that are severe or pervasive enough that it either alters a condition of employment or creates a hostile or abusive learning/work environment.

Knowing Your Role and Responsibility

It is the responsibility of every supervisor, department head, or manager to take any sexual harassment complaint seriously and to respond immediately. The department head is responsible for notifying the Office of Equal Opportunity Programs immediately upon receipt of a sexual harassment allegation. The department shall report to the Office of Equal Opportunity Programs on all sexual harassment complaints reported to department supervisors or management personnel. The incident is to be reported to the Equal Opportunity Programs Office immediately upon receipt.

The Office of Equal Opportunity Programs shall follow up with the department head on the progress of the investigation and resolution within two weeks. All incident report forms shall be kept confidential and will remain in the Equal Opportunity Programs Office.

NOTE! Pursuant to Title IX, sexual assault and other forms of sexual violence are a form of sexual harassment.
HOW TO DEAL WITH A COMPLAINT
WHEN THERE ARE NO FORMAL CHARGES

A difficult situation for organizations, supervisors, or managers arises when there is inappropriate behavior, but no one wants to file a formal charge – that is the victim or persons on the receiving end of the behavior does not want the organization to do anything. The organization may be liable if it does nothing; however, it may not be appropriate to evoke a formal process. While a formal process can be initiated by the organization if the behavior is deemed serious enough or it is extremely pervasive, there are times when there is no formal charge and a formal process is not warranted. How should the organization respond? There are two acceptable practices:

1. Equip persons who are the recipients of the alleged behavior with strategies and techniques to handle it on their own.

2. The organization can initiate education activities to increase awareness of discrimination/harassing behavior and other related issues.

   The organization can distribute a letter to employees in a unit stating that there is some concern about certain kinds of behavior and require employees to attend a meeting or training. In the event the unit is small, the letter can be sent to large group of employees to help protect privacy.

3. The supervisor or someone else in a position of authority can speak with the alleged harasser about the behavior, reminding him or her of institutional policies and consequences of violating them.

   If this option is pursued, please get the permission of the victim first, unless there are safety issues which merit this kind of approach take place immediately. Again, if the behavior is pervasive or serious, the organization should invoke its own process.

   There is another option. When the behavior is less severe, and there are no formal charges, someone can speak with the alleged harasser (without naming the accuser if possible).

   In this instance remember the following:
   - Describe the offensive behavior.
   - Describe how the behavior is being perceived by others or the person on the receiving end of the behavior.
   - Inform the person that since there is no formal charges there will be no investigation, and that the behavior should cease immediately.
   - The name of the accuser is not given.
   - A copy of the policy is given to the alleged harasser.
   - A follow-up letter can be given.
While it is also an easier process if the person admits the behavior, admission is not required in this instance. If the charges are denied, the employee in charge of the meeting can stress that the behavior is unacceptable and if it is happening it needs to cease immediately.

Remind the accused that there is no investigation, but the record of the incident is being kept and will be available should there be another informal or formal complaint of harassment. If the behavior continues or recurs, serious steps can be taken. It is also helpful to remind the accused that retaliation is a violation of University policies.

After the meeting the official should write a memo for the file, detailing the contents of the meeting. The memo can be used in the event that subsequent allegations of sexual harassment are made.

The person who reported the incident(s) should be informed that such a meeting was held and the content of what the supervisor said. He or she should also be informed that if there is any suspected retaliation it should be reported immediately and that it will not be tolerated. (The name of the person to whom this is reported should be given along with a phone number and/or e-mail.) There should be some follow-up with that person several days later and then about a week or two later to make sure that the harassment has stopped and that there is no retaliation. Memos to the files should also record what happened at these meetings.

4. **The institution can bring its own charges against the alleged harasser.** When there is a threat of possible harm to either the victim or to future victims, institutions do not have the luxury of ignoring information from a victim or other source, and should also allow for third party complaints.

5. **The person can be fired.** To the degree that the institution is not bound by any legal or contractual requirements, its own internal procedures, and to the degree that the harassment is serious and/or repeated, and especially if warnings have been issued, termination/expulsion/suspension may be an option.
TIPS FOR PROCESSING HARASSMENT/DISCRIMINATION COMPLAINTS

A vast majority of complaints can be resolved at the lowest level if the person to whom the complaint is reported utilizes sound techniques. Consider the following when receiving complaints:

1. Listen more than you talk.
2. Assess if there is immediate danger or damage that should be addressed and respond accordingly...medical care, counseling, law enforcement support, etc.
3. If there are any concerns about the person’s safety, these must be addressed without delay.
4. Be sensitive and show sympathy.
5. Reinforce that the alleged behavior is inappropriate and is not tolerated on USC’s campus.
6. Do not blame the person or allow him or her to accept the blame. Ask open ended and non-judgmental questions that are relevant.
7. Know whom to refer the person and encourage the person to meet with the designated person who deals with the alleged behavior...EOP, Campus Police, Student Conduct, Counseling
8. If the complainant is hesitant, offer to escort them to the appropriate office or campus resources.
9. If the student or employee is willing to move forward, do report the incident to appropriate campus entity.
10. Ask what the person thinks he or she wants to do, or if additional time is needed to think about this. Whatever the decision he or she makes, offer your assistance and support.
11. Urge the person to write everything down soon after the event to help with memory recall.
12. Describe how the person can file a formal charge within the organization or under various laws.
13. If the student or employee is not willing to move forward, but you have been informed of the behavior (and you are not a confidential resource), report the incident without providing identifying information, allowing the campus authorities to make the appropriate decision about how to proceed.
14. Especially if you sense hesitation, you might ask if the person is worried about retaliation and/or confidentiality. Ensure them that only people who needed to know are involved in our process.
15. Provide the person with written materials about campus resources.
16. Provide appropriate follow-up.
USING A LETTER TO DEAL WITH SEXUAL HARASSMENT

Dr. Mary P. Rowe at the Massachusetts Institute of Technology developed what has become known as the letter technique. She contends that the best way to address harassment in the workplace is to “help people to help themselves.” This approach has been extremely successful in the workplace and educational institutions. It is believed that approximately 80 percent of the cases in which this approach is used stops the harassment.

THE ASPECTS OF THE LETTER

*Part I* gives only the facts, including details, such as the time, place, and description of the behavior.

For example, “Last month when I came to your office to discuss my work, you asked me to come to your apartment that weekend to discuss how I could get a promotion.” Typically, the harasser agrees with the facts although not with the interpretation.

*Part II* describes how the feelings of the person on the receiving end of the behavior, such as fear, revulsion, anger, etc.

For example, “I'm frightened whenever you come near me” or “When you walk into the room I want to throw up.” “I feel like I am being treated in an unprofessional manner.” “I'm worried that this is going to affect my evaluation or my grades.” As in Part I, there are no evaluative words or accusations, only a description of how the writer feels.

*Part III* describes what the writer wants to happen next. This part is usually short because most people just want the harassment to stop.

For example, “I want your behavior to stop” or “I want to be treated the way in which employees have a right to be treated” or “I don’t want you to make any sexual remarks to me or about me anymore.”

Recommendations

- Deliver the letter in person. Or by certified mail, with return receipt requested.
- Have the writer keep a copy.
- Offer to help with the writing or better, yet refer the individual to the Office of Equal Opportunity Programs.
- It is best if copies are not sent to anyone else.

Advantages of the Letter

- Avoids formal charges.
- Keeps the incident confidential.
- It bypasses issues of legality, evidence, due process and his-word-against-her word.
- It usually works.
This is a voluntary approach when the victims wants the behavior stopped but does not want to proceed with a formal complaint.
KEEPING RECORDS

When it has been determined that the informal process is desirable, keep good dated records, including emails, letters, correspondence, etc.

The records should capture the names of the complaint, respondent, the behavior that occurred, how person responded, what was decided, what was expressed or desired by the complainant, how the respondent responded.

Capture only the facts, what you saw, what you heard, what was said: “Mary S. cried several times during the interview when talking about her feelings of helplessness,” rather than: Mary S. cried several times, seems unable to control her emotions and is immature.”

Also, keep a log of telephone calls, emails, etc.

Resolution Letters

When the event has been resolved or dealt with, write a summarizing or concluding letter:

Dear Ms. Jones:

I was pleased to learn that since you wrote a letter to Jim Smith the behaviors you complained about have stopped. You had complained on (date) that he was putting his arm around you and making sexual comments. As you know our university does not tolerate any form of sexual harassment. I described our policy and gave you a copy of the policy. We also discussed confidentiality and our prohibition against retaliation.

You and I discussed your complaint on two other occasions [date] and [date]. I was very pleased that you chose to report this behavior; I know that it must have been hard for you to do so. We also discussed a number of options and you then decided that you would write Jim Smith a letter describing his behavior, describing your feelings about it, and asking him to stop.

Last Wednesday [date], when I called you, you told me you had written the letter on [date] and that the behaviors stopped after he received the letter. You also reported that he has not said anything about the letter to you.

If there is any recurrence of his behavior or new behavior which upsets you, if you feel there is retaliation, if you would like to discuss this some more, or if you are not satisfied with the resolution, if you have any questions whatsoever, or if this letter is incorrect, please get in touch with me as soon as possible. My door is always open for you.

Sincerely,

xxx
When there has been contact by the institution with an accused person, a letter describing the resolution should also be sent. An example follows:

Dear Mr. Thomas:
You and I have spoken on [date] and [date] about reports that you were hugging some of your female students. I informed you that some of these students were upset by your behavior and that your behavior could be considered sexual harassment. I also gave you a copy of our policy and informed you about prohibitions against retaliation.

You agreed to stop hugging your students. Since that time I have not had any further complaints.

There will be no mention of this matter in your personnel file. Although a copy of this letter will remain in my confidential files it will remain confidential unless there are subsequent incidents or charges of retaliation.

If there are any questions about this matter please feel free to discuss them further with me.

Sincerely,
XXX
WHO CAN FILE A COMPLAINT
Any student, faculty, or staff who believes that he/she has been discriminated against on the basis of race, color, national origin, sex, sexual orientation, religion, disability, genetics, veteran status, or age may file a complaint with the Office of Equal Opportunity Programs. Complaints can also be filed by individuals who are not the victim of the alleged discrimination, but elect to complain on behalf of someone else or to report a discriminatory incident.

TIMELINESS
A complaint must be filed within 180 calendar days of the date of the alleged discrimination.

HOW TO FILE A COMPLAINT
If you feel that you have been subjected to discrimination or harassment, based on any of the above-protected bases, contact the Office of Equal Opportunity Programs.

WAYS TO FILE A COMPLAINT
Members of the University community wishing to file a complaint may do so by visiting the office in person, or by:

1. Mail or Facsimile: Complaints may be submitted by mail, a faxed letter (803-777-2296), or the Discrimination Complaint Form available on the EOP website. In your correspondence, please include:
   - The complainant’s name, address and, if possible (although not required), a telephone number where the complainant may be reached during business hours;
   - Information about the person(s) or class of persons injured by the alleged discriminatory act(s);
   - The name and location where the act(s) occurred; and
   - A description of the alleged discriminatory act(s) in sufficient detail to enable us to understand what occurred, when it occurred, and the basis for the alleged discrimination (race, color, sex, national origin, sexual orientation, disability, veteran status, genetics, or age).

2. E-mail: Complaints may be filed, using one of the following e-mail address: wellscr@mailbox.sc.edu or sheppard@mailbox.sc.edu. Use the same procedures as above.

3. Online: Complainants may file a complaint with EOP using EOP’s electronic complaint form at the following website: http://www.sc.edu/eop/students.html

Note: Once a complaint has been filed, it is against the law for the University or any of its students, faculty, or staff to retaliate against any person who has made a complaint, testified, assisted with or participated in any manner in an investigation or proceeding.