

MONROE COUNTY COMMUNITY COLLEGE

Procedure for Filing a Complaint of Bullying

Procedure Type: District

Procedure Title: Procedure for Filing a Complaint of Bullying

Whom Does This Procedure Affect: All staff and students

Purpose: The purpose of this procedure is to protect the rights of all staff, students and visitors for a safe and secure learning environment.

The Board of Trustees prohibits acts of bullying, harassment, and other forms of aggression and violence. Bullying or harassment, like other forms of aggressive and violent behaviors, interferes with both the college's ability to educate its students and a student's ability to learn. All administrators, faculty, staff, parents, volunteers, and students are expected to refuse to tolerate bullying and harassment and to demonstrate behavior that is respectful and civil.

Definition of Bullying

Bullying is prohibited against anyone for any reason. This definition is not intended to infringe upon any right guaranteed to any person by the First Amendment to the United States Constitution or to prevent the expression of any religious, political, or philosophical views.

"Bullying" or "harassment" is any gesture or written, verbal, graphic, or physical act (including electronically transmitted acts – i.e., cyberbullying, through the use of the internet, cell phone, personal, computer, or wireless handheld device, currently in use or later developed) that is reasonably perceived as being dehumanizing, intimidating, hostile, humiliating, threatening, or otherwise likely to evoke fear of physical harm or emotional distress and may be motivated either by bias or prejudice based upon any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression; or a mental, physical, or sensory disability or impairment; or by any other distinguishing characteristic, or is based upon association with another person who has or is perceived to have any distinguishing characteristic.

Bullying and harassment also include forms of retaliation against individuals who report or cooperate in an investigation under this policy. Such behaviors are considered to be bullying or harassment, whether they take place on or off college property, at any college-sponsored function, in a college vehicle, or at any time or place where a person's imminent safety or overall well-being may be at issue.

Michigan anti-bullying laws and regulations include the following definitions of bullying, cyberbullying, and cyberstalking:

"Bullying" means any written, verbal, or physical act, or any electronic communication, including, but not limited to, cyberbullying and cyberstalking, that is intended or that a reasonable person would know is likely to harm one or more persons either directly or indirectly by doing any of the following:

- Substantially interfering with educational opportunities, benefits, or programs of one or more individuals.
- Adversely affecting the ability of a person to participate in or benefit from the college's or school's educational programs or activities by placing the person in reasonable fear of physical harm or by causing substantial emotional distress.
- Having an actual and substantial detrimental effect on a person's physical or mental health.
- Causing substantial disruption in, or substantial interference with, the orderly operation of the college.

"Cyberbullying" means any electronic communication that is intended or that a reasonable person would know is likely to harm one or more individuals either directly or indirectly.

"Cyberstalking" means using a computer, program, network, system or the internet to communicate with someone else to commit, attempt to commit, conspire to commit, or solicit another person to commit stalking. Michigan law makes it a felony to use digital communication as a tool of harassment, including cyberbullying and cyberstalking.

Since bystander support of bullying and harassment can encourage these behaviors, the College prohibits both active and passive support for acts of harassment or bullying.

Bringing a Complaint

Any individual who feels that he/she has been the victim of prohibited bullying, or who witnesses any incident of bullying, is required to report the matter immediately, in accordance with the following procedures. Reports should be made as soon as possible.

The fact that the individual does not possess all of the facts surrounding the allegations or is uncertain whether the allegations rise to the level of bullying is irrelevant.

The fact that the alleged victim does not wish to file a complaint does not relieve an individual with knowledge of alleged bullying of their reporting responsibility.

An employee who refuses, delays, or otherwise fails to report an allegation or concern under this procedure is subject to disciplinary action.

Complaint Procedures

A written complaint, using Procedure 1.65(b) Complaint Form, signed by the Complainant should contain a detailed description of the conduct being complained about including, if known, the name of the alleged offender(s), the name of the victim(s), the date of the alleged conduct, and the name of the person filing the complaint.

The Complaint Form for Complaints of Bullying (see Procedure 1.65[b]) must be used. The Complaint Form is available online at <https://www.monroeccc.edu/policies>.

Use of the informal procedure first is encouraged, however, it is not required.

Anonymous charges will not be the basis of any administrative action.

Informal Procedure

1. The informal procedure format is to provide an opportunity for informal consultation and counseling and, where appropriate, mediation among the parties involved.
2. The Complainant, if an employee, may bring the matter to the attention of his/her immediate supervisor unless the supervisor is the person about whom the complaint is being made. In that case, the Complainant may bring the matter to that person's supervisor. The Complainant may also bring the matter to the attention of the Executive Director of Human Resources.
3. The Complainant, if a student, may bring the matter to the Division Dean or the Vice President of Enrollment Management and Student Success. Reporting an allegation of bullying to a supervisor, without also reporting to the Title IX Officer(s) or the Human Resources Department (as applicable), does not satisfy an employee's reporting obligation.
4. Complaints involving bullying will be responded to promptly and equitably. The confidentiality of all individuals will be respected in each step of the complaint procedure, insofar as that is reasonably practicable. In addition, retaliation against individuals for bringing allegations of and/or complaints of bullying or for participating in investigations is strictly prohibited. Similarly, retaliatory conduct against an individual simply because he or she has been accused of bullying is strictly prohibited.
5. The Investigator will conduct a preliminary inquiry to verify the need for immediate action and will advise the College's legal counsel of the situation. Upon consultation with appropriate College officials, immediate action may be taken, which may include placing an employee on paid administrative leave, implementing temporary changes in duties and responsibilities, imposing directives to individuals involved regarding personal contact, and/or providing warnings.
6. Within 5 business days of the receipt of a complaint, the Investigator will notify the Respondent (and, if the Respondent is an employee, the Respondent's supervisor) of the complaint. In providing notice to the parties, the Investigator will provide a summary of the charges, identify the pertinent policies and procedures implicated, and provide information regarding the investigative process and the rights and responsibilities of all parties.
7. At any time during the Informal Procedure Process, the Investigator may implement supportive measures designed to restore or preserve equal access to the College's education program or activity, including measures designed to protect the safety of the Complainant and alleged offender, or deter Harassment.
8. If informal resolution of the complaint is not achieved, the Complainant may initiate formal procedures within twenty-eight (28) calendar days after the informal process concludes, but within ninety (90) calendar days after the conduct occurred.

Formal Procedure

1. The Complainant, if an employee, will submit a written statement to the Executive Director of Human Resources or, in the case of complaints by a student, the Vice President of Enrollment Management and Student Success, within twenty-eight (28) calendar days after the conduct of which is the subject of the complaint occurs.

2. If the Respondent elects not to participate in the complaint process, the matter will be investigated without the Respondent's involvement.
3. If, during the investigation, the Complainant indicates a desire to withdraw the complaint, the investigation may be closed and the Complainant will not be permitted to re-file the complaint absent a showing of extraordinary circumstances and at the discretion of the Investigator. The Investigator may decide to complete the investigation, depending on the nature, extent, and/or severity of the allegations.
4. During the investigation, the Investigator is authorized to contact any College personnel and other individuals (e.g. agents, subcontractors, volunteers, or guests) who may have information relevant to the complaint. The Investigator will have access to all relevant College records. The Investigator will maintain a written record of interviews and investigations, which will be considered to be a permanent confidential record.
5. The Executive Director of Human Resources or the Vice President of Enrollment Management and Student Success will inform the alleged offender of the allegation.
6. Formal Investigation:
 - a. The purpose of the investigation, which will include interviewing the parties and witnesses, is to gather and verify facts about the case. The Executive Director of Human Resources, the Vice President of Enrollment Management and Student Success, or their designee, and/or the College's legal counsel will conduct the formal investigation.
 - b. Investigations will be conducted promptly, thoroughly, and fairly, affording both the Complainant and the Respondent a full opportunity to provide input and/or respond.
 - c. All parties may be accompanied by an individual of his or her choice for support. This support person may not act as an attorney, have a voice in the proceedings, or have any formal role other than to accompany and communicate with the party requesting support. The employee or student may be required to sign a consent permitting the support person to have access to the employee's or student's confidential information. The support person may not have access to confidential information regarding any person other than the person to whom they are providing support. Any party who desires to bring a support person with them is required to notify the Executive Director of Human Resources or the Vice President of Enrollment Management and Student Success in advance that they plan to bring a support person to their meeting, and to include the identity of the support person in such notice.
 - d. Any individual who participates in proceedings regarding a complaint, response, investigation, and/or disciplinary action shall keep all information and documents related thereto confidential.
 - e. The identity of the individual making the complaint, the identity of the accused, and information relating to the complaint will be disseminated only to those individuals who have a legitimate need to know, and only to the extent reasonably necessary for investigating or resolving the complaint.
 - f. If the victim(s) is a student under age eighteen (18), the Principal will follow the ISD procedures and will notify the student's parent(s)/guardian(s) of the complaint. The parent(s)/guardian(s)

will be informed of the status of the investigation, as appropriate.

g. Possible outcomes of an investigation are:

- (1) a finding that the allegations are not warranted or could not be substantiated,
- (2) a finding that the allegations are substantiated and, if so, prompt remedial action will be taken. The College uses a disciplinary system in which the extent of the disciplinary action taken depends on all the facts and circumstances available at the time the decision is made. The corrective action will depend on the frequency and severity of the conduct and may include disciplinary action, up to and including termination if the individual who engaged in the inappropriate conduct is an employee, or academic discipline, up to and including immediate expulsion if the individual who engaged in the inappropriate conduct is a student, or
- (3) a negotiated settlement of the complaint.

7. Every effort will be made to inform the involved parties of the investigative findings and any corrective action taken or to be taken.
8. At the conclusion of the investigation, the Investigator shall prepare a written determination which shall state the conclusions of the investigation.

Dismissal

The College will dismiss a Complaint if:

- The conduct alleged in a Complaint, even if proven true, would not constitute Bullying as defined in this Procedure,
- The conduct alleged in a Complaint did not occur in the College's education program or activity as defined in this Procedure, or
- A Complainant notifies the Investigator in writing that the Complainant would like to withdraw the Complaint in whole, or any allegations included in the Complaint,
- The Respondent is no longer enrolled or employed by the College, or
- Specific circumstances prevent the College from gathering enough evidence to reach a determination as to the allegations in a Complaint.

Appeals

Both the Complainant and Respondent may submit an appeal following either (1) an Investigation, or (2) the College's dismissal of a Formal Complaint, or any allegation contained within a Formal Complaint.

The non-appealing Party will have five (5) days following the notice of the appeal to respond to the Appeal by providing a written statement either supporting or challenging the Determination or Dismissal (as applicable), and responding to the basis of the Appeal.

After 5 days, a new Decision Maker, assigned to the Appeal, will review all documents received in connection with the Appeal and provide a written decision on the Appeal.

Non-Retaliation

No employee or student will be disciplined for making a good faith complaint regarding bullying nor will any retaliation for making a good faith complaint be tolerated. Conversely, if an allegation or complaint is made in bad faith, then the reporter/complainant may be subject to disciplinary action.

Confidentiality

The bullying report, individuals involved in the alleged incident of bullying, and the findings and outcomes of the investigation should be kept confidential except as necessary to fully investigate the report, as authorized by the complainant, or as otherwise permitted or required to be disclosed by law or policy and procedures (e.g., concerning the confidentiality of student education records or personnel records).

In both informal and formal complaint cases of bullying, the privacy of all individuals will be given special attention. However, due to the nature of fact-finding and investigation that may be needed, confidentiality cannot be promised.

A Complainant or a Respondent may be deemed to have waived, directly or indirectly, the confidentiality provisions of the policy by voluntarily disclosing information about the complaint or the complaint proceedings to parties within or outside the college who are not directly involved in the investigation or complaint process. For instance, if a Complainant or a Respondent makes any public statement regarding an investigation or complaint proceeding, the college shall have the right to disclose whatever information is reasonably required to address that statement.

Consequences

If inappropriate bullying behavior is found to have occurred, prompt remedial action will be taken.

Consequences and appropriate remedial actions for a student or staff member who engages in one or more acts of bullying or harassment may range from positive behavioral interventions up to and including suspension or expulsion, in the case of a student, or suspension or termination in the case of an employee. College employees will also be held accountable for bullying or harassing behavior directed toward employees, volunteers, parents, or students.

Consequences for a student who commits an act of bullying and harassment shall vary in method and severity according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors and performance, and must be consistent with the Board of Trustees's approved code of student conduct.

The Michigan Penal Code includes provisions that criminalize cyberbullying, cyberstalking, defamation (libel and slander), invasion of privacy torts, and intentional infliction of emotional distress.

All students will receive a summary of the Anti-Bullying policy prohibiting intimidation and bullying at the beginning of the school year, as part of the student handbook, and as part of the school system's notification to parents.

Training

Annual training is assigned by the Human Resources Department. Training is mandatory for all employees responsible for implementing and enforcing all related policies and procedures.

Cross references:

- 1.65 Illegal Discrimination and Harassment policy
- 1.72 Anti-bullying policy
- 1.65(a) Complaint form