

**1497.01 DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURE**

The following procedure shall be used for any complaint or allegation of unlawful discrimination under federal or state law and regulations or violation of college policies on non-discrimination, disability discrimination, or sexual harassment. This procedure shall also be applicable to allegations of sexual misconduct or other forms of harassment in violation of College policies on Harassment, Sexual Harassment, and Non-Discrimination. This procedure shall apply to complaints or allegations raised by applicants, Board members, employees, students, volunteers or contractors against any Board member, employee, student, volunteer, contractor, or individuals and entities that have a business relationship with the College.

1. This complaint procedure shall be utilized for allegations of discrimination or harassment based upon the following:
  - A. Title IV of the Education Amendments of 1972, which prohibits race and national origin discrimination in an educational institution receiving federal financial assistance.
  - B. Title VII of the Civil Rights Act of 1964, which prohibits discrimination based upon sex, race, national origin and religion in employment.
  - C. Title IX of the Education Amendments of 1972, which prohibits discrimination based upon sex in an educational institution receiving federal financial assistance.
  - D. Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination based upon disability.
  - E. Americans with Disabilities Act, which prohibits discrimination based upon disability
  - F. Age Discrimination in the Employment Act, which prohibits discrimination based upon age.
  - G. Michigan Persons with Disabilities Civil Rights Act, which prohibits discrimination based upon disability.
  - H. Michigan Elliott-Larsen Civil Rights Act, which prohibits discrimination based upon sex, race, religion, marital status, height, weight, age and national origin.
2. A student, employee, applicant, Board member, volunteer, or contractor ("complainant") who believes that he/she has been subjected to discrimination or harassment as specified above should promptly notify the appropriate office, hereafter referred to as "Administrator". Students shall promptly notify the Dean for Student Services (or designee) whose office is located in the Tanis Building and whose phone number is 231.995.1039, or the respective Academic Chair for the area. Employees, applicants, Board members, volunteers, or contractors ("complainant") shall promptly notify the Executive Director of Human Resources (or designee), whose office is located in the Tanis Building and whose office phone number is 231.995.1025. Complainants are encouraged to promptly report any conduct, statements, or physical contact that they believe to be discriminatory or harassing.

- A. If a complainant has concerns regarding the nature of any conduct, statements, or physical contact by any College employee, Board member, volunteer, contractor, or student, such concerns should be reported to the Administrator (or designee).
- B. Under no circumstance is the complainant required to notify the alleged offender.
3. The College shall promptly and thoroughly investigate complaints of discrimination and/or harassment. Complaints of discrimination and/or harassment will be treated as confidentially as possible, recognizing the potential need to:
  - A. Notify the alleged perpetrator of the facts relative to the claimed violation;
  - B. Notify the parent or guardian of the student, if the student is a minor;
  - C. Make reports required by law, including but not limited to, reports required under the Michigan Child Protection law;
  - D. Protect the rights or privacy of others, including witnesses, as well as the alleged offender during the investigation; and
  - E. Comply with state and federal law and any relevant collective bargaining agreement.
4. The College will conduct a fair, thorough, impartial, and timely investigation of the allegation(s) presented in a complaint. The investigation will consider the nature of the alleged activity and the context in which the alleged activity occurred. An investigation will normally include conferring with the parties involved, as well as any named or possible witnesses. Efforts shall be made to complete the investigation within 30 calendar days of the complaint being filed. The Administrator shall be responsible to ensure that investigation is conducted fairly, promptly, and thoroughly.
5. It shall be considered a violation of this policy for any person to coerce, intimidate, discriminate, or retaliate against any person filing a complaint and/or assisting in the investigation of a complaint. Such misconduct may result in discipline. A complainant who knowingly files a false complaint, or an individual who knowingly provides or knows false information has been provided during such an investigation or review and fails to report such information to the Administrator (or designee), shall be subject to discipline.
6. All investigations of complaints made pursuant to this policy shall be concluded with written findings, regardless of whether a complaint is factually substantiated. Such findings shall be maintained in a separate confidential file. The complainant (his/her parent or guardian, if a minor) and the person against whom the complaint is made shall, upon request, be allowed an opportunity to review the content of the report unless this would constitute a violation of law (e.g. Family Educational Rights and Privacy Act).

7. The Administrator (or designee) shall be responsible for drafting the findings and forwarding such information to the President. If the President is alleged to have discriminated and/or harassed, the findings shall be reported to the Board of Trustees Chair.
8. If the President determines that the complaint is valid, prompt attention and action designed to stop the discrimination and/or harassment immediately and prevent its recurrence will be taken. Depending upon the nature of the discrimination and/or harassment, the Administrator (or designee) may attempt to seek a resolution acceptable to the complainant and the individual against whom the complaint was filed. This shall not limit the College's discretion to take action it deems appropriate. The Administrator (or designee) may take such disciplinary and/or remedial action as is consistent with this policy, other policies and regulations, and any relevant collective bargaining agreements. The College considers discrimination and harassment to be serious offenses, which can result in disciplinary action.
9. All involved parties, including the complainant, the individual against whom the complaint was filed, and witnesses shall be notified of the involved parties' rights to confidentiality of investigations and disciplinary action.

Inquiries regarding this policy shall be directed to:

For all employees, applicants,  
Board members, volunteers, or contractors:

William L. Hendry  
Executive Director of Human Resources  
Northwestern Michigan College  
1701 East Front Street  
Traverse City, MI 49686  
231.995.1025

For students:

Dr. Anne M. Monroe  
Dean for Student Services  
Northwestern Michigan College  
1701 East Front Street  
Traverse City, MI 49686  
231.995.1039

### **AUTHORIZATION OF STAFF PROCEDURE**

Executive Director of Human Resources' authorization: William L. Hendry

Date Authorized: 6/17/04