



OFFICE OF COLLEGE
COMPLIANCE & ETHICS

Mid Michigan College
**Employee Nondiscriminatory
Harassment Prevention
Procedure 2023-24**

midmich.edu/safety-security

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Employee Nondiscriminatory Harassment Procedure

Mid Michigan College

Introduction

Mid Michigan College (Mid) is committed to maintaining a healthy and safe working, learning, and social environment where every individual is treated with civility, dignity and respect. As such, Mid prohibits acts of nondiscriminatory harassment (commonly referred to as bullying) against any member of the campus community, including staff, faculty, and student workers. The College strongly encourages anyone who is a victim of or observes such behavior in the context of College employment or activities to punctually report it to Human Resources or the Office of College Compliance and Ethics. The College has a responsibility to promptly address reports of nondiscriminatory harassment/bullying behavior and will respond efficiently and appropriately through the process outlined in this procedure in order to prevent and correct behavior that violates these guidelines.

Separate from this Procedure, the College has established and administers the Campus Non Discrimination, Harassment and Sexual Misconduct Policy which addresses unlawful misconduct that occurs against protected characteristics in any of Mid's educational/work programs and activities. This Employee Nondiscriminatory Harassment Procedure is not intended to create individual or group rights (whether contractual or otherwise) that do not exist under law. This Procedure provides the College with the means to address conduct that is not necessarily unlawful but has the potential to cause disruption and dissention in the workplace.

This process will not be applied in any manner that will violate the rights of academic freedom and/or freedom of expression. It is intended to cover 'workplace' employee discord and/or bullying. It will not be interpreted or implemented in a way that undermines or supersedes a supervisor's authority to appropriately manage their work unit. This process is intended to be consistent with (and shall not supersede or negate) any campus policy, process, or procedure that regulates conduct.

Definition

Mid defines nondiscriminatory harassment or bullying behavior as a form of repeated emotional abuse that is sufficiently severe, pervasive or persistent to the extent that it interferes with or limits the ability of an individual to participate in or benefit from the scope of their work position or involvement in a college-related activity. It refers to unreasonable actions of an individual (or a group) directed towards an employee or student worker (or group) which intimidates, degrades, humiliates, or undermines; or which creates a risk to the health or safety of the targeted individual. Workplace bullying often involves an abuse or misuse of power, but not all bullying behavior involves a power differential.

When determining the existence of nondiscriminatory harassment/bullying behavior, the College will consider the conduct from both a subjective and objective perspective. For example, how does the alleged victim perceive the conduct (subjective) and how would a reasonable person (of similar stature, in the same position) perceive the conduct (objective).

Examples of Nondiscriminatory Harassment/Bullying Behavior

Nondiscriminatory harassment/bullying can be verbal, non-verbal or physical in nature. Generally, a single verbal, non-verbal, physical or written act will not constitute bullying unless it is especially severe. Examples of nondiscriminatory harassment/bullying might include, but are not limited to:

- Negative, abusive interaction that is outside the range of a commonly accepted expression of disagreement, disapproval, or critique in an academic culture and professional setting
- Spreading false and malicious rumors, gossip, or innuendoes
- Behavior or language that frightens, humiliates, belittles, or degrades, including criticism or feedback that is delivered by yelling, screaming, threats, or insults
- Making repeated inappropriate comments about a person's appearance, lifestyle, family, or culture
- Conduct or behavior that does not contribute to a collaborative work environment to the extent that it is interfering with the normal day to day functioning of a department and/or a co-worker
- Exhibiting behavior, attitude, or demeanor that is creating discord, conflict, or tension within a department or toward a co-worker that is leading to a less than congenial work environment
- Repeated use of a 'nickname' after being informed by the targeted individual that the nickname is perceived as offensive
- Regularly teasing or making someone the brunt of pranks or practical jokes
- Unwarranted physical contact

Bullying verses Workplace Supervision

As this procedure also applies to 'workplace' bullying, it is important to make a distinction between bullying behavior and acceptable, proper workplace supervision. Reasonable supervisory actions, when carried out in an appropriate manner, include but are not limited to:

- Providing constructive feedback, guidance, or advice about work-related behavior
- Reasonable action enacted by a supervisor to manage an employee's performance; initiating corrective action and/or disciplinary action
- Counseling or disciplining an employee for misconduct/insubordination
- Setting aggressive performance goals to help meet departmental goals
- Investigating alleged misconduct

Retaliation and Interference

Retaliation against any person for bringing forward or participating in the investigation of a complaint under this procedure is prohibited. Such acts may support a basis for taking appropriate corrective or disciplinary action against the perpetrator. Interference with the complaint or investigation process is also prohibited and a violation of this process. Acts of interference include but are not limited to, actions that dissuade or attempt to dissuade reporting or participation in an investigation, or actions that delay or disrupt or attempt to delay or disrupt the investigation. Acts of retaliation or interference should immediately be reported to Human Resources or the Office of College Compliance and Ethics.

Confidentiality

The College will make reasonable and appropriate efforts to ensure privacy and protect confidentiality to affected individuals when conducting an investigation and resolving a complaint, except as otherwise required by law. Should a Complainant request confidentiality, the request will be considered. However, the College cannot guarantee that said request will be honored. If a Complainant insists that their name not be disclosed to the Respondent, the College's ability to respond may be limited.

Reporting Incidents of Nondiscriminatory Harassment/Bullying

Under this procedure, all members of the Mid community who experience or observe conduct that is believed to constitute nondiscriminatory harassment/bullying, are encouraged to promptly report the incident(s) and seek assistance from the College. The College can only take corrective action when it becomes aware of a problem.

Reports may be filed as follows:

- By visiting the [Mid Cares webpage](#) and submitting an online report
- By contacting the Associate Vice President of Human Resources or the Director of College Compliance & Ethics/Civil Rights/Title IX Coordinator as follows:

[Associate Vice President of Human Resources](#)

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1375 S. Clare Ave, Harrison, MI 48625

Office: Harrison Campus Room 213B

2600 S. Summerton Rd., Mt. Pleasant, MI 48858

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[Director of College Compliance & Ethics](#)

Martricia Farrell

Title IX/Civil Rights Coordinator

1375 S. Clare Ave, Harrison, MI 48625

Office: Harrison Campus Main Building, Business Office Suite, Room 205

2600 S. Summerton Rd., Mt. Pleasant, MI 48858

Office: Center for Liberal Arts and Business (CLAB), LLS Room 168C

(989) 386-6622, Ext. 394

mfarrell@midmich.edu

[Response to Reports of Bullying](#)

Upon receipt of a Complaint alleging nondiscriminatory harassment/bullying, an initial assessment will be conducted to determine whether the conduct rises to a level that may deny or limit the victim's ability to participate in or benefit from College work or college-related programs, or negatively impact or restrict an employee/department's work environment and if reasonable cause exists to believe that a violation of this procedure may have occurred. If there is reasonable cause to move forward, the College has a duty to follow an established dispute resolution/grievance procedure and, if appropriate, provide interim supportive measures to the Parties. The need for interim supportive measures will be considered on a case-by-case basis, dependent on the immediate needs of the individuals involved and the information gathered through the initial assessment. In any case that involves students, the College will make every effort to avoid any interruption in the access to education. Types of interim supportive measures may include assistance in changes to work/academic situations, matters of transportation, working arrangements, protective measures such as separating the Parties, placing limitations on contact between the Parties, making alternate workplace schedules, increasing security or the monitoring of certain areas of campus.

The College will confidentially maintain details of any accommodation or interim supportive measures provided to the extent that such confidentiality would not impair the ability of the College to provide the accommodations or interim supportive measures.

Dispute Resolution/Grievance Procedure

Prior to submitting any complaint, the College encourages productive communication between the Parties when feasible. Certainly, the College is aware that at times, communication may be uncomfortable, inappropriate, or could fail altogether. This would require a third-party intervention.

As a general rule, dispute resolutions will be available in two formats: the informal resolution and the formal/administrative resolution which will use the preponderance of the evidence standard in reaching a determination.

Informal Resolution

In the event that the assigned Investigator believes that the matter may be resolved by informal means, the Investigator may suggest an informal process to the Parties. If agreeable, the Investigator will work with the Parties to reach a resolution. The informal resolution will still act to end the misconduct, prevent its reoccurrence and remedy its effects; lesser sanctions may be imposed. In cases where an informal resolution is reached, a written Informal Case Resolution Agreement will be prepared and copies will be provided to both the Complainant and Respondent. The Complainant and Respondent may end the informal resolution process at any point and submit a written request to the Investigator that the matter proceed to the formal investigation and resolution process. Note: in cases of alleged physical violence, the informal resolution is not available.

Formal/Administrative Resolution

In response to reports of nondiscriminatory harassment/bullying where informal resolution is unsuccessful or inappropriate, the Complainant may request a formal investigation. Formal resolution encompasses opening an investigation into the allegation. When a formal investigation is warranted, the Investigator will promptly meet with the Complainant to obtain all necessary and relevant information, as well as discuss their rights and options available under this Procedure. This includes interim supportive measures. Any person(s) against whom a complaint is made (Respondent) will be notified of the complaint, in writing, and will be advised of their rights under this procedure. The communication will include the allegation surrounding the incident and of possible sanctions that could be imposed should the Respondent be found responsible. The Respondent will have sufficient time to prepare and respond to the allegations and present any and all relevant information including witness statements or other evidence. Once the Investigator has concluded the investigation process, both Parties will be provided with copies of the Investigation Summary and will have an opportunity to submit any rebuttals. Thereafter, the Investigator will turn the Investigation Summary over to the Decision-Maker for review and determination. Once the Decision-Maker has rendered a final determination, simultaneous written notification of the results will be provided to the Complainant and the Respondent.

If a finding of responsible is issued, the College will take all necessary measures to end the misconduct and restore balance/equitable access. Additionally, the College will take the necessary steps to prevent the reoccurrence of said misconduct. Appropriate corrective action will be taken and remedies may be imposed. Examples of remedies that could be imposed include, but are not limited to: verbal warning, written warning, college No Contact Directive, classroom/work reassignment, probation, social probation (limiting or removal from certain committees or groups/programs), community service, restitution, recommendation for external counseling, implementation of behavior/improvement contract, program attendance/interview, internal professional development, loss of college computer usage and/or network, suspension, or termination.

All necessary communication with the Parties will be held in a timely manner and every effort will be made to conclude the proceeding within a reasonable timeframe (generally within 60 business days).

Investigation Rights of the Parties

During the investigation and through the final determination of the complaint, both the Complainant and the Respondent shall have certain rights which include:

- Equal opportunity to present witnesses and other relevant evidence
- Equal opportunity to review statements or any evidence provided by the other Party
- Equal opportunity to review and comment upon information independently developed by the Investigator through the investigation process
- To be accompanied to any related meeting or proceeding by an Advisor. The Advisor may be anyone, including a union representative from the Complainant's or Respondent's collective bargaining unit, or an attorney. The Advisor may not be a person with information relevant to the allegations that may be interviewed by the Investigator during the investigation. The Advisor may not answer questions for the Complainant or the Respondent regarding the subject matter of the investigation. The Advisor may observe and consult with the Complainant or Respondent and take appropriate action to ensure that the investigation does not violate policies or collective bargaining agreements.
- Comparable and timely access to all information considered in resolving the complaint

Notification of Outcomes

Both the Complainant and the Respondent will receive simultaneous written notification of the Investigation outcome. This information will be shared through the Case Resolution and Final Determination letter and will include the findings and rationale. In cases where the Respondent is found responsible, any actions or remedies imposed that directly impact the Complainant, such as a No Contact Directive, will be shared with the Complainant. Unless the corrective actions/remedies require the involvement of the Complainant, typically, the Complainant will be notified that the matter has been referred for remedies but will not be informed of the details without the Respondent's consent.

For Student workers, the Final Determination is part of the educational record of the Respondent and is protected from release under FERPA. However, the College observes the legal exceptions as follows:

- In the event that an alleged victim of a "crime of violence" is deceased as a result of such crime or offense, the next of kin of said victim shall be treated as the alleged victim and will be provided with the written notice of outcome, including the Final Case Determination with findings, rationale and any sanctions imposed
- The College may publicly release the name, nature of the violation and sanction of any student worker who is found in violation of a College Policy that is a "crime of violence"

Appeal Process

The Complainant or Respondent may file an appeal with the Appeals Board. The petition must be filed within five (5) business days of receiving the written determination from the Decision-Maker or Case Manager. Any Party that files an Appeal must do so, in writing, to the Investigator or Case Manager. The non-filing Party will be notified that an Appeal has been filed and forwarded to the Appeals Board for consideration. Within fifteen (15) business days, the Appeals Board will determine if the request is timely and has merit; the Appeal decision will be rendered by the Board within an additional fifteen (15) business days. The Parties will be provided with written notice.

The original findings and sanctions are acknowledged to be reasonably and appropriately determined. Therefore, the only grounds for appeal are:

- If a procedural [or substantive] error occurred that significantly impacted the outcome of the Hearing (e.g., substantiated bias, material deviation from established procedures, etc.)
- To consider new evidence that was unavailable during the original Hearing or investigation and could substantially impact the original finding or sanction. A summary of this new evidence and its potential bearing on the Case must be included
- The sanctions imposed are substantially disproportionate to the severity of the violation. Post-investigation sanctions that are imposed can be appealed by either Party
- All imposed sanctions shall remain in effect during the Appeal. Student-driven conditions such as graduation, internships, or study abroad do not automatically exempt student workers from the sanctions. In cases where the Appeal results in the removal of sanctions, all reasonable attempts will be made to restore the individual to their prior status, recognizing that some opportunities may be irretrievable.

Conclusion

Mid is committed to maintaining a campus environment where every member of the campus community can feel secure, valued, and encouraged to succeed. This effort includes preventing and proactively addressing acts of nondiscriminatory harassment/bullying. To support this commitment, individuals are reminded:

If you see something, sense something, say something!

If you have any questions regarding this procedure or wish to file a Report or obtain a paper copy, please contact the Director of College Compliance & Ethics/Civil Rights/Title IX Coordinator listed within this document.