

**Investigation of Complaints of Discrimination or Harassment**  
**Effective 8/18/2015**

The following outlines the process for the investigation of student and employee complaints of discrimination or harassment. These policies are at all times to be interpreted consistent with the requirements of federal and state law, including, but not limited to, 34 CFR 104, 34 CFR 106, 34 CFR 100, 34 CFR 110, and MGL Ch. 151B.

Questions concerning complaints of discrimination, harassment, or these policies may be directed to:

Stonehill College  
Office of the General Counsel  
Donahue Hall Room 203  
320 Washington Street  
Easton, MA 02357  
508-565-1413

For further information regarding the application of nondiscrimination laws as they apply to colleges and universities, students and employees may contact:

United States Department of Education  
Office for Civil Rights  
5 Post Office Square  
Boston, MA 02109

Massachusetts Commission Against Discrimination,  
One Ashburton Place, Sixth Floor, Room 601  
Boston, MA 02108

Equal Opportunity Employment Commission  
John F. Kennedy Federal Building  
475 Government Center  
Boston, MA 02203

I. Notice of Complaint

A. Complaint of Harassment or Discrimination against a Student

A student or employee who wishes to make a complaint of sexual harassment, sex discrimination or gender-based misconduct against a student may file his or her complaint pursuant to the process provided for in Policy S1.4 Opposition to Sexual and Gender-Based Misconduct and Interpersonal Violence (referred to hereafter as the “Gender-Based Misconduct Policy”).

A student or employee who wishes to make a complaint of any other form of harassment or discrimination against a student may file his or her complaint with the Office of Students Affairs, 320 Washington Street, Easton, MA 02357, 508-565-1363. The Vice President for Student Affairs will designate a College administrator to investigate the complaint under the procedures provided

herein. The Complaint can be filed with the Vice President for Student Affairs or any administrator within the Student Affairs Division. A complete listing of the employees within the Student Affairs Division can be found on the College's web page.

#### B. Complaint of Harassment or Discrimination against an Employee or Agent of the College

A student or employee who wishes to make a complaint of any form of harassment or discrimination against an employee, agent of the College, or other person may file his or her complaint with the Office of the President or a Title IX Coordinator, as listed in policy E3.35 Opposition to Sexual Harassment and Other Forms of Discrimination, Stonehill College, 320 Washington Street, Easton, MA 02357, 508-565-1302. The complaint can be filed with the President or any administrator within the Executive Division<sup>1</sup>. The President or his or her designee will designate an administrator to investigate the complaint under the procedures provided for herein. The investigation and outcome shall be consistent with the requirements of College Policy E3.35. If the complaint is against the President of the College, in his or her individual capacity, the complaint may instead be submitted to another officer of Stonehill College, Inc. who shall then process the complaint.

#### C. Complaint of Harassment or Discrimination against the College

A student or employee who wishes to make a complaint of any form of harassment or discrimination against the College may file his or her complaint with the Office of the President or any of his or her Title IX Coordinators consistent with the process outlined in Section I.B. of this document.

#### D. Form of Complaint

A complaint should be in writing and signed by the complainant, although not required.<sup>2</sup> It should indicate the name of the complainant, the complainant's contact information, and a brief description of the relevant incident(s). No other form of complaint is required. An investigator may require further information from a complainant as part of the investigative process.

If a complaint is made orally, the employee receiving the complaint shall forward a written summary of the complaint to the appropriate office as outlined above, and the investigator assigned shall contact the complainant to ensure the verbal complaint has been fully captured as reported by the reporting party.

### II. Investigation of Complaint

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<sup>1</sup> The President of the College and the Title IX Coordinator are "Responsible Employees" under Title IX and also "Campus Security Authorities" under the Clery Act. If the complaint alleges sexual assault, dating violence, domestic violence or stalking as defined by the Clery Act, statistical information not including the victim's identifying information will be provided to the College official responsible for compiling the College's annual crime statistics, even if the victim chooses not to report the incident to Campus Police. Complaints involving a report of the four previously mentioned offenses will require Stonehill to assess the report for purposes of determining the appropriateness of issuing a Timely Warning Notice (TWN) under Clery.

<sup>2</sup> As used in this document, references to "file" or "make a complaint" does not require a written submission. An individual may make a report verbally.

### A. Assignment of an Investigator

Normally within two business days of receipt of a complaint, an investigator will be assigned to investigate the complaint.

### B. Commencement of Investigation

Normally within five (5) business days of receipt of a complaint, the assigned investigator will commence investigation of the complaint.

### C. Investigative Process

The investigator shall promptly and efficiently investigate the complaint. The investigator will tailor the investigative process to the facts of the complaint and provide an individualized approach to the investigation based on the circumstances and issues involved. Usually, the investigation will include the following components (enumeration does not necessarily suggest order of investigative process):

1. review of College policies and procedures relevant to the matter
2. interview(s) with the complainant
3. interview(s) of any witnesses or individuals with knowledge of the matter
4. interview(s) with any individual accused of committing an act of discrimination or harassment
5. independent investigation of facts and materials relevant to the matter
6. preparation of a written investigative report
7. meeting with the complainant and respondent post fact-finding but before a determination of responsibility to allow for the parties to hear the facts that will be used in reaching a determination and to offer and additional witnesses or evidence they feel is relevant to the investigation at hand
8. submission of investigative report to the Division Head overseeing the investigation with the determination of responsibility or non-responsibility and the final recommendations
9. upon approval of recommendations by Division Head, and President when required, written communication of the results of the investigation to the complainant(s) and alleged perpetrator(s)

The investigator will take reasonable precautions to ensure, to the extent possible, the confidentiality of the parties involved and will take into consideration privacy, First Amendment, and academic freedom concerns.

The investigator will make every effort to conclude the investigation within 10 business days of commencement of the investigation. However, the facts, complexity of the issues, and availability of witnesses may require an extended period of time to conduct the investigation. If the investigator believes that he or she will need more time to conduct the investigation properly, the investigator will simultaneously notify both the complainant and respondent in writing that there will be a delay, the reason for the delay, and the anticipated timeframe for completing the investigation. No investigation shall take longer than 60 business days without permission of the College's General Counsel.

#### D. Conclusion of Investigation

Upon the conclusion of the investigation, the investigator shall prepare a written report, which shall include outcome recommendations. Depending on the nature of the incident and the parties involved, the investigator may recommend one or more of the following:

1. that action be taken against an employee consistent with College Policy;
2. that the complaint does not warrant action;
3. that the College take corrective or preventive measures to stop the discrimination or harassment, prevent future discrimination or harassment, or improve the College's ability to prevent future discrimination or harassment; and/or
4. that some other measure is required to produce an acceptable outcome to the matter.

Investigative reports concerning a complaint against an employee or agent of the College, a third party, or against the College shall be submitted to the President or his or her designee.

The President or his or her designee shall review the recommendations of the investigator and either accept the recommendations or work with the investigator to modify the recommendations. Normally, except in the case of extremely complex matters, within five (5) business days of the submission of the recommendations, a final approved report with recommendations will be completed, and the investigator will notify the parties of the outcome of the investigation. This decision, upon acceptance of the recommendations of the investigator, shall be final.

#### E. Retention of Investigative Reports and Documents

Upon the conclusion of an investigation, all materials shall be sent to the Office of the General Counsel for administration under the College's document retention policies.

#### F. Timeliness of Complaints

An investigator should first determine if the complaint brought forward is timely. Generally, a complaint in which the last incident occurred more than three (3) years from the submission of the complaint shall not be accepted for investigation. An investigator should be sure to speak with the complainant to verify the date of occurrence of the last incident. An investigator, in consultation with the Office of the General Counsel, may accept a complaint that is not timely under the standard articulated herein.