



Equal Opportunity and Non Discrimination

This information is taken directly from the Student Handbook – pages 39-43.

Prohibited Activity and Complaint Procedure

I. Sexual Assault

Muskegon Community College treats all matters of sexual assault with the highest concern and seriousness. MCC personnel will encourage the victim to report all offenses to the appropriate authorities and to actively seek assistance and/or counseling. If you have been sexually offended in any way, you should contact the security department immediately at 231.777.0315. College personnel will give full and prompt cooperation to report the assault to local law enforcement authorities. The victim may pursue all remedies or services without academic penalty or coercion in any way by the College or College personnel.

The victim may request that the College list options for changes in academic or working situations after an assault has occurred if it is reasonably available.

The same rights of representation will be given to the victim as provided to the accused in College disciplinary proceedings.

PROCEEDURES

Immediately after a sexual assault, the following procedures must be implemented:

- The victim shall notify the security department (231.777.0315) and local authorities.
- The security department will inform the victim of any counseling centers and community crisis centers available for assistance.
- Any necessary medical assistance will be provided using methods and equipment commonly used to preserve evidence.
- The victim will be informed of the rights according to crime victims in general.
- In cooperation with local authorities, evidence will be obtained, secured, and maintained.
- The victim may request MCC to take reasonable action to prevent unnecessary or unwanted contact with the alleged assailant.

- State or federal law may require assault suspects to be mandatorily tested for communicable diseases including notice of the results of the testing.
- If viable, disciplinary actions will follow.

Educational programs for awareness will be scheduled periodically throughout the academic year.

II. Non Discrimination Policy

It is a violation of the Muskegon Community College policy for any students or employee of MCC while acting in the capacity to discriminate against any other student or employee of MCC on the basis of age, citizenship, color, disability, handicap, height, marital status, national origin, political persuasion, race, religion, sex (including the condition of pregnancy), sexual orientation, veteran status, weight, or other protested categories, and to the extent the law prohibits such discrimination.

Prohibited discrimination includes harassment of an individual based on any of the above categories. Sexual harassment is defined as the behavior of a person of either sex against a person of the opposite or same sex, when behavior fall within the definition outlined below.

DEFINITION

Sexual harassment of employees and students at Muskegon Community College is defined as any unwelcome sexual advances; requests for sexual favors; or other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status.
- Submission to or rejection of such conduct is used as the basis for employment or academic decisions affecting that individual.
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, educational experience, academic status, or creates an intimidating, hostile, or offensive work or educational environment.

Although this definition focuses on sexual harassment, harassment based on any of the categories listed above which meets the standards outlined is prohibited.

No act of retaliation shall occur to any person making a charge, filing a complaint, testifying or participating in any discrimination investigation or proceedings.

THE COMPLAINT PROCEDURE

Complaint

Any employee or student of Muskegon Community College who believes that he/she has been subjected to discrimination, as defined in the policy statement, should report the circumstances by filing a complaint verbally or in writing to:

Equal Employment Opportunity Officer (EEOO)
Human Resources Department
Title VI, Title IX, Section 504
Muskegon Community College
221 South Quarterline Road
Muskegon MI 49442
231.777.0546

There is a form in the office for this purpose. The person filing the complaint is referred to as **complainant** and the accused is the **respondent**.

Complaint Review

The EEO officer will make every reasonable effort to review and evaluate the complaint within 30 business days of receiving the complaint. Such review may include interviewing and taking statements from the complainant, respondent, and any person who may be a witness to the alleged events and obtaining and reviewing any document or physical evidence that may be relevant. All interviews and information will be confidential except for those with a need to know in the course of the review. The complainant has the responsibility to demonstrate, by a preponderance of the evidence, that the accusation is valid.

After completion of the review process, the complaint may be acted upon as follows:

1. A written agreement resolving the issue signed by the complainant, respondent, and EEO officer;
2. A withdrawal of the complaint in writing by the complainant;
3. A written dismissal of the complaint by the EEO officer for insufficient evidence; and
4. A written finding by the EEO officer that the merit with a statement of the resulting discipline. Should the discipline involve termination of employment or dismissal of a student, the EEO officer will consult with the president prior to any written finding being issued.

Appeal Process

Either the complainant or respondent may appeal the findings and decision of the EEO officer by filing a written notice of such appeal with the office of the president within 10 business days of receipt of the decision of the EEO officer with a copy of the appeal notice to the EEO officer. (Business days are defined as any Monday through Friday, except for nationally-recognized holidays.)

In the event that an appeal has been made pursuant to the appeal process then no action shall be taken by the EEO officer until the appeal process has been concluded. Under appropriate circumstances, it may be necessary to suspend the respondent from the premises during this process.

Such appeal shall state in detail the reasons for the appeal. The appeal shall be referred to the president and upon receipt by the president of the written appeal, the following steps will be taken:

- A. Within 15 working days, a committee of three full-time MCC employees shall be appointed by the president.
- B. The committee shall elect a chair who will be responsible for setting a hearing date, notifying the parties, and conducting a hearing as outlined in this policy.
- C. The committee shall, in confidence, hear testimony from the complainant, the respondent, and such other parties as the committee may deem essential to reaching a decision on the validity of the accusation. No testimony will be received in the absence of the complainant or the respondent. The right of cross-examination of any testifying person will be available to both the complainant and the respondent, assuming the presence of the same at the hearing. Upon advance written notice, the complainant or the respondent may have an advisor or attorney present.
- D. The hearing will be conducted and completed as soon as practicable, but no later than 30 business days after the appointment of the committee by the president.
- E. Findings of fact and conclusions reached by the Appeal Committee shall be by majority vote, in writing. Within 15 business days after the conclusion of the hearing, the committee shall submit a written decision on the findings of fact and conclusion to the president, the EEO officer, the complainant, and the respondent. The committee's findings shall be accompanied by a recommendation to the president for appropriate action by the president. The president shall make a written decision within 10 business days after receipt of the recommendation. A copy of the president's decision shall be delivered to the EEO officer, the complainant, and the respondent.

If the EEO officer concludes pursuant to Step A or the president concludes pursuant to the appeal process that violation of this policy has occurred then the respondent will be subject to discipline. If the respondent is an employee, the discipline will be pursuant to the rules and procedures under the applicable Collective Bargaining Agreement, employment contract and MCC

policies. If the respondent is a student, the discipline will be subject to the rules and procedures of the due process provisions in the student handbook.

General Provisions

The timelines specified may be extended by mutual written consent of the complainant, the respondent, and the MCC president.

If a complaint, whether informal or formal is directed against the EEO officer, the functions assigned to the person by these procedures will transfer to the president or his/her designee.

The complainant retains the right to file a complaint with the appropriate external government agencies or may resort to remedies at law.

Any retaliatory action of any kind by any Muskegon Community College employee against any other employee or student of the institution as a result of that person's seeking redress under these procedures is prohibited and shall be regarded as a separate and distinct cause for complaint under these procedures.

Any respondent who is an employee and subject to the provisions of a Collective Bargaining Agreement may request to have a steward present at any step of the investigatory process. A respondent who is an employee but not subject to the provisions of any Collective Bargaining Agreement may contest any discipline by utilizing the procedures set forth in the personnel policy manual for administrative, professional, and support staff. Should a complaint against a student also be covered by the code of conduct for students in the student handbook, the complainant may elect to proceed under the EEO process or the student code process, but not under both.

Complaints and Grievances

The following person has been designated to handle inquiries regarding the non-discrimination policies:

Ronald Bush, Executive Director of Human Resources
221 South Quarterline Road (Room 400NN)
Muskegon MI 49442
231.777.0546