

# Saginaw Chippewa Tribal College

## Civil Rights

### Policy and Procedures

#### **Commitment to Civil Rights and Non-Discrimination**

**Preamble:** Saginaw Chippewa Tribal College acknowledges and respects the sovereignty and rich cultural heritage of The Saginaw Chippewa Tribe of Michigan. In alignment with our values of respect, diversity, and academic freedom, we are committed to upholding the highest standards of civil rights and ensuring an environment where all individuals are treated with dignity and respect.

#### **Non-Discrimination Policy**

Saginaw Chippewa Tribal College (SCTC) and its Board of Regents is committed to providing a non-discriminatory and harassment-free educational and working environment for all members of the Saginaw Chippewa Tribal College community, including students, faculty, administrators, staff, and visitors. It is the policy of SCTC that no person shall be discriminated against, excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, including harassment, in employment and admissions, in education, or in any program or activity for which the College is responsible, on the basis of race, color, national origin, ancestry, sex, gender, gender identification, sexual orientation, disability, age, religion, medical condition, veteran status, marital status or any other characteristic protected by institutional policy or tribal or federal law.

The Saginaw Chippewa Tribal College prohibits discrimination and harassment based on protected criteria and retaliation for opposing discrimination or harassment or participating in a complaint proceeding on campus or a governmental agency. This procedure is established to ensure an environment that affords equal educational and employment opportunities to all students and employees, including faculty and administrators, in the working and academic environments at the Saginaw Chippewa Tribal College. This procedure seeks to resolve complaints promptly and effectively with respect for all parties.

#### **Policy Statement:**

1. **Equal Opportunity:** Saginaw Chippewa Tribal College is committed to providing equal opportunity in education and employment for all individuals, regardless of race, color, national origin, tribal affiliation, religion, sex, age, sexual orientation, gender identity or expression, disability, marital status, familial status, veteran status, or any other legally protected status. Our commitment extends to all aspects of our educational programs and activities, including but not limited to admissions, employment, compensation, and access to facilities.
2. **Non-Discrimination:** We strictly prohibit discrimination in any form. Our institution fosters an inclusive environment that promotes equality and values diversity. We recognize that diversity in our academic community is not only an asset but also essential to achieving academic excellence and cultivating a rich cultural understanding.
3. **Harassment-Free Environment:** We strive to maintain a campus free from harassment. Harassment, whether verbal, physical, or visual, that is based on any of the aforementioned characteristics, is a form of discrimination and is unacceptable. This includes bullying, intimidation, and any other behavior that creates a hostile environment.
4. **Cultural Sensitivity and Awareness:** In recognition of our unique cultural heritage, the Saginaw Chippewa Tribal College is dedicated to promoting cultural sensitivity and

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awareness. We respect and honor the traditional knowledge, practices, and contributions of our tribal communities.

5. **Compliance with Laws and Tribal Sovereignty:** We adhere to all applicable federal and tribal laws regarding civil rights and non-discrimination. We respect tribal sovereignty and work collaboratively with tribal entities to ensure that our policies are in harmony with tribal laws and customs.
6. **Responsibility and Reporting:** All members of the Saginaw Chippewa Tribal College community, including faculty, staff, students, and visitors, are responsible for supporting and upholding this policy. Any instances of discrimination or harassment should be reported immediately to the designated college official(s).
7. **Accountability and Enforcement:** Allegations of discrimination or harassment will be promptly investigated, and appropriate corrective action will be taken against any individual or group found to have violated this policy. Saginaw Chippewa Tribal College is committed to ensuring that individuals who make a report or participate in an investigation of such matters will not face retaliation.
8. **Continuous Improvement and Education:** Saginaw Chippewa Tribal College is committed to continuous improvement in its policies and practices related to civil rights and non-discrimination. Regular training and education programs will be conducted to ensure awareness and understanding of these policies among all members of the college community.

### Civil Rights Coordinator and Title IX Coordinator

The College has designated responsibility to Coordinators to conduct the Civil Rights processes for students and employees who receive, investigate, evaluate, and resolve reports or complaints of discrimination, harassment, and retaliation which are prohibited by civil rights statutes, including Title IX.

#### **Saginaw Chippewa Tribal College Title IX Coordinator**

Dr. Gena Qualls, Dean of Institutional Advancement  
5805 East Pickard Street  
Mount Pleasant, MI 48858  
989-317-4760 Ext. 225  
[gqualls@sagchip.edu](mailto:gqualls@sagchip.edu)

#### **Saginaw Chippewa Tribal College Civil Rights Coordinator**

Mary Pelcher, Dean of Academics  
5805 East Pickard Street  
Mount Pleasant, MI 48858  
989-317-4760 Ext. 265  
[mapelcher@sagchip.edu](mailto:mapelcher@sagchip.edu)

Inquiries about the application of Title IX and its regulations to the College may be referred to the Title IX Coordinator, Assistant Secretary of the Department of Education, or both. *34 CFR §106.8(b)(1)*. The contact information is as follows:

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#### **Saginaw Chippewa Tribal College Title IX Coordinator**

Name: Dr. Gena Qualls  
Position: Dean of Institutional Advancement  
Address: 5805 East Pickard Street  
Mount Pleasant, MI 48858  
Telephone: (989)317-4760 Extension 225  
Email: [gqualls@sagchip.edu](mailto:gqualls@sagchip.edu)

#### **Assistant Secretary of the Department of Education**

U.S. Department of Education, Office for Civil Rights  
(OCR) Address: 400 Maryland Avenue  
SW Washington, DC 20202-1100  
Customer Service Hotline #: (800) 421-3481  
Facsimile: (202) 453-6012 TDD#: (877) 521-2172  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)  
Web: <http://www.ed.gov/ocr>

### **Anti-Harassment Policy**

**Purpose:** Saginaw Chippewa Tribal College is dedicated to maintaining a learning and working environment that is free from harassment in any form. Harassment undermines the integrity of our academic mission and the well-being of our community. This policy outlines our commitment to preventing, addressing, and eliminating harassment on our campus.

#### **Policy Statement:**

1. **Prohibition of Harassment:** Harassment, including sexual harassment, is prohibited in any form. It encompasses a range of behaviors including, but not limited to, unwelcome comments, jokes, gestures, physical contact, or visual displays that demean, intimidate, or threaten an individual or group based on their race, color, national origin, tribal affiliation, religion, gender, sexual orientation, age, disability, or any other protected status.
2. **Definition of Sexual Harassment:** Sexual harassment is defined as unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature when:
  - o Such conduct is made implicitly or explicitly a term or condition of an individual's education, employment, or participation in college activities;
  - o Submission to or rejection of such conduct is used as the basis for decisions affecting the individual; or
  - o Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or creating an intimidating, hostile, or offensive educational or work environment.

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3. **Reporting and Confidentiality:** Members of the college community who believe they have been subjected to harassment are encouraged to report these incidents. Saginaw Chippewa Tribal College will endeavor to protect the confidentiality of individuals who report harassment or participate in an investigation, to the extent possible and allowable by law.
4. **Response and Investigation:** All reported incidents of harassment will be taken seriously and promptly investigated. Interim measures may be implemented to ensure the safety and well-being of all parties involved during the investigation process.
5. **Non-Retaliation:** This policy prohibits retaliation against any individual who reports harassment or participates in an investigation. Retaliatory actions will be subject to disciplinary action, up to and including termination or expulsion.
6. **Disciplinary Action:** Individuals found to have engaged in harassment will face appropriate disciplinary action, which may include reprimand, suspension, termination, or expulsion, depending on the severity of the offense.
7. **Education and Prevention:** Saginaw Chippewa Tribal College is committed to educating its community about harassment and the importance of maintaining a respectful and safe environment. Regular training sessions and awareness programs will be conducted for students, faculty, and staff.
8. **Resources and Support:** The college provides support and resources for individuals who have been subjected to harassment. This includes counseling services, academic accommodations, and assistance in reporting incidents to law enforcement if the individual chooses to do so.

This policy reflects the Saginaw Chippewa Tribal College's commitment to creating a safe and respectful environment for all members of its community. It is a vital part of our broader commitment to ensuring a welcoming, inclusive, and equitable campus.

### Compliance with Tribal and Federal Laws

**Introduction:** The Saginaw Chippewa Tribal College, rooted in the sovereignty and cultural heritage of the Saginaw Chippewa Indian Tribe of Michigan, is committed to upholding the principles of tribal law and governance while also ensuring compliance with relevant federal laws. This policy outlines our approach to navigating the intersection of these legal frameworks in the context of civil rights and anti-harassment.

#### Policy Statement:

1. **Adherence to Tribal Law:** Our college recognizes and respects the sovereignty of the Saginaw Chippewa Indian Tribe of Michigan. All policies and procedures, including those related to civil rights and anti-harassment, are developed in consultation with tribal legal experts to ensure alignment with tribal laws, customs, and traditions. The unique legal and cultural perspectives of our tribe are integral to our institutional governance and policy implementation.
2. **Compliance with Federal Laws:** In addition to tribal law, Saginaw Chippewa Tribal College acknowledges the necessity of complying with applicable federal laws related to

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civil rights and anti-harassment. This includes, but is not limited to, Title IX of the Education Amendments of 1972, the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), and the Age Discrimination in Employment Act (ADEA). Our policies are designed to meet or exceed the standards set forth by these laws.

3. **Balancing Dual Legal Obligations:** Where tribal and federal laws intersect, Saginaw Chippewa Tribal College strives to harmonize the requirements of both legal systems. In cases of potential conflict or ambiguity, we will seek guidance from legal experts in both tribal and federal law to find solutions that honor our commitment to both legal frameworks.
4. **Cultural Sensitivity in Legal Compliance:** Recognizing the unique cultural context of our tribal community, our approach to legal compliance will always be undertaken with sensitivity to cultural values and practices. This includes ensuring that any federal mandates are implemented in a manner that respects and upholds the cultural integrity of our tribe.
5. **Training and Awareness:** To ensure thorough understanding and compliance with both tribal and federal laws, Saginaw Chippewa Tribal College commits to ongoing training for all faculty, staff, and administrators. This training will cover the nuances of navigating dual legal obligations, emphasizing respect for tribal sovereignty and adherence to federal legal standards.
6. **Policy Review and Update:** Our policies will be regularly reviewed and updated as necessary to reflect changes in tribal and federal laws. This ensures that Saginaw Chippewa Tribal College remains in compliance with legal requirements and best practices in civil rights and anti-harassment.
7. **Collaboration with Tribal and Federal Entities:** We foster strong relationships with both tribal authorities and federal agencies to ensure that our policies and practices are informed, current, and compliant. Through collaboration and open dialogue, we aim to uphold our legal responsibilities while nurturing the cultural and educational goals of our tribal college community.

This policy represents our dedication to navigating the complexities of dual legal systems with integrity, respect, and an unwavering commitment to the principles of justice and equity.

### Reporting Procedures

**Purpose:** Saginaw Chippewa Tribal College is committed to ensuring a safe, respectful, and equitable environment for all members of our community. This section provides clear and accessible procedures for reporting any violations of our policies, ensuring transparency and efficacy in handling such reports.

### Policy Statement:

1. **Accessibility of Reporting Mechanisms:** The college provides multiple accessible channels for reporting policy violations, ensuring that all members of our community can report concerns in a manner that is comfortable and convenient for them. These channels include:
  - o An online reporting form, available 24/7 on the college's website.

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- Direct contact with designated staff members, such as counselors, advisors, or human resources personnel, who are trained to handle reports.
  - Anonymous reporting options for those who may wish to report without disclosing their identity.
2. **Guidance on What to Report:** Community members are encouraged to report any behavior that they believe violates college policies, including but not limited to discrimination, harassment, and breaches of civil rights. This includes incidents they have experienced personally or witnessed affecting others.
  3. **Immediate Safety Concerns:** In cases where immediate safety is a concern, individuals are advised to contact campus security or local law enforcement immediately. The safety and well-being of our community members is our foremost priority.
  4. **Confidentiality and Privacy:** The college respects the confidentiality and privacy of individuals who report policy violations and those who are reported. Information will be shared only with those necessary to investigate and resolve the matter, and efforts will be made to protect the privacy of all parties involved.
  5. **Acknowledgement of Reports:** All reports will be acknowledged promptly, and the individual making the report will be provided with information about the next steps in the process, including what they can expect and any available support services.
  6. **Investigation Process:** Reports will be investigated thoroughly and impartially. The college ensures that investigations are conducted by individuals who are trained and knowledgeable in handling such matters, respecting the cultural and legal context of our tribal community.
  7. **Protection Against Retaliation:** The college strictly prohibits retaliation against anyone who reports a policy violation or participates in an investigation. Any acts of retaliation will be subject to disciplinary action.
  8. **Follow-up and Resolution:** Following the investigation, the individual who made the report will be informed of the outcome and any actions taken, to the extent that this information can be shared while respecting the privacy of all parties involved.
  9. **Record Keeping:** The college maintains records of all reports and investigations in accordance with applicable privacy laws and college policies. These records are kept secure and confidential.

This policy outlines the procedures for reporting violations, emphasizing our commitment to addressing concerns promptly, fairly, and respectfully, thereby upholding the integrity and safety of our college community.

### Investigation Procedures

**Purpose:** Saginaw Chippewa Tribal College is committed to ensuring a thorough and fair investigation of all reported policy violations. This section outlines the procedures and principles guiding our investigations, emphasizing impartiality, confidentiality, and respect for all parties involved.

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#### Policy Statement:

1. **Initiation of Investigation:** Upon receipt of a report, the college will promptly initiate an investigation. The scope and nature of the investigation will depend on the specifics of the report and may vary from case to case.
2. **Selection of Investigators:** Investigations will be conducted by individuals who are trained and knowledgeable in handling such matters. They will be impartial parties, uninvolved in the incident, to ensure fairness and objectivity. In cases requiring specific expertise, external professionals may be consulted.
3. **Informing Involved Parties:** Individuals involved in a reported incident will be informed about the investigation. This includes notifying the person who made the report and the individual(s) accused of the violation. Information about the investigation process, their rights, and available support services will be provided.
4. **Confidentiality:** The college is committed to maintaining confidentiality throughout the investigation process. Information will be shared only with those who need to know to conduct a thorough investigation. The privacy of all individuals involved will be respected to the fullest extent possible.
5. **Evidence Collection and Interviews:** The investigation may include collecting relevant documents, electronic records, and other evidence. Interviews with the reporting party, the accused individual(s), and witnesses may also be conducted. All parties will be treated with respect and sensitivity.
6. **Timely Resolution:** The college endeavors to complete investigations in a timely manner. While the duration of an investigation may vary based on complexity, all efforts will be made to resolve matters efficiently, balancing thoroughness with the need for a prompt resolution.
7. **Interim Measures:** If necessary, interim measures may be implemented during the investigation to ensure the safety and well-being of all parties involved. This could include temporary changes in class schedules, work assignments, or other appropriate actions.
8. **Reporting Findings:** Upon conclusion of the investigation, a detailed report of findings will be compiled. This report will include a summary of the investigation, findings of fact, and a determination as to whether a policy violation has occurred.
9. **Determining Outcomes and Actions:** If a policy violation is found, appropriate actions and sanctions will be determined in accordance with college policies and procedures. The nature and severity of the violation will guide the decision-making process.
10. **Rights of Appeal:** Both the reporting party and the accused individual(s) will have the right to appeal the findings and actions taken, as outlined in the college's policies.
11. **Documentation and Record Keeping:** All investigations will be documented thoroughly, and records will be maintained in accordance with college policies and applicable laws, ensuring security and confidentiality.

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This policy underscores the Saginaw Chippewa Tribal College's commitment to conducting investigations with integrity, fairness, and respect for all members of our community, upholding the principles of justice and equity.

#### Disciplinary Actions

**Purpose:** Saginaw Chippewa Tribal College is committed to maintaining a safe, respectful, and equitable environment. This section outlines the disciplinary actions that may be taken in response to violations of college policies, ensuring that actions are appropriate, fair, and consistent with the values of our institution and community.

#### Policy Statement:

1. **Basis for Disciplinary Action:** When an individual is found to have violated college policies, disciplinary actions will be determined based on the nature and severity of the violation, the individual's past conduct, and the impact of the violation on the college community.
2. **Range of Disciplinary Actions:** The disciplinary actions may include, but are not limited to:
  - o Written warning or reprimand.
  - o Mandatory training or counseling.
  - o Restitution or reparations for harm caused.
  - o Loss of privileges within the college community.
  - o Temporary or permanent reassignment of duties.
  - o Suspension from employment or academic activities.
  - o Termination of employment or expulsion from the college.
  - o Referral to law enforcement or external authorities, if applicable.
3. **Consideration of Context and Impact:** In determining appropriate disciplinary actions, the college will consider the context of the violation and its impact on the victims, the college community, and the reputation of the institution.
4. **Procedural Fairness:** Individuals subject to disciplinary actions will be afforded procedural fairness. This includes the right to be informed of the allegations, the right to respond to the allegations, and the right to be informed of the disciplinary decision and its rationale.
5. **Support and Resources:** Those affected by the violation, including victims and individuals undergoing disciplinary procedures, will have access to appropriate support and resources, such as counseling and advisory services.
6. **Documentation and Record Keeping:** All disciplinary actions will be documented and records maintained in accordance with college policies and applicable laws. These records will be kept confidential and secure.
7. **Appeal Process:** Individuals who face disciplinary actions have the right to appeal the decision. The appeal process will be outlined in the college's policies and will ensure an unbiased review of the decision.



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8. **Preventive and Corrective Measures:** In addition to disciplinary actions, the college may implement preventive and corrective measures to address underlying issues and prevent future violations. This may include policy reviews, community education initiatives, and systemic changes.
9. **Communication:** Decisions regarding disciplinary actions will be communicated clearly to the involved parties, respecting the privacy and confidentiality of all individuals.

This policy reflects the Saginaw Chippewa Tribal College's commitment to accountability and the enforcement of our standards in a manner that is respectful, fair, and consistent with our institutional values and the well-being of our community.

### Training and Education

**Purpose:** Saginaw Chippewa Tribal College recognizes the critical importance of ongoing training and education in fostering an informed, respectful, and safe campus environment. This section details our commitment to providing regular and comprehensive training and educational programs for all members of our community.

#### Policy Statement:

1. **Mandatory Training for Faculty and Staff:** All faculty and staff members are required to participate in regular training sessions. These sessions will cover topics such as civil rights, non-discrimination, anti-harassment, cultural sensitivity, and the legal responsibilities and policies of the college. This training ensures that all employees are equipped to uphold our standards and respond appropriately to policy violations.
2. **Orientation Programs for Students:** New students will participate in orientation programs that include education on the college's policies, rights and responsibilities, and resources available for reporting and support. These programs aim to foster a culture of respect and safety from the onset of their college experience.
3. **Ongoing Educational Initiatives:** The college will organize ongoing educational initiatives, such as workshops, seminars, and guest lectures, to address various aspects of civil rights, non-discrimination, and anti-harassment. These initiatives will also focus on promoting understanding and appreciation of diverse cultures and perspectives.
4. **Customized Training Modules:** Training will be tailored to address the specific needs and roles of different groups within the college community. For instance, training for administrators may focus on policy implementation and compliance, while training for students may emphasize bystander intervention and peer support.
5. **Engagement with Tribal Elders and Cultural Experts:** In recognition of our unique cultural context, training and education will also include input and guidance from tribal elders and cultural experts. This will ensure that our programs are culturally relevant and respectful.

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6. **Evaluation and Feedback:** Training programs will be regularly evaluated for effectiveness, and feedback will be sought from participants to continually improve the content and delivery methods.
7. **Record Keeping and Compliance Tracking:** The college will maintain records of training participation to ensure compliance and identify areas where additional training may be needed.
8. **Accessibility of Training Materials:** All training materials will be made accessible to individuals with disabilities and provided in formats that are inclusive of the diverse learning needs of our community.
9. **Promotion of a Culture of Learning and Respect:** Through these training and educational programs, Saginaw Chippewa Tribal College aims to promote a culture of continuous learning, mutual respect, and shared responsibility for creating and maintaining a safe and inclusive educational environment.

This policy demonstrates the Saginaw Chippewa Tribal College's dedication to educating our community members and empowering them with the knowledge and skills necessary to contribute positively to our college's culture and to uphold our shared values and standards.

### Accessibility

**Purpose:** Saginaw Chippewa Tribal College is committed to ensuring that our policies, procedures, facilities, and educational programs are accessible to all members of our community, including individuals with disabilities. This section outlines our approach to providing an inclusive and barrier-free environment.

### Policy Statement:

1. **Accessibility of Facilities and Programs:** We ensure that all physical facilities, including classrooms, offices, and public spaces, are accessible to individuals with disabilities. Additionally, our academic and extracurricular programs are designed to be inclusive and accommodating to the needs of all students, faculty, and staff.
2. **Reasonable Accommodations:** The college is committed to providing reasonable accommodations to individuals with disabilities to ensure equal access to educational opportunities, employment, and college activities. This includes academic adjustments, modifications to policies, and provision of auxiliary aids and services.
3. **Accessibility Services Office:** Saginaw Chippewa Tribal College maintains an Accessibility Services Office (or equivalent) tasked with coordinating accommodations and support for individuals with disabilities. This office serves as a resource for information, advocacy, and assistance in accessing services and accommodations.
4. **Training and Awareness:** Regular training and awareness programs are conducted for faculty, staff, and students to foster an understanding of disability rights, the importance of accessibility, and the procedures for requesting accommodations.

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5. **Feedback and Continuous Improvement:** We encourage feedback from our community members regarding the accessibility of our campus and services. This feedback is integral to our ongoing efforts to identify areas for improvement and implement necessary changes.
6. **Compliance with Laws:** Saginaw Chippewa Tribal College complies with all applicable laws and regulations regarding accessibility and disability rights, including the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act.
7. **Accessible Communication:** All communication from the college, including websites, official documents, and course materials, will be provided in accessible formats upon request to ensure that all members of our community can access the information they need.
8. **Emergency Preparedness and Response:** Our emergency preparedness and response plans include specific considerations for individuals with disabilities, ensuring their safety and well-being in emergency situations.
9. **Promoting an Inclusive Environment:** Beyond compliance, we strive to create a culture that values diversity and inclusivity, where the contributions and needs of individuals with disabilities are recognized and respected.

This policy reaffirms the Saginaw Chippewa Tribal College's dedication to accessibility and inclusivity, ensuring that every member of our community has equal opportunity to participate fully in the life of the college.

### Review and Update

**Purpose:** Saginaw Chippewa Tribal College acknowledges the dynamic nature of legal, educational, and social environments. To ensure that our policies continue to effectively serve our community and uphold our values, it is crucial to regularly review and update them. This section outlines our commitment to the ongoing evaluation and refinement of our policies.

### Policy Statement:

1. **Regular Policy Reviews:** The college will conduct regular reviews of all policies, including those related to civil rights, non-discrimination, and anti-harassment. These reviews will be carried out at least annually, or more frequently as needed, to ensure that our policies remain current, effective, and compliant with legal standards.
2. **Inclusive Review Process:** The policy review process will include input from a diverse range of stakeholders, including faculty, staff, students, tribal leaders, legal experts, and community members. This inclusive approach ensures that multiple perspectives are considered, particularly those reflecting the unique cultural and educational context of our tribal community.
3. **Assessment of Emerging Trends and Laws:** The review process will assess emerging trends, legal changes, and educational best practices. This includes staying informed about developments in federal, state, and tribal law, as well as evolving social and cultural norms.

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4. **Feedback Mechanism:** The college will establish a mechanism for receiving feedback from the community on the effectiveness and relevance of existing policies. This feedback will be a critical component of the review process, helping to identify areas for improvement.
5. **Transparency in Updates:** Any changes or updates to policies will be communicated transparently to the entire college community. This includes clear explanations of the reasons for the changes and the implications for community members.
6. **Documentation and Record-Keeping:** Records of policy reviews, including the rationale for any changes, will be maintained. This documentation ensures accountability and provides a historical record of policy evolution.
7. **Training on Updated Policies:** Following significant policy updates, the college will provide training and informational sessions to ensure that all community members understand the new policies and their implications.
8. **Continuous Improvement:** The college is committed to a philosophy of continuous improvement. Regular policy reviews and updates are a key part of this commitment, ensuring that we adapt to changing circumstances and always strive to better serve our community.

This policy reflects the Saginaw Chippewa Tribal College's dedication to being a responsive, dynamic institution that proactively addresses the needs and well-being of its community through regular policy evaluation and updates.

**Purpose:** Saginaw Chippewa Tribal College recognizes the importance of providing comprehensive resources and support services to our community members, particularly those who have been affected by violations of our policies or who need assistance in matters related to civil rights, non-discrimination, and anti-harassment. This section details the range of support services available and how to access them.

#### **Policy Statement:**

1. **Counseling Services:** The college offers confidential counseling services to students, faculty, and staff. These services are designed to provide support for mental and emotional well-being, including support for individuals affected by harassment, discrimination, or other policy violations.
2. **Legal Assistance and Advocacy:** We provide access to legal resources and advocacy services for individuals who require assistance in understanding their rights and options, including navigating legal processes related to civil rights and anti-harassment.
3. **Academic Support:** For students affected by issues related to policy violations, the college offers academic support services. This may include tutoring, extensions on assignments, or modifications to course schedules.
4. **Health Services:** The college health center provides medical services and health-related guidance. This includes support for physical health concerns that may arise from experiences of harassment or discrimination.

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5. **Cultural and Spiritual Support:** Recognizing the importance of cultural and spiritual well-being, the college facilitates access to cultural advisors and spiritual leaders from the [Name of Tribe/Nation] community, providing support that aligns with the cultural values and practices of our students and staff.
6. **Reporting Assistance:** Assistance is available for individuals who wish to report a violation of college policies. This includes help in understanding the reporting process, completing necessary documentation, and finding the appropriate channels for their report.
7. **Employee Assistance Program (EAP):** For faculty and staff, the Saginaw Chippewa Tribe of Michigan offers an Employee Assistance Program, which provides a range of services including counseling, legal consultation, and work-life solutions.
8. **Campus Safety and Security:** Campus security is available to ensure the physical safety of all community members. They can provide escorts, safety planning, and immediate response to safety concerns.
9. **Community Resources:** The college maintains a list of external community resources, including local advocacy groups, support services, and healthcare providers, to ensure that community members have access to a wide range of support options.
10. **Awareness and Education:** Regular awareness and educational programs are held to inform the college community about the available resources and how to access them, ensuring that everyone is aware of the support available to them.

This policy underlines Saginaw Chippewa Tribal College's commitment to providing a comprehensive network of resources and support services, ensuring that all members of our community have access to the help and support they need.

### **Reporting Discrimination, Harassment, and Retaliation: Employees and Students**

**General Reporting.** Any person may report discrimination or harassment based on any protected criteria (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute discrimination or harassment) in person, by mail, telephone, or electronic mail; using the contact information listed for the Civil Rights Coordinator; or by any other means that results in the Civil Rights Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address listed for the Civil Rights Coordinator in Appendix A. *See 34 CFR §106.8(a).*

#### **Confidentiality.**

Except as otherwise provided by the Title IX regulations and this procedure, the College will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted or required by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of the new Title IX regulations

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at 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. *34 CFR§ 106.71(a)*

#### **Mandatory Reporting**

All Saginaw Chippewa Tribal College employees who are not employed as a **Personal Counselor** or designated as a Confidential Employee are **Mandated Reporters** for all the details of which they are aware about an incident. Mandated Reporters must share this information with the Civil Rights Coordinator. Giving a **Mandated Reporter** notice of an incident constitutes official notice to the institution. Incidents of sexual misconduct will be taken seriously when official notice is given to the institution.

**Reporting Deadline.** A report or formal complaint alleging discrimination, harassment, or retaliation must be submitted or filed within ninety (90) calendar days from the date of the last act of alleged act of discrimination, harassment, or retaliation.

**College to Handle Report.** A report or formal complaint of discrimination, harassment, or retaliation by a student against a student will be assigned to the College Civil Rights Coordinator and Dean of Students.

A report or formal complaint of discrimination, harassment, or retaliation by or against an employee will be assigned to the Civil Rights Coordinator or Title IX Coordinator.

Any student sanctions to be imposed against a student as a result of a responsibility finding will be assigned to the Civil Rights Coordinator and Dean of Students and will be processed under the Student Code of Conduct. Any discipline of an employee based on a finding of responsibility against the employee will be handled by the College President and processed under the employee procedures for progressive discipline or termination of employment.

**Delay of Sanctions/Discipline.** Any sanctions against a student or discipline against an employee based on a finding of responsibility for discrimination, harassment, or retaliation will not be imposed until after the appeal time has expired or a decision on appeal is rendered, whichever occurs later.

#### **Retaliation**

- **Retaliation Prohibited.** No institution of higher education or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, Title VII, or any other statute protecting employees or students, their regulations if any, this procedure and its underlying policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX, Title VII, any other statute protecting employees or students, or this procedure. (*See 34 CFR §106.71(a)*).

- **Interference with Rights Per Title IX.** Intimidation, threats, coercion, or

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discrimination, including charges against an individual for Student Code of Conduct or employee procedure violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sex discrimination or sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or the regulations constitute retaliation and may be addressed through the Student Code of Conduct or Progressive Discipline procedure for employees, whichever is applicable. *34 CFR §106.71(a)*.

- **Conduct Not Retaliation.** The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under Title IX. *34 CFR §106.71(b)(1)*. Charging an individual with a Student Code of Conduct or employee procedure violation for making a materially false statement in bad faith in the course of a grievance proceeding under this part does not constitute retaliation prohibited by Title IX, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith. (*See 34 CFR §106.71(b)(2)*).
- **Retaliation Complaints.** Complaints alleging retaliation for having exercised rights under Title IX or any other statute will be processed under this process. (*See 34 CFR § 106.71(a)*).

### **Applicable to All Civil Rights Complaints of Discrimination, Harassment, And Retaliation, Except Complaints of Sexual Harassment Under Title IX**

This procedure provides the process (grievance procedures) for the College to receive, investigate, evaluate, and resolve reports or complaints of discrimination, harassment, and retaliation which are prohibited by civil rights statutes listed below.

This process applies to all other complaints which do not meet the definitions of sexual harassment, sexual assault, dating violence, domestic violence, and stalking and jurisdictional requirements of §§106.30, 106.44, and 106.45 of the Title IX regulations as well as complaints of gender discrimination under Title IX, complaints which arise under other civil rights statutes, and complaints of retaliation. (*See 34 CFR §106.8(c)*). Complaints may be filed as to the following statutes as provided in Section I above on Reporting Complaints of Discrimination, Harassment and Retaliation.

### **Civil Rights Statutes Which Apply to Employees Only**

**Title VII** - Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e *et seq.*, as amended, and its federal regulations at 29 CFR §1606.2 *et seq.*, prohibit discrimination and harassment against employees based on race, color, national origin, creed, and sex. “National origin” includes ethnicity or ancestry. “Creed” refers to religion.

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**ADA** - Title I of the Americans With Disabilities Act of 1990, 42 U.S.C. §12101 *et seq.*, as amended, and its federal regulations prohibit discrimination and harassment against employees on the basis of mental or physical disabilities. An employee who requires an accommodation of one or more disabilities covered by the ADA bears the responsibility to initiate a written request for an ADA accommodation with their supervisor or Saginaw Chippewa Indian Tribe (SCIT) Human Resources. The form request and procedures are available at Human Resources. The employee will be required to provide medical certification from the employee's medical provider that includes: (a) identification of the health provider; (b) the medical provider's diagnosis of the disabling condition; (c) identification of specific limitations and/or suggested restrictions and their relation to the disability; and (d) suggested accommodations. SCIT Human Resources will engage in an interactive process with the employee to determine the reasonable accommodation(s).

**ADEA** – The Age Discrimination in Employment Act of 1967, 29 U.S.C. §621 *et seq.*, and its federal regulations at 29 CFR part 1625, prohibit discrimination and harassment against employees 40 years and older and permits the use of certain age-related distinctions and factors.

### **Civil Rights Statutes Which Apply to Students Only**

#### **Section 504 –**

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §794, and its federal regulations, prohibit discrimination against, and exclusion from participation or denial of benefits in an educational program or activity benefits, of a qualified individual with a disability solely by reason of the disability.

**ADA** – Title II of the Americans With Disabilities Act, 42 U.S.C. §12132 *et seq.*, and its regulations at 28 CFR part 35, prohibit discrimination against, and exclusion from participation in an educational or denial of benefits of the services, programs, or activities of a public entity solely by reason of the disability. Students must self-identify the need for academic accommodations based on disabilities and request accommodations from the Dean of Students' office. Students will be required to provide medical certification to support the disabilities claimed. The Dean of Students will determine the reasonable academic accommodations and issue a Letter of Accommodation ("LOA) for the particular course and semester. Complaints of denial of accommodations will be processed through the Dean of Students' office.

**Title VI** – Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§2000d-2000d-7 *et seq.*, and its regulations at 34 CFR part 100, prohibit discrimination against, and the denial of benefits or exclusion from participation on the basis of race, color and national origin in educational programs and activities that receive federal financial assistance.

**Title IV** – Title IV of the Civil Rights Act of 1964, 42 U.S.C. §2000c *et seq.*, prohibits discrimination on the basis of religion in public primary and secondary schools and higher education.

**ADEA** – The Age Discrimination Act of 1975, 29 U.S.C. §6101 *et seq.*, and its regulations at 29



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CFR §1626, prohibit discrimination on the basis of age in programs and activities receiving federal financial assistance. The act applies to persons of all ages and permits the use of certain age-related distinctions and factors.

#### **Civil Rights Statutes Which Apply to Employees and Students**

##### **Title IX –**

Title IX of the Educational Amendments of 1972, 20 U.S.C. §1681 *et seq.*, and its federal regulations at 34 CFR §§106.1-106.82 covers sex discrimination in educational programs and activities which receive federal financial assistance. Sex discrimination includes gender discrimination, pregnancy discrimination, sexual orientation and transgender discrimination, sexual harassment, sexual assault, dating violence, domestic violence, and stalking. However, complaints of sexual harassment, sexual assault, dating violence, domestic violence, and stalking will be processed under the process as provided by the Title IX Coordinator's office as required by the Title IX regulations. For Title IX to apply to an employee, the employee must be participating, or attempting to participate in an education program or activity. Otherwise, a complaint of sex discrimination will be processed under Title VII.

#### **Other Behaviors Prohibited as to Employees and Students**

##### **Harassment**

Harassment of an employee or student whether or not based on a protected status is inconsistent with the values of the College for civility and respect for all and is prohibited by the College. Harassment is unwelcomed conduct that becomes unlawful as to employees where (a) enduring the offensive conduct becomes a condition of continued employment, or (b) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Harassment as to students that does not meet the definition of sexual harassment under Title IX becomes unlawful where it interferes with the access or participation in the educational process and programs at Saginaw Chippewa Tribal College.

**Hostile Environment.** A hostile environment may be created by oral, written, graphic, or physical conduct that is sufficiently severe, persistent, or pervasive so as to interfere with, limit or deny the ability of an individual to participate in or benefit from educational programs or activities or employment access, benefits or opportunities. Merely offensive speech of a generic nature and not on the basis of a protected status does not rise to the level of unlawful harassment.

#### **Other Behaviors Prohibited by College Policy**

- Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person on the basis of their actual or perceived membership in a protected class;
- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another on the basis of actual or perceived membership in a protected class;
- Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the College community, when related to the admission or any other group-affiliation activity as defined further in the Student Code of Conduct or the basis of actual or perceived membership in a protected

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class.

- Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control, or diminish another person, physically or mentally on the basis of actual or perceived membership in a protected class or other class, including sex/gender and sexual orientation. Cyberbullying is bullying that takes place using electronic technology. Bullying sometimes overlaps discriminatory harassment under Title VII and Title IX. Bullying is prohibited by this policy and other laws which prohibit harassment on the basis of protected criteria.
- Hate Crimes are defined as crimes that are motivated by prejudice, hatred, or advocacy of violence and defined by the Federal Hate Crime Act as crimes that manifest evidence of bias or prejudice against a group identified by race, color, disability, religion, national origin, ancestry, age, gender, or sexual orientation. Hate crimes include offenses such as murder, assault, kidnapping, arson, criminal mischief, and graffiti.

#### **Reporting Discrimination, Harassment, and Retaliation**

**Reporting Complaints.** Section I above on reporting discrimination, harassment and retaliation. Complainants have the right, and can expect, to have complaints taken seriously by the College when formally reported, and to have those incidents investigated and properly resolved through these procedures. Reports and oral complaints must be reduced to writing for an investigation to be conducted by an investigative panel.

**Immediate Action.** Before a report or oral complaint is required to be reduced to writing, the College reserves the right to act immediately under the following circumstances:

- The Civil Rights Coordinator or designee will immediately notify the SCIT Police Department of any immediate or potential threat to individual, campus, or workplace safety.
- Any incidents occurring on premises owned or controlled by the College or off-campus when the off-campus conduct could have an on-campus impact;
- Any situation where it appears that the accused individual may present a danger or threat to the health or safety of him/herself or others at Saginaw Chippewa Tribal College;
- Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder;
- Any situation that is detrimental to the educational mission, interests or goals of the College; and/or
- Any online postings or other electronic communication, including cyber-bullying, cyber-stalking, cyber-harassment, etc. occurring completely outside of the College's control (e.g., not on Saginaw Chippewa Tribal College networks, websites or between Saginaw Chippewa Tribal College email accounts) when those online behaviors can be shown to cause a substantial on-campus disruption or misrepresent that the communication was authorized by Saginaw Chippewa Tribal College.

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**Other Action.** The following will apply after any immediate action is considered.

- As to all discrimination, harassment, and retaliation complaints and reports, the complainant or reporter is encouraged to provide a written complaint and contact information to enable the College to proceed with an investigation of the charges and take any remedial action as soon as necessary or possible.
- The Civil Rights Coordinator handling the complaint will assist the complainant in preparing a formal written complaint, which shall include the date, time, place, and a specific description of the alleged conduct that constitutes the alleged discrimination, harassment, retaliation.
- Complainants have the right and can expect to have complaints taken seriously by the College when formally reported, and to have those incidents investigated and properly resolved through the applicable civil rights procedures.
- All initial contacts will be treated with the maximum possible confidentiality, but due process requires disclosure of the allegations and complainant to the respondent. Confidentiality cannot be guaranteed if the complaint becomes the subject of an administrative, arbitral, or court proceeding, including a subpoena.

#### **Summary of Process and Steps.**

The complaint and resolution process is designed to receive, investigate, evaluate and resolve a complaint or report of civil rights discrimination, harassment or retaliation within sixty (60) calendar days and will be conducted with that end in mind. The primary steps are summarized as follows:

- The victim or witness reports or notifies the Civil Rights Coordinator, or SCIT Police Department of a violation or potential violation. In the event of a sexual assault or violence, the reporter should not hesitate to contact the SCIT Police Department immediately.
- The Civil Rights Coordinator notifies SCIT Police Department if the matter is also a potential police matter.
- The Civil Rights Coordinator helps reporter prepare a formal complaint.
- The Civil Rights Coordinator establishes any interim remedies required to protect victim and campus and/or workplace safety (such as suspension of employee or student).
- The Civil Rights Coordinator provides concurrent official notice of the complaint and allegations to the complainant and respondent and appoints an Investigative Panel to investigate the written complaint allegations.
- The Investigative Panel launches an investigation to include interviewing the complainant, respondent, and witnesses and collecting evidence.
- The Investigative Panel concludes the investigation and prepares a Preliminary Investigative Report based on a preponderance of the evidence that is provided to the parties for review and responding within five (5) calendar days to provide any additional information for consideration by the Investigative Panel.
- The Investigative Panel considers and may investigate any additional information

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- provided in a response to the Preliminary Investigative Report.
- The Investigative Panel Chair prepares and issues a Final Report of Investigative Findings to the Civil Rights Coordinator handling the complaint based on a preponderance of the evidence.
  - The Civil Rights Coordinator handling the complaint renders an appropriate Resolution of the complaint based on the Investigation Panel's Final Report of Investigative Findings and the preponderance of all evidence collected by the Panel.
  - The Civil Rights Coordinator handling the complaint provides a written Resolution concurrently to the complainant and respondent.
  - The responsible Administrator determines and issues and implements discipline and/or sanctions.
  - Complainant and Respondent each have the opportunity to accept the Resolution or submit an Appeal to the Civil Rights Coordinator.
  - Appeals are processed in accordance with the Civil Rights Complaints Appeal Procedure.

### Interim Remedial Action

**Possible Remedies.** If, in the judgment of the Civil Rights Coordinator, the safety or well-being of any member(s) of the campus community may be jeopardized by the presence on campus of the accused individual or the ongoing activity of a student organization whose behavior is in question, the Civil Rights Coordinator may provide interim remedies intended to address the short-term effects of harassment, discrimination and/or retaliation, i.e., to redress harm to the alleged victim and the community and to prevent further violations. These remedies may include referral to counseling and health services or to the Employee Assistance Program, education to the community, altering work arrangements for employees, implementing contact limitations between the parties, offering adjustments to academic deadlines, course schedules, etc.

**Suspension.** Saginaw Chippewa Tribal College may interim suspend a student, employee, or organization pending the completion of investigation and procedures. In all cases in which an interim suspension is imposed, the student, employee or student organization will be given the opportunity to meet with the College President, Dean of Students, or Civil Rights Coordinator prior to such suspension being imposed or as soon thereafter as reasonably possible to show cause why the suspension should not be implemented. Depending on whether the offending party is an employee or student, the Civil Rights Coordinator or an appropriate administrator has sole discretion to implement or stay an interim suspension under this policy, and to determine its conditions and duration. Violation of an interim suspension under this policy will be grounds for expulsion or termination. During an interim suspension, an employee or student will be denied access to Saginaw Chippewa Tribal College facilities and events. As to a student, this restriction may include classes and/or all other College activities or privileges for which the student might otherwise be eligible. In addition, alternative coursework options may be pursued to ensure as minimal an impact as possible on the accused student.

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**Other Remedies.** Victims and the College have the right to seek restraining, judicial no-contact and/or protective orders, and internal no-contact and criminal trespass warnings to maintain individual and campus safety.

#### **Statement of Complainant's Rights, Whether Employee or Student.**

A complainant is the person who makes a complaint of civil rights discrimination, harassment or retaliation under this procedure and its policy.

- A complainant has the right to file a criminal complaint.
- A complainant has the option to, or not to, notify and seek assistance from law enforcement and/or Saginaw Chippewa Tribal College authorities.
- A complainant and the College have the right to seek restraining, judicial no contact and protective orders, internal no contact orders, and criminal trespass warnings to ensure personal safety and maintain a safe campus and work environment.
- A complainant has the right to have a prompt, fair, and impartial Civil Rights Complaint and Resolution Procedure that ensures a fair, prompt, and equitable process for both parties.
- A complainant has the right to present his or her case, including the right to an adequate, reliable, and impartial investigation of complaints, the right to an equal opportunity to present witnesses and other evidence, and the right to the same appeal procedure for complainant and respondent.
- A complainant has the right to be treated with respect by College officials.
- A complainant has the right to take advantage of available support resources (such as counseling services for students, or EAP services for employees).
- A complainant has the right for the complaint to be decided using a preponderance of the evidence standard (i.e., more likely than not the harassment other conduct occurred).
- A complainant has the right to have a representative or other advocate of the complainant's choice and at the complainant's cost present during the Civil Rights Appeal Procedure.
- A complainant has the right to refuse to have an allegation resolved through conflict resolution procedures.
- A complainant has the right to be considered for amnesty for minor student misconduct (such as alcohol or drug violations) that is ancillary to the incident.
- A complainant has the right to be free from retaliation for engaging in protected activity.
- A complainant has the right to have complaints heard in substantial accordance with the Civil Rights Complaint and Resolution Procedure and procedures and to participate in the process whether the injured party or the College is the complainant.
- A complainant has the right to be informed in writing of the outcome/resolution of the complaint, sanctions where permissible, and the rationale for the outcome where permissible. A complainant has the right to challenge any finding, decision, determination, sanction, or action taken and the right for Student Code of Conduct procedures to be followed where applicable.

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#### **Statement of Respondent's Rights, Whether Employee or Student.**

A respondent is the person against whom a complaint is lodged or made under this policy.

- A respondent has the right to have a prompt, fair, and impartial Civil Rights Complaint and Resolution Procedure that ensures an equitable process to both parties.
- A respondent has the right to be advised of the complaint against him or her and to the same due process rights as the complainant.
- A respondent has the right to an adequate, reliable, and impartial investigation of complaints, the right to an equal opportunity to present witnesses and other evidence, and the right to the same appeal procedure as the complainant.
- A respondent has the same right as a complainant to present his or her case, to present witnesses and other evidence, and to challenge the complaint made against respondent.
- A respondent has the right for the complaint to be decided using a preponderance of the evidence standard (i.e., more likely than not the harassment or other conduct occurred).
- A respondent has the right to have representative or other advocate of the respondent's choice and at the respondent's cost present during the Civil Rights Appeal Procedure.
- A respondent has the right to be considered for amnesty for minor student misconduct (such as alcohol or drug violations) that is ancillary to the incident.
- A respondent has the right to have complaints heard in substantial accordance with the Civil Rights Complaint and Resolution Procedure and to participate in the process whether the injured party or the College is the complainant. A respondent has the right to be treated with respect by College officials.
- A respondent has the right to take advantage of campus support resources (such as counseling services for students, or EAP services for employees).
- A respondent has the right to refuse to have an allegation resolved through conflict resolution procedures.
- A respondent has the right to have complaints heard in substantial accordance with the Civil Rights Complaint Resolution Procedure and to participate in the process whether the injured party or the College is the complainant.
- A respondent has the right to be informed in writing of the outcome/resolution of the complaint, any sanctions imposed against the respondent, and the rationale for the outcome.
- A respondent has the right to challenge any finding, decision, determination, sanction, or action taken against respondent and the right for applicable Student Code of Conduct or employee disciplinary procedures to be followed where applicable.

#### **Civil Rights Coordinator's Investigation Obligations**

The Civil Rights Coordinator shall coordinate a prompt investigation of all complaints and allegations of discrimination, harassment, and retaliation based on protected class. Upon receipt of a civil rights-based complaint, the Civil Rights Coordinator shall:

- Immediately designate a Coordinator to conduct the complaint resolution process and issue the final resolution of the case. If the complaint is against an employee, the

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District Title IX Coordinator for Employees will be designated. If the complaint is against a student, a College Deputy Title IX Coordinator be designated.

- Immediately appoint two members to the investigative panel from the available trained panel members. If either party to the complaint is a faculty member, the investigative panel shall include at least one faculty member. If either party to the complaint is a staff member, the investigative panel shall include at least one staff member;
- Within five (5) College business days, notify the accused (respondent) and complainant of the complaint and investigation by hand delivering the notice to the respondent (accused) with a copy of the notice to the complainant. The Civil Rights Coordinator or designee may extend the time allotted for delivering the notice to the accused in writing before the expiration of the original deadline under extraordinary circumstances. Spring and Winter breaks constitute an extraordinary circumstance.
- During this time period (between filing of the complaint and notification of the respondent (accused), the designated coordinator and investigative panel shall be appointed, briefed and begin the investigation.

#### **Investigation Interviews**

An Investigative Panel shall have the authority to interview witnesses and gather documentation. Interviews will be the primary method of collecting information as part of the fact-finding investigation. Representatives and advocates are not allowed at internal interviews. Witnesses and the respondent are expected to be cooperative and truthful.

**Confidentiality.** At all times, except as provided by Title IX, the investigative panel shall take steps to ensure privacy and confidentiality for witnesses, complainant and the respondent (accused) during the investigation, including without limitation, requiring all parties to agree, in writing, that information disclosed during the investigation shall not be disclosed to others unless required by law, court order, subpoena, or to defend the College in legal or administrative proceedings, including appeals of the decision on the complaint. A violation of privacy or confidentiality shall be grounds for disciplinary action up to and including termination. The rights of a complainant and respondent, as stated in the College Policy on Civil Rights Discrimination, Harassment, and Retaliation shall be observed.

**Investigation Time Period.** In most cases, the investigative process will take approximately 60 business days, but the investigation of more complex cases may take longer. The investigation shall be conducted as expeditiously as possible and, where necessary, the administration shall provide panel members with substitutes for pre-assigned responsibilities. Spring and winter breaks constitute an extraordinary circumstance that justifies an extension of the 60-day period for investigation and resolution. However, the summer term will not be considered an appropriate period to forgo the investigation and resolution.

**Consequence of False Information.** Because the investigative panel has a serious responsibility to ascertain the facts, the whole College has an interest in the accuracy and reliability of the information the investigative panel receives. For that reason, if any witness

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or alleged violator of this policy is later found to have knowingly provided false information to the investigative panel, the College reserves the right not to indemnify or defend any employee who knowingly provides false information to the investigative panel in violation of this procedure and the right to take appropriate disciplinary action.

#### Investigative Panel Findings

**Final Report Required.** Once all the facts and evidence are gathered from all parties and witnesses; and the investigative panel concludes that the fact finding is complete, the investigative panel will issue a Final Report of Investigative Findings.

**Preliminary Report.** Before issuing a Final Report of Investigative Findings to the Civil Rights Coordinator or designee, the investigative panel will provide their conclusions concurrently to the complainant and accused parties and the administrator(s) in a Preliminary Report of Findings. The complainant and accused will be given an opportunity to comment and respond to the information presented and provide any additional information that may not have been reviewed by the investigative panel but should be considered prior to a decision and final report being issued regarding the complaint. Any additional information must be provided to the investigative panel within (5) business days.

**Consideration of Additional Information.** Final Report Within the next five (5) business days, the investigative panel will consider any additional information provided and render a Final Report of Investigatory Findings to the Civil Rights Coordinator. The Final Report of Investigatory Findings will include the factual findings and the panel's conclusion whether the preponderance of the evidence obtained in the investigation establishes a violation of College policy. The final report shall be dated and signed by all members of the investigative panel.

#### Resolution of Complaint

**Decision-maker.** The Civil Rights Coordinator or designated coordinator assigned to conduct the complaint resolution process will determine the appropriate resolution of the complaint based on the factual evidence provided in the Final Report of Investigative Findings and the preponderance of evidence presented in the report.

**Notice of Resolution.** The Civil Rights Coordinator handling the complaint will provide a formal written Notice of Complaint Resolution to the complainant and respondent and administrator(s) concurrently in writing, within five (5) business days from receiving the report from the investigative panel. The notice of resolution will identify any findings of policy violation by any party and indicate which Saginaw Chippewa Tribal College Administrator is responsible for determining the appropriate disciplinary action or sanctions to be taken. The Complaint Resolution Notice will include information about the timeline for initiating sanctions and/or disciplinary actions as well as the Civil Rights Appeal Process that is available to the complainant and accused.

#### Disciplinary Actions or Sanctions



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**Referral to Administrator.** When the Complaint Resolution refers employee discipline and/or student sanction considerations to an Administrator(s), the Administrator or designee will have ten (10) business days to render a determination of action to be taken. Student Sanctions may be referred by the Administrator to the Dean of Students for action. Employee Discipline may be referred to the employee's supervisor, College President, and/or Human Resources for determination and action.

**Employee Discipline.** Complaints against an employee may result in disciplinary action up to and including discharge in accordance with the Saginaw Chippewa Tribal College's Personnel Policies and Procedures.

**Student Sanctions.** Complaints against students may result in sanctions up to and including Expulsion in accordance with the Saginaw Chippewa Tribal College Student Code of Conduct.

**Policy Violations.** In the event of policy violations, a number of factors will be considered in determining appropriate discipline or remedial action, including the nature of the violation, the severity and pervasiveness of the conduct. Nothing in this procedure limits or delays the College's right to take appropriate disciplinary actions, up to and including termination, when an employee's behavior warrants the action, and nothing in this procedure shall prevent the College from taking appropriate action against a person who knowingly makes a false accusation.

**Notice of Discipline or Sanctions.** Once the appropriate disciplinary action or sanctions have been determined, the complainant and accused respondent will be notified concurrently- in writing of the decision by the Civil Rights Coordinator or designated personnel.

### **Appeals**

Both the complainant (complaining party) and the respondent (the accused party) may opt to accept the decision and determination of the action or sanctions imposed or submit an appeal to proceed before an Appeal Hearing Panel within ten (10) business days of the date of the letter communicating the decision of the investigative panel and the determination of disciplinary action or sanctions.

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#### **APPENDIX A**

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