



The Commonwealth of Massachusetts
Board of Higher Education
Massachusetts Community Colleges

**POLICY ON AFFIRMATIVE ACTION,
EQUAL OPPORTUNITY & DIVERSITY**

Berkshire Community College
Bristol Community College
Bunker Hill Community College
Cape Cod Community College
Greenfield Community College
Holyoke Community College
Massachusetts Bay Community College
Massasoit Community College
Middlesex Community College
Mount Wachusett Community College
North Shore Community College
Northern Essex Community College
Quinsigamond Community College
Roxbury Community College
Springfield Technical Community College

Effective Date: August 1, 2024

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**CERTIFICATE OF APPROVAL
BOARD OF HIGHER EDUCATION
FOR MASSACHUSETTS COMMUNITY COLLEGES
POLICY ON AFFIRMATIVE ACTION, EQUAL OPPORTUNITY & DIVERSITY**

A. OVERALL POLICY STATEMENT

The Community Colleges have carefully developed and outlined the major elements of an effective Affirmative Action, Equal Opportunity & Diversity Policy with the understanding that a successful policy requires more than the knowledge of laws, regulations and current government requirements. It demands leadership, vision, and commitment to fully comprehend what challenges Community Colleges face in preparing students for the twenty-first century. The Colleges, both collectively and individually, commit themselves to not only the valuing of human dignity, but to the appreciation of the necessity of providing all members of the College Community an experience that equips them to relate to all persons and groups in the increasingly global and diverse world in which we all live and work.

The Community Colleges wish to take a role of leadership in providing an environment where equity and diversity are truly valued beyond verbal commitments and mere tolerance. This leadership role requires we all share responsibility for making constructive campus-wide changes in response to the principles set forth in this Policy. By turning our collective energies into making affirmative action an integral part of campus life, we continue to fulfill our mission in developing the talents and potential of all members of our College Communities and our society.

B. POLICY STATEMENT ON AFFIRMATIVE ACTION, EQUAL OPPORTUNITY & DIVERSITY

The Board of Higher Education of the Commonwealth of Massachusetts is responsible under Chapter 15A of the General Laws of the Commonwealth of Massachusetts for the overall governance of the public higher education system, which includes the fifteen Community Colleges. The Board of Higher Education and the Boards of Trustees of the Community Colleges maintain and promote a policy of non-discrimination on the basis of race, creed, religion, color, gender, gender identity, sexual orientation, age, disability, genetic information, parental leave, pregnancy, parenting status, military service, national origin, and natural and protective hairstyles

The Community Colleges are committed to a policy of affirmative action, equal opportunity, equal education, non-discrimination, and diversity. They are committed to providing a learning, working

Equal employment opportunity and affirmative action will be realized in all personnel employment, including recruitment, application for employment, hiring, benefits, compensation, training, promotion, and termination.

All policies, procedures, privileges, and conditions of the College will follow and incorporate applicable equal opportunity and affirmative action rules and regulations.

The above-stated policies are intended to be applied broadly with the goal of promoting equal opportunity and diversity in Community Colleges. The Community Colleges pledge to apply all policies consistently, fairly, and vigorously. Attempts to subvert or abuse these policies will not be tolerated. Appropriate disciplinary action will be taken in the case of an infraction. Such disciplinary action shall be consistent with the appropriate collective bargaining agreement, if applicable.

All policies are made in compliance with laws and regulations and executive orders promulgated by the federal and state governments and other appropriate agencies and authorities, where applicable.

If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption that meets this standard, or being asleep or unconscious.

DAY: As used in this policy, shall mean a calendar day.

DECISION-MAKER: An individual who is not the same person as the Affirmative Action Officer, Title IX Coordinator or their designee, chosen by the President to reach a determination regarding responsibility by applying the standard of evidence the College has designated in the College complaint procedures for use in all Complaints.

EQUAL OPPORTUNITY:

decisions, programs and policies are formulated and conducted in a manner which will ensure equal access for all people and prevent discrimination. As part of this effort, a College will ensure that employment and academic decisions, programs and policies will be based solely on the individual eligibility, merit or fitness of applicants, employees and students without regard to race, color, creed, religion, national origin, age, disability, sex, marital status, military service, gender identity, genetic information, sexual orientation, natural and protective hairstyles, or political or union affiliation.

EMPLOYEE:

(A) **CONFIDENTIAL EMPLOYEE:** Confidential employee means

1. An employee of the College whose communications are privileged or confidential part, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies;
 - a) Confidential Employees include:
 - i. licensed mental health counselors;
 - ii. licensed health care personnel;
 - iii. Confidential Resource Providers; and
 - iv. other employees as designated by the College.
 - b) A list of Confidential Employees shall be posted at the College.
2. An employee of the College whom the College has designated as confidential under this part for the purpose of providing services to persons related to Sex-Based Harassment. If the employee also has a duty not associated with providing those about Sex-Based Harassment in connection with providing those services; or
3. An employee of the College who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about Sex-Based Harassment received while conducting the study.

(B) **IMPARTIAL EMPLOYEE OR IMPARTIAL MEDIATOR:** An employee who has not participated in the complaint at issue, and has no conflict of interest or bias regarding the matter

being addressed. The employee must have training or experience in mediating matters subject to this complaint process.

(C) NONCONFIDENTIAL EMPLOYEES WITH AUTHORITY:

3. Retaliation:

- iv. The location of the conduct and the context in which the conduct occurred;
- v. Other Sex-Based Harassment in the College

(3) Specific offenses.

- (i) **Sexual assault** meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system by the Federal Bureau of Investigation;
- (ii) **Dating violence** meaning violence committed by a person:
 - A. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - B. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - i. The length of the relationship;
 - ii. The type of relationship; and
 - iii. The frequency of interaction between the persons involved in the relationship
- (iii) **Domestic violence** meaning felony or misdemeanor crimes committed by a person who:
 - A. Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the College, or a person similarly situated to a spouse of the victim;
 - B. Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
 - C. Shares a child in common with the victim; or
 - D. Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction
- (iv) **Stalking** meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - A. _____ others; or
 - B. Suffer substantial emotional distress.

PROTECTED CLASS(S)/CLASSIFICATION(S): Characteristics or groups of persons protected from discrimination by law and under this Policy, including:

- a. **Age** - Persons 40 years of age or older.
- b. **Color** - Variations in skin tone among persons of the same race.

- c. **Disability** - A person with a disability is one who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment.
- d. **Ethnicity** - See National Origin.
- e. **Gender Identity** -
or neither, which may or may not be different from their sex assigned at birth. Gender identity is a term that covers a multitude of identities including, but not limited to, gender nonconforming individuals, nonbinary individuals, and transgender individuals, and includes any person whose gender identity or gender presentation falls outside of or is perceived to be outside stereotypical gender norms.
- f. **Genetic Information** - Any written, recorded individually identifiable result of a genetic test or explanation of such a result or family history pertaining to the presence, absence, variation, alteration, or modification of a human gene or genes.
- g. **LGBTQIA+**: Refers to people who are lesbian, gay, bisexual, transgender, queer, questioning, asexual, intersex, nonbinary, or describe their sex characteristics, sexual orientation, or gender identity in another similar way.
- h. **National Origin** -
common language, culture, ancestry, and/or other similar social characteristics.
- i. **Natural and Protective Hairstyles** all hairstyles covered under the Massachusetts CROWN Act, including but not limited to, braids, locks, twists, Bantu knots, hair coverings and other formations.
- j. **Parental Status:** The status of a person who, with respect to another person who is under the age of 18 or who is 18 or older but is incapable of self-care because of physical or mental disability, is:
 - 1) Biological parent;
 - 2) An adoptive parent;
 - 3) A foster parent;
 - 4) A stepparent
 - 5) A legal custodian or guardian;
 - 6) *In loco parentis* with respect to such person; or
 - 7) Actively seeking legal custody, guardianship, visitation, or adoption of such a person.
- k. **Persons of Color** - Members of the following racial classifications: Black, American Indian/Native Alaskan, Asian/Pacific Islander, and Hispanic/Latino.
- l. **Pregnancy or Related Condition:** Pregnancy, childbirth, termination of pregnancy, or lactation; or medical conditions related to pregnancy, childbirth, termination of pregnancy,

- r. **Veteran** - Any person who is a member of, applies to perform, or has an obligation to perform, service in a uniformed military service of the United States, including the National

III. SEX-BASED HARASSMENT POLICY

a. Introduction

It is the goal of the Community Colleges to promote an educational environment and workplace that is free of all forms of Sex-Based Harassment. Sex-Based Harassment of students or employees occurring in or limiting access to an education program, activity, or workplace will not be tolerated by the College. Further, any retaliation against an individual who has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part, including in an informal resolution process, in complaint processes, or in any other actions taken by a College will not be tolerated. To achieve our goal of providing a campus and workplace free from Sex-Based Harassment, the conduct that is described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by students or employees.

Because the Community Colleges take allegations of Sex-Based Harassment seriously, we will respond promptly to complaints of Sex-Based Harassment and where it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective measures, including disciplinary action where appropriate and consistent with applicable collective bargaining agreements.

The Community Colleges do not discriminate on the basis of sex and prohibit Sex-Based Harassment in any education program, activity, or workplace that it operates, as required by Title IX, including in admission and employment.

The College will provide a notice of nondiscrimination to students; employees; applicants for admission and employment; and all unions and professional organizations holding collective bargaining or professional agreements with the College.

IX Coordinator is:

Magie Hudson - Title IX Coordinator
777 Elsbree Street, D209H
Fall River, MA 02720
email: DiversityTitleIX@BristolCC.edu
phone: 774.357.2333

complaint processes can be located at: [Affirmative Action and Title IX Section 504](#).

To report information about conduct that may constitute Sex-Based Harassment or make a complaint of Sex-Based Harassment under Title IX, please refer to the [Discrimination and Harassment Complaint Form](#).

individuals who have a right to make a complaint of Sex-Based Harassment include a Complainant; a parent, guardian, or other authorized legal representative with the legal right to act on behalf of a Complainant, and the Title IX Coordinator.

In the absence of a complaint or the withdrawal of any or all of the allegations in a complaint, and in the absence or termination of an informal resolution process, the Title IX Coordinator may determine whether to initiate a complaint of Sex-Based Harassment. To make this fact-specific determination, the Title IX Coordinator must consider, at a minimum, the following factors:

(1) The C

Once the investigation is complete, the College will, to the extent appropriate, inform the parties of the results of that investigation.

If it is determined that a violation of this Policy has occurred, the College will act promptly to eliminate the offending conduct, and where it is appropriate also impose disciplinary sanctions.

f. Disciplinary Action

Discipline for violating this Policy may include, but is not limited to, mandatory counseling or training, verbal or written warnings, suspension, termination from employment, or expulsion from the College.

g. Consensual Relationships

Faculty/Administrator/Staff Member Relationships with Students

A romantic and/or sexual relationship, consensual or otherwise, between a faculty member, administrator or staff member and a student is looked upon with disfavor and is strongly discouraged. No faculty member shall have a romantic and/or sexual relationship, consensual or otherwise, with a student who is being taught or advised by the faculty member or whose academic work is being supervised or evaluated, directly or indirectly, by the faculty member. No administrator or staff member shall have a romantic and/or sexual relationship, consensual or otherwise, with a student who the administrator or staff member supervises, evaluates, advises, or provides other professional advice or services as part of a College program or activity.

Relationships Between Supervisors, Subordinates or Co-Workers

A consenting romantic and/or sexual relationship between a supervisor and subordinate or co-workers may interfere with or impair the performance of professional duties and responsibilities and/or create an appearance of bias or favoritism. Further, such relationships could implicate state ethics laws and/or result in claims of Sex-Based Harassment or retaliation. Therefore, such workplace relationships are strongly discouraged.

h. Identification

Personally identifiable information about parties of Sex-Based Harassment will be treated as confidential and only shared with persons with a specific need to know and/or who are investigating and/or adjudicating the complaint, delivering resources or support services to the Complainant or as public safety requires. The College does not publish the names or other identifiable information of parties of Sex-Based Harassment

Daily Crime Log, in any Timely Warnings issued or online. In accordance with the Family Educational Rights and Privacy Act (FERPA), an individual may request that no directory information maintained by the College be released absent their prior, written consent.

Central Massachusetts

Rape Crisis Center of Central Mass., Worcester, 800-870-5905 Hotline, 888-887-7130 TTY
Rape Crisis Center of Central Mass., Milford, 800-511-5070 Hotline, 508-478-4205 TTY

Greater Boston Area

Boston Area Rape Crisis Center, Cambridge, 1-800-841-8371 Hotline, 617-492-8306 TTY

Northeastern Massachusetts

YWCA Northeastern Massachusetts, (877) 509-9922, TTY: (978) 686-8840
Rape Crisis Services of Greater Lowell, 800-542-5212 Hotline, 978-452-8723 TTY
YWCA North Shore Rape Crisis Center, Lynn, (800) 509-9922 Hotline

Southeastern Massachusetts

A Safe Place, Nantucket, 508-228-2111 Hotline, 508-228-7095 TTY
Independence House, Hyannis, 800-439-6507 Hotline, 508-771-6782 TTY
Women Support Services, Vineyard Haven, 508-696-7233 Hotline, 774-549-9659 TTY
Greater New Bedford Women Center, New Bedford, 508-996-6636 Hotline, 508-996-1177 TTY
New Hope, Attleboro, 800-323-4673 Hotline, 508-323-4673 TTY
Womansplace Crisis Center, Brockton, 508-588-8255 Hotline, 508-894-2869 TTY

Western Massachusetts

Elizabeth Freeman Center, Pittsfield, 866-401-2425 Hotline, 413-499-2425 TTY
Everywoman Center, Amherst, 413-545-0800 Hotline, 413-577-0940 TTY
NELCWIT, Greenfield, 413-772-0806 Hotline, 413-772-0815 TTY

United States Department of Education Office For Civil Rights
5 Post Office Square, 8th Floor
Boston, MA 02109
(617) 289-0111

IV. NON-DISCRIMINATION AND ACCOMMODATION FOR PERSONS WITH DISABILITIES

It is illegal to discriminate against an otherwise qualified individual with a disability. The Community Colleges recognize the multitude of barriers that confront persons with disabilities in access to both employment and education. Consistent with state and federal statutes that affirm and protect the equal opportunity rights of persons with disabilities, the Community Colleges adopt a policy of non-discrimination and equal opportunity for otherwise qualified persons with disabilities. Any employee or student who believes they have been a victim of discrimination due to a disability may file a complaint pursuant to the Complaint Procedures found at Section L of this Policy.

a. Title Employment

The Community Colleges will take constructive measures to ensure equal opportunity in all areas of employment including recruitment, selection, upgrading, opportunities for training and development, rate of compensation, benefits and all other terms and conditions of employment. Further, the Colleges will periodically examine all existing employment policies, practices and facilities to ensure that they do not pose a disparate impact for otherwise qualified persons with disabilities. Where such disparity is found, it will be corrected as quickly and completely as is reasonable under existing circumstances. Accordingly, all College facilities may not be available and accessible at a particular time.

b.

Reasonable accommodations in employment may include, but are not limited to:

- Making existing facilities used by employees readily accessible to and usable by persons with disabilities;
- Job restructuring;
- Modification of work schedules;
- Providing additional unpaid leave;
- Acquiring or modifying equipment or devices; and
- Providing qualified readers or interpreters.

The Community Colleges are not required to lower performance standards to make an accommodation and are not obligated to provide personal use items, such as eyeglasses or hearing aids.

Reasonable accommodations in education may include, but are not limited to:

- In-class aids, such as note takers;
- Extended time for examination;
- Quiet rooms or alternate locations for testing;
- Alternatively formatted testing; alternatively formatted textbooks and other course materials; and/or
- Access to assistive technology.

Possible course reductions or substitutions on the basis of a disability will be carefully evaluated. Students with disabilities must meet the essential requirements of all academic degree programs.

d. Interactive Process

f. Process for Requesting a Reasonable Accommodation

An employee or job applicant seeking a reasonable accommodation for a disability may contact

Office that provides disability and accessibility services. All requests for reasonable accommodation are evaluated on a case-by-case basis. Individuals seeking reasonable accommodations should be prepared to submit current medical documentation for review in the accommodation process. The College reserves the right to review approved reasonable accommodations on a periodic basis and request updated medical documentation at that time.

V. ACCOMMODATIONS FOR PARENTAL STATUS, PREGNANCY AND PREGNANCY-RELATED CONDITIONS

In accordance with the requirements of state and federal law, the College prohibits discrimination against students, employees, and applicants based on parental status, pregnancy, childbirth, termination of pregnancy, lactation, related medical conditions, or recovery. Furthermore, the College provides reasonable accommodations for parental status, pregnancy and pregnancy-related conditions, including modifications for students, reasonable break time for employees for lactation, and one or more clean, private lactation spaces, that is not a bathroom, for both students and employees. The Title IX Coordinator coordinates specific actions to ensure equal access to employment, education programs, and activities.

a. Parental Status

The adoption or implementation of any policy, practice, or procedure concerning the current, potential, or past parental, family, or marital status of a student or applicant that treats persons differently on the basis of sex is a violation of this Policy.

b. Student Accommodations for Pregnancy or Pregnancy-Related Conditions

Once the Title IX Coordinator is notified _____-related condition, the College will:

- Inform the student of the _____ obligations to students who are pregnant or experiencing a pregnancy-related condition.
- Provide the student with reasonable accommodations as needed to ensure equal access to the _____ education program or activity.

Breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom;
Intermittent absences to attend medical appointments;
Changes in schedule or course sequence;
Extensions of time for coursework and rescheduling of tests and examinations;
Allowing a student to sit or stand, or carry or keep water nearby;
Counseling;
C

VI. CONTRACTING AND PURCHASING

When selecting contractors, suppliers, and vendors of goods and services, including goods and services secured in connection with construction projects, the Colleges will offer equal opportunity to all qualified persons and entities and will not discriminate on the basis of a protected classification.

The College shall use reasonable efforts to attract and encourage bid proposals from a diverse pool of qualified contractors, subcontractors, vendors and suppliers. The College is strongly encouraged to identify businesses primarily operated by individuals within the protected

When transacting business with contractors, vendors and suppliers, the Community Colleges shall include in all contracts the following statement:

Non-Discrimination in Employment: The Contractor shall not discriminate in the hiring of any applicant for employment nor shall any qualified employee be demoted, discharged or otherwise subject to discrimination in the tenure, position, promotional opportunities, wages, benefits or terms and conditions of their employment because of race, color, national origin, ancestry, age, sex, sexual orientation, gender identity, religion, genetic information, parental leave, military service, marital status, handicap 215q 0 0 1 261

E. IMPLEMENTATION OF AFFIRMATIVE ACTION POLICY

responsibilities and resources pursuant to Title IX, the MA Campus Sexual Violence Law, and related College policies, both within and external to the College;

Oversee prompt, effective, and equitable intake, investigation, processing, and timely resolution of all Sex-Based Harassment matters made known to any employees and/or reported or filed by students, faculty, employees, third parties, or by members of the broader community;

Offer and coordinate supportive measures as appropriate for both the Complainant and Respondent;

Notify the Complainant or, if the Complainant is unknown, the individual who reported the conduct and the Respondent of the complaint processes and the informal resolution process if available and appropriate;

Provide appropriate notice of an investigation; determine the extent of an investigation; oversee investigation efforts; ensure provision of initial remedial actions; assure compliance with timelines; deliver appropriate notice of charge, notice of investigation, notice of outcome, duty to warn, and remedies, and provide a repository for and source of institutional record-keeping;

Provide guidance and assistance to alleged victims of Prohibited Conduct, including referral to support resources, notice of right to file internal grievances, notice of the right to grieve to the US Department of Education Office for Civil Rights, and notice of the right to report incidents to law enforcement;

students, parents or legal guardians of elementary and secondary school students, employees, and all unions, of the name or title, office address, electronic mail address, and telephone number of their designation as the Title IX Coordinator;

Organize and maintain grievance files, disposition reports, and other records regarding Title IX compliance, including annual reports of the number and nature of filed complaints and the disposition of said complaints, data collection, climate assessment, pattern monitoring; and

Serve as principal contact for government inquiries pursuant to Title IX, the Massachusetts Campus Sexual Violence Law, and related College policies.

G. DISSEMINATION OF POLICY

The Affirmative Action Policy will be widely distributed and discussed within the College Community. A copy of the Policy will be distributed to every major work area at each College and a copy will be maintained in the Library and the Affirmative Action Office. Copies of the Policy will be made available upon request to any student, employee, applicant for student status or for employment or member of the community. The Policy is available and from _____ upon request. Colleges may implement procedures requiring employees to annually confirm their receipt of this Policy.

In accordance with state and federal requirements, the following notice will be included in all vacancy postings and other appropriate college publications, contracts, solicitations for bids, purchase orders, websites and leases:

Bristol Community College is an affirmative action/equal opportunity employer and does not discriminate on the basis of race, color, national origin, ethnicity, sex, disability, religion, age, veteran status, genetic information, pregnancy or related conditions, gender identity, sex characteristics, sex stereotypes or sexual orientation in its programs and activities as required by Title IX of the Educational Amendments of 1972, the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Title VII of the Civil Rights Act of 1964, and other related

Program goals include special efforts to remove barriers, to improve awareness or sensitivity, to address problem areas identified within the College Affirmative Action Policy, to bring about conditions that will promote the hiring goals, or to address changes taking place within the institution. General timetables are to be established for the implementation of the goals. The time period shall normally be between two (2) and five (5) years.

f. Identification of Problem Areas and Remedial Approaches

At the request of the Commissioner, the President shall submit a report to the Commissioner as referenced in Auditing and Reporting and shall include an analysis of under-utilized areas and possible solutions and may cover such issues as curricular concerns, employment and student recruitment, hiring, retention of employees, resignations, and College activity and program availability. The report will also consider and give an analysis of the established goals and timetables.

g. Programmatic & Collaborative Efforts

The Community Colleges have, as a group, committed themselves to a policy of affirmative action/equal opportunity and non-discrimination throughout this Policy. The Colleges realize,

Program of Professional Enrichment for Personnel of

K. AUDITING AND REPORTING

The Affirmative Action Officer shall be primarily responsible for monitoring compliance and auditing the implementation of the Policy on Affirmative Action, Equal Opportunity and Diversity. The Affirmative Action Officer shall furnish the President with progress reports and shall inform the President of practices or policies that may not be in compliance with the Policy.

The Affirmative Action Officer will annually review the progress being made toward achievement of the College's affirmative action goals. The review shall include strategies and timetables for achieving its affirmative action goals, availability figures, institutional performance or other circumstances that affect the implementation of this goals. In addition, they will assure that annual compliance reports required by the Board of Higher Education and other state and federal agencies are completed.

To ensure compliance with this Policy, the Affirmative Action Officer will review and evaluate the applicable policies, programs and activities related to job requirements, performance criteria, personnel benefit plans, students support services, facilities

L. COMPLAINT PROCEDURES

I. General Information For All Complaints

a. Application of Policy

to locations, events, or circumstances over which the College has substantial control and for ority. This also includes conduct that takes place via school-operated electronic devices, computer and internet networks and digital platforms operated by, or used in the operations of the College, including AI technologies; and conduct that occurs during training programs sponsored by a college at another location.

If Sex-Based Harassment

programs, activities or community in the United States, that conduct will be subject to investigation.

e. Supportive Measures

This Policy requires the College to take non-disciplinary/non-punitive reasonable steps to preserve or restore equal access to its education programs and activities and protect individuals from Prohibited Conduct, including offering supportive measures to a Complainant before the final outcome of an investigation, irrespective of whether complaint processes are initiated. Supportive measures will be offered to a Respondent, as appropriate, if complaint processes have been initiated or an informal resolution process has been offered.

Supportive measures are designed to restore or preserve equal access to the College program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College provide support during complaint process or during the informal resolution process,

The specific supportive measures implemented and the process for implementing those measures will vary depending on the facts of each case. The College will consider a number of factors in determining what G()JTJETQq0.00000912 0 612 792 reWñBT/F4 12 Tf1 0 0 1 188.measures

IX Coordinator may appeal the decision per the Appeal procedure below in Step 3 of the Complaint Process.

The College shall make reasonable efforts to minimize disruption in the professional or educational experience of all affected parties. The College, Complainant, and Respondent will take reasonable efforts to preserve all relevant materials to a complaint, including communications (e.g. email and voice) and documents.

g. Joint Investigation

Policy and/or other conduct policies applicable to employees or students. In such cases, in order to avoid duplicative investigatory efforts, a joint investigation under this Policy may be conducted by the AAO or, in the case of an alleged Sex-Based Harassment, the Title IX Coordinator, and the administrator charged with enforcing conduct policies. For example, if the Responding Party is a student, the Affirmative Action Officer (or Title IX Coordinator if Sex-Based Harassment is alleged) and Student Code of Conduct Administrator may jointly investigate the complaint. Based on the findings of their joint investigation, the student may be subject to disciplinary action for violations of this Policy and/or the Student Code of Conduct. Where the Responding Party is an employee, a joint investigation may be conducted by the Affirmative Action Officer (or Title IX Coordinator if Sex-Based Harassment is alleged), Human Resources supervisor. Based on the findings of their joint investigation, the employee may be subject to disciplinary action for violations of this Policy and/or for inappropriate and unprofessional conduct.

h. Collateral Rights of Employees

Any disciplinary action taken against an employee shall be regarded as an administrative action subject to all terms and conditions of applicable collective bargaining agreements.

i. Anonymous Report

Any individual may file an anonymous report concerning any Prohibited Conduct referenced under this Policy. An individual may report the incident without disclosing their name, identifying the Respondent or requesting any action. An anonymous report may be filed with the Affirmative Action Officer or, in the case of an allegation of Sex-Based Harassment, the Title IX Coordinator. Non-Confidential Employees may not maintain the anonymity of the reporting party when they receive a complaint and are required to share this information with the Title IX Coordinator. Depending on the level of information available about the incident or the individuals involved, appropriately and effectively may be limited (e.g. offering supportive measures to a Complainant of Sex-Based Harassment).

j. Amnesty

Students may be hesitant to report Sex-Based Harassment out of concern that they, or witnesses,

not condone such behavior, it places a priority on addressing allegations of Sex-Based Harassment. Accordingly, the College may elect not to pursue discipline against a student who, in good faith, reports, witnesses or possesses personal knowledge of an incident of Sex-Based Harassment.

k. Knowingly Making a False Complaint

Knowingly making a false complaint under this Policy is a serious offense. If an investigation reveals that Complainant knowingly made a false complaint, the College shall take appropriate actions and issue sanctions pursuant to other applicable College policies, including any applicable collective bargaining agreement. The imposition of such sanctions does not constitute retaliation under this Policy. A report made in good faith, however, is not considered false merely because the evidence does not ultimately support the allegation of Prohibited Conduct.

l. Dismissal of Complaints

By simultaneous written notice to the parties, the Affirmative Action Officer or Title IX Coordinator *may* dismiss any Complaint with regard to that conduct, if:

- Complainant withdraws the Complaint or any or all of the allegations in writing;
- Respondent is no longer enrolled or employed by the College;
- The College is unable to identify the Responding Party after taking reasonable steps to do so; or
- The conduct alleged would not constitute Prohibited Conduct as defined, even if proven.

After dismissal, the Affirmative Action Officer/Title IX Coordinator will offer appropriate supportive measures to Complainant and to Respondent, if Respondent was notified of the allegations prior to dismissal.

This decision to dismiss the complaint may be appealed consistent with the appeal procedure in Step 3 below.

m. Informal Resolution Procedures

At any time prior to determining whether the alleged conduct occurred, the College may offer to Complainant and Respondent an informal resolution process. Such an offer will be made to both

right. Before the initiation of the informal resolution process, the College must provide to the parties notice that explains: (1) the allegations; (2) the requirements of the informal resolution process; (3) that, prior to agreeing to a resolution, any party has the right to withdraw from the complaint processes; (4) that

preclude the parties from initiating or resuming complaint processes arising from the same allegations; (5) the potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and (6) what information the College will maintain and whether and how the College could disclose such information for use in complaint processes if complaint processes are initiated or resumed.

An informal resolution is achieved through open or closed dialogue between the parties that allows for the airing of any misunderstandings or disputed issues. During the informal resolution process, R

At any point during the complaint process, either party may request mediation by contacting the Affirmative Action Officer or Title IX Officer. The purpose of mediation is to resolve the dispute to the satisfaction of both parties. If mutually agreed upon by the parties, mediation shall be conducted as follows:

- a. Prohibited Conduct (Excluding Sex

complaint, they will not draw any inferences about whether sexual harassment occurred based on a refusal to respond to questions.

After questioning of the parties and witnesses has concluded, the Affirmative Action Officer or Title IX Coordinator shall issue a Report of Preliminary Findings which shall specify the investigation undertaken, including a written description of the evidence, and summarize their preliminary findings. There are no recommendations at this stage as the findings are not final. The preliminary report shall be delivered to the parties in hand, by certified mail or at their College-issued email address (if applicable). Upon request, each party will have an equal opportunity to access the evidence. If the investigation is not completed within thirty (30) days, status updates shall be provided to the parties every thirty (30) days until it is completed. Any request by a party to extend a deadline established under this procedure shall be presented in writing to the Affirmative Action Officer or Title IX Coordinator.

Step 3 Appeal to President

A party may file an appeal with the President within ten (10) days of receiving the designated decision decision. A party may appeal for the following reasons only:

- a. Procedural irregularity that would change the outcome;
- b. New evidence that would change the outcome and that was not reasonably available when the determination of whether a violation occurred or dismissal was made; and/or
- c. The Title IX Coordinator, investigator, or decision maker had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that would change the outcome.

Where practicable, within ten (10) days of receiving the appeal, the President shall issue a written decision accepting, rejecting or modifying the designated decision decision. The

subject to applicable collective bargaining agreements.

consider the appeal and issue the written decision.

APPENDIX A - DISCRIMINATION COMPLAINT FORM

DISCRIMINATION COMPLAINT FORM

The purpose of this form is to record information required to initiate an investigation into an Policy on Affirmative Action (PAA). All reasonable efforts will be made to maintain the confidentiality of the parties involved during the complaint procedure in accordance with the PAA.

Retaliation against a student, employee or any other person in the College for filing a complaint or for cooperating in an investigation of a complaint is strictly prohibited. All parties to a complaint may have an advisor (for union employees this may be a union representative) assist them throughout the process.

Date Filed: _____ Date(s) of Alleged Discrimination: _____

A. Name (Print): _____

B. Check One: Student: _____ Employee: _____ Other: _____

Program/Department: _____

C. Type of Prohibited Conduct (please check applicable category(ies)):

- | | |
|--|---|
| <input type="checkbox"/> Discrimination | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Discriminatory Harassment | <input type="checkbox"/> Sex-Based Harassment |

D. Type of alleged discrimination or harassment (please check applicable category(ies)):

Protected Classes:

- Race/Color
- National Origin
- Age
- Disability
- Genetic Information
- Religion/Creed

Sex-Based Harassment:

- Pregnancy or Related Conditions
- Sex
- Gender Identity
- Sexual Orientation
- Sex Characteristics
- Sex Stereotypes

APPENDIX B - NOTICE TO RESPONDENT

College Letterhead

To: _____, Responding Party

Cc: _____, Complainant