

STATEMENT OF NON-DISCRIMINATION

Metropolitan Community College (MCC) is committed to providing an inclusive and welcoming environment for all members of our community, with access to courses, programs, employment, services, or extracurricular activities free from discrimination and harassment. MCC prohibits discrimination, including harassment, against any individual(s) on the basis of race, color, religion, sex (including pregnancy status, sexual orientation and gender identity or expression including transgender status), age (40 or older), national origin, disability, genetic information (including family medical history) or any other class protected by law. MCC shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability and religious reasons unless it can demonstrate that making the modification would cause it undue hardship or fundamentally alter the nature of the service, program, or activity.

PURPOSE

The Metropolitan Community College Board of Trustees authorizes the Chancellor to develop, implement, and maintain uniform and consistent procedures regarding sex discrimination and sexual harassment with regard to students as defined in this policy.

APPLICABILITY

The policy applies to MCC students to include currently enrolled and/or potential students who have applied for admission, and individuals who were students at the time of the alleged behavior or conduct and reports of sex discrimination and sexual harassment that occur against a student in the United States, in MCC's education programs or events, on MCC-controlled properties (including properties used by or controlled by student groups), as well as official offsite MCC affiliated and/or sponsored events.

STATEMENT ON SEX DISCRIMINATION & SEXUAL HARASSMENT

MCC prohibits all students from engaging in discrimination on the basis of any protected characteristic, including sex, pregnancy, gender identity, and gender expression including transgender status. MCC prohibits sexual misconduct, sexual harassment, stalking on the basis of sex to include gender, dating/intimate partner violence, and sexual exploitation.

SEX DISCRIMINATION

MCC prohibits sex discrimination. Sex discrimination is conduct that is based upon an individual's sex, pregnancy status, gender identity, or gender expression including transgender status, or because of sexual orientation that adversely affects a term or condition of an individual's education, learning environment, or participation in a college activity.

SEXUAL HARASSMENT

MCC prohibits sexual harassment. Sexual harassment is conduct on the basis of sex that satisfies one or more of the following:

- An employee of the MCC conditioning the provision of an aid, benefit, or service of MCC on an individual's participation in unwelcome sexual conduct;

- Unwelcome conduct determined by a reasonable person to be so severe and pervasive, and objectively offensive that it effectively denies a person equal access to MCC's educational program or participation in a college activity;
- Sexual Assault: Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. Sexual assault sex offenses include forcible rape, forcible sodomy, sexual assault with an object, forcible fondling, incest, and rape as defined in applicable procedure.
- Further, forms of sexual harassment includes dating violence, domestic violence or stalking as defined in the applicable procedure.

SEXUAL EXPLOITATION

MCC prohibits sexual exploitation. Sexual Exploitation occurs when an individual or individuals take nonconsensual or abusive sexual advantage of another for their own benefit or advantage, or for the benefit or advantage of a third party and that behavior does not otherwise constitute sexual harassment.

RETALIATION

MCC prohibits retaliation. Retaliation is defined as adverse treatment, including intimidation, reprisal, and harassment, against an individual because he/she/they has alleged to have experienced discrimination, harassment or sexual exploitation or against another person who, in good faith files a complaint of discrimination or harassment or against any individual who participates in the investigation or resolution of a complaint under this policy. Individuals who engage in retaliation are subject to disciplinary action including expulsion or suspension.

FALSE CLAIM

MCC encourages all good-faith complaints of sex discrimination, sexual harassment, sexual exploitation and retaliation. It is a violation of this policy to intentionally make a knowingly false claim under this policy.

TITLE IX COORDINATOR

MCC hereby designates an appropriate department for overseeing sex discrimination and sexual harassment compliance to include monitoring and oversight of overall implementation of Title IX compliance at MCC, and investigation of complaints of sex discrimination, sexual harassment, sexual exploitation and retaliation. The following individual serves as the Title IX Coordinator and is designated to handle inquiries regarding anti-discrimination policies and to serve as the coordinator for purposes of Title IX compliance.

Office of Civil Rights
Civil Rights Administrator
Email: Institutional.Equity@mcckc.edu
Phone: (816) 604-1353

REPORTING

Any individual wishing to make a complaint under this policy may do so by reporting to the Title IX Coordinator. Complaints of discrimination, harassment, sexual exploitation and retaliation under this policy against the Title IX Coordinator may be directed to the Chancellor:

Office of the Chancellor
3200 Broadway
Kansas City, 64111
Email: Chancellors.Office@mccck.edu
Phone: (816) 604-1011

RESPONSIBLE
EMPLOYEES

A responsible employee is an individual employed by MCC (receiving wages or salary—other than a Confidential Reporter, as defined below) required to immediately report incidents of alleged sexual misconduct that is reported to them or about which they otherwise witness, to the Title IX Coordinator or Division Chair. Employees should also report any alleged sexual misconduct which they experience. MCC will comply with all reporting requirements of applicable regulations, including but not limited to the Children's Division of the Missouri Department of Social Services mandated reporting laws.

CONFIDENTIAL
REPORTERS

A confidential reporter is an employee designated by MCC that does not have to report identifiable information, regarding incidents of sexual misconduct, to the Title IX Coordinator. Confidential reporters are expected to inform students of their rights to file a complaint with the Title IX Coordinator and a separate complaint with campus or local law enforcement if they wish. In addition to informing students of internal and external campus resources. MCC has the authority to designate confidential reporters as appropriate.

FAILURE TO REPORT

A responsible employee who fails to reasonably report in the timeframe provided and/or intentionally tries to conceal incidents of this nature may be subject to disciplinary action.

CONFIDENTIALITY/
SUPPORTIVE MEASURES

MCC will protect the confidentiality of students who report discrimination, harassment, sexual exploitation or retaliation or participate in a discrimination, harassment, sexual exploitation or retaliation investigation to the greatest extent possible.

In cases where the complainant requests confidentiality and the circumstances allow MCC to honor that request, MCC will offer supportive measures to the complainant, but will not otherwise pursue action, as requested if able.

INVESTIGATION

MCC will provide prompt timeframes; adequate, reliable, and impartial investigation and resolution of complaints; and opportunities for the complainant and respondent to present witnesses and relevant evidence as outlined in the applicable procedure. The complainant and respondent have the right and can expect to have reports taken seriously by the college when reported, and to have those complaints resolved through the applicable procedure.

CRIMINAL
INVESTIGATION/LAW
ENFORCEMENT
COOPERATION

If a law enforcement or regulatory agency notifies MCC that a criminal or regulatory investigation has been initiated, MCC shall partner with said law enforcement or regulatory agency and where appropriate proceed in accordance with applicable procedure.

TRAINING	The Title IX Coordinator(s), investigators, decision-makers, and any person who facilitates an informal process or formal process will be appropriately trained as required by Federal regulations (e.g., The Clery Act, VAWA, and Title IX).
APPEAL	MCC shall institute an appeals process that aligns with applicable law. The appeal process shall be outlined in the applicable procedure.
TIMELINES	MCC will investigate claims within a reasonable timeline as outlined in the applicable procedure. Complaints generally will be resolved within seventy (70) calendar days of the filing of the complaint.
POLICY VIOLATION	Consequences for violating this policy will depend upon the facts and circumstances of each particular situation, using the preponderance of evidence standard. In determining the severity of sanctions or corrective actions, factors such as the frequency and severity of the offense and any history of past discriminatory, harassing, or retaliatory conduct are relevant. Sanctions or corrective actions range from a formal or written warning to expulsion, following a determination of responsibility.
ADDITIONAL GUIDANCE AND RESOURCES	Any person who wishes to make a complaint of discrimination that also constitutes a crime such as sex discrimination that takes the form of sexual violence (including sexual assault) or criminal act involving dating violence, domestic violence, or stalking is encouraged to make a report with local law enforcement. Such persons may also contact college police.
RETENTION OF RECORDS	MCC shall maintain all records pertinent to this policy and all stages of the complaint process for at least seven years.
PRESERVATION OF RIGHTS	Compliance with this policy does not prevent, alleviate, or restrict any other rights that would otherwise be protected from government action including but not limited to: First Amendment of the U.S. Constitution; Title VII of the Civil Rights Act of 1964; and Section 444 of General Education Provisions Act (GEPA)/Family Educational Rights and Privacy Act (FERPA).
ADOPTION	This policy shall be effective as of the date of adoption by MCC's Board of Trustees. MCC shall publish the adoption of this policy on MCC's website at the direction of the responsible office as set forth in this policy.
POLICY MODIFICATION	This policy may be modified or revoked at any time at the sole discretion of MCC's Board of Trustees. The above-listed contact information for reporting and the below agency contact information may be updated as needed and without requiring the approval of MCC's Board.
FILING WITH AGENCIES	Individuals alleging discrimination or harassment have the right to file a complaint with the appropriate government agencies. Office for Civil Rights U.S. Department of Education One Petticoat Lane 1010 Walnut Street, 3rd floor, Suite 320

Kansas City, MO 64106

Telephone: 816-268-0550

FAX: 816-268-0599; TDD: 800-877-8339

Email: OCR.KansasCity@ed.gov

REFERENCE

7.30035 DP Sex Discrimination and Sexual Harassment – Student District Procedure