



SECTION 2: POLICY MANUAL
5. Operations

TITLE: Discrimination Grievance Procedure
ADOPTED: February 2, 2017 (Resolution 52.35)
REVISED: July 5, 2018 (Resolution 54.03)

Purpose

The College does not discriminate on the basis of age, color, disability, gender, gender identity, genetic information, family or marital status, national or ethnic origin, race, religion, sex, sexual orientation, veteran status, or any other protected class in its programs, activities, employment practices, or complaints that may fall under Policy 2-610 of the manual.

The College does not tolerate discrimination on any of basis listed above. The College takes prompt and appropriate steps to correct discriminatory effects on the complainant and others, if appropriate. Individuals who experience discrimination may receive interim remedies, as appropriate.

The College takes seriously complaints of discrimination and will take prompt disciplinary action against individuals who engage in discrimination.

Guidelines

Grievance Procedure

Any student or employee who feels he/she has been unlawfully discriminated against shall file a grievance with the Director of Human Resources, in writing, either on a form provided by the Director for this purpose, or on any other form provided by the grievant himself, setting forth in specifics the nature of the alleged unlawful discrimination and providing the name or names of the party or parties involved, the date or dates of the incident or incidents, and any other information that the grievant feels would be in support of the alleged unlawful discrimination.

Where the alleged discrimination is sex discrimination as defined in Title IX, VAWA and the Campus SaVE Act, including discrimination based on sex, sexual harassment, dating violence, domestic violence, sexual assault, stalking and any of the aforementioned acts of discrimination or violence when committed against individuals because of their known or perceived national origin, ethnicity, gender identity, gender presentation, or sexual orientation, the Director of Human Resources shall immediately notify and forward the grievance document to the Title IX Coordinator. In such cases, the grievance procedures set forth in Policy 2-610 (Sexual Misconduct) shall apply in lieu of those set forth herein.

Where the student or employee is alleging acts of unlawful discrimination by the Director of Human Resources, the written grievance must be filed with VP for Finance and Administrative Services who shall fulfill the responsibilities assigned to the Director of Human Resources under this Policy.

The grievant must sign the grievance document.

It is preferred the complaint be in writing; however, if the grievant is physically unable to comply, then he/she can present the complaint orally to the Director of Human Resources, and it would then be the Director of Human Resources' obligation to put into writing to the best of the Director of Human Resources' ability, the complaint as outlined by the grievant with the grievant then having an opportunity to review the complaint and indicating on the document a mark of acknowledgement to be witnessed by a human resource assistant.

After receipt of the written grievance document, as detailed above, the Director of Human Resources shall investigate the charges alleged.

Within sixty (60) days from the date the complaint was received, the Director of Human Resources will prepare a written report, unless additional time is necessary to complete the investigation. The report will include findings with respect to whether discrimination occurred. If an investigation cannot be concluded within 60 days, the appropriate parties will be advised and a projected conclusion date will be announced. At the Director of Human Resources' own discretion, the Director of Human Resources may interview or do whatever is thought to be necessary to determine the facts related and relevant to the charges alleged. If deemed necessary, the Director of Human Resources may hold a meeting to review the charges and secure the responses, explanations, or answers, or appoint a special committee to do such, provided five (5) business days advanced notice of the meeting is given to the grievant and all parties cited in the complaint by the grievant. The grievant shall also have the right to specifically request that the Director of Human Resources appoint a committee and the grievant shall also have the right to challenge the appointment of a committee member if the grievant feels the appointment would constitute a conflict of interest. Also, the Director of Human Resources has discretion to appoint a committee, even where not specifically requested by the employee.

In addition to fact-finding, the Director of Human Resources shall also attempt to remedy or make recommendations to remedy any charges found to be valid. These recommendations will be reviewed by the Vice President for Finance and Administrative Services.

Within sixty (60) days after receipt of the complaint, the Director of Human Resources shall, in writing to the grievant, with copies to all parties cited, respond to the charge(s) as outlined by the grievant, by issuing one of the following findings: "founded", "unfounded", or "inconclusive". If the charge(s) are determined to be "founded", the Director of Human Resources shall make recommendations to remedy the issue(s) or indicate that the issue(s) have already been remedied. Respond to the charges as outlined by the grievant by either rejecting the charges of unlawful discrimination, by indicating recommendations for remedy, indicating that remedies have occurred if the charges are found to be valid, or by indicating, with explanation, that the charges could not be rejected or validated within the time and framework of this grievance procedure as outlined herein.

The purpose of the time limit set forth in this grievance procedure is to provide for a fast and expeditious resolution of a complaint alleging unlawful discrimination for the benefit of both the grievant and the party or parties cited. If, in the reasonable judgment of the Director of Human Resources, a grievance procedure cannot be concluded within 60 days, the appropriate parties will be advised and a projected conclusion day will be announced by the Director of Human Resources.

Appeal Procedure

If the complainant is not satisfied with a finding of no violation of the policy or with the recommended corrective action, s/he may submit a written appeal to the VP for Finance and Administrative Services within fifteen (15) days.

The VP for Finance and Administrative Services shall review the investigation and the investigative report and may also conduct a reasonable investigation.

The VP for Finance and Administrative Services shall prepare a written response to the appeal within fifteen (15) days. Where more than fifteen (15) is necessary, the VP for Finance and Administrative Services shall provide notice to the complainant of the need for additional time.

The VP for Finance and Administrative Services may confirm, reject or modify any finding or corrective action as part of the appeal procedure. The VP for Finance and Administrative Services shall provide written notice of the complainant, the accused, and the Director of Human Resources.

The grievance procedure shall be in addition to any other rights that either the grievant or the party or parties cited may have under the law and is not deemed to be the exclusion of any other right or privilege.