



## How to Report Sexual Harassment or Workplace Discrimination, Harassment, or Bullying

If you experience conduct which you believe violates Bentley's [Sexual Harassment Policy](#) or [Workplace Discrimination, Harassment and Bullying Policy](#), it is important to address the situation immediately and to seek the appropriate type of help. What's important is that you get the help you need to ensure that the behavior stops and does not recur and, if appropriate, that formal action is taken by the university. If you believe that you have experienced sexual harassment or workplace discrimination, harassment or bullying in the course of your employment at Bentley, there are several options available to you.

### What do these procedures apply to?

The procedures outlined below apply to internal reports of sexual harassment, workplace discrimination, harassment, and bullying. If you want to file an external report of discrimination or harassment to a government agency, please see their contact information in the [Sexual Harassment Policy](#) and [Workplace Discrimination, Harassment and Bullying Policy](#).

These procedures do not apply to concerns about faculty appointments, evaluations, promotions, tenure decisions, or terminations, which should be raised with the appropriate Chair or Dean. These procedures also do not apply to concerns about performance reviews or salary increases, which should be raised with the employee's manager. However, these procedures would apply if an employee believes that such employment actions violate the [Sexual Harassment Policy](#) or [Workplace Discrimination, Harassment and Bullying Policy](#).

If your concern relates to conduct by a student, and the issue is not resolved directly with the student, you should seek assistance from the Title IX Coordinator.

### I. INFORMAL RESOLUTION – Sexual Harassment, Workplace Discrimination, Harassment, and Bullying

The [Sexual Harassment Policy](#) and [Workplace Discrimination, Harassment and Bullying Policy](#) outline several informal options for employees. One option is to complete the [Report of Sexual Harassment or Workplace Discrimination, Harassment, or Bullying form](#) and indicate that you would like assistance with an *informal resolution* of the conduct in question. Submit the form via email to the Vice President and Chief Human Resources Officer, [GCANGIANO@BENTLEY.EDU](mailto:GCANGIANO@BENTLEY.EDU). Once the form is submitted a member of Human Resources will reach out to discuss the process.

### II. FORMAL INVESTIGATION – Harassment and Discrimination (not bullying)

To request a formal investigation of harassment or discrimination, complete the [Report of Sexual Harassment or Workplace Discrimination, Harassment, or Bullying form](#), indicate that you want to pursue a *formal investigation*, and submit the form via email to the Vice President and Chief Human Resources Officer, [GCANGIANO@BENTLEY.EDU](mailto:GCANGIANO@BENTLEY.EDU). If the report concerns someone in HR or a member of cabinet, you may file the report through [EthicsPoint](#).<sup>1</sup>

#### A. Once a request for a formal investigation is made

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Once a request for a formal investigation is received by Human Resources, the following procedures will apply:

1. An investigatory panel (“panel”) will be convened. The panel will consist of the Associate Vice President of Human Resources/EEO Officer or their designee; a member of cabinet or their designee; and a third member selected by the other two members. None of the panel members will be from the division in which the person who filed the report (“Reporting Party”) or the person alleged to have engaged in discrimination or harassment (“Responding Party”) work. Either party may raise any concerns they may have regarding a possible conflict of interest with any of the selected panel members. If the other two members of the panel agree that a conflict of interest exists, they will select a new third member.
2. The panel will review the report and determine whether to conduct an investigation themselves or retain the services of an outside investigator.
3. The panel will notify the Responding Party about the Report. One member of the panel will meet with the Responding Party to review the Report, explain the procedure that will be followed, and inform the Responding Party about the prohibition against retaliation and the need for confidentiality. The Responding Party may submit a written statement regarding the alleged conduct, if desired.
4. Throughout the investigation, either the Reporting Party or the Responding Party may have a support person. A support person can be any person the party chooses and need not be affiliated with the university (i.e., a friend, a family member, a person from a support or advocacy agency). A support person may be present during any part of the investigatory and review process, but cannot participate in the process and, as such, cannot be a witness to the allegations in the report. A support person must agree to maintain the confidentiality of the process and will also sign a confidentiality agreement.

#### **B. If the investigation will be done internally**

If the panel decides to conduct the investigation themselves, the following procedures will apply:

1. The Reporting Party and Responding Party may identify any witnesses or other people they would like to have interviewed, or provide any materials they would like to have reviewed.
2. The panel will meet separately with the Reporting Party and Responding Party to discuss the report.
3. The panel will interview any witnesses or other individuals, at the discretion of the panel.
4. The panel will review any documents, communications or other materials they consider relevant, at the discretion of the panel.
5. The panel will determine whether a violation of the Sexual Harassment Policy or Workplace Discrimination, Harassment and Bullying Policy occurred. If the panel determines that a violation did occur, it will also decide what action or sanction, if any, is appropriate. The action or sanction will be decided in conjunction with Human Resources, so long as the Responding Party is not an employee in Human Resources.
6. The panel will issue a written decision, which will be provided to both parties. A member of the panel will meet with each party to inform them of the panel’s decision.

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<sup>1</sup> Members of cabinet are: President, Provost and Vice President of Academic Affairs, Dean of Business, Dean of Arts & Sciences, Associate Provost, Vice President of Administration and Finance, Vice President of Enrollment Management, Vice President of Student Affairs, Vice President of University Advancement, Chief Information Officer, Chief Marketing Officer, General Counsel, Special Assistant to the President/Ombudsman, and Associate Vice President of Human Resources.

7. If the panel determines that a violation of the Sexual Harassment Policy or Workplace Discrimination, Harassment and Bullying Policy occurred, the written decision will be placed in the Responding Party's HR personnel file. The documents relating to the report and investigation will be retained by Human Resources.

**C. If the investigation will be done by an external investigator**

If the panel decides to retain the services of an external investigator, the following procedures will apply:

1. The Reporting Party and Responding Party will be notified of the panel's decision to use an external investigator, the reason for that decision, and the identity of the external investigator. If either party objects to the selection of the investigator, the panel will decide whether to select another investigator.
2. The investigator will determine how the investigation will be conducted, which generally will include steps 1-4 outlined in Section B above for an internal investigation.
3. The investigator will issue a written report to the panel which includes factual findings and recommendations.
4. The panel will determine whether a violation of the Sexual Harassment Policy or Workplace Discrimination, Harassment and Bullying Policy occurred. If the panel determines that a violation did occur, it will also decide what action or sanction, if any, is appropriate. The action or sanction will be decided in conjunction with Human Resources, so long as the Responding Party is not an employee in Human Resources.
5. The panel will issue a written decision, which will be provided to both parties. A member of the panel will meet with each party to inform them of the panel's decision.
6. If the panel determines that a violation of the Sexual Harassment Policy or Workplace Discrimination, Harassment and Bullying Policy occurred, the written decision will be placed in the Responding Party's HR personnel file. The documents relating to the report and investigation will be retained by Human Resources.

**D. Timing**

Whether the investigation is conducted by the panel or an external investigator, the investigation will be conducted and concluded as promptly as possible; however, the exact timing will depend on the availability of the parties, witnesses, panel members, and outside investigator, if used.

**E. Appeal**

Both the Reporting Party and the Responding Party may appeal the panel's decision. There are two grounds on which the decision can be appealed:

1. Procedural Error: The appealing party alleges that there was a material deviation or change from the procedures outlined above which adversely impacted the outcome of the matter.
2. New Evidence: The appealing party alleges that, subsequent to the issuing of the panel's decision, new evidence became available which would have impacted the outcome of the decision. The appealing party must: (i) present the new evidence; (ii) show why it was unavailable prior to the decision; and (iii) show that the new evidence would have altered the outcome of the decision.

Other reasons for appeal will not be allowed.

An appeal must be in writing and sent via email to the Vice President and Chief Human Resources Officer ([GCANGIANO@BENTLEY.EDU](mailto:GCANGIANO@BENTLEY.EDU)) within seven (7) calendar days of when the panel's decision

was provided to the appealing party. The opposing party will be notified if an appeal has been filed and be given an opportunity to rebut the assertions made by the appealing party.

The appeal will be reviewed by an impartial and trained Bentley employee(s) who was not part of the panel (the “reviewer”). In considering the appeal, the reviewer will be given the initial report, any documents reviewed by the panel or external investigator (if used), the external investigator’s report (if any), the panel’s decision, and any written statements by the Reporting Party or Responding Party. If the reviewer determines that one of the two grounds for appeal exist, they will remand the matter to the panel for further review. If an external investigator has been used, the panel may choose to send the case back to that person for further work.

If both parties file an appeal, the reviewer will consider and review both appeals together.

## **Other Matters**

### **A. Conciliation/Settlement**

Pursuit of a formal investigation does not prohibit the Reporting Party and the Responding Party from reaching a mutually agreeable compromise or settlement of a dispute prior to the completion of the formal report process. Such settlement shall be reported to the Associate Vice President of Human Resources by the parties.

### **B. Confidentiality**

Every reasonable effort will be made to protect the privacy and confidences of all parties, consistent with and subject to Bentley's need to investigate the report and/or implement any resolution or disciplinary action.

**Approved: September 2020**