POLICY AND REPORTING PROCEDURE FOR ALLEGATIONS OF RACE, SEX, AGE, NATIONAL ORIGIN AND DISABILITY DISCRIMINATION INCLUDING ALLEGATIONS OF SEXUAL AND RACIAL HARASSMENT

NON-DISCRIMINATION POLICY

1. It is the intent of Marygrove College to implement policies to guarantee that no qualified student, prospective student, employees or any person having an educational relationship with the College shall be discriminated against or excluded for any benefits, activities, or programs on the grounds of race, gender, sex, religion, national origin, age, weight, sexual orientation, or physical or mental disability.

2. Discrimination identified above is illegal under Michigan Compiled Laws 37.2102-37.2210, Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act and the Age Discrimination in Employment Act. In addition to any sanctions that may be imposed by Marygrove College as a result of this policy, individuals who engage in unlawful discrimination against others may be held personally liable to their victims and subject to additional legal sanctions.

THE COLLEGE'S TITLE IX/SECTION 504 COORDINATOR

Federal law requires Marygrove College to designate an individual to coordinate its efforts to comply with and carry out its responsibilities under Title IX of the Education Amendments of 1972 and Section 504 of the Rehabilitation Act of 1973.

The Title IX/Section 504 Coordinator is responsible for the monitoring and oversight of Title IX and Section 504 compliance as well as the prevention of harassment and discrimination at the College including the coordination of training, education, communications and administration of the complaint procedures for students, faculty, staff and other members of the College community.

For purpose of this Policy and Reporting Procedure, Marjorie Swan, Vice-President of Finance and Administration has been designated as the College's Title IX/Section 504 Coordinator. Ms. Swan may be contacted by mail at Marygrove College, 8425 W. McNichols Road, Detroit, MI 48221-2599, reached by phone at (313) 927-1226 and by email at mswan@marygrove.edu.

SEXUAL AND RACIAL HARASSMENT POLICY

Statement of Intent

1. Sexual harassment will not be tolerated at Marygrove College in any context, whether in a student/faculty, supervisor/employee, employee/employee, student/student, employee/student or

other relationship. All members of the Marygrove community are responsible for ensuring that their conduct does not introduce sexuality into relationships inappropriately and contrary to the wording and intent of this policy. Independent contractors, vendors and others who do business with Marygrove on or off campus are also required to comply with this policy.

2. Sexual harassment constitutes a form of sex discrimination and is illegal under Michigan Compiled Laws 37.2102-37.2210, Title VII of the Civil Rights Act of 1964, and Title IX of the Education Amendments of 1972. In addition to any sanctions that may be imposed by Marygrove College as a result of this policy, individuals who sexually harass others may be held personally liable to their victims and subject to additional legal sanctions.

Definition of Sexual Harassment

3. Sexual harassment means unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or educational setting, under any of the following conditions:

> 3.1 Submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status, or progress.
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> 3.2 Submission to, or rejection of, the conduct by the individual is used as the basis of an employment or an academic decision affecting the individual.
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> 3.3 The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment.
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> 3.4 Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through Marygrove College.

4. For the purpose of further clarification, sexual harassment includes, but is not limited to:

> 4.1 Making unsolicited written, verbal, visual, or physical contact with sexual overtones. Some examples are: epithets, derogatory comments or slurs of a sexual nature, impeding or blocking movements or any physical interference with normal work or education, derogatory posters or cartoons.
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> 4.2 Non-consensual sexual activity including rape, sexual assault and battery, sexual violence and other unwelcome sexual conduct.
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> 4.3 Continuing to express sexual interest after being informed that the interest is unwelcome. (Note: reciprocal attraction is not considered sexual harassment.)
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> 4.4 Within the educational environment, engaging in explicit or implicit coercive sexual behavior which controls, influences, or affects the educational opportunities, grades

and/or learning environment of the student. Within the work environment, engaging in explicit or implicit coercive sexual behavior which controls, influences, or affects the career, salary and/or work environment or any term or condition of employment.

4.5 Making reprisals, threats of reprisal, or implied threats of reprisal following a negative response to a sexual advance. For example, within the educational environment, either suggesting or actually withholding grades earned or deserved, suggesting that poor performance will be repaired, or suggesting that a scholarship recommendation or college application will be denied. Within the work environment, either suggesting or actually withholding support for an appointment, promotion, or change of assignment; suggesting that a poor job performance report will be prepared, or suggesting that probation will be failed.

4.6 Offering favors or educational or employment benefits such as grades or promotions, favorable performance evaluations, favorable assignments, favorable duties or schedules, recommendations or reclassifications in exchange for sexual favors.

Definition of Racial Harassment

5. Racial harassment means unwelcome, race-based conduct that is sufficiently severe or pervasive to alter the terms and conditions of one's education or employment thereby creating a hostile educational or work environment. While the conduct does not have to be so egregious to cause economic or psychological injury, conduct is not illegal simply because it is uncomfortable or inappropriate.

6. For the purpose further clarification, racial harassment includes, but is not necessarily limited to racial slurs, offensive jokes, slurs, epithets or derogatory remarks about a person's race or color, intimidation, ridicule or the display of racially offensive pictures or symbols.

SCOPE OF THE POLICY

1. This policy is intended to regulate and reply to allegations, complaints and charges of illegal discrimination and sexual harassment. Students or employees who believe they are the victims of unlawful discrimination or harassment based upon race, gender, sex, religion, national origin, weight, age, sexual orientation, or covered physical or mental disability are encouraged to report said incidents of discrimination or harassment consistent with the procedures outlined below. Students and employees who report allegations, complaints or charges of discrimination or harassment are assured that an investigation will be promptly undertaken and that any appeal from an investigatory decision will be conducted in an adequate, reliable and impartial manner. If an allegation, complaint or charge of discrimination or harassment is sustained, Marygrove College will take adequate steps, to the extent reasonably possible, not only to remedy the discriminatory effects on the complaining party and others as appropriate but to take steps reasonably calculated to be effective in preventing recurrence.

TIMELINESS OF THE COMPLAINT

Students and employees are encouraged to bring complaints of illegal discrimination or sexual harassment in a timely manner, in most cases within thirty (30) calendar days of their occurrence. In some cases, the College's ability to effectively investigate and remedy complaints of illegal discrimination or sexual harassment may be limited or non-existent if a complaint is unreasonably delayed.

CONFIDENTIALITY AND NON-RETALIATION

1. To the extent possible, Marygrove College will make every reasonable effort to conduct all proceedings in a manner which will protect the confidentiality of all parties. All parties to the complaint, including investigators, should treat the matter under investigation with discretion and respect for the reputation of all parties involved. If it is impossible to resolve the complaint while maintaining such confidentiality, the parties will be so informed.

2. Retaliation against an individual for reporting discrimination or sexual harassment or for participating in an investigation is strictly prohibited by Marygrove College. Such retaliation shall be considered a serious violation of this policy and shall be independent of whether a charge or complaint of discrimination or sexual harassment is substantiated. Encouraging others to retaliate also violates this policy.

FALSE, FRIVOLOUS OR MALICIOUS CHARGES OR ALLEGATIONS

This policy shall not be used to bring false, frivolous or malicious charges or allegations against student or employees. Any person who files a charge or complaint, whether formal or informal, which is determined to be frivolous, malicious or made in bad faith shall be subject to appropriate disciplinary sanctions up to and including termination of employment or expulsion from the College.

THE INTAKE PROCESS

1. Complaints may be initiated by a party (the "complainant") who believes he/she has experienced unlawful discrimination, sexual harassment and/or retaliation or by an individual who has learned of unlawful discrimination, sexual harassment and/or retaliation.

2. Where verbal complaints, or generalized complaints are submitted, the complainant will be provided with the College's standard form, asked to complete it and submit it to the designated representative from the Office of Student Affairs (if the complainant is a student) or the Human Resources Department (if the complainant is an employee). At the beginning of each academic year, the designated representatives—the Equal Employment Opportunity officers from the Office of Student Affairs and the Human Resources Department—will be published through the customary means of College communication including the Marygrove College Blackboard and Website.

3. The Office of Student Affairs will be responsible for the investigation and resolution of discrimination and sexual harassment complaints involving students in their academic roles. The Human Resources Department will be responsible for the investigation and resolution of discrimination and sexual harassment complaints involving employees in their employment relationship roles. In the event a complaint of discrimination and/or sexual harassment involves both students and employees as parties, the Office of Student Affairs and the Human Resources Department shall coordinate the investigation and resolution of the complaint. The Title IX/Section 504 Coordinator shall be informed of all complaints received by the Office of Student Affairs and the Human Resources Department and the status of any investigation conducted in response. The Title IX/Section 504 Coordinator shall act in a consulting capacity should any questions arise under this Policy and Reporting Procedures.

4. The official to whom the complaint is initially brought will discuss with the complainant the following relevant considerations:

4.1 The behavior that prompted the complaint;

4.2 The complaint process including the option of an informal complaint and the option of a formal complaint;

4.3 The issues involved in the complaint;

4.4 Whether an investigation is warranted;

4.5 Possible resolutions of the complaint;

4.6 Protection of the complainant's interests including confidentiality, the need for truthfulness by both parties, keeping the complainant fully informed of steps taken during the process, and the protection of the complainant and witnesses against retaliatory action; and

4.7 Protection of the interests of the alleged offending party (the "respondent") including confidentiality, the need for truthfulness by both parties, the right to be notified of the existence of any informal or formal complaint and the respondent's opportunity to respond to the allegations.

The complainant shall be given a copy of this Policy and Reporting Procedures at the time of the intake.

5. At the conclusion of the intake process, the complainant shall be given the choice to proceed with the complaint either through the Informal Complaint Process or the Formal Complaint Process. It is the policy of the College that the Informal Complaint Process, as a method of resolution, is entirely voluntary and optional. The complainant may proceed, at his or her option, to utilize the Informal Complaint Process. Further, at any time during the Informal Complaint Process, the complainant may request that the complaint be investigated pursuant to the

College's Formal Complaint Process. Note: In cases of sexual assault, it is never appropriate to have both parties meet to mediate the dispute and the matter should proceed directly to the Formal Complaint Process.

THE INFORMAL COMPLAINT PROCESS

1. If the complainant wishes to pursue an informal resolution of the complaint, he or she may do so with the assistance of the College representative to whom the complaint was originally brought.

2. If the complaint involves unlawful discrimination, sexual harassment or retaliation brought by a student and involves students in their academic roles, the designated representative from the Office of Student Affairs will be responsible for the informal resolution of the complaint. Unless circumstances require otherwise, the Assistant Dean of Student Development or his/her designee will be the designated representative.

3. If the complaint involves unlawful discrimination, sexual harassment or retaliation brought by an employee and involve employees in their employment relationship roles, the designated representative from the Human Resources Department will be responsible for the informal resolution of the complaint.

4. In the event a complaint of discrimination, sexual harassment or retaliation involves both students and employees as parties, the Office of Student Affairs and the Human Resources Department shall coordinate the informal resolution of the complaint.

5. Upon receiving an informal complaint, the designated representative from the Office of Student Affairs or the Human Resources Department shall proceed with an informal investigation of the allegations within fourteen (14) calendar days. The informal investigation shall include at least the following steps:

> 5.1 A meeting with the complainant to elicit relevant information concerning the conduct he or she believes is discriminatory, harassing or retaliatory including the identification of witnesses and other corroborating evidence. The complainant shall also identify the specific remedy he or she is seeking.
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> 5.2 Advise the complainant that he or she may also file a charge of unlawful discrimination or sexual harassment with the Michigan Department of Civil Rights (MDCR), the Equal Employment Opportunity Commission (EEOC), or the Department of Education, Office of Civil Rights (OCR).
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> 5.3 In the context of an informal complaint, the complainant's consent for informing the alleged respondent of the complaint should be obtained. The complainant should also be informed that the College's ability to resolve the complaint and impose corrective action is limited in situations when the complainant refuses to give his/her consent to notify the alleged respondent of the complaint and its details.

5.4 If the complainant's consent is obtained, an interview of the respondent shall occur within the 14-day period if possible.

5.5 If necessary to the resolution of the complaint, interviews of witnesses shall also be conducted.

6. The designated representative conducting an informal investigation shall maintain a written record of all interviews, consent provided, evidence gathered, and the outcome of the investigation and resolution. Records of the investigation will not be maintained in personnel files or student files unless part of formal corrective action. Investigatory records will be maintained by the Office of Student Affairs or the Human Resources Department in accordance with record retention schedules. If the complainant subsequently files a complaint outside the College, information gathered in the course of the investigation may be disclosed to the investigating agency.

7. In many cases, informal discussion, counseling and mediation will be adequate to resolve perceived instances of discrimination, sexual harassment and/or retaliation. However, because Marygrove is obligated to act to eliminate discrimination and sexual harassment from the College community, the designated representative has the responsibility to determine whether any situation warrants further action. Note: In cases of sexual assault, it is never appropriate to have both parties meet to mediate the dispute and the matter should proceed directly to the Formal Complaint Process.

8. If the Informal Complaint is resolved to the satisfaction of the complainant and the designated representative determines that no further action is required, then no record or report of the incident will be maintained in the student's academic file or the employee's personnel file. However, consistent with the College's retention policies, a record shall be maintained for the purpose of tracking serial incidents particularly in incidents of racial and sexual harassment.

9. If the complainant is not satisfied with the informal resolution, he/she should be advised of the option of filing a formal complaint with the Office of Student Affairs or the Human Resources Department.

THE FORMAL COMPLAINT PROCESS

1. The Office of Student Affairs will be responsible for the investigation and resolution of formal complaints of discrimination and sexual harassment involving students. The Human Resources Department will be responsible for the investigation and resolution of formal complaints of discrimination and sexual harassment involving employees. In the event a complaint of discrimination and/or sexual harassment involves both students and employees as parties, the Office of Student Affairs and the Human Resources Department shall coordinate the investigation and resolution of the complaint.

2. If the complainant elects to proceed with a formal complaint, the Assistant Dean of Student Development or the Human Resources Department shall convene a committee of three (3) individuals consisting of members of the Professional Procedures Committee (in the case of a faculty complaint), the Staff Advisory Committee (in the case of an employee complaint), or the Judicial Board (in the case of a student complaint). In the event the complaint involves both a student and an employee as the complainant and the respondent, the Office of Student Affairs and the Human Resources Department shall jointly convene the investigatory committee made up of three (3) individuals from the aforementioned committees:

Type of complaint	Member #1	Member #2	Member #3
Employee on employee	Staff	Faculty	Depends – if Faculty , then Faculty; if Staff, then Staff
Student on student	Student	Assistant Dean of Student Development	Faculty
Combination	Staff	Faculty	Student

3. The investigatory committee shall proceed with an investigation of the formal complaint within fourteen (14) days of its designation. The purpose of the investigation will be to determine whether sufficient evidence exists of unlawful discrimination, sexual harassment and/or retaliation. The committee may be assisted by the College's Title IX/Section 504 Coordinator who shall act in a consulting role and/or the College's designated legal representative who shall act in an advisory role only.

4. At the initiation of the formal investigation, the committee shall receive a copy of the written complaint form prepared by the designated representative from the Office of Student Affairs or the Human Resource Department during the intake process along with any evidence, records or reports already prepared during the informal complaint process.

5. The committee conducting the formal investigation shall interview the complainant, the respondent and other persons believed to have knowledge of the allegations. The complainant and the respondent shall be afforded a full opportunity to respond to the allegations including to opportunity to present witnesses and other documentary evidence. Throughout the investigation, steps to reserve the confidentiality of all persons involved will be taken by the committee to the extent possible.

6. The committee shall also gather all available documentary evidence and any other evidence relevant to the formal complaint.

7. If deemed warranted, the committee may schedule and conduct a hearing to elicit the testimony of witnesses and to admit evidence in furtherance of the investigation. The hearing shall be non-adversarial in nature. Both the complainant and the respondent may designate a support person who shall be a member of the Marygrove College community. Neither party may designate an attorney as a representative or advocate. However, the committee may be assisted

by the College's Title IX/Section 504 Coordinator who shall act in a consulting capacity and/or the College's designated legal representative who shall act in an advisory role only. Note that in cases of sexual harassment, a complainant cannot be required to face his/her harasser.

8. In cases of sexual harassment, the College may be required to take interim measures during the investigation to protect the complainant in the educational setting. These measures may include, but not limited to the issuance of a no-contact order or a change to academic or living situations. Such changes will be done in such a way to minimize the burden on the complainant and the respondent. In such situations, the College will also apprise the complainant of available counseling or other available resources.

9. If the formal complaint involves a member of the faculty, the Faculty Assembly President shall also be notified. However, the Faculty Assembly President shall not be a party to the investigation and shall not be authorized to attend any interviews of the complainant or other witnesses. However, a Faculty Assembly representative may be appointed by a faculty respondent as a support person to attend the respondent's interview by the committee or a hearing conducted pursuant to this policy.

10. The committee shall have thirty (30) calendar days from the commencement of the investigation in which to complete the investigation. A reasonable extension of time shall be permitted upon a showing of good cause.

11. The matters to be investigated by the committee include, but are not necessarily limited to:

> 11.1 Whether the specific conduct alleged constitutes unlawful discrimination, including discrimination based upon race, gender, religion, national origin, weight, age, sexual orientation, a covered physical or mental disability, sexual or racial harassment and/or retaliation, including the type of conduct, the frequency of occurrence, the dates or time period over which the conduct occurred, whether similar complaints have been made by others, and all factual circumstances upon which the complaint is based;
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> 11.2 The specific relationship of the respondent to the complainant;
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> 11.3 The effect of the respondent's conduct on the complainant including any consequences that may be attributable to the conduct;
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> 11.4 Whether the respondent was aware of the complainant's concern regarding the behavior;
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> 11.5 Whether the department head or the supervisor was aware of the complainant's concern, and, if so, how he/she became aware of the concern; and
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> 11.6 Whether prior steps were taken to resolve the complaint.

12. At the end of the investigation, the committee will consult with the Title IX/Section 504 Coordinator regarding the discrimination/harassment issue being raised. The committee will then make a determination and notify the Office of Student Affairs and/or the Human Resources Department as to whether a preponderance of evidence exists (i.e. it is more likely than not that what was alleged is true) to support the allegations contained in the formal complaint. Possible outcomes of the investigation include:

12.1 A finding that there is sufficient evidence supporting the alleged unlawful discrimination, sexual harassment and/or retaliation;

12.2 A finding that there is insufficient evidence supporting the alleged unlawful discrimination, sexual harassment and/or retaliation;

12.3 A negotiated settlement of the complaint. A negotiated settlement of the complaint may be entered at any time during the formal complaint process. A negotiated settlement must be approved by the complainant, the respondent, the Office of Student Affairs and/or the Human Resources Department.

The committee will also notify the Title IX/Section 504 Coordinator, the complainant and the respondent of its findings in writing.

13. If sufficient evidence supporting the alleged unlawful discrimination, sexual harassment and/or retaliation is not found, the committee's role is ended subject to an appeal by the complainant as further outlined below.

14. The committee conducting the formal investigation shall maintain a written record of all interviews, consent provided, evidence gathered, and the outcome of the investigation and resolution. Records of the investigation will not be maintained in personnel files or student files unless part of formal corrective action. Investigatory records will be maintained by the Office of Student Affairs or the Human Resources Department in accordance with record retention schedules. If the complainant subsequently files a complaint outside the College, information gathered in the course of the investigation may be disclosed to the investigating agency.

15. Upon the conclusion of the investigation, the committee shall promptly prepare a written report which shall reasonably detail the findings and conclusions of the committee and which shall further contain the recommendations for remedial action to be taken by the College. The report shall be forwarded to the Title IX/Section 504 Coordinator, the Vice President for Student Affairs, or both as the case may be.

NOTIFICATION TO THE COMPLAINANT AND RESPONDENT OF THE COMMITTEE'S REPORT AND RECOMMENDATION

1. The Title IX/Section 504 Coordinator shall notify the complainant and the respondent of the committee's report and recommendations.

2. The complainant and the respondent shall thereafter have seven (7) calendar days to object in writing to the committee's report and recommendations. If no objections are filed either by the complainant or the respondent, the Title IX/Section 504 Coordinator shall take steps to implement the recommendations made by the committee.

3. If either the complainant or the respondent object to the report and recommendation of the committee, an Administrator of the College as designated below shall meet with the complainant and/or the respondent to take further evidence supporting any objections to the committee's report and recommendations. The Administrator's in the respective areas shall have fourteen (14) calendar days to consider the objections filed by the complainant, the respondent, or both.

Student	Vice President of Academic Affairs or appropriate designee
Faculty	Vice President of Academic Affairs or appropriate designee.
Employee	Vice President of Institutional Advancement or appropriate designee.
Combination	Vice Presidents (or appropriate designee) from the complaint reporting line and the respondent's reporting line

4. The Vice President/s may affirm, reverse or modify as appropriate, the committee's recommendations. A written report detailing the reasons for affirming, reversing or modifying the committee's recommendations shall be prepared by the Vice President/s and shall be provided to the Title IX/Section 504 Coordinator, the complainant and the respondent.

5. The complainant and the respondent shall have seven (7) calendar days to object in writing to the report of the Vice President/s. If no written objections are filed by the complainant and/or the respondent, the report of the Vice President/s shall be implemented.

6. Either the complainant or the respondent may object to the report of the Vice President/s by filing a written appeal to the President of Marygrove College. The appeal shall detail the specific objections to the report.

7. Within fourteen (14) days of the receipt of the written appeal, the President shall affirm, reverse or modify as appropriate, the report of the Administrator(s). The President's decision shall be reduced to writing and shall detail the reasons for affirming, reversing or modifying the report of the Vice President/s. A copy of the President's decision shall be provided to the Title IX/Section 504 Coordinator, the complainant and the respondent. The President's decision shall be final and shall be implemented forthwith.