



POLICY

Category	Approval		
Series 1000: Students	Effective	Administration	Board
	2/22/10	12/4/09	2/22/10
	Revised		For Review
	6/25/18		2022

STUDENT DISCRIMINATION GRIEVANCE POLICY AND PROCEDURES

MTC 1046

I. POLICY

It is the policy of Mitchell Technical College to provide a learning and working environment free from discrimination. To that end, Mitchell Technical College requests students and staff to assist the College in identifying barriers to a discrimination-free learning and working environment. The following grievance procedure is provided as an avenue for the processing of complaints toward the prompt, equitable, and appropriate elimination of unlawful discrimination from the learning and working environment.

II. DEFINITIONS

- A. **Grievance:** a complaint alleging a violation of any policy, procedure, or practice which would be prohibited by Title IX, Section 504, and other federal and state civil rights laws, rules, and regulations. Complaints of other natures should be pursued under Policy MTC 1045: Student Complaints and Appeals.
- B. **Title IX:** of the Education Amendments of 1972, the 1975, and 1980 implementing regulations, and any memoranda, directives, guidelines, and subsequent legislation or regulation that may be issued
- C. **Section 504:** of the Rehabilitation Act of 1973.
- D. **Federal and State Civil Rights Laws, Rules, and Regulations:** 1964 Civil Rights Act, Title VI, Title VII as amended, Title IX, Age Discrimination Act of 1967 and 1975 as amended, Equal Pay Act of 1963, Section 504, the Constitution of South Dakota, and implementing federal and state rules and regulations.
- E. **Grievant(s):** a student, parent, or guardian who submits a grievance
- F. **Mitchell Technical College,** 1800 E. Spruce, Mitchell, South Dakota 57301
- G. **Title IX or Title IX/Section 504 Coordinator:** the employee designated to coordinate the College's efforts to comply with equity regulations and facilitate processing of complaints (hereafter Coordinator). **NOTE:** The College may authorize others to conduct investigations of complaints.

- H. Day: a working day; the calculation of days in grievance processing shall exclude Saturdays, Sundays, and school holidays

III. BASIC PROCEDURAL RIGHTS (Applicable to all levels of the grievance process)

- A. The Title IX (or Title IX/Section 504) Coordinator (or authorized individual) shall receive complaints, actively and independently investigate the merit of complaints and assist the parties in prompt and equitable resolution of complaints. The Coordinator may be utilized as a resource by any party at any level of this procedure.
- B. This procedure does not deny the right of the grievant to file formal complaints with other state and federal agencies (South Dakota Human Rights Commission or the United States Department of Education Office of Civil Rights) or to seek private counsel for complaints alleging discrimination.
- C. In investigation of sexual harassment or sexual intimidation, it is recommended that the grievant be accompanied by a friend, parent, or advisor of their own choosing for support during any part of the process.
- D. Retaliation against any person filing a grievance or any person participating in the investigation or resolution of a grievance is a violation of law and constitutes the basis for filing a separate grievance.
- E. It is the policy of this College to process all grievances in a confidential manner, to the extent possible.
- F. The President, Vice-President, or School Board member of the district may request that the Title IX Coordinator or any other authorized individual conduct an investigation of suspected violations of Title IX. The investigator will prepare a report as outlined in Level 2 of the grievance process.

IV. PROCESS

Level 1: Dean of Student Success (informal and optional—may be bypassed by grievant)

Many problems can be solved by an informal meeting with the parties and the Dean of Student Success. An exception is that complaints of sexual harassment should be discussed with the first line supervisor or administrator that is not involved in the alleged harassment. Persons filing complaints of sexual harassment should never be forced to confront the alleged harasser. Further, handling of complaints through informal measures should not be used to impede the prompt resolution of the complaint, and the grievant may bypass informal measures at any time to file a formal complaint.

Level 2: Title IX (Title IX/Section 504) or Other Authorized Grievance Coordinator

If the complaint or issue is not resolved at Level 1, the grievant may file a written grievance stating: 1) the nature of the grievance; 2) the remedy requested; and 3) be signed and dated by the grievant. The Level 2 written grievance must be filed with the Coordinator (or designated person) within sixty (60) days of the event or incident, or from the date the grievant could reasonably have become aware of such occurrences.

Upon receipt of a written report alleging a grievance, the coordinator shall authorize an investigation. The investigation may be conducted by the Coordinator, other MTC employees designated by the Coordinator, or by a 3rd party designated by the Coordinator. The investigating party shall provide a written report of the investigation within fifteen (15) working days to the Coordinator. The investigating report will include the following:

1. A clear statement of the allegations of the grievance and remedy sought by the grievant.
2. A statement of the facts as contended by each of the parties.
3. A statement of the facts as found by the Investigator and identification of evidence to support each fact.
4. A list of all witnesses interviewed and documents reviewed during the investigation.
5. A narrative describing attempts to resolve the grievance.
6. The Investigator's conclusion as to whether the allegations in the grievance are meritorious.
7. If the Coordinator believes the grievance is valid, the Coordinator will recommend appropriate action.

The Coordinator will publish a decision within ten (10) days of receipt of the report. Copies of the Coordinator's decision will be sent by certified mail to both parties to document receipt of the written decision. A copy will also be sent to the President and district superintendent.

Level 3: President

Either party may make a written appeal to the President within ten (10) days of receiving the Coordinator's decision. The appeal must include the original complaint form, copy of the written decision, and a written statement as to the reason for the appeal. The President will review the material submitted and publish a decision to uphold, modify, or reverse the decision of the Coordinator within ten (10) days of receipt of the appeal. Copies of the President's decision will be sent by certified mail to both parties to document receipt of the written decision.

Any recommended actions that are not under appeal will be implemented by the College within sixty (60) days, unless with reasonable justification communicated to all parties.

Level 4: Superintendent of Schools

If either party is not satisfied with the decision at Level 3, either party may make a written appeal to the Superintendent of Schools within ten (10) days of receiving the President's decision. The Superintendent will publish a decision within ten (10) days of receipt of the appeal. Copies of the Superintendent's decision will be sent by certified mail to both parties to document receipt of the written decision.

The decision of the Superintendent of Schools will be final.

V. OTHER OPTIONS

At any time during this process, a grievant may file a complaint with the South Dakota Division of Human Rights (Labor & Management), 123 W Missouri Ave., Pierre, SD 57501 (605-773-3681) OR

with the regional Office for Civil Rights, U.S. Department of Education, One Petticoat Lane, 1010 Walnut St, 3rd Floor, Suite 320, Kansas City, MO 64106 (816-268-0550) OR take legal action.

With questions or complaints contact:

Title IX Coordinator: Vice President (605) 995-3023

TECHNICAL ASSISTANCE AVAILABLE:

South Dakota Department of Education
800 Governors Drive
Pierre, SD 57501-2291
Phone: (605) 773-4771

South Dakota Division of Human Rights
123 W. Missouri Ave.
Pierre, SD 57501
Phone: (605) 773-3681

6/22/15 – Changed address to 1800 E Spruce St. Steps for appeal beyond the Superintendent were removed.

6/25/18 – Changed policy title to clarify that policy applies to situations of alleged discrimination for protected statuses. Updated contact information for MTI Title IX Coordinator and state and regional offices dealing with Civil Rights violations. Clarified procedures for process of investigation and appeals.

GRIEVANCE FILING FORM

Date _____

Your Name _____

Place where you may be reached:

Address: _____

Phone: _____

THE FACTS: (Please describe what happened in factual detail. Please identify witnesses or others who were present. Describe the impact this had on you. Please identify any person(s) you may believe may be responsible. Use additional paper if needed.)

If others are affected by the possible violation, please give their names:

PAST HISTORY: (Please describe any past incidents that you believe are related to the grievance.)

SUGGESTED REMEDY: (Please describe any corrective action ["remedy"] you wish to see taken with regard to the possible violation. You may also provide other information relevant to this grievance.)

Signature of Grievant Date

Signature of Person Receiving Grievant Date