

**ADMINISTRATIVE RULE NO: 1015-02
RELATED TO POLICY SERIES NO: 1015**

TITLE: DISCRIMINATION COMPLAINT PROCEDURES

STUDENTS'/EMPLOYEES' RESPONSIBILITIES

All employees and students of the college will be expected to conduct themselves in a manner that is not or will not be reasonably interpreted by another employee or student or group of employees or students to be unlawful discrimination. Employees or students who violate this policy will be subject to discipline, up to and including termination/expulsion.

Discipline imposed upon employees subject to collective bargaining agreements shall be governed by their respective agreements; failing such provision, board policies shall apply.

Every employee and every student at the college is encouraged to report unlawful discrimination, and no reprisals will be taken against any employee or student who does make such a report. Each employee and student has a personal responsibility not to make knowingly false or malicious claims. Such claims will not be tolerated and will subject the complainant to discipline.

EMPLOYER RESPONSIBILITIES

The Board of Education has designated the Affirmative Action Officer (AAO) and/or dean of Student Services or designees as the officials responsible for receiving, responding to, and investigating complaints. All complaints will be responded to in a timely manner. Any supervisor, agent, student, or employee who has been found by the college, after appropriate investigation, to have unlawfully discriminated against another employee or student will be subject to appropriate sanctions, depending on the circumstances, up to and including termination/expulsion. The college's remedy will be designed to eliminate unlawful discrimination of all kinds.

Unlawful discrimination by vendors, suppliers, visitors, or other nonemployees of the college with whom employees or students need to do business is also prohibited by Policy 1015. An employee or student experiencing such discrimination should utilize this complaint procedure.

Any form of retaliation against individuals making discrimination complaints, witnesses, or any other involved employees or students is against college policy and is strictly prohibited. Retaliatory activities will be treated as a violation of Policy 1015 and subject to the same disciplinary measures, up to and including termination/expulsion.

COMPLAINT/INVESTIGATION PROCEDURES

The investigator will work with the complainant to determine the best course of action

TITLE: DISCRIMINATION COMPLAINT PROCEDURES (AR 1015-02)

for resolution of the situation. Informal resolutions and reconciliations may be attempted prior to a formal investigation taking place.

The following procedure should be used by students who believe they have experienced unlawful discrimination in violation of Title IX, or by employees who believe they have experienced unlawful discrimination in violation of state and federal law.

A. Complainants should bring their complaints forward as follows:

1. A student complainant regarding issues involving other student(s) should bring complaint to the Dean of Student Services or designee.
2. A student complainant regarding issues involving employees should bring complaint to the Affirmative Action Officer or designee.
3. An employee complainant should bring complaint to the Affirmative Action officer or designee.

Complainants who do not feel comfortable reporting to the AAO or dean of Student Services should contact another member of Human Resources who will refer them to a designee.

Depending on the circumstances of the complaint, the decision may be made to hire an outside investigator or appoint someone else in the college to investigate the complaint. A complaint can be verbal or written. Complainants are encouraged to submit their complaint on the College Harassment/Civil Rights form.

B. The investigation/resolution of each complaint will be completed in a timely manner and will be a high priority for the investigator/decision makers. The investigation will proceed according to the following process:

1. The investigator will establish a complaint file to include related complaint materials. A complaint file will be maintained as a confidential file, separate from personnel or student files, by the AAO and/or dean of Student Services or designees.
2. As appropriate, the investigator will notify the supervisor, affected department director, and/or legal counsel of the complaint on a need-to-know basis. It will be the responsibility of the AAO or dean of Student Services or designees to determine the extent of other involvement in this investigation, depending upon allegations. The dean/director will be informed of an investigation.
3. The complainant and accused will be interviewed separately with specific questions by the investigator. During the investigation the complainant and accused may bring representation so long as the representative does not interfere with the investigation process. Both will be asked to identify potential witnesses to the relevant facts. The investigator will be alert not to involve any more people than necessary.

TITLE: DISCRIMINATION COMPLAINT PROCEDURES (AR 1015-02)

4. Witnesses will be interviewed in detail by the investigator. The investigator will document the discussions at each interview.
 5. At the conclusion of interviews and review of documents, the investigator will prepare a confidential written report of the findings and recommendations.
 6. The investigator will inform the complainant and accused of the findings. Within 15 days of receipt of the findings, the complainant and/or accused may submit a written response to the investigator. The investigator will review the response(s) and forward both the response(s) and the report to the appropriate vice president.
 7. The investigator will make recommendations to the appropriate vice president. The vice president may interview any of the involved individuals, as needed. The vice president makes a decision and directs the appropriate administrator or dean to implement the decision.
 8. The AAO and/or dean of Student Services will work with the supervisor and/or the affected administrator to implement the decision and follow up to ensure any misconduct has not continued. This may include follow up with complainant or witnesses.
 9. If it is concluded the discrimination complaint cannot be substantiated, all parties will be notified and the investigation closed.
- C. Within 15 days of receipt of the decision, either party may appeal the decision by submitting a written request outlining the basis for the appeal and any other relevant facts, to the college president, who will consider anew evidence presented and render a decision on the appeal. The decision of the college president is final and binding.
- D. If the complaint is against anyone named to investigate or review the investigation, the complainant will go to the next higher person in the organizational structure.
- E. If the complaint is substantiated during the complaint investigation, the AAO, dean of Student Services, or designee, will follow up to ensure the work place or learning environment is free from unlawful discrimination and retaliation, and the complainant made whole.

DATE OF ADOPTION: 04/28/98

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