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CommUNITY: We are Michigan Tech

Michigan Technological University is a diverse community of and for scholars. The myriad of backgrounds of our students, faculty, and staff are a great benefit, and we all grow from these diverse perspectives. The desire to seek knowledge and understanding is what unites us. It is this desire that helps us appreciate and embrace different points of view and beliefs. This atmosphere requires a community that promotes mutual respect and exchange of ideas with open dialogue. Productive work, teaching, and learning can then thrive here.

Michigan Tech is committed to affording equal opportunity to all of its employees, students, applicants for employment, and applicants for admission without regard to race, religion, color, national origin, age, sex, sexual orientation, gender identity, height, weight, genetic information, marital status, disability, or veteran status. Also of utmost importance is inclusion and accessibility to our campus, programs, and activities.

This Institutional Equity Assistance and Resources booklet describes the various forms of discrimination, harassment, sexual misconduct, and/or retaliation prohibited by university policy, and federal and state law. It also provides information on assistance, campus and community resources, and reporting resources for someone who believes they may be a victim of these acts.

There is no place at Michigan Tech for prohibited discrimination, harassment, sexual misconduct, and/or retaliation. Together, we can build and preserve a just and respectful community that provides assistance and opportunities which help everyone to succeed.
Equal Opportunity
Michigan Technological University’s Institutional Equity (IE) department is responsible for the implementation of the University’s Equal Opportunity and Discrimination/Harassment Policies. IE follows the Discrimination and/or Harassment Reporting Procedures to ensure that employees, students, and visitors are not discriminated against in employment, educational programs and activities.

It is required by federal regulations that all advertisements, publications, and notices contain the EEO statement: “Michigan Technological University is an Equal Opportunity Educational Institution/Equal Opportunity Employer, which includes providing equal opportunity for protected veterans and individuals with disabilities”.

As a federal contractor, we are also required to take affirmative action to ensure all aspects of employment are fair, equitable and free from prohibited discrimination. IE monitors the recruitment, hiring, and employment practices to ensure compliance with these state and federal laws.

Notice of Non-Discrimination
Michigan Technological University does not discriminate on the basis of race, religion, color, nation origin, age, sex, sexual orientation, gender identity, height, weight, genetic information, marital status, disabled veteran status, veteran status, or disability. These people are designated to handle inquiries regarding non-discrimination policies and Title IX:

Beth Lunde-Stockero  
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Equal Opportunity Officer  
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Assistant Director, Institutional Equity  
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Harassment, Discrimination, Hostile Environment, and Retaliation

What is Harassment?
Harassment is unwelcome conduct that is based on a protected class, which includes race, religion, color, nation origin, age, sex, sexual orientation, gender identity, height, weight, genetic information, marital status, disabled veteran status, veteran status, or disability.

Harassment becomes against University policy where:
- Enduring the offensive conduct becomes a condition of continued employment, or
- The conduct is sufficiently severe, persistent or pervasive, and subjectively and objectively offensive as to substantially or effectively disrupt or undermine a person’s ability to participate in or benefit from a University program or activity, including, but not limited to, employment.

What is Discrimination?
Discrimination is the unequal or unfair treatment of a person on the basis of that person’s race, religion, color, nation origin, age, sex, sexual orientation, gender identity, height, weight, genetic information, marital status, disabled veteran status, veteran status, or disability. Discrimination can occur when persons are excluded from participation in, or denied the benefits of, any University program or activity because of their protected status.

What is Hostile Environment?
A hostile environment is defined as an environment on campus that, through harassing conduct (e.g. physical, verbal, graphic, or written) based on a person’s protected status (e.g. sexual orientation, age, etc.), becomes sufficiently severe, persistent or pervasive, and subjectively and objectively offensive so as to interfere with or limit the ability of an individual to participate in or benefit from a University program or activity.

The University prohibits harassment, as defined above, on its campus and by any person while engaged in University business, whether on or off campus. When the University determines that a hostile environment
exists, it takes action reasonably calculated to remedy the harassment and ensure it does not reoccur.

While a person engaging in prohibited harassing behavior often has some form of power or authority over the person being harassed, that is not always the case. The harasser can be a peer or a person who has power over them. The harasser can even be a person who is not a member of the University community, such as a person delivering supplies to a laboratory or refilling vending machines. Regardless of the source, the University does not tolerate prohibited harassment.

What is Retaliation?
The University strictly prohibits and will not tolerate reprisals or retaliation against persons due to their assertion of their protected civil rights, including the filing of internal complaints of discrimination, filing complaints with federal or state civil rights enforcement agencies, or participation in an investigation of such a complaint (e.g. serving as a witness). Retaliation against anyone who is a victim, files a claim/complaint, who is named as a respondent, or who participates in the investigation and/or resolution of a case, regardless of the outcome of the case, is expressly prohibited and could lead to discipline and possible dismissal. Retaliation exists when an adverse action is taken against a participant (whether a complainant, witness, respondent, or investigator) which affects their employment, academic/student, or business status which is motivated in whole or in part by their participation in the process. Retaliation for filing a complaint or participating in the complaint process may be found regardless of whether or not the underlying complaint is found to have merit.

Protected Class Discrimination
The following protected class groups are legally protected from prohibited harassment and discrimination either by law or Michigan Tech policy.

- Race
- Religion
- Color
- National origin
- Age (40 and over)
- Sexual orientation
• Individuals with disabilities
• Veteran status
• Sex
• Height
• Weight
• Marital status
• Gender identity
• Genetic information

Everyone is protected from race and color discrimination. Whites, Blacks, Asians, Latinos, Arabs, American Indians, Alaska Natives, Native Hawaiians, Pacific Islanders, persons of more than one race, and all other persons, whatever their race, color, or ethnicity.

Under the Michigan Constitution additional assurances of equal opportunity in education, employment and contracting are provided by its prohibition of any discrimination against, or granting preferential treatment to, any individual on the basis of race, sex, color, ethnicity or national origin.

Some of the Federal and State Nondiscrimination Laws and Regulations can be found at mtu.edu/equity/definitions/laws. The Michigan Tech policies supporting the Federal and State Laws and Regulations can be found at mtu.edu/equity/definitions/policies. EEO and Pay Transparency posters can be found at mtu.edu/equity/definitions/eeo-poster.

**Title IX: Sex Based Discrimination, Harassment, and/or Sexual Misconduct**

**Title IX**

Title IX of the Education Amendments of 1972 is a federal civil rights law that prohibits discrimination on the basis of sex in educational programs and activities that receive federal funds. It states: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.”
Michigan Tech expressly prohibits sex/gender based discrimination, harassment, and/or sexual violence, termed as sexual misconduct by employees, students, and third parties, against students and/or employees, or third parties, such as a vendor or visitors to Michigan Tech.

Sex/gender based discrimination, harassment, and/or sexual misconduct includes pregnancy discrimination, sexual harassment, and sexual violence, hereafter referred to as sexual misconduct, such as non-consensual sexual intercourse, non-consensual sexual contact, sexual assault, sexual exploitation, intimate partner violence including dating violence and domestic violence, stalking, and sexual coercion. Michigan Tech’s standards and definitions of sexual misconduct often overlap with or include the crimes of rape, sexual assault, sexual harassment, stalking, dating violence, and domestic violence. Victims of these behaviors are protected by Federal and State Constitutions and laws, including, but not limited to, Title IX of the Equal Opportunity in Education Act, the Violence Against Women Act (VAWA), and the Jeanne Clery Act.

See the Prohibited Conduct section for complete definitions of these sexual misconduct terms.

**Responsible Employee**

For Title IX compliance, all Michigan Tech employees who are designated as supervisors, with the exception of mental health counselors and the Ombuds officer, are considered “responsible employees.” This includes some select undergraduate student employees such as resident assistants (RAs) and orientation team leaders (OTLs). Other responsible employees are Public Safety and Police Services officers and employees, student affairs staff, human resources staff, athletics and recreation staff, academic advisors, faculty, instructors, graduate teaching assistants, graduate students who are supervising other students, and individuals designated as Campus Security Authorities.

The role of a responsible employee is to report allegations of sexual harassment/violence to the Title IX Coordinator to maximize the institution’s ability to investigate and potentially address and remedy sexual harassment/violence. The responsible employee should not
attempt to determine if the harassment/violence actually did occur, or if a hostile environment is being created.

If you are aware, and do not report, you are in violation of the law and University policy. This could mean an investigation by the Office of Civil Rights, restitution penalties and requirements, and a substantial loss of federal funding for the University, as well as employment discipline. Please remember the requirement for reporting is meant to enable us to assist those affected and address the issues.

The information that should be reported includes all the relevant information that the individual has shared and that may be useful in the investigation. This includes name(s) of the alleged responding party, the student/employee who experienced the alleged harassment/violence, any other student/employee involved, and the date, time, and location of the alleged incident. Responsible employees should inform the student/employee that they are not a confidential resource before student/employee reveals something that they may want to keep confidential.

It is considered official notice to the institution if a responsible employee “knew, or in the exercise of reasonable care should have known” about the harassment. This includes incidents that are reported directly, witnessed, reported by a third party (e.g. parent, other student), posted on fliers around campus, published in a local newspaper, etc. – all of these should be reported to the Title IX Coordinator. A report to the Title IX Coordinator does not necessarily lead to a full investigation. Any action is typically determined based on the reporting party’s choices. However, the Title IX Coordinator will make a safety assessment to determine if there is a safety risk to the community. If it is likely that there is continued risk, the Title IX Coordinator may have to proceed without the reporting party’s consent.

Consent
Consent is giving sexual permission. Clear, knowing, and voluntary words or actions that give permission for specific sexual activity. Consent must be freely and actively given, with mutually understandable words or actions which indicate a willingness to participate in mutually agreed upon activity. Mutually understandable consent is a subjective standard. Consent is mutually understandable when a reasonable person would
consider the words or actions of the parties to have manifested a mutually understandable agreement between them to do the same thing, in the same way, at the same time, with each other. Consent to some form of sexual activity cannot be automatically taken as consent to any other form of sexual activity. Previous relationships or prior consent cannot imply consent to future sexual acts. Consent is active not passive. Silence, without actions demonstrating permission, cannot be assumed to show consent. Consent which is obtained through the use of fraud or force whether that force be physical force, threats, intimidation, or coercion, is not consent. Consent may never be given by minors to legal adults, by mentally disabled persons, or by physically incapacitated persons. One who is physically incapacitated as a result of alcohol or other drug consumption (voluntary and involuntary), or who is unconscious, unaware, or otherwise physically helpless, is also incapable of giving consent. One may not engage in sexual activity with another who one knows or should reasonably have known is physically incapacitated. Incapacitation means being in a state where a person lacks the capacity to appreciate the fact that the situation is sexual or cannot appreciate (rationally and reasonably - who, what, when, where, why, or how) the nature and/or extent of that situation.

**Employee Consensual Relations Policy**

Employees of Michigan Tech are generally prohibited from initiating or participating in evaluations and decisions related to any aspect of the employment or education of a person with whom they have had or have developed a consensual relationship of an intimate nature, including spousal relationships. See University Policy 1.03 for more information: [mtu.edu/policy/policies/general/1-03](http://mtu.edu/policy/policies/general/1-03).

**Prohibited Conduct**

**Coercion (sexual):** Unreasonable pressure for sexual activity. When someone makes clear that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive. Coercing someone into sexual activity violates policy in the same way as physically forcing someone into sex. Anything but a clear, knowing, and voluntary consent to any sexual activity is equivalent to a “no.” This can also include the act of using alcohol or drugs to have sexual contact or intercourse with someone against their will.
Gender Discrimination: Discrimination and harassment on the basis of a person's sex or gender. Gender discrimination can occur when persons are excluded from participation in, or denied the benefits of, any University program or activity because of their sex or gender. The University's policy prohibiting gender discrimination also prohibits discrimination on the basis of pregnancy, childbirth and parenting.

Intimate Partner Violence: Any instance of violence or abuse (verbal, physical, or psychological) that occurs between those who are in or have been in an intimate relationship with each other. This can include dating and domestic violence. An intimate relationship is a relationship that includes some romantic, sexual and/or domestic element.

Non-Consensual Sexual Contact: Any intentional or reckless sexual touching, however slight, with any object or body part, by a person upon another person, without consent and/or by force. Sexual contact is any intentional or reckless contact with the breasts, buttocks, groin, mouth, or genitals of another person, or intentional or reckless touching of another person with any of these body parts, making another person touch you or themselves with or on any of these body parts, or any other intentional or reckless bodily contact in a sexual manner. This includes sexual assault.

Non-Consensual Sexual Intercourse: Any sexual intercourse, however slight, with any object, by a person upon another person that is without consent and/or by force. Intercourse includes vaginal or anal penetration by a penis, object, tongue, finger or other body part; and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact. This constitutes sexual assault.

Retaliatory harassment: Any adverse employment or educational action taken against a person because of the person’s participation in a complaint or investigation of discrimination, harassment and/or sexual misconduct. Retaliation against anyone who is a victim, files a claim/complaint, who is named as a respondent, a witness, or who participates in the investigation and/or resolution of a case, regardless of the outcome of the case, is expressly prohibited and could lead to discipline and possible dismissal. Retaliation exists when action is taken against a participant (whether a complainant, witness, respondent, or investigator) which affects their employment, academic/student, or
business status which is motivated in whole or in part by their participation in the process. Retaliation for filing a complaint or participating in the complaint process may be found regardless of whether or not the underlying complaint is found to have merit. Persons who feel that they have been subject to retaliation may file a complaint based on the alleged retaliation.

**Sexual exploitation:** Taking nonconsensual, unjust, or abusive advantage of another in a sexual or intimate context for the responding party’s own advantage or benefit OR to benefit/advantage anyone other than the individual being exploited AND which does not constitute any other sexual and/or relationship misconduct offense addressed in the University’s policy, including without limitation: prostituting another person, engaging in, permitting or facilitating nonconsensual viewing, photographing, videotaping, audio tapping, or posting to the internet sexual or intimate activity (such as dressing, showering, and similar activity of oneself or others), knowingly infecting another person with HIV or other sexually transmitted diseases and/or inducing incapacitation of another person with the intent to facilitate nonconsensual sexual intercourse or contact with that person.

**Sexual harassment:** Unwelcomed sexual, sex-based, and/or gender-based verbal, written, online, and/or physical conduct that constitutes Hostile Environment Harassment or Quid Pro Quo as defined below.

- **Hostile Environment Sexual Harassment:** When sexual harassment is severe, persistent or pervasive, and subjectively and objectively offensive, such that it unreasonably interferes with, denies, or limits someone’s ability to participate in or benefit from the institution’s education or employment programs.

- **Quid Pro Quo (meaning “this for that”) Sexual Harassment:** Unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature by a person having power or authority over another when submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual’s education or employment progress, development or performance. This includes when submission to such conduct would be, or under the circumstances would reasonably be understood to be, a condition for access to receiving the benefits of any educational or employment program.
**Stalking:** Engaging in a menacing course of conduct directed at a specific person that would cause a reasonable person to: (a) Fear for their safety or the safety of others; or (b) Suffer substantial emotional distress.

**Hate Crimes and Bias-Related Incidents**

Members of our community should be free from what have recently been labeled as “hate crimes”. According to the United State Department of Justice, the first federal hate crimes statute was enacted in 1968. The statute made it a crime to use, or threaten to use, force to willfully interfere with any person because of race, color, religion, or national origin and because the person is participating in a federally protected activity, such as public education, employment, jury service, travel, or the enjoyment of public accommodations, or helping another person to do so. In 2006, new federal protections were added against crimes based on gender, disability, gender identity, or sexual orientation. Within the state of Michigan, a person is guilty of ethnic intimidation if that person maliciously threatens or physically contacts a person with intent to intimidate, harass, or damage the property of that person because of that person’s race, color, religion, gender, or national origin.

The University encourages students, faculty, and staff to report hate crimes. In an emergency, dial 911. If you believe you have experienced a hate crime, you may report it directly to Public Safety and Police Services at 906-487-2216.

Bias is a preconceived negative opinion or attitude about a group of people who possess common physical characteristics or cultural experiences. Often, bias-related incidents are broadly or generally directed to an individual or group of individuals or include an action that, while disturbing, is not criminal or a University policy violation, and also could be protected under the first amendment. If you believe a bias-related incident has occurred, assistance is available on campus to help develop appropriate ways to engage in dialogue to repair perceived harm. The University provides additional information on the First Amendment Rights: [mtu.edu/diversity-center/resources/first-amendment](http://mtu.edu/diversity-center/resources/first-amendment)
What Should You Do if You Feel that You Have Been Subjected to Discrimination or Harassment?

The University encourages individuals to resolve their concerns on an informal basis, if appropriate. Problem-solving processes on campus are offered by various University offices, such as Institutional Equity, the Ombuds Office, the Dean of Students office/Student Disability Services, the Dean of the Graduate School, and Human Resources.

It is often difficult to confront a person who is engaging in prohibited discrimination or harassment. Such interaction is not required, and can be particularly difficult when the person engaging in discrimination or harassment holds actual or perceived power over the person at whom it is directed. There are occasions, however, when an individual feels able to speak to the person engaging in discrimination or harassment to tell that person that the behavior is offensive and to stop. This can be done in person, by telephone, email, or letter, and may resolve the matter without further intervention. The offices identified previously will provide assistance at any time.

If informal attempts at resolution are not appropriate or are unsuccessful, or if a person does not want to explore an informal means by which to address the concerns, the University is committed to providing prompt and effective resolution to incidents of alleged discrimination or harassment. Person who wish to pursue a complaint may do so by utilizing the applicable procedure.

See the Resources section for the appropriate department or procedure for lodging discrimination and harassment complaints. Also see online information regarding sexual assault/harassment at www.mtu.edu/title-ix/assault-harassment/ and information regarding complaint processes at www.mtu.edu/equity/definitions/complaint-procedures/.

How to Report a Complaint or Concern

The University cannot address prohibited discrimination, harassment, sexual misconduct, and/or retaliation unless it is aware it is occurring. Once the University has notice, it has a responsibility to respond. The response will be designed to determine whether the behavior at issue is discriminatory harassment and, if yes, the University will take action
reasonably calculated to prevent recurrence and ensure that individuals are not restricted in their participation in or receipt of benefits of any University program or activity.

If a person feels that their treatment has been discriminatory or harassing, they are encouraged to report this complaint or concern. The Institutional Equity complaint procedures are intended to be used in any case of alleged harassment and/or discriminatory actions on the basis of a person’s race, religion, color, national origin, age, sex, sexual orientation, gender identity, height, weight, genetic information, marital status, veteran status, or disability. Violations of state and federal law and the policies could lead to discipline and possible dismissal.

Any person (students, employees, applicants for employment or third parties) wishing to file a complaint can:

- Report via the Report a Concern website: mtu.edu/concern
- Submit a written complaint to Institutional Equity and/or the Title IX Coordinator. Complete the ‘Discrimination and/or Harassment Reporting Form’ or ‘Title IX/Sexual Misconduct Reporting Form’ available on Institutional Equity’s web page. You may also send an e-mail to equity@mtu.edu or titleix@mtu.edu
- Call Institutional Equity and/or the Title IX Coordinator at 906-487-3310
- Visit the Institutional Equity office located in room 308 of the Administration Building or the Title IX Coordinator office located in room 306 of the Administration Building
- Submit it to Public Safety and Police Services by calling 906-487-2216, in person at 206 MacInnes Drive, or to the anonymous Tip Line online (mtu.edu/tips) or at 906-487-0847
- Specifically for students, a complaint can also be made to the Office of Academic and Community Conduct by calling 906-487-2951, or in person in room 310 of the Administration Building

Information on reporting a complaint or concern can be found online: mtu.edu/equity/definitions/complaint-procedures/ or mtu.edu/concern
Disability Accommodations

Disability Definition
Under applicable disability laws, an individual with a disability is a person who:

- has a physical or mental impairment that substantially limits one or more major life activities
- has a record of such an impairment, or
- is regarded as having such an impairment

Temporary, non-chronic impairments that do not last for a long time and that have little or no long-term impact usually are not disabilities. The determination of whether impairment is a disability is made on a case-by-case basis.

What is a “major life activity” under the law?
To be considered a person with a disability, the impairment must substantially limit one or more major life activities. Major life activities include, but are not limited to, walking, speaking, breathing, performing manual tasks, seeing, hearing, learning, and caring for oneself.

What does “qualified” mean?
To be protected, a person must not only be an individual with a disability, but must be qualified. For students, a qualified individual with a disability is a person who meets the essential eligibility requirements for the receipt of services or participation in programs or activities provided by the University with or without reasonable modifications, auxiliary aids and services, or removal of barriers.

For University employees, a qualified individual with a disability is a person who satisfies the requisite skill, experience, education, and other job-related requirements of the employment position, and who, with or without a reasonable accommodation, can perform the essential functions of the position.
What is a Reasonable Accommodation?
For University Students
A reasonable accommodation is a reasonable modification in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the modifications would fundamentally alter the nature of a University service, program, or activity or impose an undue hardship on the University. Examples of reasonable accommodations may include, but are not limited to:

- Note-taking services
- Text conversion to alternative accessible formats
- Audio and video tapes
- Qualified interpreter services
- Adjusting time limits on tests
- Making facilities and/or programs readily accessible to and usable by individuals with disabilities

For University Employees
A reasonable accommodation is a modification or adjustment to a job, employment practice, or the work environment that makes it possible for a qualified individual with a disability to receive an equal employment opportunity. The University will provide a reasonable accommodation to the known disability of a qualified applicant or employee with a disability unless the accommodation would impose an undue hardship on the University. Examples of reasonable accommodations may include, but are not limited to:

- Obtaining or modifying equipment or devices
- Making facilities readily accessible to and usable by individuals with disabilities
- Job restructuring
- Modified work schedules
- Modifying examinations, training materials, or policies
- Providing qualified readers and interpreters

When and how does the University provide Reasonable Accommodations?
The University is obligated to make a reasonable accommodation only to the known disability of an otherwise qualified employee, student, or applicant. In general, it is the responsibility of the employee or student to
make the disability status and subsequent need for an accommodation known to the appropriate University official. Students may request accommodations through a faculty member or advisor, or the Dean of Students/Student Disability Services, and employees may make a request through their supervisor or the ADA Coordinator in Institutional Equity. Applicants for employment can notify Human Resources. Contact information for these offices is provided in the Resources section.

Once notified of the need for accommodations, it is the responsibility of the University official and the individual with a disability to discuss possible accommodations and assess the reasonableness and effectiveness of each potential accommodation. Determinations regarding accommodations on campus will be made on a case-by-case basis. Determining a reasonable accommodation is very fact-specific. In general, the accommodation must be tailored to address the nature of the disability and the needs of the individual within the context of the requirements of the job or the program of study. If there are two or more possible accommodations, and one costs more or is more burdensome than the other, the University will give primary consideration to the preference of the individual with a disability; however, the University may choose the less-expensive or less-burdensome accommodation, as long as it is effective.

**Institutional Equity Training**

It is important to note that it is everyone's responsibility to work toward eliminating discrimination and harassment, and to do so, we must be informed. The costs and hardships related to these issues have been well documented. Michigan Tech employees are often role models for peers and students to learn appropriate professional habits, so your understanding of the issues and setting standards of conduct are essential. All new faculty and staff must complete an online course that addresses harassment, discrimination, retaliation and sexual misconduct. We encourage continued training on these important issues and can assist in providing information and resources.
5.01-5.03 Equal Opportunity, Discrimination or Harassment

5.1 Prohibition of Discrimination and Harassment
Michigan Technological University is a diverse community of and for scholars. This community requires an environment of trust and openness where productive work, teaching, and learning can thrive. The University recognizes the necessity of protecting First Amendment rights and encouraging free speech, but also recognizes that certain conduct can threaten the mutual respect that is the foundation of scholarly communities. This policy is intended to secure the freedom of expression guaranteed by the United States Constitution while maintaining the trust and mutual respect that are vital to a diverse university community.

This policy does not abrogate other policies, rights and regulations set forth by Michigan Technological University. Further, federal and state laws will be enforced notwithstanding any provision of this policy.

The civil rights statutes prohibit various forms of discrimination including on the basis of race, color, religion, creed, national origin, gender, marital status, age, disability, height, weight, or veteran status.

At Michigan Technological University there is no place for discrimination and/or discriminatory harassment prohibited by Title VII, 42 U.S.C § 1981, 42 U.S.C. § 1983, Title VI, Title IX, the Americans With Disabilities Act, the Age Discrimination in Employment Act, the Michigan Handicappers' Act, the Michigan Ethnic Intimidation Act, the Michigan Elliott-Larsen Civil Rights Act, the United States or Michigan Constitutions or Board of Trustees Policy. These behaviors by any member of the Michigan Technological University community are prohibited and individuals engaging in these behaviors are subject to disciplinary procedures ranging from reprimand to termination or expulsion.

This policy shall be administered in accordance with procedures established by the Executive Director of Institutional Equity.
5.2 Equal Opportunity
In keeping with its responsibilities as an educational institution, Michigan Technological University is committed to a policy of affording equal opportunity to all of its employees, students, applicants for employment and applicants for admission without regard to race, religion, color, national origin, age, sex, sexual orientation, gender identity, height, weight, genetic information, or marital status. The University is also committed to a policy of educating and employing disabled individuals and veterans without discrimination. These policies are to be implemented with due regard for the relative qualifications of all involved.

5.3 Discrimination Based on Sex
Federal and State law prohibits discrimination in employment, in the utilization of educational facilities, and in educational programs and activities based on sex. Such discrimination includes gender discrimination, sexual harassment, and sexual violence. The policy of Michigan Technological University is that such sex discrimination is prohibited.

The mission of Michigan Technological University is to provide a quality education for its students and a fair and responsible work environment for its employees. Sexual discrimination, as described in the previous paragraph, directed towards employees by supervisors, students, or other employees, or towards students by faculty, employees, or other students, is absolutely prohibited. Upon receipt of information that sexual discrimination has occurred and after verification of such information, the University shall take prompt corrective action, up to and including dismissal from the University or discharge from University employment.

Students, employees, faculty members, or applicants for admission or employment who feel that they have been subjected to discrimination based on sex should notify the Title IX Coordinator in the Office of Institutional Equity.

Nothing in this policy will prevent persons from pursuing any legal remedy which may be available to them.

This policy shall be administered in accordance with procedures established by the Executive Director of Institutional Equity.
3.1.6 Statement on Professional Ethics
Faculty members, guided by deep conviction of the worth and dignity of the advancement of knowledge, recognize the special responsibilities placed upon men and women in the academic community. Their primary responsibility to their profession is to seek and state their best representation of the truth. To this end, they each devote their energies to developing and improving their individual scholarly competence. They accept the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. They practice intellectual honesty. Although they may follow subsidiary interests, these interests must never seriously hamper or compromise their freedom of inquiry.

Responsibilities to Students
Faculty members encourage the free pursuit of learning in their students and protect academic freedom of students. They hold before each student the best scholarly standards of their disciplines. They demonstrate respect for the students as individuals. When a personal relationship that goes beyond that of intellectual guide and counselor exists between a faculty member and a student, it is the responsibility of the faculty member to take appropriate action to avoid any conflict, or apparent conflict, of interest between personal and professional concerns.

Faculty members make every reasonable effort to foster honest academic conduct and to assure that their professional evaluation of a student reflects the student's true academic merits. Faculty members respect the confidential nature of the relationship between a faculty member and a student. Faculty members acknowledge significant scholarly assistance from any student and they avoid any exploitation (e.g., professional, sexual, emotional, or economic) of a student.

Responsibilities to Staff
Faculty members respect the contributions of staff employees and respect their intellectual interests, abilities, and knowledge. Faculty members acknowledge significant assistance from staff and they avoid any exploitation (e.g., professional, sexual, emotional, or economic) of a staff member.
Responsibilities to Colleagues
As colleagues, faculty members have obligations that derive from common membership in the community of scholars. They respect and defend the free inquiry of their associates. In the exchange of criticism and ideas, they show due respect for the opinions of others. They acknowledge the scholarly contributions of their peers and strive to be objective in professional judgment of colleagues. Each of them accepts a just share of faculty responsibilities for the governance of their institution. As members of their institutions, faculty members seek above all to be effective teachers and scholars. Although faculty have a responsibility to observe the stated regulations of the institution, they also maintain the right to criticize and seek revision.

Responsibilities to their Institution
Each faculty member should determine the amount and character of work done outside the institution according to the guidelines in the Conflict of Interest policy. When considering the interruption or termination of service, faculty members recognize the effect of such decisions upon the program of the institution and give due notice of their intentions.

As members of the extramural community, faculty members share the rights and obligations of any citizen. They measure the urgency of these obligations in the light of their responsibilities to their disciplines, to their students, to their profession, and to their institution. When speaking or acting in a non-official capacity as a private person or member of a group, faculty members or administrators shall avoid creating the impression that they speak or act for the institution. As citizens engaged in a profession that depends upon freedom for its health and integrity, faculty members have a particular obligation to promote conditions of free inquiry and to promote further public understanding of academic freedom.
Report a Concern Website
mtu.edu/concern

If this an emergency or someone is in danger, please call 911.

Michigan Tech is committed to providing an environment that is respectful and supportive. If you have a concern that you believe impedes these efforts for you personally, or for a friend or colleague, and want more information, please click on the appropriate title below. To report your concern, click on the report button in the box, complete the form, and submit.

For Confidentiality: If you prefer, you may address concerns or questions confidentially. Students may contact Counseling Services at 906-487-2538 and employees may contact the Employee Assistance Program. Also available is Office of the Ombuds at speters@mtu.edu or 906-487-2391.

For Criminal Conduct: If you believe you or someone you know has been a victim of a crime (not an emergency), please contact Public Safety and Police Services at 906-487-2216. These forms do not constitute filing a criminal complaint with the police.

<table>
<thead>
<tr>
<th>Student of Concern</th>
<th>TIP Line</th>
<th>Sexual Misconduct (Title IX)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use this form to report concerns about a student including, but not limited to the following:</td>
<td>Use this form for anonymous reporting items of concern to Public Safety and Police Services, including but not limited to the following:</td>
<td>Use this form to report incidents of sexual misconduct and behavior that violate Title IX. This may include, but is not limited to the following:</td>
</tr>
<tr>
<td>• Neglect of academic work</td>
<td>• Somebody’s well-being</td>
<td>• Intimate partner/dating and domestic violence</td>
</tr>
<tr>
<td>• Behavioral concern (disruptive, withdrawn, tearful, declining personal hygiene, etc.)</td>
<td>• Observations of unusual behavior</td>
<td>• Gender-based discrimination</td>
</tr>
<tr>
<td>• Family crisis</td>
<td>• Concern that is time sensitive (non-emergency)</td>
<td>• Sexual harassment</td>
</tr>
<tr>
<td>• Mental health concerns</td>
<td></td>
<td>• Sexual assault</td>
</tr>
<tr>
<td>• Personal challenges</td>
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<td>• Stalking</td>
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<tr>
<td>• Excessive absenteeism</td>
<td></td>
<td>• Retaliation</td>
</tr>
<tr>
<td>• Medical concerns</td>
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<td></td>
</tr>
</tbody>
</table>

Report
Report
Report
**Discrimination and Harassment**
Use this form to report incidents of bias, discrimination, harassment, or retaliation based on race, color, religion, age, national origin, sex, gender, gender identity, sexual orientation, veteran status, height, weight, marital status, disability, or genetic information.

**Hazing**
Use this form to report suspected hazing or hazing activities. Hazing includes any action taken or situation created intentionally and/or recklessly to produce the following:
- Mental or physical discomfort, harm or injury
- Embarrassment
- Harassment
- Ridicule

**General Student Misconduct**
Use this form to report general misconduct incidents. This may include, but is not limited to the following:
- Alcohol or drugs
- Disruptive behavior
- Bullying
- Physical assault, endangerment, and threats
- Student organizational violations

**Academic Misconduct**
Use this form to report academic misconduct. This may include, but is not limited to the following:
- Cheating
- Plagiarism
- Fabrication
- Facilitation

**Misconduct in Research**
Use this form to report issues of research misconduct including, but not limited to the following:
- Fabrication
- Falsification
- Plagiarism
- Deception
- Misrepresentation
- Arbitrary selection of data

**Student Complaint**
Use this form for complaints or general concerns about your campus experience, in or out of the classroom.

Concerns may include, but are not limited to the following:
- Academic policy violations
- Lack of professionalism
- Unsatisfactory student services
Housing and Residential Life Concern
Use this form to report anything related to on-campus housing. Concerns include, but are not limited to the following:

- Roommate issues
- Housing policy violations
- Repair requests
- Questions and/or concerns

Michigan Tech Hotline
Use this independent, third-party provider form if you feel unsafe using the usual channels as a private way to report activities that may involve the following:

- Violations of Policy
- Financial Control Issues or Fraud
- Unsafe Conditions
- Research Misconduct
- Academic Misrepresentation
- Equity Issues
- Human Resources Issues
- Information Systems Misuse
- Athletics Compliance Issues

Access Barrier
Use this form to report a physical or technological barrier. These include, but are not limited to the following:

- Inoperable elevator or door
- Blocked access ramp
- Inappropriate use of handicap parking space
- Inaccessible webpage
Resources Page

Confidential Resource Definition
Persons to whom information is provided based upon the promise of confidentiality. These persons are not required to tell anyone a reporting party’s personally identifiable information unless there is a significant cause for fear of the reporting party’s safety or the safety of others.

Private Resource Definition
Persons and/or agencies from whom an expectation can be made to have allegations taken seriously, investigated thoroughly and properly resolved. This means only those who need to know will be told, and information will be shared only as necessary. Those needing to know may include the person an allegation is being filed against, witnesses, and investigating officials.

Private Resources

Public Safety and Police Services
mtu.edu/publicsafety
206 MacInnes Drive
906-487-2216

Title IX Coordinator
mtu.edu/title-ix
titleix@mtu.edu
Administration Building 306
906-487-3310

Equal Opportunity Officer
mtu.edu/equity
equity@mtu.edu
Administration Building 308
906-487-3310

Disability Accommodations
mtu.edu/equity/access-disability/request
equity@mtu.edu
Administration Building 308
906-487-3310
Dean of Students
mtu.edu/deanofstudents
deanofstudents@mtu.edu
Administration Building 170
906-487-2212

Student Disability Services
mtu.edu/deanofstudents/disability
deanofstudents@mtu.edu
Administration Building 130
906-487-2212

Academic and Community Conduct
mtu.edu/conduct
studentconduct@mtu.edu
Administration Building 310
906-487-2951

Human Resources
mtu.edu/hr
600 Lakeshore Dr.
906-487-2280

Center for Diversity and Inclusion
mtu.edu/diversity-center
diversitycenter@mtu.edu
Hamar House
906-487-2920

Graduate School
mtu.edu/gradschool
gradschool@mtu.edu
Administration Building, 4th floor
906-487-2327

Local Physical and Mental Health Care Providers

Confidential Resources

Ombuds Office
mtu.edu/ombuds
speters@mtu.edu
Counseling Services
mtu.edu/counseling
counseling@mtu.edu
Administration Building 301
906-487-2538

Employee Assistance Program
northstareap.com
906-225-3145

Off-campus Confidential Resources

Dial Help
dialhelp.org
906-482-HELP (4357)

Barbara Kettle Gundlach Shelter Home
bkgshelterhome.org
906-337-5623

Let’s End Campus Sexual Assault
michigan.gov/campussexualassault
855-864-2374

Booklet revised on: December 6, 2018
Institutional Equity
Administration Building, Room 308
1400 Townsend Drive
Houghton, MI 49931-1295

December 2018

Michigan Technological University is an equal opportunity educational institution/equal opportunity employer, which includes providing equal opportunity for protected veterans and individuals with disabilities.