

ANTI-DISCRIMINATION POLICY
AND GRIEVANCE PROCEDURE
FOR STUDENT CLAIMS OF DISCRIMINATION
BY A FACULTY MEMBER,
ADMINISTRATOR, EMPLOYEE ¹
GUEST OR CONTRACTOR

F.16

I
INTRODUCTION

As an institution of higher learning, Suffolk County Community College is dedicated to providing an environment conducive to intellectual and personal growth. Members of the college community are encouraged to participate in all aspects of academic life. For the college, this means a firm institutional commitment to academic freedom as well as a commitment to the highest standards of professional and interpersonal behavior and respect among members of the community.

II
ANTI -DISCRIMINATION POLICY

The College will not tolerate discrimination on the basis of race, national origin, color, religion, sex, age, sexual orientation, disability, marital status, domestic violence victim status or any other status that is prohibited by law

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 of professional conduct pertain to all members of the college community in their dealings with one another; the relationships between and among students, faculty, administrators, and members of the staff at all levels should be governed by these standards. No member of the college community should tolerate discrimination from a faculty member, administrator, colleague, employee, supervisor, student or other member of the college community.

Behavior on the part of any member of the college community that inappropriately introduces any form of discrimination, as defined below, into a teaching, learning or working relationship, or into any other relationship arising from college activities will not be tolerated. The college also will not tolerate conduct by a non-employee who discriminates against any member of the college community on college premises or at any other location where the member of the college community is present because of assigned or college-related activities.

Individuals who believe they are victims of discrimination are required to seek redress through the appropriate discrimination complaint (g)10 (or) (Pvi)-2 (dua)4 (l) c,

Complainants should understand that upon their advising the Dean of Student Services of a discrimination complaint, the college is legally required to investigate that complaint. Therefore, complainants should understand that the complaint may be disclosed, as necessary, to persons on a “need to know” basis.

Although the college will endeavor to maintain the confidentiality of discrimination complaints and proceedings in accordance with this policy, it cannot absolutely guarantee against the further dissemination of information by individuals to whom such information was reasonably disclosed the course of a discrimination investigation. All complaints

III

DISCRIMINATION COMPLAINT PROCEDURE

A. Informal Stage: Reasonable Cause Determination

1. Whom to Contact

Students who believe that they have been subjected to discrimination should contact the Office of the Dean of Student Services for the campus at which the alleged discrimination occurred. The Deans of Student Services are the designated officials responsible for the investigation of discrimination complaints made by students and for determining if an informal resolution is possible, and if it is not possible determining if there is sufficient cause for an investigatory hearing to be held to determine whether discrimination has taken place.

The Dean of Student Services shall notify the Compliance Officer, Office of Legal Affairs, and the Administrative Director of Human Resources that a complaint has been made. In addition, as documents are received or created by the Dean of Student Services during the course of the investigation, copies shall be forwarded to the office of the Compliance Officer where they shall be maintained in a confidential file.

2. Timing of Complaint

A complaint of discrimination must be made within one year of the most recent occurrence of alleged discrimination. The Dean of Student Services is authorized to waive this timeliness requirement in extenuating circumstances including but not limited to circumstances wherein the complainant was subject to duress, or otherwise coerced or threatened by the respondent from filing the complaint.

3. Initial Discussion; Preparation of Written Complaint; Respondent's Answer

The initial discussion between the complainant and the Dean of Student Services should be kept confidential to the extent possible. The Dean of Student Services shall attempt to informally resolve the matter through discussion with the complainant and the respondent within five (5) days³

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 Determination

If the complaint is not informally resolved, the Dean of Student Services will have fourteen (14) days after the conclusion of the five day informal resolution period to complete an investigation of the allegations. If not previously provided, the complainant and the respondent shall receive copies of the written answer and written complaint, respectively. The investigation shall include but not be limited to, review of the complaint and the answer, interviews of witnesses, examination of all pertinent personnel files and employment records and review of any other written statements, documents or other evidence. The complainant, the respondent and all potential witnesses are encouraged to cooperate with the discriminatory investigation. If the complainant or the respondent refuses to submit an answer or cooperate with the Dean of Student Services, the Dean of Student Services will have to come to a determination on the basis of available information.

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 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

3. Review by the Executive Dean

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 at least the statutorily required time. No copies of the file be maintained in any other office or department.

Board of Trustees
April 10, 2003