

Section: EEO/AA
Subject: Discrimination Complaint Procedure for Employees and Applicants
Number: HR 3010

I. Institutional Regulations

A College employee or applicant for employment who believes that College policies or procedures on equal opportunity in employment or education have been violated, resulting in discriminatory treatment on the basis of race, color, national origin, creed, religion, sex (including pregnancy), sexual orientation, gender identity, age, disability, genetic information, actual or potential parental, family or marital status of a person or, to the extent covered by law, veteran status, may file a formal complaint through the College Discrimination Complaint Procedure or with the appropriate state and/or federal agencies. Subjecting a person to coercion or retaliation for filing a complaint or providing information regarding a complaint is prohibited. Students may file a formal complaint through the College's Discrimination and Harassment Complaint Procedure for students (ES 4645).

II. Procedure

A Discrimination Complaint forms may be obtained from the DMACC Web Site, Affirmative Action Officer, Human Resources, campus Provosts' offices, and Academic Deans' offices.

B. Discrimination Complaint Procedure

1. Step 1

a. The complainant shall submit a Discrimination Complaint Form for Employees or Applicants (P-30) within 15 working days of the day the complainant became aware of, or should have become aware of, the discrimination issue through the reasonable exercise of diligence. In no instance may this be later than 300 days from the date of the alleged discriminatory treatment.

b. Complaint forms shall be submitted as follows, unless the recipient is named in the allegations, in which case the recipient shall be the next higher level authority:

<u>Complainant</u>		<u>Recipient</u>
Applicant	→	Hiring Supervisor
Employee	→	Immediate Supervisor

c. The supervisor may elect to meet with the complainant if additional information is needed. The supervisor shall review the complaint with the next higher level of authority and issue a written response as soon as a reasonable investigation can be concluded but no longer than 45 calendar days from the receipt of the complaint.

2. Step 2

a. If the complainant is not satisfied with the response received at Step 1, s/he may submit the Discrimination Complaint Form to the Affirmative Action Officer within 5 working days from receipt of the Step 1 response.

b. The Affirmative Action Officer, or designee, shall meet with the complainant and any other parties deemed appropriate. The Officer shall review the complaint with the appropriate Vice President or other direct report to the President, and issue a written response within 10 working days from receipt of the complaint at Step 2.

3. Step 3

If the complainant is not satisfied with the response received at Step 2, s/he may submit the Discrimination Complaint form to the President within 5 working days from receipt of the Step 2 response. The President, or designee, may meet with the complainant or any other parties deemed appropriate. A final written decision shall be issued within 10 working days from receipt of the complaint at Step 3.

- C. All reported complaints shall be investigated.
 - 1. Investigators shall maintain the role of a neutral in the investigation process.
 - 2. Investigations shall be conducted in a thorough and objective manner to determine the facts. Investigations may involve the collection of data/evidence from 3rd parties and witnesses.
- D. Information related to a complaint shall be kept confidential to the maximum extent possible. Selected information, including the name of the reporting party, may be disclosed as deemed necessary by the person in charge of the investigation.
- E. Time limits may be extended by written mutual agreement of the parties. If a complainant fails to proceed to the next step within the prescribed time limits, the complaint shall be considered closed based upon the last response. If the administration fails to respond within the prescribed time limits, the complainant may proceed to the next step.
- F. An employee found to have committed discrimination may be subject to discipline, up to and including discharge.
- G. The College expressly prohibits the intentional filing of a false discrimination claim. An intentional false claim is different from a claim where the conclusion is unfounded or of no eventual determination.

APPROVED:



Executive Director, Human Resources

Date: October 1, 2002

Revised: July 1, 2004

October 1, 2004

November 1, 2008

November 1, 2010

March 1, 2011

October 1, 2014

October 30, 2015

March 24, 2016

February 21, 2017



DISCRIMINATION COMPLAINT FORM for EMPLOYEES & APPLICANTS

DEADLINE FOR FILING: *Within 15 working days of the day the complainant became aware of, or should have become aware of, the discrimination issue. In no instance may this be later than 300 days from the date of the alleged discriminatory treatment.*

Complainant Name _____ Social Security Number _____
Last First MI

Address _____
Street City/State ZIP Code

Home Telephone Number _____ Alternate Telephone Number _____

Title _____ Department/Campus _____
(If Complainant is a DMACC Employee)

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1. Date(s) of alleged discrimination:

 2. Name and title of person(s) committing the alleged discrimination:

 3. Basis of alleged discrimination (race, color, national origin, creed, religion, sex (including pregnancy), sexual orientation, gender identity, age, disability, genetic information, actual or potential parental, family or marital status of a person, or veteran status):

 4. Description of alleged discriminatory actions (attach additional pages if necessary):

 5. Witnesses:

 6. Describe how you believe you were harmed by the alleged discrimination:

 7. Requested remedy:

 8. Have you filed this complaint with any other agency? Yes No If "Yes", please complete the following:
Name of Agency _____
Date of Filing _____ Status of Complaint _____

Certification: I certify that the information given above is true and correct to the best of my knowledge.
Complainant Signature: _____ Date: _____

Step 1 – Provost/Dean/Supervisor Response

Date Complaint Received _____

(A written response must be issued as soon as a reasonable investigation can be conducted but no longer than 45 calendar days from the receipt of the complaint.)

Respondent Signature _____ Date _____

Distribution: Original - Complainant, Copies - Next Higher Authority, AA Officer

Complaint form must be submitted to the Affirmative Action Officer within 5 working days from receipt of the Step 1 response.

Step 2 - Affirmative Action Officer or Designee Response

Date Complaint Received _____

(A meeting with the complainant must be held and a written response issued within 10 working days from receipt of the complaint.)

Respondent Signature _____ Date _____

Distribution: Original - Complainant, Copies - AA Officer, Vice President/Direct Report to the President, Provost/Dean/Supervisor

Complaint form must be submitted to the President within 5 working days from receipt of the Step 2 response.

Step 3 - President or Designee Response

Date Complaint Received _____

(A meeting with the complainant must be held and a written response issued within 10 working days from receipt of the complaint.)

Respondent Signature _____ Date _____

Distribution: Original - Complainant, Copies - AA Officer, Vice President/Direct Report to the President, Provost/Dean/Supervisor