

CLINTON COMMUNITY COLLEGE
POLICY AGAINST HARASSMENT AND DISCRIMINATION/BIAS

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SECTION 1: PURPOSE

Clinton Community College believes in the dignity of the individual and recognizes the rights of all people to equal employment and/or educational opportunities free of unlawful discrimination. In this regard, Clinton Community College is committed to a policy of protecting and safeguarding the rights and opportunities of all people to seek, obtain and hold employment and/or educational opportunities without being subject to harassment or unlawful discrimination in the workplace. As with unlawful discrimination based on sex and sexual harassment, it is Clinton Community College's policy to provide an employment and educational environment free from unlawful discrimination and harassment based on race, color, creed, religion, national origin, disability, political affiliation, age, sexual orientation, arrest record, and veteran or marital status.

A. Scope of Policy This Policy applies to all Clinton Community College students, employees and all personnel in a contractual or other business relationship with Clinton Community College including, for example, applicants, temporary or leased employees, independent contractors, vendors, consultants, volunteers and visitors. Depending on the extent of Clinton Community College's exercise of control, this Policy may be applied to the conduct of non-employees with respect to unlawful harassment and/or discrimination of Clinton Community College employees in the workplace. This Policy applies with equal force on College property as it does at College-sponsored events, programs, and activities which take place at off-campus premises.

B. Policy Objectives By adopting and publishing this Policy, it is the intention of the Clinton Community College Board of Trustees to:

- (1) notify employees and students about the types of conduct which constitute unlawful discrimination or harassment prohibited by this Policy;
- (2) inform employees and students about the complaint and resolution procedures established by the College which enable any employee/student who believes (s)he is the victim of unlawful discrimination or harassment to submit a complaint which will be investigated by the College;
- (3) clearly advise all supervisory staff, administrators, employees, and students that discriminatory treatment based on race, color, creed, religion, national origin, disability, political affiliation, age, sexual orientation, arrest record, and veteran or marital status of employees is strictly prohibited and no such person possesses the authority to harass or discriminate; and
- (4) notify all employees and students that the College has appointed Compliance Officers who are specifically designated to receive complaints of discrimination based on race, color, creed, religion, national origin, disability, political affiliation, age, sexual orientation, arrest record, and veteran or marital status, and ensure compliance with this Policy.

NOTE: The name and office locations of the Compliance Officers designated to receive and investigate complaints for the 2007-2008 academic year are listed below at the end of this Policy (Section 10). The names and office locations of each new Compliance Officer designated to receive and investigate complaints in subsequent years will be listed in the College's Policy and Procedure Manual, the Student Handbook, on the college's web page at www.clinton.edu, and posted in the following locations: Douglas Library, Switchboard/Reception area, Counseling Office, Human Resources Office and the Office of the Vice President for Student Services.

SECTION 2: DEFINITIONS

“Prohibited Discrimination of Employees And/Or Students” Prohibited discrimination of employees and/or students can take the form of any negative treatment of an employee/student, by either a College employee or official, student, or a third party engaged in college-sponsored activities which: (a) negatively impacts an employee's employment opportunities and/or employment benefits, or negatively impacts a student's educational opportunities; *and* (b) is based upon the employee's/student's race, color, creed, religion, national or ethnic origin, disability, political affiliation, age, sexual orientation, arrest record, and veteran or marital status. Prohibited discrimination of employees/students can also take the form of harassment even where there is no tangible impact upon the employee's employment opportunities and/or employment benefits or the student's educational opportunities. The phrase “prohibited unlawful discrimination” as used in this Policy includes all forms of “prohibited unlawful harassment” (defined below).

“Prohibited Unlawful Harassment” Harassment can constitute a form of prohibited unlawful discrimination under this Policy if it is unwelcome and has the purpose or effect of unreasonably interfering with an individual's work/educational performance, or creating an intimidating, hostile or offensive working/educational environment. Such harassment of employees/students is prohibited by this Policy if it is based upon race, color, creed, religion, national origin, disability, political affiliation, age, sexual orientation, arrest record, and veteran or marital status. In this regard, individuals subject to this Policy should be mindful that conduct or behavior that is acceptable, amusing or inoffensive to some individuals may be viewed as unwelcome, abusive or offensive to others.

“Prohibited Behavior” While it is impossible to list all of the possible forms of unlawful harassment, the following is a list of *examples* of conduct that may constitute harassment:

- Using slurs or derogatory terms based on race, color, creed, religion, national origin, disability, political affiliation, age, sexual orientation, arrest record, and veteran or marital status

- Telling derogatory jokes or stories based on race, color, creed, religion, national origin, disability, political affiliation, age, sexual orientation, arrest record, and veteran or marital status
- Displaying graffiti or other derogatory or insulting writings based on race, color, creed, religion, national origin, disability, political affiliation, age, sexual orientation, arrest record, and veteran or marital status
- Making degrading comments about a person and/or his or her appearance based on race, color, creed, religion, national origin, disability, political affiliation, age, sexual orientation, arrest record, and veteran or marital status
- Demeaning or criticizing an individual because of his or her race, color, creed, religion, national origin, disability, political affiliation, age, sexual orientation, arrest record, and veteran or marital status
- Sabotaging, damaging, or interfering with an individual's work because of that individual's race, color, creed, religion, national origin, disability, political affiliation, age, sexual orientation, arrest record, and veteran or marital status
- Threatening or intimidating an individual because of his or her race, color, creed, religion, national origin, disability, political affiliation, age, sexual orientation, arrest record, and veteran or marital status

As set forth above, this list is not intended to be all-inclusive. Furthermore, while a single incident of these types of behavior may not create a hostile working/educational environment, if such behavior is severe, persistent or pervasive, or if submission to such conduct is made either explicitly or implicitly a term or condition of employment or receipt of employment benefits or educational outcome, such conduct constitutes prohibited discrimination and/or harassment.

This policy is not intended to restrict freedom of expression, freedom of speech, academic freedom, respectful debate, or other legitimate forms of expression, which are the hallmark of institutions of higher learning. Clinton Community College will consider such legitimate and valued forms of expression when applying this policy and formulating remedial measures pursued as a result of discrimination and/or harassment complaints.

SECTION 3: POLICY

As with discrimination based on sex and sexual harassment, Clinton Community College prohibits discrimination based on race, color, creed, religion, national or ethnic origin, disability, political affiliation, age, sexual orientation, arrest record, and veteran or marital status and will not tolerate any form of unlawful discrimination or harassment. Clinton Community College will take all steps necessary to prevent and stop the occurrence of unlawful discrimination and/or harassment in the workplace and educational setting.

All employees and students, including but not limited to, Clinton Community College officials and supervisory personnel, are responsible for ensuring a work and educational environment free from prohibited discrimination and harassment. All employees and/or students will be held responsible and accountable for avoiding or eliminating inappropriate conduct that may give rise to a claim of sexual harassment or sex discrimination. Employees and students are encouraged to report violations to a Compliance Officer listed in Section 10 of this Policy and on the College's web page at www.clinton.edu, in accordance with the Complaint Procedure set forth in this Policy. Officials and supervisors must take immediate and appropriate corrective action when instances of prohibited discrimination and/or harassment come to their attention to assure compliance with this Policy.

Each employee and student is assured, pursuant to Section 6 of this Policy, that retaliation against an individual who makes a complaint or report under this Policy is absolutely prohibited and constitutes, in and of itself, a violation of this Policy.

Any questions regarding the scope or application of this Policy should be directed to a Compliance Officer listed in Section 10 of this Policy and on the College's web page at www.clinton.edu.

SECTION 4: POLICY ENFORCEMENT

A. Complaint Procedure for Employees and/or Students

1. **Notification Procedure** Prompt reporting of complaints or concerns is encouraged so that timely and constructive action can be taken before relationships become strained. Reporting of all perceived incidents of prohibited discrimination and/or harassment is encouraged, regardless of the offender's identity or position. An individual who feels aggrieved because of harassment or unlawful discrimination has several ways to make his or her concerns known:

- (a) An aggrieved person who feels comfortable doing so should directly inform the person[s] engaging in the harassment or unlawful discrimination that such conduct or communication is offensive and must stop. Clinton Community College encourages early and informal resolutions of disputes, misunderstandings, and offensive treatment before such matters adversely impact upon a person's working or learning environment. If the aggrieved person agrees, the College may arrange for a facilitated meeting between the parties with the intent of resolving concerns related to the incident.

NOTE: Confronting the offender is NOT required. All employees and/or

students have the right to file a good faith complaint without first communicating with the offender.

(b) An aggrieved person who does not wish to communicate directly with the individual whose conduct or communication is offensive, or if direct communication with the offending party has not stopped the behavior, shall contact a Compliance Officer listed in Section 10 of this Policy, or a Vice President, or the President, or any member of the Affirmative Action Committee.

(c) An aggrieved person alleging harassment or discrimination by anyone with supervisory authority, or alleging failure of supervision to take immediate action on the individual's complaint, shall contact a Compliance Officer, a Vice President, the President, or any member of the Affirmative Action Committee.

(d) In addition to filing a complaint under this policy, an aggrieved person who is a member of a collective bargaining unit, may or may not be entitled to file a grievance through the collective bargaining grievance procedure depending on the particular terms of the governing collective bargaining agreement. Such filing may *not*, in all cases, trigger an investigation pursuant to this Policy. Consequently, aggrieved persons are encouraged to simultaneously utilize the Complaint Procedure set forth herein, where appropriate.

2. Making a Complaint All complaints should be in writing. All employees and/or students are encouraged to use the Clinton Community College "Complaint of Alleged Discrimination" form. A copy of this form is attached to this Policy. Additional complaint forms can be obtained from the Human Resources Office, the Office of the Vice President for Student Services, or from a Compliance Officer, with no questions asked. Because an accurate record of the allegedly objectionable behavior is necessary to resolve a complaint of prohibited discrimination, all complaints should be submitted in writing. If an employee and/or student has any questions or difficulty filling out the complaint form, (s)he can obtain assistance from a Compliance Officer, or a Vice President, the President, or any one of the Affirmative Action Committee members. All complaints should include: the name of the complaining party, the name of the alleged offender(s), date of the incident(s), description of the incident(s), names of witnesses to the incident(s) and the signature of the complaining party.

Once the complaining party has completed and dated a written complaint, the complaint may be submitted, either by hand delivery or mail, to a Compliance Officer listed in Section 10 below, to any Vice President, or to the President who will then advise the Compliance Officer(s).

Complainants are expected to cooperate with the College's investigation procedures by providing all relevant information relating to the complaint, as are other individuals having relevant or related knowledge or information.

B. Time for Reporting a Complaint Prompt reporting of all complaints is strongly encouraged. All employees and/or students should be aware that appropriate resolution of discrimination complaints and effective remedial action often times is possible only when complaints are promptly filed. Furthermore, complaining parties should be aware that statutes of limitations may constrain the time period for instituting legal actions outside of this Policy.

C. Confidentiality and Privacy In recognition of the personal nature of discrimination complaints and the emotional impact of alleged discrimination, the College shall keep complaints as confidential as is consistent with a thorough investigation, applicable collective bargaining agreements, the Student Code of Conduct, and other laws and regulations regarding employees and/or students. For the protection of all individuals who make complaints or are accused of prohibited discrimination, every witness interviewed during an investigation under this Policy will be advised of the confidentiality requirement and instructed not to discuss the complaint, the investigation, or the persons involved. Bargaining unit members may request representation of their bargaining unit during the investigation interview provided that the bargaining unit representative(s) abides by confidentiality provisions prescribed by this policy. To the extent complaints made under this Policy implicate criminal conduct, the College may be required by law to contact and cooperate with the appropriate law enforcement authorities.

D. Acknowledgment of Complaints Upon receipt of a written complaint, the Compliance Officer(s), Vice President, or President shall endeavor to contact the complainant within 10 business days to confirm that the written complaint has been received. If the complainant does not receive such confirmation promptly, (s)he is encouraged to file a second written complaint or to contact the Compliance Officer(s), Vice President, or President, or his/her designee. The purpose of this acknowledgment procedure is to ensure that all written complaints are received by authorized individuals, carefully processed, and promptly investigated.

SECTION 5: INVESTIGATION PROCEDURES

A. Timing of Investigations The College will promptly investigate all allegations of unlawful discrimination and harassment prohibited by this Policy and shall initiate the investigation within ten (10) business days of the acknowledgement. The College will also attempt to complete investigations under this Policy promptly. The length of the investigation will depend upon the complexity and particular circumstances of each complaint.

B. Method of Investigation Investigations will be conducted by the College's Compliance Officer(s), the College's legal counsel, and/or other impartial persons designated by the President, or his/her designee. The primary purposes of all investigations under this Policy will be to determine:

- (1) Did the conduct complained of occur?;
- (2) Did the conduct complained of violate this Policy?; and
- (3) What remedial or preventative steps, if any, are recommended?

Investigations may include: fact-finding interviews, document review, depositions, observations, or other reasonable methods. The College's investigators should pursue reasonable steps to investigate each complaint in a thorough and comprehensive manner. Any notes, memoranda, or other records created by College employees or agents conducting an investigation under this Policy shall be deemed confidential and/or privileged to the extent allowed by law.

C. Notification to Complainant and the Accused Party The President or his/her designee, shall notify the complainant of the outcome of the investigation with justification for his/her decision. Such notification shall be in writing, include a brief summary of the factual findings and, wherever possible, shall include a summary of any remedial measures that have been or will be taken by the College.

While reasonable efforts will be made to inform the complaining party about the outcome of investigations, the College will nonetheless consider the privacy rights of all parties involved in disseminating information obtained during and through the investigation.

The President or his/her designee, shall notify within fourteen (14) business days following the completion of the investigation the person accused of violating this Policy whether a violation of this Policy was found and what remedial measures, if any, will be taken by the College or recommended to the Board for action.

Other parties, such as witnesses interviewed during the course of an investigation, will generally not be notified of specific findings or recommendations, to facilitate confidentiality.

D. Remedial Measures Clinton Community College's primary goal in responding to complaints of prohibited discrimination under this Policy is prevention. This Policy is intended to prevent all forms of unlawful discrimination and harassment in the College and put an end to any prohibited discrimination that is found to have occurred. While disciplinary action may be appropriate in certain instances, punitive measures are not the exclusive means for responding to prohibited discrimination. During the pendency of any investigation being conducted pursuant to this Policy, remedial measures may be taken if appropriate and necessary.

Any individual who is found to have engaged in prohibited discrimination or conduct which may be prohibited by this Policy, may receive education, training, counseling, warnings, discipline, and/or other measures designed to prevent future violations of this Policy. Disciplinary action may include: warnings, suspension, or discharge from employment or enrollment, in the event of a student. Any third party found to have engaged in discrimination or harassment of an employee and/or student may be barred from College property.

If an individual is a member of any union or otherwise covered by a collective bargaining agreement with the College, such individual may exercise any and all rights prescribed by such agreement to challenge the findings and/or disciplinary action in accordance with any processes prescribed by such agreement(s).

Time limitations set forth above in paragraphs A, B, and C may be extended by mutual agreement of the complainant and respondent with the approval of the President, or his/her designee. Such extensions shall be confirmed in writing.

SECTION 6:

A. PROHIBITION AGAINST RETALIATION

Retaliation is strictly prohibited by this Policy, the Student Code of Conduct, and by law against anyone who in good faith reports a suspected violation of this Policy, who assists in making such a complaint, or who cooperates in a harassment or discrimination investigation. Retaliation means taking any adverse action in response to a complaint being made.

Written complaints of retaliation should be brought directly to the Compliance Officer(s), Vice President, or the President, or his/her designee. The written complaint must specify the date(s), time(s), locations(s), witness(s) and description of the incident(s). Such complaints will be promptly investigated. If retaliation is found, the person retaliating will be subject to corrective action up to and including termination from employment, or in the case of a student up to and including suspension and/or dismissal, or in the case of a non-employee, an appropriate remedy up to and including termination of the business relationship, in accordance with legal guidelines, College policy, Student Code of Conduct, and any applicable collective bargaining agreement(s).

B. PROHIBITION AGAINST FALSE COMPLAINTS AND ABUSE OF THE POLICY

Because of the damage that can be done to someone falsely accused, any individual who in bad faith knowingly makes a false complaint or report of harassment or discrimination will be subject to disciplinary action up to and including termination from employment, or in the case of a student up to and including suspension and/or dismissal, or in the case of a non-employee, an appropriate remedy up to and including termination of the business

relationship, in accordance with legal guidelines, College policy, Student Code of Conduct, and any applicable collective bargaining agreement(s).

SECTION 7: APPEALS

PROCESS FOR EMPLOYEE COMPLAINTS:

Any complainant or accused party who wishes to appeal the procedures or decision which the College followed in investigating a written complaint filed under this Policy, may do so within ten (10) business days of receipt of the appellant's notification of the investigation outcome. Untimely submissions shall not receive consideration. Such appeal must be made in writing to the Board of Trustees by submission to the President's Office. The appellant shall be entitled to present evidence as to why:

- (1) the investigation procedures were flawed, and
- (2) the investigation procedures were improper, and/or
- (3) the investigation procedures were not in compliance with this Policy.
- (4) the decision is not consistent with the facts, or with all elements of this policy.

Upon receipt of an appeal, the Board of Trustees shall appoint an Appeal Committee comprised of a designee of the President, a member of the Affirmative Action Committee, and a member of the CCC Board of Trustees to consider and review any such appeal. The Committee's consideration and review of any such appeal shall be conducted confidentially. Following a review of the evidence, as well as the information obtained in the investigation process and conclusions derived therefrom, the Committee shall render their recommendation to the Board of Trustees confidentially in an executive session. The Board's decision shall be final. The appellant shall be notified of the decision in writing within ten (10) business days of the decision being rendered.

Nothing set forth in the Appeal Process above shall be construed to in any way to confer upon either the complainant(s) or the person(s) accused of violating this Policy any right to appeal the College's determination as to appropriate disciplinary and/or corrective action to be taken on meritorious complaints. In this regard, the College at all times retains the right to determine the appropriate disciplinary and/or corrective action to be taken with regard to a meritorious complaint subject to any rights an individual who is a union member or otherwise covered by a collective bargaining agreement has under such agreement.

PROCESS FOR STUDENT COMPLAINTS:

Any complainant or accused party who wishes to appeal the procedures or decision which the College followed in investigating a written complaint filed under this policy may

do so in writing to the Vice President for Student Services within three (3) business days as outlined in the Student Handbook.

SECTION 8: RECORD KEEPING

The College shall maintain a written record of all complaints of unlawful discrimination and/or harassment prohibited by this Policy for a period of at least six years.

The College shall also document the steps taken with regard to investigations, as well as conclusions reached and remedial action taken, if any. The College shall also maintain these documents for, at a minimum, six years.

The College records regarding investigations and findings of alleged discrimination shall be maintained separate and apart from personnel and/or educational records, although counseling letters or other letters of reprimand may be maintained in personnel and/or educational files.

SECTION 9: QUESTIONS

Any questions by employees and/or students of the College about this Policy or potential discrimination should be brought to the attention of the College's Compliance Officer(s), or Vice President(s), the President or a member of the CCC Affirmative Action Committee. The names, addresses, and telephone numbers of the College's Compliance Officers for 2007-2008 are listed in Section 10 of this Policy and on the college's web page at www.clinton.edu. The names and office locations of each new Compliance Officer designated to receive and investigate complaints in subsequent years will be listed in the College's Policy and Procedure Manual, on the college's web page at www.clinton.edu, and posted in the following locations: Douglas Library, Switchboard/Reception area, Counseling Office, Human Resources Office and the Office of the Vice President for Student Services.

In addition, employees may contact: (a) the Employee Assistance Service (EAS), 159 Margaret Street, Suite 200, Plattsburgh, New York 12901, (518) 563-8293 on a confidential basis; (b) the New York State Division of Human Rights, One Fordham Plaza 4th Floor, Bronx, NY 10458; or (c) the U.S. Equal Employment Opportunity Commission, 1801 L. Street, N.W., Washington, DC 20507.

In addition, students may contact: (a) the College Counseling Office, Room 138M (562-4128) or Room 140M (562-4317); (b) the U.S. Department of Civil Rights, 75 Park Place, 14th Floor, New York, NY 10007-2146; or (c) the New York State Division of Human Rights, One Fordham Plaza 4th Floor, Bronx, NY 10458.

SECTION 10: COMPLIANCE OFFICERS

Human Resources/Affirmative Action Officer
Clinton Community College, Room 223M
136 Clinton Point Drive
Plattsburgh, New York 12901
Telephone: (518) 562-4137

Stephen St. Onge, Ph.D., Vice President for Student Services
Clinton Community College, Room 227M
136 Clinton Point Drive
Plattsburgh, New York 12901
Telephone: (518) 562-4120

OTHER CONTACTS:

PRESIDENT:

Frederick Woodward, Ed.D. President Room 234M

VICE PRESIDENT(S):

Jennifer Waite Vice President for Academic Affairs Room 220M

Thomas Moffett Vice President for Administration Room 226M

AFFIRMATIVE ACTION COMMITTEE MEMBERS:

Nicole Allen	College Nurse	Room 149M
Donna Dukette	Typist/Division Coordinators	Room 549M
Carl Chilson	Assistant in Continuing Education	Room 117M
Gina Lindsey	Assistant Professor/Humanities Division	Room 511M
Chrisa O'Connell	Student Support Services Counselor	Room 138M

SECTION 11: EFFECTIVE DATE AND POLICY DISSEMINATION

The effective date of this Policy, as amended shall be July 18, 2007. The President shall ensure that this Policy is adequately disseminated and made available to all employees/students of the College. This Policy shall be distributed at the beginning of each academic year with or as part of the College's Policy and Procedure Manual, Student Handbook, and on the College's web page at www.clinton.edu. In addition, copies of this Policy and Complaint Form shall be maintained in the office of the Human Resources/Affirmative Action Officer, the Office of the Vice President for Student Services, the Office of Continuing Education, and the Douglas Library. This policy will be reviewed from time to time, as needed.

Upon the effective date of this Policy, the provisions of this Policy shall supersede and replace all prior College policies and regulations regarding employee and student discrimination and harassment, and related complaint procedures with the exception of the "Clinton Community College Policy Against Sex Discrimination and Sexual Harassment."

COMPLAINT OF ALLEGED DISCRIMINATION

This form is to be filed as a part of the Formal Procedure in order to initiate a complaint of alleged discrimination or harassment prohibited by the Clinton Community College Policy Against Discrimination and Harassment.

Your Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Home Phone Number: () _____

Cell Phone Number: () _____

Status: (Circle one) **Instructional Staff** **Non-Instructional Staff** **Student** **Other**

Alleged Discrimination is based on (please check all that apply):

___ Race or color ___ Religion ___ National Origin ___ Disability ___ Age ___ Veteran's Status ___ Sexual Orientation

___ Marital/Parental Status ___ Political Affiliation ___ Arrest Record ___ Creed

Have you also filed this charge with a Federal, State, or Local Government agency?

Yes _____

No _____

Name(s) and office address of the individual who allegedly discriminated against you or harassed you. If more than one, list all.

Name: _____

Office/Location: _____

If more space is needed, please continue on the reverse side or attach additional sheets.

DATE/TIME INCIDENT(S) TOOK PLACE	LOCATION(S) WHERE INCIDENT TOOK PLACE	DESCRIBE THE INCIDENT(S) WHICH OCCURRED	STATE YOUR REASON FOR CONCLUDING THAT IT IS/WAS DISCRIMINATORY	IDENTIFY PERSON(S) WHO WITNESSED THE INCIDENT(S)

Describe briefly what you would consider to be appropriate resolution of the conduct described above. (The College at all times retains sole discretion and authority to determine the appropriate disciplinary and/or corrective action to be taken with regard to meritorious complaints. This question should not be construed in any way to constitute a forfeiture of that discretion or authority.)

I swear or affirm that the above complaint is true to the best of my knowledge, information and belief.

Complainant's Signature

Date

Received by:

Date

Receipt of Complaint Acknowledged by:

Date