



## **Kennebec Valley Community College**

### **Non-Discrimination Policy and Procedures**

#### **1.0 Introduction**

Harassment and sexual harassment (hereinafter collectively called "harassment") and discrimination on the basis of race, color, national origin, age, ancestry, sex, religion, veteran status, sexual orientation, familial status and physical or mental disability (hereinafter called "discrimination") are a violation of certain federal and/or state laws, as well as certain Maine Community College System ("MCCS") and College policies. In addition, federal and/or state law require in some, and permit in other, instances the MCCS and Colleges to engage in affirmative action in its educational and employment activities.

Kennebec Valley Community College respects the legal rights of each person to work and learn in an environment that is free from unlawful discrimination and harassment. The College pledges to eliminate any existing vestiges of policy or practice that tend to discriminate upon the grounds proscribed by the state and federal laws. The College pledges to take affirmative action to recruit, employ and educate qualified members of those groups presently underrepresented. This document explains the College's commitment to these values and the processes that it uses to further their implementation.

#### **2.0 Dissemination of This Document**

This document must be available to all employees in a location clearly designated by the College; included in the College's Student handbook; and posted on each College's website. Notice of the College's non-discrimination statement and contact information of the College's Non-Discrimination/Affirmative Action Officer (ND/AA Officer) and ADA compliance officer must also be posted in conspicuous locations on campus.

#### **3.0 Non-discrimination**

##### **3.1 College Commitment to Non-Discrimination**

The College respects the legal rights of each person to work and learn in an environment that is free from unlawful discrimination. The College is committed to complying with all federal and state laws, rules, and regulations which exist regarding these civil rights, specifically those regarding the treatment of persons on the basis of race, color, national origin, age, ancestry, sex, religion, veteran status, sexual orientation, familial status and physical or mental disability. This commitment is monitored regularly for compliance with, or example, Title VI of The Civil Rights Act of 1964; Age Discrimination Act of 1975; Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; Title II of The Americans with Disabilities Act of 1990; and the Maine Human Rights Act.

### 3.2 Legal Notices of Non-Discrimination

The College provides notice of its commitment to non-discrimination in two ways:

#### 3.2.1 Complete Form Notice

The following constitutes the College's Complete Form Notice of Non-Discrimination:

Kennebec Valley Community College does not discriminate on the basis of race, color, religion, national origin, sex, sexual orientation and/or preference, disability, age or marital, parental or veteran's status in its programs and activities. Inquiries about the College's compliance with and policies that prohibit discrimination on, these bases may be directed to:

**Affirmative Action Officer**

John Delile, Dean of Finance and Administration, Frye Building  
Kennebec Valley Community College, 92 Western Avenue, Fairfield, Maine 04937-1367  
Internet: [www.kvcc.me.edu](http://www.kvcc.me.edu)

and/or

**United States Department of Education  
Office for Civil Rights**

33 Arch Street, Suite 900  
Boston, MA 02110  
Telephone: 617-289-0111, TTY/TDD: 617-289-0063, Fax: 617-289-0150,  
E-mail: [OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov) ,  
Internet: <http://www.ed.gov/about/offices/list/ocr/index.html?src=oc>

and/or

**Maine Human Rights Commission (MHRC)**

51 State House Station, Augusta, ME 04333-0051  
Telephone: 207-624-6050  
TTY/TDD: 207-624-6064  
Fax: 207-624-6063  
Internet: <http://www.state.me.us/mhrc/index.shtml>

and/or

**Equal Employment Opportunity Commission**

475 Government Center, Boston, MA 02203  
Telephone: 617-565-3200 or 1-800-669-4000  
TTY: 617-565-3204 or 1-800-669-6820,  
Fax: 617-565-3196  
Internet: <http://www.eeoc.gov/>

#### 3.2.2 When to Use

This Complete Form Notice must be used on all Internet and intranet websites, catalogs, handbooks, DVD promotions and other substantial publications whose length enables the Complete Form Notice to be practically accommodated.

#### 3.2.3 Where to Place

The Complete Form Notice must be located in a "prominent place" in those websites and publications identified above. For websites, this means a link, preferably styled as the Abbreviated Form Notice cited below, at the very top or very bottom of the home page of each website. For printed publications, this means the very beginning or very end of the publications.

#### 3.2.4 Transition

Until stocks of existing printed publications and forms are depleted, copies of the new Complete Form Notice should be, to the extent practically and financially feasible, inserted in or attached to such existing publications and forms. However, the new Complete Form Notice must be included in all electronic publications and forms, including any internet sites, immediately.

### **3.3 Abbreviated Form Legal Form Notice**

For those pamphlets, brochures, employment and admission applications, print advertisements, flyers, newsletters, posters, course guides, and any other short publications whose length prevents use of the Complete Form Notice cited above, the College may use verbatim the following Abbreviated Form Notice.

#### **3.3.1 Abbreviated Form Notice**

The following constitutes the College's Abbreviated Form Notice of Nondiscrimination:

Kennebec Valley Community College is an equal opportunity/affirmative action institution and employer. For more information, please contact, John Delile, Affirmative Action Officer, 453-5123.

#### **3.3.2 Where to Place and Transition**

This Abbreviated Form Notice must be located in a "prominent place" in those publications identified above. This means in the very beginning or very end of the publication.

As with the Complete Form Notice, until stocks of existing printed publications and forms are depleted, copies of the new Abbreviated Form Notice should be, to the extent practically and financially feasible, inserted in or attached to such existing publications and forms. However, the new Abbreviated Form Notice must be included in all electronic publications and forms, including any internet sites, immediately.

## **4.0 HARASSMENT AND SEXUAL HARASSMENT**

### **4.1 Harassment Prohibited**

The College recognizes the dignity and right of individuals to work, learn, play and live in an environment which is free of substantial unlawful interference. Consequently, the College is committed to preventing and responding promptly and effectively to harassment of College students, employees, volunteers or visitors.

### **4.2 Sexual Harassment Prohibited**

Sexual harassment is prohibited at the College under both state and federal laws and College and M CCS policies. Sexual harassment includes sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or educational benefits;
- submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual; or
- such conduct has the purpose or effect of substantially interfering with an individual's academic or work performance or creating an intimidating, hostile or offensive employment, educational or living environment; and such conduct or behavior was known by the actor to be unwelcome, harmful or offensive; or
- a person of reasonable sensibilities would clearly have understood that the behavior or conduct was unwelcome, harmful or offensive.

## **5.0 AFFIRMATIVE ACTION**

The College pledges to take affirmative action to recruit, employ and educate qualified members of those groups presently under-represented. The College is committed to an Affirmative Action Program designed to increase as practicable the members of gender or minority groups in employment positions where they are under-represented; increase the numbers of gender or minority groups in educational programs and activities where they are under-represented; and administer College policies and procedures in accordance with these goals.

## **5.1 Recruitment and Selection of Employees**

### **5.1.1 Goal**

It is the goal of the College to seek and retain the best-qualified persons available for its employees. The College will act affirmatively to employ throughout the College individuals from traditionally under-represented groups.

It is the goal of the College to establish fair and meaningful criteria to be used for selection of all job applicants. Any standards or criteria which have had the effect of excluding gender or minority groups shall be eliminated unless the College can demonstrate that such standards or criteria are conditions of successful performance in the particular position involved.

### **5.1.2 Objectives**

In filling openings, the College will act affirmatively to recruit in such a way that individuals from traditionally under-represented groups will have notice of, and an opportunity to be considered for, employment.

When possible, under-represented groups will be included on all selection committees. All questions asked of candidates will remain as consistent and job related as practicable throughout the selection process.

### **5.1.3 Activities**

To recruit internal candidates, announcements of the job vacancies and the College's Non-Discrimination Policy Statement will be sent to Maine's Community Colleges' Human Resource Offices according to the guidelines established in negotiated contracts.

External candidates are recruited through advertisements in the Bangor Daily News, Portland Press Herald, Lewiston Sun Journal, Kennebec Journal, Waterville Sentinel, Maine Sunday Telegram, the Boston Globe and Maine Job Service, as well as publications and agencies found to serve the under-represented groups. Job descriptions will be stated in terms of the bona fide minimum qualifications, duties, skills and abilities required to carry out the responsibilities of the position.

Members of employment search committees will have diversity/non-discrimination training. Prior to each interview process, a list of questions to be asked consistently of each interviewee will be developed by the search committee.

Applicant flow data will be maintained by the College Human Resources Officer and will be available for review by the Chair of the College's Affirmative Action Committee. This data will include the date of application, gender and ethnicity information, if known, and the action taken.

## **5.2 Student Admissions and Services**

### **5.2.1 Goal**

It is a goal of the College to act affirmatively to admit and serve students from traditionally under-represented groups. The College embraces the educational values served by a diverse student body. Any standards or criteria which have had the effect of excluding gender or minority groups shall be eliminated unless the College can demonstrate that such standards or criteria are conditions of successful performance in the particular field of study.

### **5.2.2 Objective**

All applicants will be evaluated for admission based on the criteria and standards established for College programs.

### **5.2.3 Activities**

Recruitment program presentations will reflect the College's Equal Opportunity Admissions Policy. The College will maintain a data file on the number of under-represented groups enrolled in each course of instruction. A file will be kept in the Registrar's Office. The Coordinator of Disability Services will also maintain data regarding individuals with disabilities. Recruitment literature will be used that encourages applications of traditionally under-represented groups to non-traditional technologies.

Policies and regulations with regard to equal access of student services will be reviewed before the printing of each new college catalog and student handbook. Student activities will be made known to students through the college catalog, student handbook, school newspapers and other college publications. The College will maintain various committees to respond to student needs and concerns regarding equal access to services.

**6.0 IMPLEMENTATION RESPONSIBILITIES** The policies and procedures of this document will be implemented as follows.

**6.1 College President**

Each College President has the responsibility for overseeing development and implementation of the policies and procedures contained in this document as consistent with state and federal laws governing employment and educational practices.

**6.2 College Compliance Officers**

The College President will appoint one or more Compliance Officers who shall have responsibility for overseeing and implementing the procedures outlined in this document. In addition, the compliance officers will support the development and implementation of an effective equal opportunity and affirmative action program. The compliance officers will:

- interact with local, state and national minority and under-represented groups;
- implement recruitment activities designed to improve the employment and education application rates of individuals from such groups;
- annually disseminate this document;
- conduct periodic review of education and employment activities to remove impediments for attainment of equal opportunity/affirmative action goals and objectives;
- conduct regular discussions with faculty and staff to ensure that College policies are understood and followed;
- conduct periodic audits to ensure that policy statements are properly displayed and published;
- monitor progress toward affirmative action goals and objectives;
- identify program deficiencies and recommendation of corrective actions;
- monitor complaints and investigations;
- conduct the data analysis necessary to perform the above tasks;
- design, implement and maintain a monitoring system; determine progress toward affirmative action goals and objectives; and identify program deficiencies and recommendation of corrective actions; and
- design and deliver training and educational programs.

**6.3 Maine Community College System (MCCS) General Counsel and MCCS Director of Human Resources**

The MCCS General Counsel and MCCS Director of Human Resources will develop and maintain MCCS employment and education policies and procedures governing harassment, sexual harassment, non-discrimination and affirmative action which are consistent with current state and federal laws; coordinate and monitor complaints and investigations; design and deliver training and educational programs; disseminate information concerning state and federal laws, regulations and recent court decisions; and otherwise assist the Colleges as necessary.

**7.0 COMPLAINT PROCEDURES**

This section governs procedures for filing and responding to complaints regarding harassment, sexual harassment, discrimination and/or affirmative action.

## **7.1 Report of Complaint**

### **7.1.1 Where to Report**

Any person who believes that he or she has been discriminated against or harassed ("complainant") must make a timely report to the College's ND/AA Officer as set forth herein. The ND/AA Officer may be contacted at 453-5123, jdelile@kvcc.me.edu, John Delile.

If the ND/AA Officer is the person alleged to have discriminated against or sexually harassed, the complainant should report the complaint to the College President. The College President will then assign a person other than the ND/AA Officer to investigate the complaint. The College President may be contacted at 453-5129. If the College President is the person alleged to have discriminated against or harassed, the role of the College President in this Procedure will be executed by the MCCS Director of Human Resources, who may be contacted at 323 State Street, Augusta, Maine, 04330; ph: 207-629-4000, or that Director's designee.

### **7.1.2 When to Report**

A complainant should report their complaint as soon as possible after the first date of the alleged discrimination or harassment, and must report, if at all, not later than 180 calendar days after the last date of the alleged discrimination or harassment.

### **7.1.3 How to Report**

A complaint may be made orally or in writing, and it must be particular. It must disclose the identity of the person (s) alleged to have engaged in discrimination or harassment ("respondent"), and the location (s), date (s) and description of the alleged acts. If a complainant discusses a complaint with an employee of the College, that employee should promptly refer the complainant to the ND/AA Officer and inform that Officer of that employee's knowledge of that complaint.

The College cannot take complaints "off the record." Once the College receives such information, it has a duty to investigate and possibly take action even if, at the time of the complaint, the complainant does not want the College to do either. Unless the complainant signs a written statement specifying withdrawal of the complaint, the complainant may not be deemed to have withdrawn her or his complaint.

A report filed under this procedure will not be deemed to be a "grievance" under any applicable collective bargaining agreement. If a complainant seeks to file a collective bargaining-based grievance, the complainant must do so in addition to complying with this Procedure.

### **7.1.4 Disability Accommodation Complaints**

A person whose discrimination complaint relates to a disability accommodation must first comply with the College's ADA or Disability Services policy and procedure, and present any such concerns to the College's ADA or Disability Coordinator prior to reporting a complaint to the ND/AA Officer. The College's Disability Coordinator may be contacted at 453-5084, Room 130, King Hall.

## **7.2 Investigation of Complaints**

The following procedures apply to the investigation of discrimination and harassment complaints. In some instances, the College President or MCCS Director of Human Resources may authorize a qualified person other than the ND/AA Officer to conduct the investigation and/or act upon its findings, which person shall then assume the ND/AA's duties as designated.

### **7.2.1 Informal Procedure**

The ND/AA Officer will attempt to resolve a complaint of discrimination or harassment as informally as possible by seeking information and cooperation from both the complainant and respondent. If the parties agree to use this Informal Procedure, such Procedure will be completed within 20 working days of the ND/AA Officer's receipt of the complaint. This timeframe may be extended by the ND/AA Officer as the Officer deems reasonably necessary, provided that any such extension does not impose undue delay, and provided further that the ND/AA Officer documents the dates of, and reasons for, each delay. If either the complainant or respondent declines to use the Informal Procedure, or such Informal Procedure is not otherwise successful, the ND/AA Officer will use the following Formal Procedure.

### **7.2.2 Formal Procedure**

The Formal Procedure, if used, will be completed within 60 calendar days of the ND/AA Officer receipt of a complaint under this Procedure.

#### **Within 10 working days of receiving the complaint**

- meet with the complainant to discuss the complaint;
- provide to the respondent that notice of the complaint as may be required
- by either the Student Code of Conduct or the collective bargaining agreement;
- begin to collect evidence and arrange interviews of witnesses; and
- interview the respondent.

#### **Within 5 working days of completing the investigation**

An investigation is complete when the pertinent supervisor and ND/AA Officer determine that no additional fact finding is required. Within 5 working days of completing the investigation, the College will decide upon its response to the complaint and so inform the complainant and respondent of the nature of that response. Student and employee privacy obligations may prevent the College from disclosing to the complainant the details of the specific action that the College will take.

#### **Extension and Coordination of Above Time Frames**

The timeframes specified above may be extended by the ND/AA Officer as the Officer deems reasonably necessary, provided that any such extension does not impose undue delay, and provided further that the ND/AA Officer documents the dates of, and reasons for, each delay.

In addition, this Formal Procedure must be applied as consistently as possible with the related procedures set forth in the MCCS Student Code of Conduct and MCCS collective bargaining agreements. When a timeframe specified in this Formal Procedure conflicts with a specific timeframe set forth in the Student Code of Conduct or collective bargaining agreement, the timeframe in the Code and agreements shall control, provided that such control shall not unduly delay the completion of the College's investigation under this Procedure.

### **7.2.3 Interim Steps**

While a complaint is under review, the ND/AA Officer may recommend to the appropriate supervising authority at the College that such authority take, consistent with the applicable procedures and standards set forth in the College's Student Code of Conduct and/or any employment policy or agreement, any appropriate or necessary interim action such as removing the complainant from contact with the respondent.

### **7.2.4 Limit on Confidentiality**

The College may need, as part of its investigation, to disclose the complainant's name, statements and allegations to certain relevant other persons, including the alleged discriminator or harasser.

## **7.3 Action upon Findings from the Investigation**

If the College determines that it will take disciplinary or other responsive action as a result of its investigation such action will be taken without undue delay as follows.

### **7.3.1 Action against a Student**

To implement discipline or other action in response to complaints against a student, the College will use the MCCS Student Code of Conduct.

### **7.3.2 Action against an Employee**

To implement discipline or other action in response to complaints against an employee, the College will use the applicable collective bargaining agreement or other pertinent employment policy.

### **7.3.3 Action against Others**

To implement discipline or other action in response to complaints against a contractor or other party, the College will consult with the College President.

#### **7.3.4 Action to Address Disability Accommodations**

To address the College's provision of disability accommodation, the College will follow its pertinent ADA or Disability Services protocol.

#### **7.4 Appeals of College Response to Complaint**

Any appeals from action taken under *Section 7.3* above shall be taken pursuant to the applicable Code, collective bargaining agreement or employment policy. Only if those sources do not provide an appeal process to an affected party, then the following appeal process shall apply. Within 10 working days of receiving the report of the investigation, a party to the complaint who is aggrieved by the decision ("appellant") may appeal to the College President (or to the MCCS Director of Human Resources if the College President is the respondent to the complaint; see *Section 7.1.1*). Within 10 working days of receipt of the appeal, the College President will meet with the appellant to discuss the appeal. Within 10 working days after the meeting, the College President will inform the appellant and other party(s) to the complaint of the College President's decision on the appeal. Such timeframes may be extended by the College President as the President deems reasonably necessary, provided any such extension does not impose undue delay, and provided further that the ND/AA Officer documents the dates of, and reasons for, each delay.

#### **7.5 External Complaint Procedures**

In addition to, or in place of, filing a complaint through this Procedure, a complainant has the right to file a private lawsuit or a complaint with outside agencies. For example, a complaint alleging discrimination in the College's education programs and/or activities under Title VI of the Civil Rights Act of 1964 (race, color, national origin), the Age Discrimination Act of 1975 (age), Title IX of the Education Amendments of 1972 (sex), Section 504 of the Rehabilitation Act of 1973 (disability), and/or Title II of the Americans with Disabilities Act of 1990 (disability) may be filed with the United States Department of Education, Office for Civil Rights, 33 Arch Street, Suite 900, Boston, MA 02110, telephone 617.289.0111, TTY/TDD

617.289.0063, fax 617.289.0150, e-mail [OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov) Internet

<http://www.ed.gov/about/offices/list/ocr/index.html?src=oc> The Federal government agency that has the responsibility for enforcing anti-discrimination laws in regard to employment is the United States Equal Employment Opportunity Commission, which may be contacted at 475 Government Center, Boston, MA 02203, telephone 617.565.3200 or 1.800.669.4000, TTY 617.565.3204 or 1.800.669.6820, fax 617.565.3196, internet <http://www.eeoc.gov/> The State agency in Maine that has the responsibility for enforcing anti-discrimination laws is the Maine Human Rights Commission, which may be contacted at 51 State House Station, Augusta, ME 04333-0051, telephone 207.624.6050, TTY/TDD 207.624.6064, fax 207.624.6063, Internet <http://www.state.me.us/mhrc/index.shtml>

#### **7.6 Retaliation**

Retaliation against any person who in good faith either files a discrimination or harassment complaint or otherwise participates in the complaint process is a violation of law and MCCS policy. Complaints alleging retaliation of any kind shall be reported immediately to the ND/AA Officer as set forth in *Section 7.1*.

#### **7.7 Other Provisions**

##### **7.7.1 Communication with Disabled Persons**

In implementing this Procedure, the College must communicate with a complainant who has a disability in a format accessible to the complainant.

##### **7.7.2 Record Retention**

Unless otherwise directed by the MCCS Human Resource Counsel, *the AA/ND* College will retain a record of all information, complaints, decisions, appeals and responses handled under this Procedure for at least three (3) years.

##### **7.7.3 Interpretation of this Procedure**

This Procedure intends to make as clear and consistent as practical the College's best practices in complying with state and federal laws. This Procedure is not intended, and shall not be construed, to create or expand substantive or procedural rights under any law.

## **8.0 ADDITIONS TO THIS DOCUMENT**

The College may from time to time add to the above provisions by attaching an Appendix of Additions. Such additions may include, for example, specific delineation of the duties of the College's Affirmative Action or other pertinent Committees. All additions must be approved by the MCCS General Counsel.

## **9.0 LIST OF RESPONSIBLE INDIVIDUALS FOR THE ACADEMIC YEAR 08-09**

- KVCC College President, Barbara Woodlee, 453-5129, [bwoodlee@kvcc.me.edu](mailto:bwoodlee@kvcc.me.edu)
- Affirmative Action Officer, John Delile, 453-5123, [jdelile@kvcc.me.edu](mailto:jdelile@kvcc.me.edu)
- Gender Equity Coordinator, Kate Grambow, 453-5155, [kgrambow@kvcc.me.edu](mailto:kgrambow@kvcc.me.edu)
- Student Disciplinary Officer, Karen White, 453-5117, [kwhite@kvcc.me.edu](mailto:kwhite@kvcc.me.edu)
- ADA Compliance Officer, John Delile, 453-5123, [jdelile@kvcc.me.edu](mailto:jdelile@kvcc.me.edu)
- MCCS Human Resources Director, Kim Ehrlich, 629-4009, [kehrlich@mccs.me.edu](mailto:kehrlich@mccs.me.edu)
- MCCS General Counsel, Derek Langhauser, 767-0116, [dlanghauser@mccs.me.edu](mailto:dlanghauser@mccs.me.edu)