



College Policy 2.01

Nondiscrimination

Part 1. Policy Statement

Minneapolis Community and Technical College is committed to a policy of nondiscrimination in employment and education opportunity. No person shall be discriminated against in the terms and conditions of employment, personnel practices, or access to and participation in, programs, services, and activities with regard to race, sex, color, creed, religion, age, national origin, disability, marital status, status with regard to public assistance, sexual orientation, gender identity, gender expression, or familial status. In addition, discrimination in employment based on membership or activity in a local commission as defined by law is prohibited.

Harassment on the basis of race, sex, color, creed, religion, age, national origin, disability, marital status, status with regard to public assistance, sexual orientation, gender identity, gender expression, or familial status is prohibited. Harassment may occur in a variety of relationships, including faculty and student, supervisor and employee, student and student, staff and student, employee and employee, and other relationships with persons having business at, or visiting the educational or working environment.

This policy is directed at verbal or physical conduct that constitutes discrimination/harassment under state and federal law and is not directed at the content of speech. In cases in which verbal statements and other forms of expression are involved, Minneapolis Community and Technical College will give due consideration to an individual's constitutionally protected right to free speech and academic freedom. However, discrimination and harassment are not within the protections of academic freedom or free speech.

Minneapolis Community and Technical College shall maintain and encourage full freedom, within the law, of expression, inquiry, teaching and research. Academic freedom comes with a responsibility that all members of our education community benefit from it without intimidation, exploitation or coercion.

This policy shall apply to all individuals affiliated with Minneapolis Community and Technical College, including but not limited to, its students, employees, applicants, volunteers, agents, and Board of Trustees, and is intended to protect the rights and privacy of both the complainant and the respondent and other involved individuals, as well as to prevent retaliation or reprisal. Individuals who violate this policy shall be subject to disciplinary or other corrective action.

Part 2. Definitions

Subpart A. Consensual Relationship

A sexual or romantic relationship between two persons who voluntarily enter into such a relationship. Employees who are members of the same household should also refer to the MCTC Nepotism Policy 6.02.

Subpart B. Discrimination

Discrimination is defined as conduct that is directed at an individual because of his or her protected class and that subjects the individual to different treatment by agents or employees so as to interfere with or limit the ability of the individual to participate in, or benefit from, the services, activities, or privileges provided by the college or otherwise adversely affects the individual's employment or education.

Subpart C. Discriminatory Harassment

Discriminatory harassment is defined as verbal or physical conduct that is directed at an individual because of his or her

protected class, and this is sufficiently severe, pervasive, or persistent so as to have the purpose or effect of creating a hostile work or educational environment.

As required by law, Minnesota State College and Universities has further defined sexual harassment as a form of sexual discrimination which is prohibited by state and federal law. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education, evaluation of a student's academic performance, or term or condition of participation in student activities or in other events of activities sanctioned by the college; or
2. Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions or other decisions about participation in student activities or other events as sanctioned by the college; or
3. Such conduct has the purpose and effect of threatening an individual's employment; interfering with an individual's work or academic performance; or creating an intimidating, hostile, or offensive work or educational environment.

Subpart D. Employee

Minneapolis Community and Technical College personnel include all faculty, staff, administrators, and student employees.

Subpart E. Protected Class

Protected class for the purpose of this policy means that discrimination and harassment in employment and education are prohibited on the basis of: race, sex, color, creed, religion, age, national origin, disability, marital status, status with regard to public assistance, sexual orientation, gender identity, gender expression, or familial status. In addition, membership or activity in a local human rights commission is a protected class in employment.

Subpart F. Retaliation

Retaliation includes, but is not limited to, intentionally engaging in any form of intimidation, reprisal or harassment against an individual because he or she made a complaint under this policy or assisted or participated in any manner in an investigation, or process under this policy, regardless of whether a claim of discrimination or harassment is substantiated; or associated with a person or group of persons who are members of a protected class. Retaliation may occur whether or not there is a power or authority differential between the individuals involved.

Subpart G. Sexual Harassment and Violence as Sexual Abuse

Under certain circumstances, sexual harassment or violence may constitute sexual abuse according to Minnesota law. In such situations, the college shall comply with the reporting requirements in Minnesota Statutes Section 626.556 (reporting of maltreatment of minors) and Minnesota Statutes Section 626.557 (Vulnerable Adult Protection Act). Nothing in this policy will prohibit the college from taking immediate action to protect victims of alleged sexual abuse.

Subpart H. Student

"Student" means an individual who is:

1. admitted, enrolled, registered to take or is taking one or more courses, classes, or seminars, credit or noncredit; or
2. between terms of a continuing course of study at the college, such as summer break between spring and fall academic terms; or
3. expelled or suspended from enrollment as a student at the college during the pendency of any adjudication of the student disciplinary action.

Part 3. Consensual Relationships

An employee of Minneapolis Community and Technical College shall not enter into a consensual relationship with a student or an employee over whom he or she exercises direct or otherwise significant academic, administrative, supervisory, evaluative, counseling, or extracurricular authority or influence. In the event a relationship already exists, the evaluative authority will be

reassigned to avoid violations of this policy. This prohibition does not limit the right of an employee to make a recommendation on personnel matters concerning a family or household member where the right to make recommendations on such personnel matters is explicitly provided for in the applicable collective bargaining agreement or compensation plan.

Part 4. Retaliation

Retaliation as defined in this policy is prohibited at Minneapolis Community and Technical College. Any individual subject to this policy who intentionally engages in retaliation shall be subject to disciplinary or other corrective action as appropriate.

Related policies: MnSCU Board Policy 1B.1 Nondiscrimination in Employment and Education Opportunity, <http://www.minnstate.edu/board/policy/1b01.html>

Date of Adoption: 7/1/1999

Date of Implementation (if different from adoption date):

Date of Last Review: 2/12/2007

Date and Subject of Revisions: