

EQUAL OPPORTUNITY
AND
NON-DISCRIMINATION

I. Policy Section

6.0 Human Resources

II. Policy Subsection

6.2 Equal Opportunity and Non-Discrimination

III. Policy Statement

Grand Rapids Community College creates an inclusive learning and working environment that recognizes the value and dignity of each person.

It is the policy and practice of GRCC to provide equal educational and employment opportunities regardless of age, race, color, religion, marital status, sex/gender, pregnancy, sexual orientation, gender identity, gender expression, height, weight, national origin, disability, political affiliation, familial status, veteran status or genetics in all programs, activities, services, employment and advancement including admissions to, access to, treatment in, or compensation in employment as required by state and federal law.

GRCC is committed to reviewing all aspects of GRCC programs, activities, services and employment, including recruitment, selection, retention and promotion to identify and eliminate barriers in order to prevent discrimination on the basis of the listed protected characteristics.

The college will not tolerate any form of retaliation against any person for bringing charges of discrimination or participating in an investigation.

IV. Reason for This Policy

GRCC is committed to a diverse and inclusive working and learning environment.

The purpose for this policy is to establish that GRCC provides equal employment and educational opportunities for all persons regardless of age, race, color, religion, marital status, sex/gender, pregnancy, sexual orientation, gender identity, gender expression, height, weight, national origin, disability, political affiliation, familial status, veteran status or genetics as required by law.

V. Entities Affected by This Policy

All employees
Board of Trustees
Independent contractors
Applicants
Students
Vendors
Community and constituencies accessing services
Volunteers

VI. Who Should Read This Policy

All employees
Board of Trustees
Independent contractors
Applicants
Students
Vendors
Community & constituencies accessing services
Volunteers

VII. Related Documents

- a) Official College documents (contracts, marketing material, etc.) must contain Grand Rapids Community College's Equal Opportunity and Non-Discrimination statement.
- b) Posted notices of federal and state statutes prohibiting discrimination will be available for public notice at entrance locations throughout Grand Rapids Community College.
- c) Ethics Monitoring Brochure
- d) Other GRCC Policies:
 1. Non-Discrimination on the Basis of Disability
 2. Harassment
 3. Sexual Misconduct
 4. Conflict of Interest
 5. Administrative Code of Ethics
 6. Faculty Code of Ethics
 7. APSS Code of Ethics
 8. Student Code of Conduct
 9. Transgender Equal Opportunity Policy
- e) Board of Trustee's Executive Limitations Policy: Treatment of People

VIII. Contacts

- a) Policy Owner: Director of Equal Opportunity Compliance
- b) Any individual who believes they have experienced discrimination, been denied equal employment opportunity, or experienced retaliation, harassment, coercion, interference, or intimidation should report it immediately to his/her supervisor, or the Office of General Counsel. Contact information can be found on GRCC's website <http://cms.grcc.edu/ethics>.

IX. Definitions

- a) **Protected characteristics:** At Grand Rapids Community College this policy defines protected characteristics to include age, race, color, religion, marital status, sex/gender, pregnancy, sexual orientation, gender identity, gender expression, height, weight, national origin, disability, political affiliation, marital/familial status, veteran status or genetics.
- b) **State and Federal Laws:** State and federal laws that prohibit discrimination in employment and/or public education include, but may not be limited to, the following:
 - [Title VII of the Civil Rights Act of 1964](#) (Federal)
 - [Title IX of the Education Amendments of 1972](#) (Federal)
 - [Age Discrimination in Employment Act of 1967](#) (Federal)
 - [The Equal Pay Act of 1963](#) (Federal)
 - [Michigan Equal Pay Act](#) (Michigan)
 - [The Americans with Disabilities Act](#) (Federal)
 - [Section 504 the Rehabilitation Act of 1973](#) (Federal)
 - [Pregnancy Discrimination Act](#) (Federal)
 - [Genetic Information Nondiscrimination Act of 2008](#) (Federal)
 - [Elliott-Larsen Civil Rights Act](#) (Michigan)
 - [Michigan Persons with Disabilities Civil Rights Act](#) (Michigan)

- c) **Discrimination:** Prohibited discrimination includes:
1. Unfair treatment because of your protected characteristic.
 2. Harassment by faculty, staff, administrators, co-workers or GRCC contractors in GRCC programs, activities, services or workplace, because of your protected characteristic.
(Harassment is repeated, malicious mistreatment, verbal abuse, or conduct that is threatening, intimidating, humiliating, insulting, isolates people at work, or undermines their reputation or job performance through verbal or non-verbal communications.)
 3. Denial of a reasonable accommodation that you are otherwise entitled to under state and federal laws.
 4. Retaliation because you complained about discrimination, or assisted with a discrimination investigation or lawsuit
- d) **Sexual Orientation**
"Sexual orientation" is the preferred term used when referring to an individual's physical and/or emotional attraction to the same and/or other genders. "Gay," "lesbian," "bisexual" and "heterosexual (straight)" are all examples of sexual orientations. A person's sexual orientation is distinct from a person's gender identity and expression.
- e) **Gender Identity**
The term "gender identity," distinct from the term "sexual orientation," refers to a person's innate, deeply felt psychological identification as a man, woman or some other gender, which may or may not correspond to the sex assigned to them at birth (e.g., the sex listed on their birth certificate).
- f) **Gender Expression**
Gender expression refers to all of the external characteristics and behaviors that are socially defined as either masculine or feminine, such as dress, grooming, mannerisms, speech patterns and social interactions. Social or cultural norms can vary widely and some characteristics that may be accepted as masculine, feminine or neutral in one culture may not be assessed similarly in another.
- g) **Political Affiliation**
Discrimination based on political affiliation occurs when management demonstrates a preference for, or aversion to, employees or applicants belonging to a particular political party or having close connections to a particular political party.
- h) **Familial Status**

Protection regarding familial status is designed to prevent intentional discrimination solely because an individual serves as a caregiver to

others with whom they have a familial or care-taking relationship. This protection arises primarily under Title VII of the Civil Rights Act which prohibits disparate treatment based on race or sex. Familial status includes those who have responsibility for providing care for family members, including children, spouses or domestic partners, parents, and other extended family for whom the individual has a care-taking role or responsibility. This would include children whose custody is temporary, such as foster children, or those for whom custody is being sought, such as adoptive children.

- i) **GRCC programs, activities, services and employment:** All actions undertaken by the College to achieve GRCC's Mission and Ends.
- j) **Retaliation:** The College seeks to foster an environment in which all employees and students feel free to report incidents of discrimination without fear of retaliation or reprisal. Therefore, the College strictly prohibits retaliation against any individual for filing a complaint of discrimination or for participating in a discrimination investigation. Retaliatory conduct is illegal and constitutes a violation of this policy.
 - 1. All allegations of retaliation will be swiftly and thoroughly investigated. If it is determined that retaliation has occurred, the College will take all reasonable steps within its power to stop such conduct. Individuals who engage in retaliatory conduct are subject to disciplinary action, up to and including termination or expulsion.
 - 2. Any student or employee who believes that he or she has been harassed or retaliated against in violation of this policy should immediately report such incidents by following the procedures indicated below. Supervisors are mandated to report all incidents of discrimination and retaliation that come to their attention.

X. Procedures

a) Reporting a Complaint:

In order to take appropriate corrective action, the College must be made aware of discrimination or related retaliation. Therefore, anyone who believes that they have experienced or witnessed discrimination as defined herein or related retaliation should promptly report such behavior to their immediate Supervisor, or the office of General Counsel.

1. If the supervisor is involved in the alleged discrimination, contact the Office of General Counsel directly. The Office of General Counsel will investigate the complaint in as discreet and confidential a manner as possible given the circumstances surrounding the complaint.
2. Any employee who experiences, witnesses or receives a written or oral report or complaint of discrimination or related retaliation shall promptly report it to the Office of General Counsel.

b) Timelines:

Within a reasonable period of time after the incident, which normally will not exceed fifteen (15) working days, the facts shall be put in writing and submitted to the Office of General Counsel.

1. Within ten (10) working days after receiving a complaint or becoming aware of facts that may constitute a violation of this policy, the Office of General Counsel will initiate an investigation of the complaint.
2. The Office of General Counsel will initiate an investigation in the absence of a written complaint if it becomes aware of facts that may constitute a violation of this policy.

c) Process:

All investigations will be conducted professionally, and as confidentially and expeditiously as possible. Where an investigation confirms the allegations, appropriate responsive action will be taken. An external investigator will be retained to conduct an investigation of an executive-level employee or one within Human Resources or the Office of General Counsel. A thorough and impartial investigation will generally include:

1. Interview the complainant;
2. Interview the person(s) against whom the complaint is brought;
3. Discuss with each party and implement any appropriate interim measures, which may include no contact orders, schedule adjustments, or other temporary measures designed to protect the parties involved.
4. Interview all witnesses identified by the complainant or the person(s) against whom the complaint is brought;

5. Other potential witnesses who may have observed the alleged conduct or who may possess knowledge regarding the allegation under investigation.
6. Review any documentation or other evidence submitted by the complainant or the person(s) against whom the complaint is brought.
7. Determine the validity of the complaint.

d) Conclusion:

If substantial evidence supports a finding of discrimination or retaliation, the College will take appropriate, corrective action or disciplinary action.

1. For employee misconduct:

Action taken by the College through the Office of Human Resources may include (but will not be limited to): counseling, corrective feedback, warning, transfer, demotion, termination or other appropriate disciplinary action. The written report of the action taken shall then be placed in the personnel record of the employee.

2. For student misconduct:

Action taken by the College may include (but will not be limited to): a warning, educational sanction, probation, suspension, expulsion, or other appropriate disciplinary action as outlined in the Student Code of Conduct. Action will be taken by the offices of Student Life and Conduct. The written report of the action taken shall then be placed in the student file.

e) Appeal:

1. For employee misconduct:

The complainant and/or the accused may appeal the decision, in writing, stating the reasons for the appeal, to the Executive Director of Human Resources within ten (10) working days after receiving the decision of the Office of General Counsel regarding the outcome of the investigation. The Executive Director of Human Resources or designee shall review the report and render a decision in writing within thirty (30) working days thereafter, which decision shall be final.

2. For student misconduct: Refer to Student Code of Conduct

f) Right of Representation:

The complainant and accused may have union and/or other representation present during the meeting(s).

g) Violations of Law

An employee or student may be accountable for discrimination under applicable local, state, and/or federal law, as well as under GRCC policy. During the course of investigation should GRCC become aware of criminal acts the college will report the actions to Campus Police, who may refer the incident to the appropriate law enforcement authorities. Disciplinary action by GRCC may proceed while criminal proceedings are pending and will not be subject to challenge on the grounds that criminal charges involving the same incident have been dismissed or reduced.

h) Bargaining Agreements

Investigations and disciplinary proceedings under this policy will abide by any relevant collective bargaining agreement, or the Meet & Confer Handbook, Student Employee Handbook, and the Student Code of Conduct, as appropriate.

XI. Forms

N/A

XII. Effective Date

- Original date: September, 2004

XIII. Policy History

- September 23, 2004
- November, 2011
- September, 2014
- October, 2016
- October, 2017; changes made to update definitions and clarify process, as well as provide more detail re: compliance with bargaining agreements and possible outcomes.

XIV. Next Revision Date

- September, 2019