

**AN**

## **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-sanctioned activities.

Individuals who believe they are victims of discrimination are required to seek redress through the appropriate discrimination complaint procedure. This policy and procedure applies to any student who alleges that he or she has been discriminated against by a faculty member, an administrator, an employee, a guest or a contractor of the College. Alleged discrimination of a student by another student or alleged discrimination of a college faculty member, guest, administrator or employee by a student is governed by the Student Code of Conduct. Alleged discrimination of a college employee by another college/county employee, contractor, or guest is governed by the Anti-Discrimination Policy and Grievance Procedure for Employee Claims of Discrimination by Another Employee, Guest or Contractor.

Complaints about discrimination will be responded to promptly and equitably in accordance with the procedures set out under the applicable policy. The confidentiality of all members of the college community will be respected in each step of the complaint procedure, insofar as that is reasonably practicable. In addition, each policy explicitly prohibits retaliation against individuals for bringing complaints of discrimination or for participating in investigations of discrimination. Similarly, each policy prohibits retaliatory conduct against an individual simply because he or she has been accused of discrimination. An individual found to have engaged in discrimination or retaliation in violation of this policy will be subject to disciplinary action. If the individual is a bargaining unit member, such disciplinary action will be pursuant to the appropriate collective bargaining agreement. Conversely, if a complaint of discrimination is made in bad faith, then the complainant may be subject to disciplinary action.

## **B. Definition of Discrimination**

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, religion or disability (discussed below);
2. retaliation against an individual for filing a charge of discrimination, participating in an investigation, or opposing discriminatory practices;
3. educational or employment decisions based on stereotypes or assumptions about the abilities, traits or performance of individuals of a certain race, color, national

Complainants should understand that upon their advising the Dean of Student Services of  
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### **III**

#### **DISCRIMINATION COMPLAINT PROCEDURE**

##### **A. Informal Stage: Reasonable Cause Determination**

###### **1. Whom to Contact**

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 Dean of Student Services shall provide a copy of the 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 complaint. 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

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

## **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.





