

Anti-Discrimination and Anti-Harassment Policy and Procedure

(Synonymous with Non-Discrimination and Non-Harassment)

This policy and procedure does not apply to reports of sexual harassment, sexual assault or sexual violence. To report a Title IX violation, which includes sexual harassment, sexual assault or sexual violence please visit the College's Reporting a Complaint link at:

<https://www.mvcc.edu/title-ix/reporting-a-title-ix-complaint>

Anti-Discrimination and Anti-Harassment Policy

Mohawk Valley Community College is committed to fostering a diverse community of faculty, staff, and students, as well as ensuring equal educational opportunity, employment, and access to services, programs, and activities.

Mohawk Valley Community College acknowledges and provides assurance to compliance with The Civil Rights Act of 1964 as signed into law July 2, 1964 by President Lyndon Johnson.

Pursuant to H.R. 7152 of the 88th Congress of the United States of America and U.S.C. §2000D, Mohawk Valley Community College maintains compliance with Title VI Nondiscrimination in Federally Assisted Programs. Title VI §601: "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Under the FMCSA Title VI Program, additional related non-discrimination authorities prohibit discrimination based upon sex, age, disability, income-level, and limited English proficiency (LEP).

Mohawk Valley Community College further extends this commitment and does not discriminate on the basis of religion, creed, sex, age, disability, gender identity, sexual orientation, pregnancy, predisposing genetic characteristics, domestic violence victim status, marital status, military status, criminal conviction or retaliation for opposing unlawful discrimination practices. Mohawk Valley Community College is committed in policy, principle, and practice to maintain an environment which is free of intolerance, illegal or discriminatory behavior towards any person. This commitment is consistent with federal and state laws and College policy. In addition, Mohawk Valley Community College is committed to complying with 49 Code of Federal Regulations (CFR) Part 21 and 49 CFR Part 303 as well as the related Nondiscrimination authorities identified in the FMCSA Title VI Program Assurance, which has been signed by the Mohawk Valley Community College President.

Anti-Discrimination and Anti-Harassment Procedures

Reporting:

Reports of discrimination or harassment may be made to either the Executive Director of Human Resources, the Vice President for Student Affairs, Dean of Students, or the Office of Civic Responsibilities and the case will be assigned to the appropriate investigator. Any of the individuals within these offices may disqualify her or himself from serving, in which case another member of the staff will be appointed as an alternate.

Reports of discrimination based on disability may be filed with the Section 504/ADA Coordinator. Click to read about [information regarding disability related grievances](#). Reports of alleged Title IX Violations may be filed with the Department of Public Safety or the Title IX Coordinator(s) -Vice President for Student Affairs, Dean of Students or Deputy Coordinator, Associate Dean, Student and Residence Life Services
The College's Civil Rights Compliance Officers/Coordinators are:
Section 504/ADA: Coordinator, Office of Accessibility Resources
Affirmative Action Officer: Executive Director of Human Resources
Title IX Coordinator(s): Vice President for Student Affairs, Dean of Students; Deputy Coordinator, Associate Dean, Student and Residence Life Services
Reports of alleged discrimination regarding a disability, alleged affirmative action based discrimination, or alleged Title IX violations or any other alleged civil rights violations for Oneida County in New York State may also be filed directly with the offices below:

Office for Civil Rights (OCR) – Enforcement Office

U.S. Department of Education
32 Old Slip, 26th Floor
New York, NY 10005-2500
Telephone: 646-428-3900
Fax 646-428-3842
TDD 877-521-2172
Email: OCR.NewYork@ed.gov
and/or

NYS Division of Human Rights Offices (<http://www.dhr.ny.gov>)

333 E. Washington Street, Room 543
Syracuse, NY 13202
Telephone: 315-428-4633
InfoSyracuse@dhr.ny.gov

Procedures:

- Reports of discrimination and/or harassment (not Title IX, VAWA or ADA) are to be made to either the Executive Director of Human Resources or designee for cases involving employees or to the Vice President for Student Affairs, Dean of Students or designee for cases involving employees or students, Office of Civic Responsibilities for cases involving students, and the case will be assigned to the appropriate Investigator or Conduct Officer. Either may disqualify her or himself from serving, in which case another member of the staff will be appointed as an alternate.
- Retaliation for filing a report or for answering questions during the investigation of a report will not be tolerated and will result in appropriate disciplinary action. The College will make every possible attempt to insure confidentiality and to limit access to information about the report to those with a need to know. All reports will be investigated, and appropriate action will be taken if an individual has violated the anti-discrimination, anti-harassment policy. All timetables in these procedures are intended as guidelines. Reports will be investigated and resolved expeditiously, but since each case is different, each will require its own unique timetable.

- The Investigator or Conduct Officer to whom the report is referred will listen to the report as soon as possible. The Investigator or Conduct Officer will discuss report procedures, the report itself, informal remedies such as mediation and formal investigations as appropriate for the individual case. Serious allegations may be investigated even if the report is verbal and the Reporter does not wish to have the case initiated. The Reporter and the Respondent may have an advisor of their choice present at investigational meetings. Such advisor shall not ask questions, speak on the individual's behalf or otherwise participate in the investigation beyond providing advice/support to the individual.

Informal Resolution

This is an optional process and is only intended for reports of discrimination and/or harassment that do not involve any form of violence. If the Reporter chooses an informal resolution, the Investigator or Conduct Officer will meet with the Respondent to attempt to work out an informal resolution acceptable to both parties. The Respondent will be provided with information describing the procedures (online version of the Student Handbook, Office of Human Resources), an oral statement of the report, and may have an advisor present. If a solution is reached, the Investigator or Conduct Officer will recommend to either the Executive Director of Human Resources or designee for cases involving employees or to the Vice President for Student Affairs, Dean of Students or designee that the solution be adopted. The approved solutions to the informal resolution will then be communicated to both parties in writing and documented accordingly. Individual meetings to communicate the solutions are not necessary in informal cases. Appeals are not permitted with an informal process. Records of the process will be retained in accordance with College policy and procedure.

Formal Resolution

- This process may be utilized for any report of discrimination and/or harassment for which an informal process is not desired. It is required for any report of discrimination/harassment that involves violence. A written report shall be provided by the Reporter. The report shall indicate the nature of the violation, name(s) of people involved, an explanation of what took place, why the Reporter believes the event was a violation, and shall be signed by the Reporter. In some instances, the Investigator may take notes from the conversation with the Reporter and ask the Reporter to sign those notes after his/her review. The College shall assign an Investigator and a Recorder who will document the investigation. The Respondent shall also be initially interviewed by the Investigator or Conduct Officer or by a member of the Department of Public Safety.
- The Investigator or Conduct Officer may re-interview the Reporter and Respondent, who may have an advisor present. The Investigator or Conduct Officer may interview additional members of the college community and shall have access to any files and documents necessary for investigating the report. The Reporter, Respondent, witnesses, supervisors and others are expected to cooperate with the investigation. Failure to do so may result in disciplinary action and/or may have adverse consequences.
- Within five (5) business days of the conclusion of the investigation, which shall not exceed 60 calendar days unless extenuating circumstances exist, the Investigator or Conduct Officer shall send a written report of the formal investigation to the Executive Director of Human Resources or designee for cases involving employees or to the Vice President for Student Affairs, Dean of Students or designee for cases involving students.

The report shall include a statement from the Reporter, a statement from the Respondent, Investigator or Conduct Officer determinations and recommendations for outcome which shall be a finding of either responsible or not responsible based on the preponderance of evidence (is it more likely than not) standard.

- If a Respondent is found responsible, the recommendation will also include appropriate sanctions.
- If the Respondent is an employee and is found responsible, the College will address any findings in accordance with College policy and procedures as well as the applicable collective bargaining agreement, if any.
- The Executive Director of Human Resources or designee for cases involving employees or the Vice President for Student Affairs, Dean of Students or designee for cases involving students as appropriate shall review the recommendation within three (3) business days of receipt of the report and respond to the Investigator or Conduct Officer that they agree with the recommendation, or that they request more information of the Investigator or Conduct Officer, or that they wish to modify the recommendation, or that they wish to dismiss the recommendation. The Investigator or Conduct Officer will communicate with the Reporter and Respondent separately to relay the decision within three (3) business days following the response. Individual meetings may be scheduled but are at the discretion of the Investigator or Conduct Officer.
- The Respondent and Reporter may file a written request for **appeal** with the Investigator or Conduct Officer within five (5) business days following the meeting in which the written decision was received. The Investigator or Conduct Officer will provide the appeal request to the Executive Director of Human Resources or designee for cases involving employees or to the Disciplinary Appeals Committee for cases involving students who will determine if one or more of the following criteria has been met in order for the appeal to be considered. The Executive Director of Human Resources or designee for cases involving employees or the Disciplinary Appeals Committee for cases involving students is not determining the validity of the appeal. He/she or they are determining whether the request meets the following criteria:
 - A. A procedural error was made that unfairly and materially affected the outcome of the investigation;
 - B. “After acquired” information that is relevant to the alleged violation [information that was discovered only after the conclusion of the investigation, could not reasonably have been discovered prior to or during the investigation, and which, if previously known, would have had a significant bearing on the outcome of the investigation];
 - C. Clear abuse of discretion on the part of the Investigator or Conduct Officer;
 - D. A sanction that is unreasonably severe in light of the offenses committed.

Appeal Process & Timeline

(Days noted below are business days, days from Investigator’s or Conduct Officer’s Receipt of Appeal)

<u>Days</u>	<u>Action To Be Taken</u>
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5	Respondent and Reporter must request the appeal within five (5) business days following the meeting with the Investigator or Conduct Officer where the written decision is communicated and sanction(s) levied.
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2 Investigator or Conduct Officer notifies the Executive Director of Human Resources
or designee for cases involving employees or Disciplinary Appeals Committee for
cases involving students of Request for Appeal

4 The Executive Director of Human Resources or designee for cases involving
employees or the Disciplinary Appeals Committee for cases involving students
renders decision on appeal

6 Appeal is scheduled, if applicable

8 Date, time, and location of appeal is communicated in writing to the appealing
individual

14 Decision of appeal hearing is communicated to the Investigator or Conduct Officer

16 A final and binding decision of the appeal hearing is communicated to appealing
Respondent/Reporter by the Investigator or Conduct Officer in writing

If disciplinary action is necessary, it will be taken according to Board of Trustees Policies,
collective bargaining agreements, Civil Service Law, the Student Code of Conduct or College
procedures as appropriate.

Note: Mohawk Valley Community College reserves the right to take action against any
individual who has willfully provided a statement/report that is found to be false.

Access to Records

All records are retained according to College and State guidelines. All requests for release of
information contained in academic records are governed by the Family Educational Rights and
Privacy Act of 1974. Please see www.mvcc.edu/registrar/ferpa for more information.

Title VI – Background Information and Compliance Assurances

Community Participation Process:

Mohawk Valley Community College does not provide/conduct motorist licensure/motor vehicle
registration-related services/activities. The Community Participation Process for State Partners
as outlined by the U.S. Department of Transportation Federal Motor Carrier Safety
Administration (FMCSA) is not applicable to Mohawk Valley Community College.

FMCSA Title VI Program Assurance:

The FMCSA Title VI Program Assurance for FY 2019 has been signed by the President and is
included as an attachment (Attachment A) to this document.

Description of Federal-Aid Programs:

FMCSA's CMVOST program is intended to help address the significant local industry's need for
safety training. MVCC will recruit current and former members of the United States Armed
Forces, military spouses and adult military children and will operate a six-week safety-focused
program to train 18 individuals as Commercial Truck Drivers, connect them to jobs, and provide
them with lifetime access to job placement services for future career moves. The program will

take place in the economically challenged city of Rome, NY (a city that hosts an Air Force Research Lab and is also within driving distance from NY's Fort Drum Army Base), and will recruit trainees from throughout the region to encourage participation from high-poverty areas and from rural workers.

This description is not inclusive of all federally funded programs or limited to.

Notification to Beneficiaries/Participants:

Mohawk Valley Community College has completed the Public Notice of Title VI Program Rights template and has posted the Public Notice in all publically-accessed facilities and on the website.

Sub-Recipient Compliance Reports:

Mohawk Valley Community College does not intend to sub-award any portion of FMCSA funds.

Title VI Program Training:

Title VI Program Training will consist of a variety of government sponsored webinars for all applicable personnel directly relating to the implementation and enforcement this policy and procedure and as it directly relates to any grant funds received. Mohawk Valley Community College will include Title VI Program training as part of the onboarding process for new employees and annual workplace violence training. Mohawk Valley Community College will incorporate Title VI Program elements into the existing training to address the information provided by the FMCSA in its' Basic CMVOST Title VI Program PowerPoint presentation by April 30, 2019.

Status of Corrective Actions:

Mohawk Valley Community College has not experienced a Federally-conducted Title VI Program Compliance Review in the last five years.

Last Update: December 2018