

# COLLEGE POLICIES AND PROCEDURES MEMORANDUM NO. 351

## DISCRIMINATION COMPLAINT POLICY

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**Date of Issue: October, 1999**

**Revised: August 16, 2007**

### **Purpose**

To establish procedures to review, investigate and resolve allegations of unlawful discrimination on the basis of race, color, religion, sex (including sexual harassment), sexual orientation, age, national or ethnic origin, disability or status as a disabled or Vietnam era veteran, or any other basis for an allegation for unlawful discrimination as defined by College policy or established by federal, state and local laws.

### **Accountability**

Under the direction of the President, the Director of Equity & Diversity shall ensure compliance with this policy. The Director of Equity & Diversity, in conjunction with the Vice Presidents and Deans, and all other staff in a supervisory capacity, shall implement this policy.

### **Applicability**

This policy shall apply to all employees, applicants for employment and to students in their capacity as full or part-time employees.

### **Definitions**

1. Consultation - a conference or meeting, at which advice is given or views are exchanged to resolve discrimination issues without an investigation.
2. Informal Complaint - a verbal complaint, initiated by an applicant, employee or student with the Office of Equity & Diversity.
3. Formal Complaints - a written complaint filed with the Office of Equity & Diversity.

### **Policy**

The College recognizes and accepts its responsibility to act in accordance with the College's Affirmative Action Plan and federal, state and local laws. Therefore, this

internal complaint policy has been established to review, investigate, and resolve allegations of unlawful discrimination.

The College is committed to equal opportunities in all areas of employment and education and believes that this complaint procedure will benefit students, faculty, staff, and administrators. Our success in these efforts will contribute to an improved environment in which to work and study. Individuals with discrimination related complaints are urged to utilize this internal discrimination complaint policy before filing a complaint with external enforcement agencies. As a recipient of federal funds, the College also is legally obligated to develop and implement an affirmative action plan.

Supervisors and managers shall cooperate with the Office of Equity & Diversity to facilitate resolution of the complaint.

All employees may utilize the services of the Office of Equity & Diversity. An employee must notify his/her supervisor that he/she will be leaving his/her work area for a definite period of time so that his/her supervisor may plan for his/her absence if a complaint is made during work time.

If an employee does not wish to let his/her supervisor know that he/she is consulting with the Office of Equity & Diversity, he/she may arrange for an appointment on his/her meal break, or prior to, or following his/her workday.

No College employee shall take reprisal actions against anyone who files a complaint, assists, or participates in any manner during the complaint process. Retaliation against anyone who files a complaint or charge of discrimination is prohibited.

All complainants have a right to bypass the internal system and file with a federal, state, or local agency.

### **Complaint Process**

The complaint process consists of consultations, and an informal and formal investigation process for alleged acts of discrimination as described below:

1. Consultations may occur with employees or students. Management may also consult before taking other action.
2. In the informal complaint process, the office may mediate or conduct an informal investigation at the discretion of the Director of Equity & Diversity.
  - The Director of Equity & Diversity may attempt to negotiate a resolution to the informal complaint of alleged discrimination or issue a written determination when attempts at mediation are unsuccessful.
  - If a complaint is not resolved during the informal process, the complainant may file a formal complaint.

3. All complaints will be promptly and thoroughly investigated.
  - An internal complaint form shall be completed and specific allegations should be listed along with an indication of the action the complainant is seeking.
  - The complaint should be submitted within thirty working days of the date of the adverse action or date person became aware of the adverse action.
  - Unresolved informal complaints should be submitted not more than thirty days after termination of an unsatisfactory informal resolution process.
  - If an internal investigation cannot be concluded within 30 days, the appropriate parties will be advised and a projected conclusion date will be announced. Complaint investigations handled by the Office of Equity & Diversity will include notification to all appropriate parties of the findings and recommendations for corrective action, if warranted.
  - Employees have an obligation to cooperate in the investigation of any such complaint. Management at every level has an affirmative responsibility to ensure that recommendations for corrective action are promptly implemented.

#### **Requirement for Filing Complaints**

1. Any applicant for employment, current or former employee (hereafter referred to as complainant) may file an informal or formal discrimination complaint with the Office of Equity & Diversity.
2. A complaint should be filed within thirty days following the alleged discriminatory act, or the date on which the complainant knew or reasonably should have known of said act.
3. The complaint must be filed with the Office of Equity & Diversity.

#### **Student and Employee Complaints**

Students who are also full-time employees of the College are, in their employment capacity, subject and entitled to the preceding complaint procedures. If a student, who is an employee of the College, files a discrimination complaint with the Office of Equity & Diversity relating to their employment, the Office of Equity & Diversity shall follow the procedures for processing discrimination complaints. If the student employee initiates his/her discrimination complaint with the academic Dean or Department Chair, the Dean or Department Chair will transfer the case to the Office of Equity & Diversity for resolution.

Students may file discrimination complaints directly with the Office of Equity & Diversity or through their Department Chair or Division Dean. All Title IX (sex discrimination or sexual harassment) and Section 504 of the Rehabilitation Act of 1973 (physical or mental disability discrimination) complaints should be filed using the procedures outlined in this policy.

### **Withdrawal of Complaints**

The complainant may, at any time, request to have his/her complaint withdrawn. In the case of an informal complaint, the request can be made verbally. Requests to withdraw formal complaints should be made in writing to the Office of Equity & Diversity. At its discretion the Office of Equity & Diversity may pursue the investigation and seek remedy if the issues brought forth during the investigation have an adverse impact against other employees or the College.