

PROCEDURES FOR FILING A COMPLAINT
OF ILLEGAL DISCRIMINATION OR SEXUAL HARASSMENT

Monroe County Community College will not tolerate any form of illegal discrimination including sexual harassment. A report of sexual or other harassment will be treated seriously, and a thorough investigation will be conducted. An employee or student who files a complaint will be treated fairly and courteously at all times.

Definition of Sexual Harassment

Discrimination because of sex includes acts of "sexual harassment." Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of sexual nature when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic opportunity or advancement,
- submission to or rejection of such conduct by an individual is used as a factor in employment decisions or academic decisions affecting such individual, or
- such conduct or communication has the purpose or effect of substantially interfering with an individual's work or academic opportunity, or creating an intimidating, hostile, or offensive working or academic environment.

Bringing a Complaint

Any employee or student (the complainant) who believes that he or she has been the subject of illegal discrimination or sexual harassment should report the matter immediately in accordance with the following procedures. Use of the informal procedure first is encouraged, however, is not required.

Informal Procedure

1. The informal procedure format is to provide an opportunity for informal consultation and counseling and, where appropriate, mediation among the parties involved.
2. Under the informal procedure, the complainant, if an employee, may bring the matter to the attention of his/her immediate supervisor unless the supervisor is the person about whom the complaint is being made. In that case, the complainant may bring the matter to that person's supervisor. The complainant may also bring the matter to the attention of the Director of Human Resources. In the case of complaints by a student, the complainant may bring the matter to the Division Dean or to the Vice President of Student and Information Services.
3. If informal resolution of the complaint is not achieved, the complainant may initiate formal procedures within twenty-eight (28) calendar days after the informal process concludes, but within, ninety (90) calendar days after the conduct occurred.

Formal Procedure

1. The complainant, if an employee, will submit a written statement to the Director of Human Resources, or in the case of complaints by a student, the Vice President of Student and Information Services, within twenty-eight (28) calendar days after the conduct of which is the subject of the complaint occurs. The Grievance Form for

Complaints of Discrimination or Sexual Harassment (see Procedure 1.65[b]) must be used. The grievance forms are available in the Office of the Director of Human Resources, Room A-138 and the Admissions Office, Room A-101 in the Student Services/Administration Building.

2. The Director of Human Resources or the Vice President of Student and Information Services will inform the alleged offender of the allegation.
3. Formal Investigation:
 - a. The purpose of the investigation, which will include interviewing the parties and witnesses, is to gather and verify facts about the case. The Director of Human Resources, the Vice President of Student and Information Services, or their designee, and/or the College's legal counsel will conduct the formal investigation.
 - b. Investigations will be conducted promptly, thoroughly, and fairly, affording both the complainant and the accused a full opportunity to provide input and/or respond.
 - c. Possible outcomes of an investigation are:
 - (1) a finding that the allegations are not warranted or could not be substantiated,
 - (2) a finding that the allegations are substantiated and, if so, prompt remedial action will be taken. The College uses a disciplinary system in which the extent of the disciplinary action taken depends on all the facts and circumstances available at the time the decision is made. The corrective action will depend on the frequency and severity of the conduct and may include disciplinary action, up to and including termination if the individual who engaged in the inappropriate conduct is an employee, or academic discipline, up to and including immediate expulsion if the individual who engaged in the inappropriate conduct is a student, or
 - (3) a negotiated settlement of the complaint.
4. Every effort will be made to inform the involved parties of the investigative findings and any corrective action taken or to be taken.

No employee or student will be disciplined for making a good faith complaint regarding illegal discrimination or sexual harassment nor will any retaliation for making a good faith complaint be tolerated.

In both informal and formal complaint cases of illegal discrimination or sexual harassment, the privacy of all individuals will be given special attention. However, due to the nature of fact-finding and investigation that may be needed, confidentiality cannot be promised.

Anonymous charges will not be the basis of any administrative action.

The Compliance Officer for the College for complaints of illegal discrimination or sexual harassment is the Director of Human Resources. The Office of Human Resources is located in the Student Services/Administration Building, phone (734) 384-4245.

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