

## APPENDIX D

### Student Procedures for Filing Discrimination and Harassment Complaints

#### I. Definition of Discrimination

Federal laws provide that it is unlawful for any employer or institution of higher education to discriminate against an individual--student, employee or faculty--on the basis of race, sex, age, religion, disability or national origin.

#### II. Definition of Harassment

For the purposes of this procedure harassment is defined to include any discriminatory conduct or practice when:

1. Employment hiring, discharge, promotion or discipline or any other decision related, directly or indirectly, to employment is based on discriminatory factors.
2. Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment or academic standing.
3. Submission to or rejection of such conduct by an individual is used as a basis for employment or academic decisions affecting an individual.
4. Such conduct unreasonably interferes with an individual's work or academic performance.
5. In the case of sexual harassment only, such conduct or practice creates an intimidating, hostile or offensive working or academic environment.

#### III. Procedures

The procedures described below will be available in any instance in which a student or faculty member is either a victim or instigator of discrimination and harassment. For the purposes of any allegation, residents and housestaff are considered to be classified employees.

1. Procedures within a school or administrative unit:
  - a. Each school will establish and administer its own rules and procedures for discrimination and harassment complaints. It will be the purpose of such rules and procedures to resolve such matters, whenever possible, or to provide a final written decision for the school or administrative unit which will be communicated to all parties to any complaint.
  - b. When both complainant and accused parties are enrolled/employed within the same school, the complainant will fully utilize the formal hearing procedures established by that school or administrative unit. Whenever involved parties are from different schools, the procedures followed will be those of the school of the accused party.

c. Where there is no formal hearing procedure in a school, the complaint will be discussed first with an immediate supervisor. If a resolution of the complaint is not achieved at that level, a resolution will be pursued at each administrative level up to the dean.

d. Students may also bring complaints directly to the director for Campus Life Services. A written statement concerning the specific nature of the complaint and the parties involved will be forwarded to the appropriate dean and/or the director of Human Resources.

e. The dean will issue a written statement of the final decision to both the complainant the accused party.

2. Procedures outside a school or administrative unit: In the event a complaint can not be resolved first within a school or administrative unit, the matter will be heard by the Faculty Grievance Committee whose functions are:

a. to review all appeals from school or administrative unit decisions regarding discrimination and harassment complaints;

b. to determine if a hearing of such appeals will be granted;

c. to appoint a hearing subcommittee;

d. to make recommendations to the president regarding the appeal;

e. to make an annual review of its rules and procedures and to make recommendations to the Academic Council for appropriate revision.

3. Application for appeals of school or administrative unit decision to the Faculty Grievance Committee:

a. All requests for appeal must be made to the committee chairman of the Faculty Grievance Committee within 10 days of the applicant's receipt of written notice of final action by that applicant's dean or administrative unit supervisor.

b. All applications for appeal must be submitted in writing and will include at least:

\* A statement of particulars sufficient to describe the original complaint made by or against the applicant;

\* A description of the treatment of that complaint to date;

\* A written notice of the administrative decision and action from which the applicant wishes to appeal.

c. Applications for appeal will be approved by the Chairman of the Faculty Grievance Committee, provided that:

\* The written application is complete;

\* The applicant has fully utilized all remedies available in his school or administrative unit;

\* And the original complaint involved discrimination or harassment as defined in these rules and procedures.

d. The chairman's disposition of an application will be made within 10 working days of filing.

Immediate notice of said disposition will be made by hand-delivered or registered mail to the following:

\* The applicant;

\* All parties to the original complaint which gave rise to the appeal;

\* The applicant's dean or administrative unit supervisor;

\* In all cases, the EEO-AA Office;

\* Where a student is involved, the director of Campus Life Services;

\* And, where a staff member is involved, the director of Human Resources.

#### **IV. Appointment of the Discrimination and Harassment Appeals Hearing Subcommittee**

1. If an appeal hearing is granted, the chairman of the Faculty Grievance Committee will appoint, subject to the approval of the committee, a Hearing Subcommittee composed of five members.

a. None may be a member of the appellant's department or equivalent or anybody who has heard any case based on the facts in question.

b. The sources for hearing subcommittee members are as follows:

- Faculty--corps of instruction;
- Students--Student Government Association (SGA);
- Staff--classified employees.

c. The Hearing Subcommittee will be appointed within five working days of notice of grant of an appeal.

2. Composition of the Hearing Subcommittee will depend on the parties involved in the original complaint and will be constituted as follows:

a. Three faculty members and two students selected by the SGA when both students and faculty members are involved;

b. One faculty member, who will serve as chairman, two students and two staff members when both students and staff members are involved;

c. One faculty member, who will serve as chairman, and four students when only students are involved;

d. The chairman of the Faculty Grievance Committee will appoint the chairman of the Hearing Subcommittee from the Corps of Instruction.

#### **V. Rules and Procedures for a Formal Hearing by the Discrimination and Harassment Appeals Hearing Subcommittee**

1. The chairman of the Faculty Grievance Committee will convene the Hearing Subcommittee within seven working days of its formation. At this first meeting, the subcommittee will receive its charge and a copy of the application for appeal.

2. In cases where more than one of the parties to the original complaint have a hearing granted, all appeals will be heard concurrently and by the same Hearing Subcommittee;

3. The Hearing Subcommittee procedures may be picked up in the Campus Life Services Office.

#### **VI. Final Recommendations of the Discrimination and Harassment Appeals Hearing Subcommittee**

1. Within 20 working days of its constitution, the Hearing Subcommittee will submit its recommendations, including any minority reports, to the chairman of the Faculty Grievance Committee.

2. The chairman will immediately distribute the report to the president and to all parties who received notice of the committee's grant of appeal.

3. Within seven working days of receiving the report, the president will give written notice of his decision by hand-delivered or registered mail to the chairman of the Faculty Grievance Committee and all parties who received notice of the committee's grant of appeal. The president may choose to give the matter further study by invoking the option to establish an ad hoc review committee.

4. These procedures will constitute the final MCG appeal from actions regarding claims of discrimination and harassment, except as provided for suspension or dismissal of a faculty member and appeals to the Board of Regents (See Section VII below).

## **VII. Appeals to the Board of Regents**

Election by a student, faculty member or staff member to use these rules and procedures will not affect the right of such person to appeal to the Board of Regents as provided for in Policy Manual: the Board of Regents.

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