

PROCEDURES MEMORANDUM

TO: MCC Staff

FROM: Office of the President

SUBJECT: Guidelines for Addressing Concerns of Students, Employees, and Members of the Public; Legal Compliance Officer; College Ombudsperson

DATE: August 1, 2022

PURPOSE: To provide guidelines for students, employees and members of the public to report possible criminal and non-criminal violations of law, fiscal waste or fiscal mismanagement by College personnel or in College operations, to prohibit reprisals for such disclosures, to provide a resource to address unresolved concerns (such as academic grades, student aid, discipline, and so forth), for redress of grievances, and assistance with navigating College policies and procedures. This Procedures Memorandum is written with the intent of directly referring to the Metropolitan Community College Board of Governors' Policy 10801.

SCOPE: This procedure applies to all College students, employees and members of the public.

Board of Governors' Policy 10801 provides the framework for disclosure of information concerning possible criminal and non-criminal violations of law, fiscal waste or fiscal mismanagement by College personnel or in College operations, to prohibit reprisals for such disclosures, to provide a resource to address unresolved concerns (such as academic grades, student aid, discipline, and so forth), for redress of grievances, and assistance with navigating College policies and procedures. Immediately below is the text of Board Policy 10801, followed by contact information for the College Police Department and the offices of College Legal Compliance and the College Ombudsperson.

**10801 Processes for Addressing Concerns of Students, Employees, and Members of the Public; Legal Compliance Officer; College Ombudsperson**

Concerns of College students, employees, and members of the public ("Stakeholders") should be promptly and efficiently addressed and may be presented by Stakeholders as indicated below. This Policy describes processes that are in addition to other written policies and processes of the College; it does not replace or supersede any of those other written policies and processes.

- (1) Ideally, a Stakeholder concern (other than of criminal wrongdoing) would be presented at or to the level within the College organization best and most immediately able to directly address and resolve the concern. If the College has a specific policy or procedure available to address the type of matter causing the Stakeholder concern – such as the written policies regarding maintenance of employee personnel files, or regarding harassment of employees or of students – a Stakeholder ordinarily should use that specific policy or procedure to present the concern. (The College Legal Compliance Officer and the College Ombudsperson can assist Stakeholders in identifying applicable policies and procedures of the College.) The processes described in subsection (2) of this Board Policy 10801 are also available to Stakeholders having or wishing to raise concerns. In addition, a Stakeholder may present a concern to the Chair of the Board of Governors if the Stakeholder believes there is reason or need to do so.
  
- (2)
  - (A) If a Stakeholder’s concern involves known or reasonably suspected criminal wrongdoing – such as theft or assault – the Stakeholder should present the matter or concern to an appropriate law enforcement agency.
  
  - (B) If a Stakeholder’s concern involves non-criminal wrongdoing – such as suspected mismanagement of public funds, or actions creating a substantial and significant danger to the health or safety of any individual or the security of public property – the Stakeholder may present the matter or concern to the College Legal Compliance Officer. The College Legal Compliance Officer shall be an employee of the College, be appointed by the College President, report to the Board and the President, and have duties of a Legal Compliance Officer as may be prescribed by the Board and the President in addition to other duties assigned by the Board or the President.
  
  - (C) If a Stakeholder’s concern does not involve suspected wrongdoing, and is of a nature unique to the Stakeholder (or a definable subgroup of Stakeholders) – such as academic grades, student aid, discipline, and so forth – the Stakeholder may present the concern to the College Ombudsperson, who will assist the Stakeholder or direct the Stakeholder to the appropriate College office or official who can address the Stakeholder’s concern. The College Ombudsperson shall be an employee of the College, be appointed by the President, report to the College Legal Compliance Officer, and have duties of an ombudsperson as prescribed by the Board, the President and the Legal Compliance Officer in addition to other duties assigned by the Board, the President and the Legal Compliance Officer.
  
  - (D) Notwithstanding the foregoing, the President in consultation with the Board Chair, or the Board Chair in consultation with the Executive Committee of the Board, may engage, on an ad hoc basis, the services of a consultant, investigator, attorney, or other individual, who is not an employee of the College, to act as the Legal Compliance Officer or College Ombudsperson respecting a particular concern or matter presented by a Stakeholder, if they believe the engagement to be warranted under all of the facts and circumstances. The individual so engaged

shall be an independent contractor and not an employee of the College, and shall be compensated by the College, within budget limits, as may be approved by the hiring official (that is, as may be approved by the President in consultation with the Board Chair, or the Board Chair in consultation with the Executive Committee of the Board, as the case may be).

- (1) If a Stakeholder's concern alleges non-criminal wrongdoing of the College President or one or more College vice-presidents, the Legal Compliance Officer, upon becoming aware of the concern, shall promptly notify the Board Chair of the matter and the Board Chair shall promptly refer the matter to the Executive Committee. After preliminarily reviewing the matter, the Executive Committee may engage, on an ad hoc basis, the services of a consultant, investigator, attorney, or other individual to investigate the matter and report the findings to the Executive Committee. The individual so engaged shall be an independent contractor and not otherwise employed by or affiliated with the College. The Board Chair is authorized to approve compensation for such services, within budget limitations.

No employee or official of the College shall retaliate in any way against any individual because the individual has reasonably and in good faith reported wrongdoing or a concern to a law enforcement agency, the College Legal Compliance Officer, or the College Ombudsperson, or testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this Policy.

The President shall adopt procedures to implement this Policy. The procedures shall require periodic reports to the Board by the President, the Legal Compliance Officer and the College Ombudsperson regarding numbers of concerns presented by Stakeholders under this Policy and the efficacy of this Policy in addressing or resolving those concerns (maintaining confidentiality of Stakeholder identities to the extent practicable). The procedures shall also require the provision of training to appropriate College staff to ensure that this Policy and the related procedures are implemented and effective in addressing Stakeholder concerns. The procedures shall also require prominent posting on the College's website of complaint and other procedures, and of contact information, under this Policy.

(Policy 10801 Adopted 12/19/00; Amended 12/17/13; 9/13/16)

To report suspected criminal wrongdoing contact the MCC Police Department at 531-622-2222, or contact any other law enforcement agency with jurisdiction.

To report suspected non-criminal wrongdoing – such as suspected mismanagement of public funds or actions creating a substantial and significant danger to the health or safety of any individual or the security of public property – contact the Associate Vice President for Compliance and General Counsel.

For assistance handling unresolved concerns (such as academic grades, student aid, discipline, and so forth), redress of grievances, and assistance with navigating College policies and procedures, contact the College Ombudsperson at 531-622-8030, or email concerns to [ombudsperson@mccneb.edu](mailto:ombudsperson@mccneb.edu).

Individuals making reports may remain anonymous to the extent possible, and will not be subject to retaliation or reprisal. Employees and students who knowingly make false or bad faith reports may be subject to disciplinary action.

PM X-14 Adopted 1/2/01; Revised 11/16/04; 03/19/18; Review but no changes 5/13/08; Revised per Board of Governors 9/18/13; 12/17/13; 11/15/16; Review but no changes 8/1/22