

## Macalester College Harassment Committee General Policies

### **Committee Composition**

The MCHC will consist of four faculty members appointed to three-year renewable terms by the President upon consultation with EPAG and senior College officials and four staff members whose appointments are part of their regular duties assigned by the Vice President for Student Affairs. Two alternates will also be appointed and will be available to serve in cases where a recusal by an MCHC member has occurred. Members of the MCHC will receive specific training on sexual assault.

### **MCHC Record Keeping**

The MCHC is responsible for keeping secure records of every case. These records will be accessible to the MCHC members only, and only in the circumstances described below. No other records or reports should be created or kept anywhere unless specifically ordered by an administrative officer as part of a sanction, e.g., a reprimand placed in a personnel file. Two different types of records will be kept as described below.

**Case Files.** The MCHC will create a file for each complaint received. This file is to be kept in a secure place in the Administration Building and accessible only by an authorized member of the MCHC. The file will be numbered and will contain the following information.

1. Names of complainant(s) and respondent(s)
2. Whether complainant(s) and/or respondent(s) were involved in prior complaints
3. Nature of complaint and time period or dates of occurrence(s)
4. Outcome including final report (mediation contract, dismissal, sanction, other)

Once the case has been completed, the file will be closed and stored in a secure archive of prior cases accessible only to the MCHC when a new case involves someone who has been involved in a prior case. The termination of whether prior cases exist will be accomplished using the Master Record Summary.

**Master Record Summary.** The names of all parties involved in a case will also be entered into a master spreadsheet indicating the date the case was opened, the date the case was completed, and file number. If a sanction was administered to someone, it should be noted, including the dates the sanction is to be in effect, e.g., probation period, etc. This Master Record Summary is to be kept in a secure place accessible to the MCHC only. It is to be consulted by an MCHC member in charge of a new case to determine if the complainant or respondent has been involved in any prior case. If yes, then the chair of the MCHC review team may open and examine that file as part of the process of assessing the current case and may include information about prior incident in any final report if deemed appropriate.

Normally, records and files will be kept for seven years after an individual has left the College.

### **Temporary Emergency Action**

1. When the Vice President for Student Affairs, the Provost or the Director of Employment Services believes that the behavior of a member of their constituency seriously threatens a member of the community, that College Official may take emergency action. The Official is authorized to respond to the situation and may impose sanctions.
2. In deciding to bring such emergency action the Official may consult with other officials, including the President. Such actions are temporary and binding pending the final evaluation of the complaint by the Macalester College Harassment Committee.

These procedures are not intended to provide parties the same rights which may be available in civil or criminal legal proceedings. - December 1993

### **Exceptions**

These procedures do not apply if policies, practices and procedures exist elsewhere for specific complaints unless discrimination or harassment is alleged to be involved. Examples of this for faculty include tenure, salary and reappointment decisions. Examples of this for students include issues covered by the academic petition procedure. Examples of this for staff include pay grade change, salary, performance review and termination decisions. These procedures do not involve members of collective bargaining units. Members of the College Community with a complaint against a member of a collective bargaining unit should consult with the Employment Services Department. Complaints by members of collective bargaining units against non-union members also will not proceed under these procedures. The members of the Macalester College Harassment Committee serve as the community members responsible for assisting in the determination of the appropriate procedures.

### **Sensitivity and Protection from Reprisal**

The College is aware of the importance of handling allegations of racial harassment, sexual harassment and sexual assault with sensitivity and to the degree possible, privacy. There will be no reprisals against an individual or individuals filing a complaint, no matter what process is used for resolution.

### **RIGHTS OF THE COMPLAINANT**

- To have their complaint taken seriously.
- To receive assistance in formulating a complaint.
- To receive information on campus and community services.
- To have a meeting/interview that includes:
  - an opportunity to review all information included in the case
  - an explanation of all the options open to the MCHC
  - clear information on procedures to be followed
  - an explanation of the time table involved
  - identity of MCHC members involved in the case
- To present information on their own behalf, including written and oral statements and physical exhibits.
- To know all information of the case.
- To have a member of the faculty, staff or student body serve as an advisor throughout the process.
- To present witnesses who are familiar with information pertinent to the case.
- To receive a timely written decision.
- To have confidentiality as provided by the Family Educational Rights and Privacy Act.
- To appeal the original decision. Appeals are considered on the basis of procedural error in the hearing process or the availability of new information.

### **RIGHTS OF THE RESPONDENT**

- To have a meeting/interview with a member of the MCHC that includes:
  - an explanation of specific charges
  - an opportunity to review all information to be considered in the case
  - an explanation of all the options considered in the case
  - identity of MCHC members involved in the case
  - an explanation of the time table involved
- To decline to make self-incriminating statements or to answer questions with the understanding that to do so shall not be interpreted as evidence of guilt.
- To present information on their own behalf, including written and oral statements and physical exhibits.
- To know all information presented against them.
- To have a member of the faculty, staff or student body serve as an advisor throughout the process.
- To present witnesses who are familiar with information pertinent to case.
- To receive a timely written decision.
- To have confidentiality as provided by the Family Educational Rights and Privacy Act.
- To appeal or the original decision. Appeals are considered on the basis of procedural error in the hearing process or the availability of new information.

### **Resources for Victims**

Safety and Security Office 651-696-6555  
Student Affairs Office 651- 696-6220  
Macalester College Harassment Committee  
-Contact the Office of Student Affairs for more information 651- 696-6220  
Residential Life Office 651-696-6215  
Health and Wellness Services 6651-96-6275  
Safe Walk Program 651-696-6699  
Sexual Offense Services 651-643-3006 (24 hour crisis line)  
St. Paul Police 911  
St. Paul Regions Hospital 651-221-2121  
Crime Victims Ombudsman 651-642-0397  
Crime Victims Reparation 651-642-0395

### **Victims Services**

All victims have access, when appropriate, to the following services and assistance:

- File criminal charges with local law enforcement.
- Assistance by Macalester authorities upon request by the victim, including notifying law enforcement agencies.
- Contact the Minnesota Crime Victim Ombudsman for assistance. The Ombudsman helps to ensure a victim's rights are safeguarded.

- Contact the Minnesota Crime Victims Reparation Board. The Board may provide monetary compensation for certain crime victims.
- An investigation and resolution of complaints of sexual violence through the Macalester disciplinary and judicial procedures.
- The victim's participation in and the presence of the victim's attorney or other support person at any campus disciplinary proceeding.
- Notice of outcome of a disciplinary hearing consistent with state and federal law and Macalester procedures.
- Assistance of Macalester authorities in obtaining and maintaining evidence.
- Assistance of Macalester authorities in preserving materials relevant to a campus disciplinary hearing.
- Change of victim's on-campus housing and classroom schedule, if those changes are requested by the student and are reasonably available.
- Assistance with reaching decisions about the completion of academic work.