

**ANTI-DISCRIMINATION POLICY
AND GRIEVANCE PROCEDURE
FOR STUDENT CLAIMS OF DISCRIMINATION
BY A FACULTY MEMBER,
ADMINISTRATOR, EMPLOYEE¹
GUEST OR CONTRACTOR**

F.16

I

PROHIBITION OF PROFESSIONAL AND INTERPERSONAL HARASSMENT AND SEXUAL HARASSMENT

II

ANTI-DISCRIMINATION POLICY

The College will not tolerate discrimination. When a student brings a complaint to the college's attention, an investigation will be undertaken and, if a violation is found, appropriate and effective corrective action will be taken. All members of the college community should contact the appropriate college office, as set forth below, if they believe a violation has occurred.

A. Discrimination Prohibited

The college abides by the principle that its students, faculty, staff and administrators have a right to be free from discrimination by any member of the college community. The highest standards

are a member of a protected class or providing Caucasian students with extra time to complete an assignment while not doing so for minority students.

Discriminatory practices include but are not limited to the following:

1. harassment on the basis of race, color, national origin, sex, sexual orientation, age,

Complainants should understand that upon their advising the Dean of Student Services of a discrimination

III

DISCRIMINATION COMPLAINT PROCEDURE

The respondent shall have the right to submit a written response to the allegations, accompanied by any relevant documents or other materials he or she may wish to include (including a witness list) within five (5) days of receiving a copy of the allegations. The answer shall be either hand delivered to the Dean of Student Services or sent certified mail, return receipt requested. Within the discretion of the Dean of Student Services, the complainant will receive a copy of the respondent's answer or a summary prepared by the Dean of Student Services of the contents of the answer.

If the complainant fails or refuses to submit a written complaint or otherwise cooperate with the investigation, or if the Dean of Student Services learns of alleged discrimination from a person other than the alleged victim, the Dean of Student Services shall create a written statement or summary noting the complainant's refusal to sign. The Dean of Student Services shall then conduct an investigation based on the information available to him or her. Despite the absence of a signed complaint, the respondent is still expected to cooperate in the investigation.

If the respondent refuses to participate in an investigation, the Dean of Student Services will have to come to a determination based on available information. In such a case, absent any contradictory evidence, the Dean of Students will assume that the complaint is truthful.

4. Investigation and Sufficient Cause

Dean of Student Services will forward the file to the Anti-Discrimination Committee, which will make a recommendation to the Executive Dean as to appropriate sanctions. If no sufficient cause is found, then complainant shall have five (5) days from receipt of such notice in which to submit a written appeal of the finding to the Vice President for Student Affairs.

5. Appeal of a No Sufficient Cause Determination

Upon receipt of a written appeal of a determination of no sufficient cause, the Vice President for Student Affairs shall review the file and, within five (5) days, render a decision on the appeal. If the Vice President for Student Affairs affirms the no sufficient cause determination, the complaint is dismissed. If the Vice President for Student Affairs overturns the no sufficient cause determination, then he or she will forward the file to the Anti-Discrimination Committee for an investigatory hearing.

B. Formal Stage: Investigatory Hearing

1. Anti-Discrimination Committee Membership

The Anti-Discrimination Committee is comprised of seven members, one (1) member each of the tenured faculty elected for three (3) years by governing bodies of the Eastern, Grant and Ammerman campuses; one (1) student member selected by the Vice-President for Student Affairs for one (1) year; two (2) members selected by the A.M.E. unit at the College for three (3) years, one (1) from the white collar unit and one (1) from the blue collar unit; and either the Compliance Officer, or the Administrative Director of Human Resources, whoever was not the investigator and will act as Chair of the committee. The Legal Affairs Officer shall be a non-voting advisory member of the Committee.

a. Recusal

Any Anti-Discrimination Committee member shall be recused if he or she is a party in the complaint, an immediate supervisor of complainant or respondent or a witness to the allegations in the complaint. Committee members may also be recused for other reasons, including but not limited to, personal, business or financial conflicts of interest between the Committee member and either complainant or respondent. The Compliance Officer

2. Investigatory Hearing

Within fourteen (14) days of receipt of the file from the Dean of Student Services, the Anti-Discrimination Committee shall review the file, conduct a hearing and make a written finding as to whether the Committee believes that discrimination has occurred or, if applicable, whether it believes some other type of misconduct has occurred. Under extenuating circumstances, the Committee may extend this time period for up to an additional fourteen (14) days.

The hearing serves both an investigatory and an adjudicative function. Both parties shall be notified of their right to seek advice from counsel or a union representative and of their right to have an advisor present at the hearing. The power of examination and cross-examination is reserved exclusively to the Committee. However, before the hearing, the parties or their advisor may submit suggested questions or propose that particular witnesses be called. The Committee will make every effort to ask questions so submitted that go to the issue and to call proposed witnesses that have testimony relevant to the issue. The hearing shall be recorded by stenographic or other means and a transcript of the proceedings shall be held in the Office of the Compliance Officer. Complainant and respondent may review the transcript in that department.

The hearing shall include, to the extent possible, the following:

- Examination of complainant, respondent and any witnesses who may be of assistance in resolving the complaint; and
- Review of any documents and other information submitted by the parties or witnesses; and
- Review of any other documents or information the Committee deems relevant.

The hearing shall be closed and may only be attended by complainant (and his or her advisor), respondent (and his or her advisor), the Committee members, the alternate Compliance Officer, College legal counsel, testifying witnesses, and personnel necessary for the administration of the hearing. The parties and their advisors have the right to be present throughout the hearing. Testifying witnesses may only be present for their own testimony. A testifying witness may have one advisor present during their testimony. This advisor must follow the same policies as the advisors for the complainant and the respondent noted above.

The Committee shall not be bound by technical rules of evidence, but may consider any relevant material and reliable evidence that it finds probative. The Committee shall determine the admissibility, relevance and weight of the evidence before it.

The Committee is to investigate discrimination complaints and is expressly authorized to investigate, consider and report findings regarding other misconduct related to the alleged discrimination that may be revealed during the course of the discrimination investigation. If the Committee finds misconduct that does not constitute discrimination, the Committee shall notify complainant that the Committee has forwarded the complaint to the proper forum.

3. Review by the Executive Dean

Within five (5) days after the conclusion of the investigatory hearing, the Committee will forward a copy of its written findings to the Executive Dean of the campus where the alleged discrimination occurred and to the Office of the Compliance Officer, where it shall be maintained in a confidential file. If applicable, the findings should include any recommended remedial action (which could include disciplinary action up to and including termination) to be taken. If the Executive Dean is a party to the complaint, then a designee or neutral party, appointed by the Committee, shall conduct the review. The Executive Dean or the designee shall review the record as a whole and make a decision based on the totality of the circumstances. The review shall be completed within seven (7) days of receipt of the Committee's findings.

Where the charge is sustained, the Executive Dean or designee shall make a final determination as to the action to be taken and give to complainant, respondent and the Committee written notice of it. If the charge is not sustained, the Executive Dean or designee shall render a written decision detailing the compelling reasons for the determination and send it to complainant, respondent and the Committee. If the Executive Dean or designee decides that there is need for further investigation, then the Committee shall be so notified, in writing, that it must continue its investigation, in a timely manner, until a final decision can be rendered by the Executive Dean or designee. A copy of the Executive Dean's determination shall be forwarded to the Office of the

Upon completion of all stages of the Discrimination Complaint Procedure, the original file and all copies will be maintained in the office of the Compliance Officer for at least the statutorily required time. No copies of the file will be maintained in any other office or department.

Board of Trustees
April 10, 2003