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## **Grievance Process B**

**(For Handling and Resolving Discrimination Complaints)**

### **I. Procedures**

#### **A. Reporting a Complaint of Harassment (of a Non-Sexual Nature) or Discrimination**

If the complainant is able and feels safe, he/she should directly inform the alleged offender that the comments or conduct are unwelcome and must stop. If the complainant does not feel comfortable confronting the alleged offender, or if the comments or conduct do not cease immediately, and the complainant is a student, the complaint should be reported to:

For Non-Student Complaints:

- Jerrie Smith, Title IX Coordinator  
Office: First Floor, Founders Hall  
Room 106  
Phone: 256-216-3302  
[Jerrie.Smith@athens.edu](mailto:Jerrie.Smith@athens.edu)

For Student Complaints:

- Patrice Broaden, Title IX Deputy Coordinator  
Office: Sandridge Student Union Building  
Second Floor-Room 121  
Phone: 256-233-8143

Athens State University strongly encourages anyone who feels they have been subjected to harassment or discrimination to report the incident within 180 business days of the occurrence, and preferably as soon as possible after the occurrence. The University can only take action against alleged offenders and protect the University from future incidents if occurrences of harassment and discrimination are reported in a timely fashion.

**The University may take interim measures it deems necessary, as determined by the President or the President's designated representative(s), when a credible report is received and/or when an individual poses a potential threat to others. Interim measures will be taken within the context of other University policies and might include changes to class assignments for students or work assignments for employees.**



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Once the complaint is reported to the Title IX Coordinator or the Title IX Deputy Coordinator, the complainant can choose to proceed informally to resolve the complaint or to immediately begin a formal investigation and review of the complaint. **However, as detailed in the [Sexual Misconduct Policy](#), for allegations of sexual assault/violence informal resolution is not appropriate even on a voluntary basis and will not be used to resolve such complaints.**

#### **B. Informal Steps to Resolve a Complaint of Harassment or Discrimination**

In the informal process to resolve a complaint, the Title IX Coordinator or the Title IX Deputy Coordinator, appropriate University Vice President (depending on whether the alleged offender is a student, employee, or non-employee), and other University personnel as needed or requested by the complainant or alleged offender, will discuss and review the complaint with the complainant and with the alleged offender in separate consultations. In the interest of confidentiality, every effort will be made to limit the number of persons involved in the consultations. In most cases, individuals from outside the University will not be allowed to attend or participate in the consultations; exceptions will be at the discretion of the Title IX Coordinator or the Title IX Deputy Coordinator.

The informal process typically includes an inquiry into the facts of the complaint, but does not involve a formal investigation. If it is determined that the complaint is valid and can be resolved immediately to the satisfaction of the complainant, the Vice President will take action to resolve the complaint.

If a complaint is resolved informally, no record of the complaint will be entered in the alleged offender's personnel file or student records. However, the Title IX Coordinator or the Title IX Deputy Coordinator will, in the form of a confidential file memorandum, record the fact of the complaint and the resolution achieved.

Means of resolving the complaint in the informal process may include advising the complainant and/or alleged offender about methods to resolve the concern, arranging for educational programs for individuals or groups, or intervening and/or mediating between the parties.

However, the informal process **does not** require the complainant and alleged offender to meet or to resolve the complaint directly with each other.

If the matter is not resolved to the satisfaction of the complainant after the informal process, the complainant can choose to begin a formal investigation and review of the complaint.



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### **C. Formal Investigation and Review of a Complaint of Harassment or Discrimination**

1. Request. To begin the formal process, a request for a formal investigation and review must be submitted in writing to the Title IX Coordinator or the Title IX Deputy Coordinator and signed by the complainant. Complainants may ask the Title IX Coordinator or the Title IX Deputy Coordinator for assistance from other University personnel in completing their formal request when needed. The request must include:

- Date of report;
- Date and time of incident;
- Contact information for the complainant;
- Name and status (student, employee, other) of the alleged offender (if known);
- Description of the incident;
- Information on whether the incident was reported to any other University official or department, or any police agency.

In addition to the request, the complainant may also submit any supporting documentation related to the complaint. **Note:** It is the right of the complainant to withdraw a complaint by requesting so in writing to the Title IX Coordinator or the Title IX Deputy Coordinator at any stage of the process. Once withdrawn, however, the complaint may not be reinstated.

2. Investigation. The Title IX Coordinator or the Title IX Deputy Coordinator will notify the President of the filing of the formal request as soon as is practicable. Within five (5) business days of the filing of the request, the President or a designee will notify all persons connected with the complaint of the filing of the formal request.

The Title IX Coordinator or the Title IX Deputy Coordinator will coordinate a formal investigation of the complaint, in consultation with the appropriate University administrators as determined by the President.

The investigation process is not a formal legal procedure, but is an internal process for complaints to be addressed and resolved while maintaining the due process rights of the parties involved in the complaint.

In general, the investigation will include the following steps:

- a. Review of written statements and oral interviews with the complainant.



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- b. Review of written statements and oral interviews with the alleged offender.
- c. Review of written statements and oral interviews with any witnesses with pertinent information related to the complaint.

In the interest of confidentiality, every effort will be made to limit the number of persons involved in the interviews. In most cases, individuals from outside the University will not be allowed to attend or participate in the interviews; exceptions will be at the discretion of the Title IX Coordinator or the Title IX Deputy Coordinator. However, if either party is permitted to have individuals from outside the University attend or participate in the interviews, the Title IX Coordinator or the Title IX Deputy Coordinator must extend this opportunity to the other party.

The investigation will be conducted as promptly as possible given the circumstances of the complaint, and will be completed in no more than sixty (60) calendar days of the filing of the formal request.

3. Report of the Investigation. Within fifteen (15) business days of the conclusion of the investigation, the Title IX Coordinator or the Title IX Deputy Coordinator will prepare a written report of the formal investigation. In general, the written report will include:
  - a. Statements of the allegations and issues associated with the complaint.
  - b. Positions of the parties involved in the complaint.
  - c. Summary of the evidence and findings of fact.
  - d. A determination by the investigating parties as to whether harassment or discrimination in violation of applicable law or the University's [Non-Discrimination/Equal Opportunity Policy](#) has occurred. This determination will be based on the preponderance of the evidence – whether it is more likely than not that harassment or discrimination occurred.

The complainant and alleged offender will be informed promptly in writing when the investigation is completed, and of the determination of the investigating parties as to whether a statute or policy was or was not violated. The complainant will be informed of any actions taken to resolve the complaint that are directly related to the complainant, such as an order that the alleged offender not contact the complainant. In accordance with relevant University privacy policies, the complainant may generally be notified that the matter has been referred for disciplinary action against the alleged offender, but will not be informed of the details of the recommended disciplinary action without the consent of the alleged offender.



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4. Resolution of the Complaint. The investigation report will be submitted to the President and the appropriate University administrator, depending on whether the alleged offender is an employee or student. In cases where it is determined that violations have occurred, sanctions or disciplinary actions will be the decision of the President and the appropriate University administrator pursuant to other applicable University policies.

When it is determined that violations have occurred, the specific findings of the investigation will be considered in determining remedies for individuals harmed by the harassment or discrimination. In cases where disciplinary action or sanctions may be taken against the alleged offender, such actions may include (but not be limited to) counseling or education relevant to the complaint, verbal or written reprimands, reassignment, suspension, expulsion, or termination.

Whatever the outcome of the investigation, the Title IX Coordinator or the Title IX Deputy Coordinator will provide both the complainant and the alleged offender sources of counseling, advocacy, or support upon request.

5. Retention of Records of the Formal Investigation. The Title IX Coordinator or the Title IX Deputy Coordinator is responsible for maintaining records relating to harassment and discrimination investigations, reports, and resolutions. Records shall be maintained in accordance with University records policies, but may be maintained longer at the discretion of the in cases where the parties have a continuing affiliation with the University.

Any documentation concerning disciplinary action taken against the offender, whether the offender is an employee or student, will be maintained in the personnel or student record of the offender as appropriate.

6. Appeals will be considered only in those instances where a procedural error occurred during the original investigation, or where previously unavailable relevant evidence that could impact the outcome of the original investigation becomes available. Either party may request an appeal, to the President, on these grounds. If granted, the appeal will follow the same procedure as the original formal investigation and review process.