

DISCRIMINATION AND HARASSMENT BASED ON A PROTECTED CLASS

I. Procedure

This procedure covers discrimination and harassment concerns not covered under [Policy 2001/4001 – Sexual Harassment](#). Students may contact the VP for Institutional Effectiveness and Student Success for guidance on what policy and/or procedures apply.

- A. All student resolution processes regardless of the nature of the concern include the following rights:
- All students may have an advisor, of their choosing and at their own expense, accompany them during any part of the resolution process.
 - Western Dakota Technical College (WDTC) will make appropriate arrangements to ensure that persons requiring accommodations are provided those accommodations, as needed, to participate in the resolution process. Such arrangements may include, but are not limited to, providing interpreters for hearing impaired, providing recordings of material for visually impaired, or assuring a barrier-free location for the proceedings. The Director of Student Success is responsible for such arrangements.
 - WDTC will not retaliate against anyone who files a concern/complaint/grievance or cooperates in the investigation of a concern/complaint/grievance. Any action by a member of the WDTC community to penalize, intimidate, harass, or take adverse action against a person who reports or participates in the investigation of a concern/complaint/ grievance is prohibited. Retaliation may be found even when the underlying report does not constitute a concern/complaint/grievance.
- B. WDTC does not discriminate on the basis of any protected classes in its education-related programs and activities, providing equal educational opportunities to all persons. All employees, non-employees, and students have a responsibility to maintain a positive learning, work and school activity environment by reporting all incidents or suspected incidents of discrimination and/or harassment involving themselves or others.

WDTC will not tolerate racism, discrimination, harassment, exploitation or victimization of students, school employees, non-employees, or any person who is an invitee of WDTC for any reason, including but not limited to race, color, ethnic background, national origin, pregnancy, marital status, religion, creed, age, sex, citizenship, political affiliation, mental and/or physical challenge, disability, sexual orientation, genetic information, gender identity, gender expression, status as a veteran, or any other status protected under applicable federal, state or local law. WDTC is committed to providing an environment free from harassment and other forms of discrimination for students, employees, non-employees and its invitees.

The College has adopted an internal grievance procedure/resolution process providing for prompt and equitable resolution of student complaints concerning discrimination or harassment. WDTC uses the preponderance of evidence standard in its student resolution processes. The College's VP for Institutional Effectiveness and Student Success who serves as the Title IX Coordinator has been designated to receive and review reports of discrimination or harassment.

The availability and use of this grievance procedure/resolution process does not prevent a person from filing a complaint of discrimination on the basis of any of the protected classes with the U.S. Department of Education, Office for Civil Rights, and Department of Justice, Civil Rights Division: One Petticoat Lane; 1010 Walnut Street, Suite 320 Kansas City, MO 64106; (816)268-0550; OCR.KansasCity@ed.gov

C. Grievance Procedure/Resolution Process

1. Grievances should be submitted as soon as possible to the VP for Institutional Effectiveness and Student Success who serves as the Title IX Coordinator, but no later than twenty-five (25) calendar days after the complainant knew, or should have known, of the act or conditions on which the grievance is based. The grievance must be submitted in writing, and contain the following:
 - The name, mailing address, e-mail address, and phone number of the individual filing the grievance.
 - The specific factual events including what happened, where it happened, when it occurred, and names and contact information of witnesses.
2. The VP for Institutional Effectiveness and Student Success, or their designee, shall conduct an investigation which is to be completed expeditiously, normally within thirty (30) calendar days of the submission of the grievance. An investigation may be informal, but must be thorough, affording all interested persons an opportunity to submit evidence relevant to the grievance. The VP for Institutional Effectiveness and Student Success, at their sole discretion, may gather or have the designee gather additional information necessary to consideration of the grievance, including, but not limited to, interviewing individuals who may possess relevant information. The VP for Institutional Effectiveness and Student Success or their designee will maintain the files and records relating to such grievances. Grievances will remain confidential, except to the extent necessary to conduct a review of facts and as authorized by law.
3. Within fifteen (15) calendar days after the conclusion of the investigation, the VP for Institutional Effectiveness and Student Success or their designee will communicate a decision for resolution to the complainant via the student's WDTC email account with a follow-up letter sent to the permanent address on file in a format accessible to the person filing the complaint. This deadline may be extended for good cause, as determined by the VP for Institutional Effectiveness and Student Success or by written agreement of the

parties. The VP for Institutional Effectiveness and Student Success' or their designee's written decision shall also include notice of the complainant's right to appeal the decision.

4. If the complainant disputes the VP for Institutional Effectiveness and Student Success' or their designee's decision, the complainant may appeal the decision to the VP for Teaching and Learning within fifteen (15) calendar days after receipt of the decision. The appeal must be submitted to the VP for Institutional Effectiveness and Student Success, be in writing, and contain the following:
 - The name, mailing address, e-mail address, and phone number of the individual filing the appeal.
 - The specific factual and/or procedural basis for the appeal or disagreement with the decision.

An appeal must be directed only to issues raised in the original grievance and cannot raise new issues. Upon receipt of an appeal, the VP for Institutional Effectiveness and Student Success shall submit the appeal and the materials prepared at the Level 1 grievance (including the results of the Level 1 investigation) to the VP for Teaching and Learning.

The VP for Teaching and Learning shall review the written appeal and investigative materials. The VP for Teaching and Learning, at their sole discretion, may request additional information necessary for consideration of the appeal. Within thirty (30) calendar days of the appeal filing date, the VP for Teaching and Learning shall issue a written decision. This deadline may be extended by the VP for Teaching and Learning for good cause. All appeal decisions are final.

II. Definitions - None

Legal References: None

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