



**Procedures for Resolution of
Discrimination/Harassment/Retaliation
Complaints Against Employees**

December 20, 2019

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THE DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

Procedures for Resolution of Discrimination/Harassment/Retaliation Complaints Against Employees

I. Introduction

Clemson University will follow its Policies for Equitable Treatment to provide prompt, reliable, and impartial investigation of complaints alleging discrimination or harassment by employees or visitors.

These policies include:

- [Non-Discrimination and Anti-Harassment Policy \(PDF\)](#)
- [Policy and Procedures Related to Sexual Harassment and Sexual Violence \(including provisions required by the Violence Against Women Act \[VAWA\]\) \(PDF\)](#)
- [Statement on Amorous Relationships \(PDF\)](#)
- [Policy for Disabled and Vietnam-Era Veterans \(PDF\)](#)
- [Policy on HIV Disease and AIDS \(PDF\)](#)
- [Policy for Individuals with Disabilities \(PDF\)](#)
- [Notice of Pregnancy Accommodation Rights \(PDF\)](#)

The following procedures apply to complaints against an employee or visitor alleging violation of any of the above referenced policies. For complaints against a student, please contact the [Office of Community and Ethical Standards](#).

II. Reporting and Filing a Complaint

Any person who experiences or observes discrimination, harassment or retaliation by an employee or visitor as referenced by the above policies should report the matter immediately to the Office of Human Resources (OHR).

Complaints may be submitted to OHR in any of the following ways:

- Hand-delivery to the Office of Human Resources main office in 108 Perimeter Road, Clemson, SC 29634
- Email to staffrelations@clemson.edu
- Call 864-656-2000
- Online reporting form: <http://www.clemson.edu/human-resources/staff-and-faculty-relations/reporting/>

Complaints must be reduced to writing to ensure an accurate record of what was alleged. OHR will provide assistance to reduce a complaint to writing upon request.

Complaints of violation of one of the Policies for Equitable Treatment should be made as soon as possible following the alleged conduct. The University's ability to investigate or correct any violations may be significantly hampered by delay in reporting.

Any conduct occurring on University property that may violate criminal law (including sexual violence) should be reported to the Clemson University Police Department (CUPD) by dialing 911 (emergencies) or 864-656-2222 (non-emergencies), or other appropriate law enforcement agency. Criminal activity occurring off campus may be reported by calling 911 or local law enforcement. The University encourages victims to meet with police as soon as possible to allow officers to gather information in a timely manner.

An individual may simultaneously make a criminal complaint to law enforcement and a complaint to OHR under this procedure.

III. Investigation of Complaints

OHR is responsible for investigating complaints. Access and Equity will forward complaints against employees and visitors received in its office to OHR for further handling. Faculty, staff, supervisors, and managers who become aware of a complaint of violation of one of the Policies for Equitable Treatment must notify OHR of the complaint immediately. For complaints that also implicate conduct prohibited by Title IX or the Violence Against Women Act (VAWA), OHR will notify the Title IX Coordinator. When an employee reports to the University that they have been a victim of dating violence, domestic violence, sexual assault, or stalking, they will receive a written explanation of their rights and options. Please refer to the VAWA Policy for information regarding this notice of rights.

Most complaints will be handled informally with OHR gathering information from the complainant, the accused, and such witnesses as OHR deems necessary.

In its discretion, OHR may engage outside investigators to interview the complainant, the accused, and/or witnesses, to gather evidence, and/or to make findings or conclusions based on the evidence.

Every complaint will be reviewed. Complaints determined to allege violations of one of the Policies for Equitable Treatment on the face of the complaint will be investigated. Investigatory procedures may vary from case to case depending on circumstances. All employees and visitors have a responsibility to cooperate fully with the investigation. Employees and visitors may be asked to keep the matter confidential. Confidentiality does not mean, however, that employees and visitors may not complain to government agencies.

OHR will determine early in an investigation whether interim measures pending resolution of the matter are appropriate. Interim measures may include, but are not limited to, a safety plan, schedule change, temporary removal of the Respondent from the workplace or academic program, if warranted, and other workplace and/or academic accommodations. The University also reserves the right to issue no contact instructions to any or all parties involved in the procedures. The determination whether interim measures are necessary will consider the totality of the circumstances, the nature and severity of the allegations, and whether the allegations implicate a potential, ongoing safety threat to the Complainant or the community. OHR will consult with University administrators and/or the Office of General Counsel as appropriate.

University policy is to keep investigations into complaints as confidential as possible, consistent with the effective investigation of the complaint. In keeping with this policy and to provide for an efficient investigatory process, please know that our policy is to meet with one-on-one with individuals except when permitting an advisor or other individual to attend is required by law. In any meeting at which an advisor is present, the advisor's role is limited to communicating directly with you.

IV. Confidentiality

Generally, the University will keep complaints of discrimination or harassment as confidential as possible consistent with the effective investigation of the complaint. The University may, however, determine that it must investigate, pursue resolution of a report, and/or take measures it deems necessary to protect the rights, interests, and personal safety of the Clemson community, even when a complainant has requested to remain confidential. As such, the University may need to disclose the allegation and the identity of the complainant to the accused, University officials, law enforcement, and/or others to carry out this function.

If a complainant alleging sexual violence requests that the University not reveal his or her name to the alleged perpetrator or requests that the University not investigate or take action against the alleged perpetrator, honoring this request may severely limit the University's ability to respond fully to the complaint, including pursuing disciplinary action against the alleged perpetrator. OHR will review all such requests. OHR will consult with the Title IX Coordinator, and will consider a range of factors in evaluating the request, including but not limited to:

- Whether the Respondent has been implicated in other sexual violence matters;
- Whether the Respondent threatened further violence against the Complainant or others;

- Whether the alleged sexual violence involved use of a weapon;
- Whether the University possesses other means to obtain relevant evidence (e.g., security cameras, witnesses, physical evidence, etc.);
- Any other relevant factors.

If a complainant wishes to speak to a confidential resource, the following resources are available:

- Employee Assistance Program for Employees: The Office of Human Resources offers confidential, professional referral assistance to faculty and staff by contacting the [Employee Assistance Program](#).
- County Resources: Victims of sexual violence may seek crisis counseling services through the Pickens County Advocacy Center at 864-442-5500, or Foothills Sexual Trauma Center (Anderson and Oconee Counties) at 1-800-585-8952, or similar agency in their region.
- Counseling and Psychological Services for Students: Student victims of sexual violence can seek confidential crisis counseling services through Counseling and Psychological Services (CAPS). During normal business hours, CAPS can be contacted by calling 864-656-2451. After hours and on weekends, CAPS can be contacted by calling 864-656-2222 and asking for the CAPS on-call counselor.

V. Resolution of Complaints

OHR will inform the Complainant and Respondent (accused) of its determination of the complaint. When remedial action is taken, OHR may share information with Complainant about the remedial action to provide assurances to Complainant that he or she may participate fully in University programs and/or enjoy terms and conditions of employment without discrimination on any basis protected by the Policies for Equitable Treatment.

OHR has the authority, in conjunction with the employee's chain of authority, to take remedial action regarding employee or visitor conduct that violates the Policies for Equitable Treatment. OHR also has the authority to take remedial action regarding employee or visitor conduct that is contrary to the requirements of cooperation and confidentiality set out in this procedure, or that violates any interim measures.

OHR may recommend remedial action for employee or visitor conduct that violates other policies or standards of the University, or that otherwise needs correction or improvement.

OHR will notify Access and Equity of the determination of any complaints involving Title IX or VAWA, including any remedial action taken or recommended.

VI. Remedial Action

Remedial action is any action by the University that is designed to stop or change offending conduct. In the case of employees, remedial action may include, but is not limited to, training or education to be completed by the Respondent, referral to the Employee Assistance Program, or disciplinary action, up to and including dismissal from employment.

When OHR believes that a department, office, or other similar grouping will benefit from training or education, OHR may recommend such training or education to the department head or other responsible decisionmaker. Such training or education may be required by OHR if it is regularly offered by the University.

In the case of visitors found to have violated University policies, remedial action may include, but is not limited to, exclusion from University programs and/or University property.

VII. Retaliation Prohibited

Retaliation is any conduct that would cause a reasonable person not to make a complaint or assist a complainant in making a complaint under this procedure, or not to participate in the investigation of such complaint. Retaliation is a violation of the University's [Non-Discrimination and Anti-Harassment Policy \(PDF\)](#). The University will impose remedial action on anyone found to have participated in any acts of retaliation.

Persons who feel they have been subjected to retaliation for filing a complaint of discrimination or harassment or for assisting with the resolution of a complaint should report the matter to OHR immediately in the same manner other complaints are reported under this procedure.

Note: Even if no policy violations are found against a responding party, retaliation remains prohibited and subject to remedial action.