STUDENT DISCRIMINATION AND HARASSMENT GRIEVANCE

I. Policy

A. It is the policy of the Metropolitan Community College (the college) to provide equal opportunity for all enrolled students and applicants for admission to the college, free from discrimination and harassment, (including sexual harassment) based on race, color, religion, sex, sexual orientation, national origin, age, and/or disability. This policy applies to discrimination and/or harassment complaints by students for actions occurring on college property or in admissions, program access, student employment of regular student workers and work-study student workers, and treatment in official college programs and activities. This policy applies to any person who has applied to the college for admission or readmission, who is currently enrolled, or who was a student of the college at the time of the alleged discrimination or harassment.

B. Proceedings initiated under this policy may be terminated at anytime by mutual agreement of the parties involved.

C. Retaliation against a student who files a complaint or grievance is strictly prohibited.

D. Although an informal complaint can be brought at any time, a formal complaint that might result in a hearing under this policy must be brought within thirty (30) days of the alleged act of discrimination or harassment. The formal complaint process shall remain available until the conclusion of the informal process, provided the informal process was initiated within the original thirty (30) day time period.

E. The “investigator” is either the dean of students of the primary campus or (if the dean is the subject of the complaint) the president of the primary campus or president’s designee. The primary campus is defined as the campus where the alleged harassment or discrimination occurred.

F. All days identified in this policy refer to calendar days.

G. Attorneys shall not be permitted to participate in any hearings or meetings under this policy. However, if the grievance coordinator is an attorney this provision does not apply.

II. Informal Resolution

Any student may seek advice and information related to discrimination and/or harassment. Students who have reason to believe they have been discriminated against or harassed are encouraged to talk to the dean of students, unless that dean of students is the subject of the alleged discrimination or harassment, in which event the student should seek advice from the campus president or his/her designee. The purpose of the informal process is to review the
complaint of alleged discrimination and/or harassment and attempt to resolve the issue. The complainant and the person against whom the complaint is made (the “respondent”) will be notified that an investigation has been initiated and will have the opportunity to provide any relevant information. The investigator will access other college personnel and resources as needed. Matters resolved through the informal process need not proceed further under the provisions of this policy.

III. Formal Complaint Process

A. Students who have reason to believe they have been discriminated against or harassed may file a complaint with the dean of students. A student who files a complaint will be given a copy of this policy. The investigator will assist the student in filling out the necessary forms to initiate the complaint.

B. When a complaint is received, the investigator shall immediately institute a thorough review of the circumstances and situations alleged in the complaint. The investigator will involve other college personnel and resources as deemed appropriate to ensure a thorough investigation of the allegations. The complainant and the person against whom the complaint is made will be notified that an investigation has been initiated and will have the opportunity to provide any relevant information. Within fifteen (15) days, the investigator will advise the complainant whether reasonable evidence exists that a violation of college policy or federal, state, or local law has occurred.

IV. Determination

Upon the conclusion of the investigation, the investigator shall provide written determinations to the complainant and respondent. The investigator may also make recommendations for corrective action to the appropriate college official. Such corrective action may include, but not be limited to, changes in procedures, policies, practices, or disciplinary action commensurate with any policy violation.

V. Appeal and Hearing

The complainant or respondent may appeal the determination of the investigator and request a hearing. Such appeal and request for hearing must be in writing and received by the investigator within ten (10) days after the investigator has rendered his/her determination. Upon receipt of the request for appeal and hearing, the associate vice chancellor for human resources will initiate the hearing process.

VI. Hearing Committee

A. The associate vice chancellor of human resources shall within ten (10) days of the appeal make available an individual with expertise in discrimination and harassment to act as the grievance coordinator. A grievance committee will be formed by the grievance coordinator within seven (7) days of his/her appointment and will consist of three (3) members: one (1) selected by the complainant, one (1) selected by the respondent, and one (1) selected by the grievance coordinator, all from a pool comprised of administrators, faculty, and staff trained to hear such matters. An alternate shall also be selected by the grievance coordinator from this pool. Any person selected to serve on the committee will be expected to be present at all scheduled meetings.
B. As discussed, within seven (7) days after the committee is constituted, the grievance coordinator will convene an organizational meeting. At this meeting the committee will receive the case file, including a summary of the investigation conducted by the investigator, review the hearing procedures, schedule the hearing, and select a chair. The complainant and respondent may be accompanied at the hearing by a person external to the process, who is a college employee and not related to either party to the proceedings, for support purposes, but any such person shall not participate in the hearing. The hearing shall commence within seven (7) days of the organizational meeting. The complainant and respondent shall be present at the hearing and the complainant and respondent will be given the opportunity to testify, introduce evidence, call witnesses, and question witnesses. Persons whose participation in the hearing is requested by the complainant, the respondent, or the committee to assist in establishing the facts of the case shall appear only for the purpose of giving testimony. The hearing shall be closed.

C. The committee chair, in consultation with the grievance coordinator, will oversee the hearing process. The committee chair, in consultation with the grievance coordinator, may exclude irrelevant or repetitious evidence and testimony.

D. The hearing will be recorded by audio and may be transcribed.

VII. Deliberations

A. Deliberations of the committee will be closed. To support a determination of discrimination or harassment, a majority of the committee must determine that reasonable evidence exists that a violation of college policy or federal, state, or local law has occurred. The committee may be provided technical assistance from the grievance coordinator during its deliberations. The committee may also make recommendations consistent with its determination.

B. The grievance committee, in consultation with the grievance coordinator, shall provide its written determination and recommendation to the campus president, with copies to the complainant and respondent, within fifteen (15) days after the hearing has concluded. The grievance coordinator, in consultation with the committee chair, will be responsible for drafting and transmitting the determination and recommendations of the committee.

C. The campus president, upon review of the written findings and recommendations, will render a decision within seven (7) days. The president shall deliver a copy of the decision to the complainant, the respondent, the grievance coordinator, and the grievance committee. Should a determination of discrimination or harassment be accepted, the president will recommend appropriate corrective action to the chancellor. If the president does not accept the recommendation of the grievance committee, the president will transmit a written statement of reasons to the complainant, the respondent, the grievance coordinator, and the grievance committee.

D. Within ten (10) days of the decision of the president, either the complainant or respondent may request review of the president’s decision by the chancellor. Upon review of the written determination and recommendations of the grievance committee’s and the president’s determination, the chancellor will make a decision within seven (7) days, which decision shall be final. Upon rendering his/her decision, the chancellor shall deliver a copy of the decision to the grievance coordinator, the grievance committee, the complainant, and the respondent. Should a determination of discrimination or harassment be found, the chancellor will initiate appropriate corrective action.
VIII. Timelines

All timelines identified in this policy may be suspended at the discretion of the associate vice chancellor of human resources during periods of holidays, semester breaks, finals, and any times that fall outside the regular school calendar and if the time for any action or decision falls upon a weekend or holiday, the action or decision shall be due the first working day following such weekend or holiday.

Reference: 7.30020 BP Non-Discrimination
Reference: 6.15010 BP Academic Freedom

Approved: Board of Trustees
August 11, 1977

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