

HOPE COLLEGE

Policy Statement on Racial and Ethnic Harassment and Grievance Procedures

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Policy Statement on Racial and Ethnic Harassment

I. Philosophy Statement

Hope College is an educational community whose mission is vitally informed by the historic Christian faith and where, as a matter of deeply held principle, all are treated with the respect due them as God's creatures.¹ Hope College is committed to the belief that each individual is of unqualified worth, and the institution strives to maintain a hospitable educational and residential campus that permits its members to pursue their academic and professional interests. Accordingly, the College aims to foster an environment free from racial harassment, intimidation, or humiliation.

Hope College believes that racial and ethnic differences enrich the intellectual life of the institution and increase its capacity to serve the educational needs of its members, and that racist remarks or behavior impede the learning process and threaten self-worth. Racial and ethnic harassment within an academic setting clearly impairs the full enjoyment of educational, professional, and personal opportunities by students, faculty members, and staff members. Therefore, the College unequivocally condemns racial and ethnic harassment in any form.

Hope College intentionally promotes increased participation in college life by students, faculty members, and staff members of color through *The Comprehensive Plan to Improve Minority Participation*.² A central component of the *Comprehensive Plan* is the development of a community fully welcoming to all. The *Comprehensive Plan* encourages a vision of the campus community as a harmonious society recognizing, but not fractured by, racial, ethnic, and cultural differences.³

As a community of scholars and learners, Hope College firmly upholds the principle of academic freedom. Academic freedom asserts the right to criticize, examine, hold, express, controvert, and create ideas.⁴ Since academic freedom is crucial to the vitality of the academic enterprise, the *Policy Statement on Racial and Ethnic Harassment* is in no way designed to shut down, discourage, or inhibit serious and responsible attention to issues of race, ethnicity, or other markers of cultural difference. The policy should never be interpreted as a potential instrument of retaliation or recrimination. Rather, it is expected that the policy will achieve a community of mutual respect consistent with the College's mission and commitment to civil rights and equal protection under the law.

¹ Taken from the "Virtues of Public Discourse."

² Adopted and approved by the Board of Trustees in May 1998.

³ Taken from *The Comprehensive Plan to Improve Minority Participation at the College*.

⁴ The "Policy on Academic Freedom" was taken from the 1940 "Statement of Principles on Academic Freedom and Tenure" by the Association of American Colleges and the American Association of University Professors and was adopted by Hope College. For more information consult the *Faculty Handbook*.

II. Policy

These policy statements have been constructed intentionally to provide a general overview of the institution's position prohibiting racial, ethnic, and cultural harassment within the Hope College community. Therefore, the *Policy Statement on Racial Harassment* shall be interpreted in its broadest sense, and not specifically limited to an exhaustive list of situations. The policy shall also be interpreted in light of Hope College's commitment to the principle of academic freedom.

A. Definitions

No member of the Hope College community shall engage in racial, ethnic, or cultural harassment. Harassment includes, but is not limited to:

1. Harassing remarks or actions serving no scholarly, artistic, or educational purpose that are made directly or indirectly toward individuals or groups due to their race, ethnicity, or culture.
2. Intimidating, hostile, humiliating, or demeaning remarks or actions based on race, ethnicity, or culture which, whether intentional or unintentional, interfere with or threaten an individual's or group's participation in the life of the College, including academic or extra-curricular activities. This may include actions or public displays of material that serve no scholarly, artistic, or educational purpose.

B. Interpretive Guidelines

Examples of racial, ethnic, or cultural harassment include, but are not limited to: racial epithets, derogatory comments, jokes, or ridicule directed to a specific person or persons about their race, ethnicity, or culture; threats of or actual violence based upon the race or ethnicity or culture of the victim; defacement of property based upon the race, ethnicity, or culture of the owner; remarks or conduct based on race, ethnicity, or culture, even if not directed at a specific person or persons, which unreasonably affects the ability of persons to participate in college programs.⁵

In determining whether an act constitutes racial or ethnic harassment, the totality of the circumstances that pertain to any given incident in its context must be carefully reviewed and due consideration must be given to the protection of individual rights, freedom of speech, academic freedom, and advocacy.⁶

An important determination of responsibility for harassment is whether harm or injury, intentional or unintentional, caused by an action could have been foreseen.

⁵ Based on Iowa State University <<http://www.public.iastate.edu/%7Eaao/rehp1.html>>.

⁶ Based on Midwestern State University Student Handbook <http://www.mwsu.edu/htmldocs/departments/vp_sas/sh/rac_haras_pol.html>.

C. Confidentiality and Retaliation

Confidentiality is important in order to protect the reputation and integrity of all individuals involved.

No person involved, or acting on behalf of a person involved, in any phase of the implementation of the Policy shall abuse, threaten, or exhibit behavior which intimidates any other person involved prior to, during, or after the conclusion of the phase which is being pursued.

If either the complainant or the alleged harasser is abused, threatened, or intimidated, he/she may bring this to the attention of the administrators or committee handling the complaint, asking them for assistance in arranging protection or redress at that time or after the process has been completed.

III. Policy Advocates

Appointed trained persons, hereafter called *Advocates*, are available to students, faculty members, and staff members of Hope College to address any inquiries, concerns, or complaints about harassment/intimidation, and to offer support and/or information. The services of these Advocates are available to students, faculty members, or staff members who consider themselves to be victims of harassment or intimidation (referred to in this Policy as *complainant*), to alleged harassers, and to individuals who need more information. However, the same Advocate should not represent both a complainant and that person's alleged harasser.

Other individuals may act in a support and advocacy role for either the complainant or the alleged harasser even though they are not appointed Advocates. In order to serve as an Advocate, an individual must consult with the Dean of Students, the Provost, the Director of Human Resources, the Policy Educator, or their designee to become well versed in Hope College's *Policy Statement on Racial and Ethnic Harassment*.

A. Duties of the Policy Advocates

As individuals:

1. To provide support and offer information about the possible avenues for resolution of grievances arising from behavior which might be interpreted as harassment.
2. To assist and support a person seeking their services as a complainant pursues either an informal or a formal resolution to a complaint. For more information regarding the Advocate's role in those proceedings see sections IV.B, IV.C, and IV.D.
3. To report to the Keeper of the List (III.D.1) all complaints which the Advocate believes represent harassment as defined in Section II of this document with the exception as outlined in IV.C.3. If the complainant chooses no action and the complaint is based only on actions as described in II.A and II.B (also see examples in section II.B), the incident will not be recorded on the list of uninvestigated complaints.

4. To confer with faculty members, staff members, and students who are concerned or unclear about appropriate conduct in either formal or informal settings between students.
5. To be available to consult with persons or groups who are concerned about an incident of which they are aware but in which they were not directly involved.
6. To receive training about harassment and procedures for ensuring confidentiality and emotional support of a complainant/alleged harasser.
7. To assist the Educator in informing the College community about the policy, social, and ethical issues inherent in questions of harassment or intimidation.

As a group:

When the Advocates meet as a group, they will include the Educator, the Associate Provost, the Dean of Students, a Chaplain, and the Director of Human Resources.

8. To meet at the beginning of each semester for education, training, and discussion of procedures and other business.
9. To make recommendations to the Educator regarding training and education for the community.
10. To meet to discuss individual cases only if unusual circumstances are involved. If they do meet for this purpose, no identifying information will be revealed.
11. To meet to discuss the year and share insights regarding the work of the Advocates. An annual report will be compiled by the Chair and will be submitted to the President, who will make it available to the College community. It will contain no identifying information. Presentation of case records in the report will be limited to a statement of the number, type, and disposition of cases brought to the attention of the Advocates.

B. Membership

1. Composition and Qualifications for Membership

- a. Since the Policy is meant to serve all students, faculty members, and staff members, it is important that Advocate membership be drawn as broadly as possible from the faculty, the student body, and both administrative and non-administrative staff. Membership will consist of at least seven persons including at least three women and two men and three minority members (minority means underrepresented members of the Hope College community).
- b. Members will be chosen for their sensitivity, discretion, knowledge, and skill in mediation.
- c. The following is a summary of qualities that would be helpful for persons serving as Advocates for either a complainant or a person who allegedly did the harassing. The Advocate should: a) be recognized as a sensitive, caring, and clear-thinking person who is committed to justice for all regardless of the individual's status or position on campus; b) have an interest in providing assistance to those

seeking it; c) understand the impact of racism and its effect on the victim and the perpetrator, and procedures for intervention and referral; d) have an awareness of and commitment to confidentiality; e) have the ability to relate to diverse types of people who are experiencing a variety of emotional reactions; f) be supportive while presenting and discussing possible alternatives; g) work effectively with other Advocates.

d. Unless special circumstances make it inadvisable, the same Advocate will assist the complainant or alleged harasser respectively throughout the review procedure.

2. Process of appointment

a. The Provost, the Dean of Students, the Director of Human Resources, the Coordinator of the Comprehensive Plan, the director of Multicultural Life, La Raza Unida (LARU) Black Student Union (BSU), Hope Asian Perspectives Association (HAPA), and the officers of Student Congress are invited to recommend members prior to the end of spring semester. Any individual or group may suggest names of persons who might be especially helpful as Advocates.

b. The list of nominees will be reviewed by the Chair of the Advocates and the Educator. They, after consultation with the Keeper of the List (III.D.1), will submit a slate to the President.

c. Policy Advocates will be appointed by the President, and the administrators will be notified (see *Faculty Handbook* A4.c6). The Policy Educator is also appointed by the President.

3. Organization of the Advocates

a. Faculty and staff members will be appointed for staggered two-year terms, with the possibility of reappointment; a student member will be appointed for one year, with the possibility of reappointment.

b. Members will elect a Chair who will serve for two years. The initial appointment of the Chair may be made by the President. If the Chair resigns, it will be the Chair's responsibility to call a meeting and hold an election for a new Chair. This must occur before the resignation becomes official. If the Chair is unable to serve, the President will appoint a new Chair.

c. The names of Advocates will be widely published—listed in student handbooks and in memoranda to the faculty, staff, and administration, etc. Information about the Policy Advocates will be included in orientation programs for students and for student staff of Student Development.

C. Role of the Policy Council (adopted from Sexual Harassment Policy)

1. Members of the Policy Council

a. Members will include the Dean of Students, the Provost, the Director of Human Resources, and the Chair of the Advocates, and others as deemed appropriate.

b. Duties and responsibilities of the members of the Policy Council:

Dean of Students

The Dean of Students will develop a program to inform and educate students and student groups about the *Policy Statement on Racial and Ethnic Harassment*. Activities included in this are Residential Life training and presentations to the athletic teams, Greek organizations, Student Congress, and Student Activities Committee. Presentations in the residence halls will focus on the specific community in each hall. Additional programs by the Holland Police Department and the Prosecuting Attorney's Office, as well as collaboration with other students or student groups would also take place. In order to accomplish these outcomes, the Educator will be consulted and utilized.

Director of Human Resources

The Director of Human Resources will develop a program for both new and current employees to inform and explain the Policy Prohibiting Racial and Ethnic Harassment. In order to accomplish these outcomes, the Educator will be consulted and utilized.

Provost's Office Designee

The Provost's Office designee will develop a program for both new and returning faculty members to inform and explain the Policy Prohibiting Racial and Ethnic Harassment. In order to accomplish these outcomes, the Educator will be consulted and utilized.

Chair of the Advocates

The Chair of the Advocates will present information to the Policy Council relating to incidents that may be part of conversations or complaints falling under this policy. Experiences which result from the handling of these complaints will form the basis of an educational campaign to counter acts of racial insensitivity.

Educator

- a. The Policy Educator will not be a member of the Policy Advocates.
- b. The Educator will instruct Advocates and Hearing Board members about their roles and responsibilities.
- c. The Educator will create and implement an educational program designed to increase understanding in the Hope community about race and ethnic harassment.
- d. The Educator will be knowledgeable of current trends and polices concerning racism and diversity education. The Educator must be keenly aware of institutional policies, legal interpretations, and different training approaches for addressing complaints/incidents involving race or ethnic harassment.
- e. The Educator will interview Advocate candidates along with the Chair of the Advocates before their appointment to the committee.

f. Other activities for the Educator include: presentations in residence halls and in classes regarding racial harassment and intimidation, speaking to staff and faculty members, and doing education in the larger Hope community.

2. Meetings of the Policy Council

The Policy Council will meet on a bi-monthly basis or more frequently as needed.

D. Recording of Accounts of Harassment/Intimidation

1. The Assistant Director of Human Resources (elsewhere in this document referred to as the “Keeper of the List”) will be responsible for compiling all complaints made to the Advocates (see IV.B.2i) that meet the following criteria:

a. The person who reported the incident must have been the victim of the harassment. Accounts by a third party of alleged harassment or intimidation will not be reported to the Keeper of the List, unless they are part of formal proceedings.

b. The Advocate must determine that the alleged behavior can be defined as harassment as described in section II.A of this document.

c. The Chair of the Advocates will be responsible for notifying the alleged harasser that the complaint has been formally recorded. In the event of an informal complaint, where no hearing has taken place, the Chair will also inform the alleged harasser of his/her right to consult with an Advocate and to appeal or provide a written response to the complaint.

2. In cases where the Keeper of the List is alleged to be the harasser, the incident will be reported to the President.

3. The record of complaints will include a list of uninvestigated accounts of harassment that meet the criteria outlined in III.D.1. Inclusion on the list is not a determination of guilt. The record of complaints is necessary for two reasons: first, to inform members of the campus community when they are perceived as engaging in harassment/intimidation (see IV.C.3); second, to identify individuals who may be repeatedly engaging in harassment/intimidation.

4. For each complaint, the following information will be recorded:

a. The name of the person reporting the incident (i.e., the victim of the alleged harassment).

b. The name of the alleged harasser.

c. The name of the Advocate who forwarded the complaint.

d. A description of the alleged complaint. This description will include the approximate date(s) and place(s) in which the behavior is alleged to have occurred and will specify the nature of the alleged harassment by the category of description provided in section II.A of this document.

e. The resolution of the complaint. The action pursued by the complainant will be recorded, as well as the complainant's desire for resolution regarding the outcome of that action.

5. Regardless of the outcome of the complaint, the alleged harasser may choose to submit a written response to the complaint, which would then be attached to the record of the complaint.

6. If the alleged harasser believes that the complaint is totally without basis, the alleged harasser may appeal to his/her Chief Administrator. The Chief Administrator will meet with the Keeper of the List to review the record of the complaint and the evidence presented by the alleged harasser. Prior to reaching a final decision the Chief Administrator will consult with the Policy Educator to ensure that policy has been followed. If the alleged harasser's evidence is persuasive, the Chief Administrator will order the removal of the complaint from the list of uninvestigated complaints. The Chair of the Advocates will communicate this decision to the complainant and his/her Advocate.

Those designated Chief Administrator are:

For students –Dean of Students

For faculty members – Provost

For staff members – Director of Human Resources

7. These records will be confidential except as sections III.B.2b (Selection of Advocates) and III.E (Repeated Accusations) require their use. They will be kept in a locked file (computer or cabinet-style).

E. Repeated Accusations

Whenever repeated accusations are brought to either the Keeper of the List or the Chair of the Advocates, the Chair of the Advocates will convene the Advocates and the Policy Educator and describe the substance of the complaints without identifying the complainant or the alleged harasser. The Advocates will discuss and advise the Chair with respect to the complaints. The Chair and the Policy Educator, in consultation with one of the other Advocates, must then choose from the following options:

1. Consult individually with complainants to determine if there is a willingness to confront the alleged harasser, pursue other informal, administrative, or formal procedures, press criminal charges, or take any other action regarding the complaint.

2. Inform the alleged harasser and appropriate College official(s) of the allegations, subject to the limitations of IV.C.3 if notification of the alleged harasser is without complainant's consent.

3. Seek consultation with appropriate College officials and/or legal counsel.

4. In very serious cases, request that a formal investigation by the College be undertaken (see IV.E).

IV. Informal, Administrative, and Formal Procedures

A. General Principles

1. Purpose

The complainant has a choice to respond to an incident through informal, administrative, or formal procedures. All these procedures are internal systems for addressing the situation within Hope College. All parties involved have the right to address the situation through the external legal system at any time.

The complainant and his/her Advocate should review the procedures and decide which is the most appropriate for the particular situation. Complaints based solely on actions described in section II.A.1 may be pursued only through the informal complaint procedures.

2. Time Limit

Charges made under administrative or formal procedures must be brought within six years of the alleged harassment/intimidation or two years after the complainant leaves the College, whichever is earlier.

3. Conflict of interest

A person selected by a complainant or an alleged harasser as an Advocate or a support person (IV.B.1; IV.C.2; IV.D.2; IV.E.2; IV.E.3a; and IV.E.4c), or asked or expected to participate in a review process in any capacity, must decline if he/she has a relationship to either the complainant or the alleged harasser as supervisor, academic advisor, or teacher. This conflict of interest should be brought to the immediate attention of the appropriate administrator or the Policy Educator so that a replacement can be selected.

B. Initial Discussions with the Complainant

1. Persons who seek information or support or who wish to report a concern or incident or to lodge a complaint will contact an Advocate of their choice. Persons are encouraged to bring complaints to Advocates regardless of whether the complainant has determined what action, if any, he/she wishes to take.

2. The Advocate will do the following:

- a. Listen to the details of the complainant's concerns.
- b. Inform the individual of services available for emotional or spiritual support, and other kinds of assistance.
- c. Inform the individual of his/her right to seek legal counsel and recourse outside of the campus proceedings.
- d. Clarify and record the events and circumstances of the situation.

- e. Help the complainant interpret the event in light of the definition of harassment/intimidation.
- f. Inform the person seeking assistance of the advantages and disadvantages of withholding identifying information.
- g. Give the complainant a copy of this policy and explain the informal, administrative, and formal processes.
- h. Review with the complainant the policy statement on confidentiality and retaliation (II.C).
- i. Inform the Keeper of the List of the complaint (III.D.1). The Keeper of the List will check to see if other incidents have been reported involving either the Chair complainant or the alleged harasser. If so, the Keeper of the List will inform the Chair of the Advocates.
- j. Consult with the Chair of the Advocates. The purpose of this consultation is to provide support and assistance, to answer questions, and to be helpful to the Advocate.

3. The complainant will choose from the following options:

- ◆ No further action.
- ◆ Informal Process (hostile environment must use this).
- ◆ Administrative Review.
- ◆ Formal Hearing.

C. Informal Complaint Procedures

1. Possible actions that may be chosen by the complainant in the case of an informal complaint include:

- a. The complainant informs the alleged harasser of the alleged incident(s) and the harmfulness of his/her alleged actions.
- b. The Advocate (with or without the complainant) informs the alleged harasser of the alleged incident(s) and the harmfulness of his/her alleged actions.
- c. The Advocate mediates the incident(s) with the complainant and alleged harasser.
- d. The complainant chooses to initiate a formal complaint resulting in either an Administrative Review or a Formal Hearing.
- e. No action.

2. Unless special circumstances make it inadvisable, the same Advocates will assist the complainant and the alleged harasser respectively throughout the informal procedure. If either Advocate is uncomfortable with the situation, the Advocate should consult with the Chair of the Advocates and a different Advocate may be asked to respond to the situation. Similarly a complainant or alleged harasser may ask to be assigned a different Advocate or support person.

3. If the complainant chooses to take no action and the complaint is based only on actions described in II.A.1 (Hostile Environment), the incident will not be recorded on the list of uninvestigated complaints.

If the complainant chooses to take no action and the complaint involves a serious harassment/intimidator situation, the complaint will be forwarded to the Keeper of the List and the Chair of the Advocates. The Chair of the Advocates or his/her designee (another Advocate) will inform the alleged harasser of the complaint as fully as possible without identifying the complainant, and will warn the alleged harasser not to attempt retaliation (see II.C). If the Chair of the Advocates and his/her designee believe that this notification will threaten the safety or well being of the complainant, the notification may be delayed until such time as retaliation is unlikely to occur. The decision to delay notification and the rationale for the decision will be noted on the record of the complaint.

4. No identifying information will be reported to any party other than the persons specified in this section, except when a formal complaint or a request for administrative review is filed.

D. Administrative Review Procedures

1. The complainant and the alleged harasser will each have an Advocate. For each the Advocate will:

- a. Explain that a written description of the incident(s) is needed, and it should be as complete and specific as possible.
- b. Assist in the completion of written materials on the appropriate forms if asked.
- c. Explain that the alleged harasser may choose not to accept an Administrative Review, and if so, then the complainant may request a Formal Hearing.

2. The Advocate (with or without the complainant) will inform the Chief Administrator of the alleged harasser (see III.D.6).

In the event the alleged incident(s) involve(s) the Chief Administrator, the information will be shared directly with the President. The complainant will be given a copy of this policy.

3. The Chief Administrator will contact the Policy Educator in order to clarify and prepare for the following steps:

a. The Chief Administrator will meet with the complainant, with or without the Advocate, to listen to the complainant's description of the incident(s), explain the process, and present a list of the members of the Administrative Review Committee. The complainant will be informed that he/she may request the Review Committee to terminate the process and thus end the Administrative Review. In such an event, all records of the case from the Administrative Review will be destroyed.

b. The Chief Administrator will inform the alleged harasser of the allegation, give him/her a copy of this policy, explain the policy/process, present a list of members of the Administrative Review Committee, and explain his/her right to have an Advocate and/or support person from the College community. If requested, the Chief Administrator will assist the alleged harasser in obtaining an Advocate or support person and arrange a time for them to meet.

c. The Chief Administrator to whom the alleged incident(s) is (are) reported will convene an Administrative Review Committee of three or four members and will designate a Chair of the Committee.

d. The complainant will meet with the Administrative Review Committee. The Chair of the Committee will review the complaint, explain the process, and introduce the Committee.

e. The alleged harasser will meet with the Administrative Review Committee. The Chair of the Committee will review the allegation, explain the process, and introduce the Committee.

f. The Administrative Review Committee will meet separately with the parties to hear complete statements and ask questions. If there are unanswered questions or other individuals to be spoken with, additional sessions may be held. Official tape recordings will be made of all these sessions and no other recordings of this review are permitted. Official written records, audiotapes, decision, and sanction(s) if any will be placed in the custody of the Keeper of the List at the conclusion of the Administrative Review. Any additional copies will be destroyed.

The complainant and alleged harasser will not be given copies of written materials collected by the Administrative Review Committee. They may be given an opportunity to view these documents within a meeting with the Hearing Committee and Advocates present.

g. The Administrative Review Committee will deliberate and prepare its decision, including the imposition of sanctions, if warranted. If the Administrative Review

Committee cannot reach a decision, both parties will be informed and each may pursue the matter through the informal or formal procedures.

h. After discussing the letter with the Chair of the hearing, the Chief Administrator of the person charged may accept the sanctions recommended or will change the sanctions, if her/his experience leads him/her to conclude that the sanctions are not consistent and appropriate for the charges and findings. The Chief Administrator should consider the entire employment record for any extenuating circumstances and would give cause to change the sanctions. The Chair of the hearing will be informed of any changes and provided with the rationale for the changes.

i. A Chief Administrator does not have the authority to reverse the committee's decision as to guilt or innocence.

j. Within four working days of receiving the recommendation, the Chief Administrator of the person charged will communicate the final decision to the person charged and the to the complainant. The letter will outline the decision, reiterate the policy regarding confidentiality and retaliation (Section I. D.), and inform each party of his or her right to request an appeal.

i. For any sanctions short of dismissal or expulsion, if either party does not accept the decision or sanctions, s/he will initiate an appeal of the decision and/ or sanctions as outlined in section IV. F

ii. For faculty, if dismissal is recommended, Dismissal Procedures must be initiated (See Faculty Handbook at step (B6.d1a).

iii. For staff, if dismissal is recommended, the staff person may initiate an appeal of the decision and/or sanctions as outlined in section IV. F.

iv. For Students, if expulsion is recommended, the student may proceed with an appeal of the decision and/or sanctions as outlined to the Student Standing Appeals Committee (see Student Handbook)

k. If the panel finds the alleged harasser not guilty, the record of the charge shall be expunged from any file, except those kept by the Keeper of the List, that might be used in future evaluations or judgments made regarding the person.

E. Formal Procedures

1. The Advocates will do the following:

a. Explain that a written description of the incident(s) is needed, and it should be as complete and specific as possible.

b. Assist in the completion of written materials on the appropriate forms if asked.

- c. Explain that the complainant has the option to pursue the complaint in the legal system.
 - d. Explain that if adjudication results in a recommendation for dismissal, a second hearing may be necessary.
2. A formal complaint (indicating the names of the complainant and the alleged harasser, what allegedly happened, and the category allegedly violated) is filed by the Advocate, with or without the complainant, with the appropriate Chief Administrator (III.D.6).

This Chief Administrator will serve in the role of Complaint Coordinator. In the event that he/she is unable to fulfill the functions of coordinator, he/she will name an alternate.

3. The Complaint Coordinator will:
 - a. Set up a meeting with the complainant and his/her Advocate.
 - b. Inform the Chair of the Advocates of the formal complaint and invite the Chair to attend the meeting with the complainant.
 - c. Conduct the meeting according to the following agenda:
 - (1) Introductions
 - (2) The Chair of the Advocates will describe the purpose and services of the Advocates, offer support and encouragement to the complainant, and thereafter be available as a resource.
 - (3) Review the formal complaint.
 - (4) Explain the formal process and procedures.
 - (5) Answer any questions.
 - (6) Request the formal written description of the incident.
 - (7) Request a list of all witnesses whom the complainant would like to have testify at the hearing.
 - (8) Identify possible days and times to hold the hearing.
 - (9) Explain confidentiality and retaliation policy (Section II.C).
 - (10) Explain the statement on written materials: The complainant and alleged harasser will not be given copies of written materials collected by the Formal Hearing Committee. They may be given an opportunity to

view these documents within a meeting with the Hearing Committee and Advocate present.

(11) Explain that outside legal counsel is not allowed at the Formal Hearing.

4. The Complaint Coordinator will inform the alleged harasser of the complaint in a timely fashion and arrange a meeting to:

- a. Review the summary information of the complaint which has been filed, including: name of complainant, nature of the policy violation, and a brief summary statement.
- b. Review policies of confidentiality and retaliation (II.C)
- c. Inform the alleged harasser that he/she has the right to have an Advocate and that legal counsel is not allowed at the Formal Hearing.
- d. Provide the alleged harasser with a copy of this policy.
- e. Explain the procedures and answer any questions.
- f. Invite a written statement regarding the allegation and request a list of witnesses that he/she would like to call on his/her behalf.
- g. Identify possible dates and times to hold a hearing.
- h. The alleged harasser will sign a statement acknowledging that he/she has heard the complaint and received and reviewed the policies governing harassment. One copy is given to the alleged harasser and one is retained for the files that will be delivered over to the Keeper of the List at the conclusion of the Formal Hearing. A refusal to sign will be noted by the Complaint Coordinator.

5. The Complaint Coordinator will:

- a. Appoint a Hearing Committee for this complaint. The makeup of the committee shall be as specified in section V.B.
- b. Call an initial meeting of the Hearing Committee and attend that meeting. The initial meeting of the Hearing Committee will have this agenda:
 - (1) The Complaint Coordinator and the Committee will review the confidentiality policy (II.C).
 - (2) The Complaint Coordinator will present the formal complaint.

(3) Members of the Committee will disqualify themselves for participation if they have personal involvement or conflicting interests with the complainant, the alleged harasser, or the Advocates. Should this occur, the meeting will be at once adjourned and the Complaint Coordinator will select replacement member(s), following V.B above, and call an initial meeting of the new Committee.

(4) The Hearing Committee will elect one of its members as Chair.

(5) Possible dates and times to hold a hearing will be identified.

6. The Complaint Coordinator will set up the Formal Hearing by:

a. Meeting with the Chair of the Hearing to decide on time, date, and location.

b. Sending copies of the formal complaint form and the alleged harasser's written response, if any, to all the members of the Hearing Committee.

c. On behalf of the Chair of the Hearing, informing the complainant, alleged harasser, and Hearing Committee members, in writing, of the time, date, and place of the Hearing. Both the complainant and alleged harasser will be reminded that each party's Advocate must be a member of the Hope College community and that they may not have legal counsel at the Formal Hearing.

d. On behalf of the Chair of the Hearing, contacting all of the witnesses in writing, requesting them to be present at the hearing and informing each witness about confidentiality and retaliation policy (II.C).

7. The Hearing Committee members will meet with the Policy Educator, the Chair of the Advocates, and/or other persons as recommended by the latter two prior to the hearing to clarify any questions and prepare for the hearing.

8. The Hearing will proceed according to the following outline:

a. The Chair of the Hearing will call the session to order; introduce all persons present; summarize the procedures; state that the proceedings will be taped and no other recordings of the hearing are permitted; and remind all present of the confidentiality and retaliation policy (II.C).

b. The Chair of the Hearing will read the formal complaint and ask the alleged harasser how he/she chooses to plead, "Not guilty" or "Guilty."

c. The presentation of evidence, whether in the interest of a decision as to guilt or innocence or, in the event of a "Guilty" plea, to assist in determining sanctions, will proceed as follows:

(1) The complainant and the alleged harasser and their Advocates will normally be present during the presentation of all evidence. The evidence will include any testimony and all exhibits accepted by the Chair.

(2) The complainant and the complainant's witnesses will separately present their descriptions of the alleged incident(s) and any other evidence. A witness will be present for his/her testimony only. During the presentations the Hearing Committee members may ask questions of the participants.

(3) The alleged harasser and his/her witnesses will separately present their descriptions of the alleged incident(s) and any other evidence. A witness will be present for his/her testimony only. During the presentations the Hearing Committee members may ask questions of the participants.

(4) Any questions which either of the principals wishes to have addressed to a principal or a witness shall be directed in writing to the Chair of the Hearing, who will decide whether and how to ask the questions.

(5) If there is a need for additional sessions to complete the presentation of evidence, to call additional witnesses, or for other issues, the Chair may schedule additional meetings. The Committee at the request of either of the principals may call additional witnesses.

(6) After all evidence has been heard, the Chair of the Hearing will invite the complainant, the alleged harasser, and their Advocates to offer final remarks if they wish.

(7) The Chair of the Hearing will then explain the next steps in the process and dismiss the parties.

9. The Hearing Committee will reach a decision and communicate the findings.

a. Hearing Committee members will review all the testimony and evidence.

b. The Chair of the Hearing will coordinate the decision-making process of finding the alleged harasser innocent or guilty.

c. If the Committee finds the alleged harasser guilty, or if the alleged harasser has pled "Guilty," the Committee will discuss different sanctions and then draw up recommended sanction(s) for the harasser.

d. All decisions regarding innocence or guilt and sanctions will require at least a majority vote.

e. Within three working days, the Chair of the Hearing will send a letter to the Chief Administrator of the person charged (III.D.6), indicating the Committee's decisions and recommendations, together with its rationale. The Hearing

Committee may request an extension due to the difficulty of the allegation or other pressing circumstances.

f. If the Hearing Committee finds the alleged harasser not guilty, the record of the charge shall be expunged from any file, except those kept by the Keeper of the List, that might be used in future evaluations or judgments made regarding the person.

g. Records, tapes, and decisions will be placed in the custody of the Keeper of the List.

10. The formal decision is made and communicated.

a. After discussing the letter with the Chair of the Hearing, the Chief Administrator of the person charged may accept the sanctions recommended or may change the sanctions, if her/his experience leads him/her to conclude that the sanctions are not consistent and appropriate for the charges and findings. The Chief Administrator should consider the entire employment record for any extenuating circumstances that would give cause to change the sanctions. The Chair of the Hearing will be informed of any changes and provided with the rationale for the changes.

b. A Chief Administrator does not have the authority to reverse the Committee's decision as to guilt or innocence.

c. Within four working days of receiving the recommendation, the Chief Administrator of the person charged will communicate the final decision to the person charged and to the complainant. The letter will outline the decision, reiterate the policy regarding confidentiality and retaliation (II.C), and inform each party of his/her right to request an appeal.

d. For any sanctions short of dismissal or expulsion, if either party does not accept the decision or sanctions, he/she may initiate an appeal of the decision and/or sanctions as outlined in section IV.F (Appeal Process).

(1) For students, if expulsion is recommended, the student may proceed with an appeal of the decision and/or sanctions to the Student Standing Appeals Committee (see the *Student Handbook*).

(2) For faculty members, if dismissal is recommended, the faculty member may proceed with an appeal as provided in the *Faculty Handbook*.

(3) For staff members, if dismissal is recommended, the staff member may appeal the decision/or sanctions as outlined in section IV. F (Appeal Process)

F. Harassment/Intimidation Policy Appeal Process

1. An appeal to the President of the decision and/or sanction(s) of an Administrative Review or a Formal Hearing apart from dismissal for either faculty members or students will be conducted upon properly filed request.
2. Either of the parties, if dissatisfied, may request an appeal of the decision and/or sanctions. All requests for an appeal are sent to the President.
3. Requests for an appeal must be based on one or more of these five criteria:
 - a. The evidence did not warrant the finding of guilt or innocence.
 - b. There is significant new evidence.
 - c. The sanction(s) was (were) too severe.
 - d. The sanction(s) was (were) too lenient.
 - e. Due process was not followed.
4. An appeal is not another hearing but an evaluation of the decision and sanctions. Establishing the merit of the appeal is the burden of the person bringing the request.
5. The appeal process is as follows:
 - a. A letter stating the rationale for the request for an appeal must be submitted to the President within ten working days of the complainant's or alleged harasser's notification of the Chief Administrator's decision.
 - b. The President will evaluate the request to determine whether there is sufficient justification to grant an appeal.
 - c. If an appeal is granted, the President will consult with the Chief Administrator, the Chair of the Hearing, the complainant, and the alleged harasser.
 - d. The President may decide to: uphold the entire decision and sanction(s), uphold the decision but modify the sanction(s), modify the decision and sanction(s), or overturn the entire decision.
 - e. After reaching a decision, the President will inform both parties in writing within five working days.
6. The decision of the President is final.

G. Review without the Complainant's Active Participation

The Administrative Review or Formal Complaint procedures may occur without the complainant's active participation. For complaints involving alleged physical force, emotional trauma, or intimidation within the context of the sections II.C, the Administrative Review or Formal procedures may be initiated and conducted by the College without the complainant's active participation. The steps in this process are:

1. The Advocate will inform the Policy Educator and the Chair of the Advocates of the complainant's description of the incident(s).
2. If either the Policy Educator or the Chair of the Advocates believes that further steps should be taken, he/she will meet with two of the following: the Dean of Students or the Associate Provost or the Director of Human Resources, depending on the individuals involved in the complaint.
3. The group will review the entire situation and determine whether to proceed with a formal investigation. If the group decides to proceed, then the process outlined in section IV.D or IV.E will be followed, omitting the active participation of the complainant.

V. Hearing Committees for Formal Procedures

The six-member committee to hear testimony in a formal complaint and reach a decision shall be selected in the manner described in IV.E above, from a nine-member Harassment/Intimidation Hearing Board and other persons as specified in part B below.

A. Harassment/Intimidation Hearing Board

1. The President will appoint the members after consultation with the Provost, the Committee on Multicultural Affairs, the Director of Human Resources, the President's Advisory Committee, the Status Committee, and the officers of Student Congress. Any individual or group may suggest names of persons who might be especially helpful as Hearing Board members.
2. No person may serve simultaneously as an Advocate and a Hearing Board member.
3. Number of Hearing Board members to be appointed:
 - Three staff members
 - Three students
 - Three faculty members
4. There must be minority representation in each category.
5. Members should be chosen for their sensitivity, discretion, and good judgment. Training in harassment/intimidation policies and procedures will be provided under the direction of the Policy Educator.

The following is a summary of some qualities which would be helpful for persons who will be serving as Hearing Board members. The Hearing Board person should:

- a. Have a sensitive, caring, and nonjudgmental attitude.
- b. Be knowledgeable about racial harassment and intimidation and its possible effects on the complainant and alleged harasser.
- c. Have an awareness of and commitment to confidentiality.
- d. Have the ability to relate to diverse types of people who are experiencing a variety of emotional reactions.

6. Appointments of faculty members and staff members will be for staggered two-year terms, with the possibility of reappointment. The student members will be appointed for one year, with the possibility of reappointment.

B. Hearing Committee Membership

Depending on the nature of the case, the Hearing Committee appointed for a given case will consist of six members selected according to the following table:

Two from the following four: The Provost, Director of Human Resources, Dean of Students, or Vice President and Chief Operating Officer

Two students

Two faculty members or two staff members, or one of each

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