



POLICY

Category	Approval		
Series 100: Foundations and Basic Commitments	Effective	Administration	Board
	2/22/10	12/4/09	2/22/10
	Revised		For Review
	6/10/19		2023

EQUAL OPPORTUNITY

MTC 116

Mitchell Technical College is an equal opportunity employer and does not discriminate against employees or job applicants on the basis of race, color, ethnicity, creed, religion, age, gender, disability, military status, national origin or ancestry, marital status, pregnancy, actual or perceived sexual orientation, gender identity and expression, status with regard to public assistance, or any other status or condition protected by applicable federal or state statutes.

The College will:

- 1) Recruit, hire, train and promote persons in all job titles without regard to race, color, ethnicity, creed, religion, age, gender, disability, military status, national origin or ancestry, marital status, pregnancy, actual or perceived sexual orientation, gender identity and expression, status with regard to public assistance, or any other status protected by applicable federal or state law.
- 2) Ensure that all personnel actions affecting compensation, benefits, transfers, layoffs, training, education and other programs will be administered without regard to race, color, religion, age, gender, disability, military status, national origin or ancestry, or any other status or condition protected by applicable federal or state law.

Inquiries concerning Title VI and Title IX may be referred to the following designated administrator:

For post-secondary technical education programs and services for the Mitchell Technical College, located in Mitchell, South Dakota, contact the Vice President, Mitchell Technical College, 1800 E. Spruce St., Mitchell, SD 57301; Tel: 605-995-3023.

Inquiries can also be directed to the Regional Office of Civil Rights at the following: Kansas City Office, Office for Civil Rights, U.S. Department of Education, One Petticoat Lane, 1010 Walnut Street, 3rd floor, Suite 320, Kansas City, MO 64106; Tel: 816-268-0550; Fax: 816-268-0599; TDD: 800-877-8339; Email: ocr.kansascity@ed.gov.

Notification of this policy and applicable regulations will be posted in all buildings. Notice shall also be placed in all student and employee handbooks.

Resolution of Complaints

A complaint may be filed when it is felt that a violation of the Policy on Equal Opportunity has occurred. Such action is defined as a complaint dealing with discrimination on the basis of race,

color, creed, religion, age, gender, disability, military status, national origin or ancestry, or any other status or condition protected by applicable federal or state law.

A complaint relating to the Policy on Equal Opportunity may be filed by a job applicant, an employee, or other citizen. Confidentiality will be maintained at each level of the complaint procedure.

Informal Procedure

The complainant is encouraged to attempt to resolve the complaint informally by working with the administrator most directly involved in the situation before filing a formal complaint. However, it is understood that for some complaints this may not be appropriate.

Formal Procedures

1. A formal complaint of discrimination may be filed with the designated administrator at Mitchell Technical College. The formal complaint shall be maintained in a file with the designated administrator as identified.
2. A discrimination report will be completed by the person filing the complaint or by the designated administrator. The report information should include, but is not limited to, the following:
 - Date report filed
 - Complainant's name and address
 - Date(s) of the incident(s)
 - Description of the incident(s)
 - Name(s) of the person(s) involved in the incident(s)
 - Name(s) of any witness(es) to the incident(s)
 - What action, if any, has been taken
 - Requested resolution of the complaint
 - Signature of the complainant will be requested, but not required
3. The designated administrator will conduct an investigation to gather data regarding the alleged discrimination, take appropriate action regarding the complaint and render a decision in writing to the complainant within fourteen (14) calendar days of receipt of the formal complaint.
4. If the complainant is not satisfied with the decision rendered by the designated administrator, s/he may appeal the decision to the President within seven (7) calendar days following receipt of the decision. The appeal must include a written account of the original complaint, a copy of the decision from the designated administrator, and a written statement as to a reason for the appeal. The date of receipt of the appeal will be that date as stamped on the appeal when received in the office of the President.

5. The President or designee will review the materials submitted, may investigate the circumstances, and will respond in writing within fourteen (14) calendar days from the appeal. At the President's level, the appeal process may or may not include a conference with the parties involved.
6. If the complainant is not satisfied with the decision by the President, s/he may appeal the decision to the Superintendent within seven (7) calendar days following receipt of the decision. The appeal must include a written account of the original complaint, copies of the decisions from the designated administrator and the President, and a written statement as to a reason for the appeal. The date of receipt of the appeal will be that date as stamped on the appeal when received in the office of the Superintendent.
7. The Superintendent or designee will review the materials submitted, may investigate the circumstances, and respond in writing within fourteen (14) calendar days from the appeal. At the Superintendent's level, the appeal process may or may not include a conference with the parties involved.
8. If the complainant is not satisfied with the decision rendered by the Superintendent, s/he may request a hearing in executive session with the school board. The request for hearing must be submitted within seven (7) calendar days through the Superintendent's office. The hearing will be scheduled within thirty (30) calendar days from the requested hearing. The involved parties will be notified in writing of the date and time of the scheduled hearing.
9. The school board will render a decision in writing within fourteen (14) calendar days of the hearing to both the complainant and the individual(s) against whom the complaint is filed.
10. Either party may have representation present at each step once the investigation is completed. If either party elects to be represented at any step of the complaint procedure, the names of these representatives must be declared in writing at least five (5) calendar days prior to that step.

Legal References: Title IX, Education Amendments of 1972, 34 CFR Part 106
Title VI, Civil Rights Act of 1964, 34 CFR Part 100
Section 504 of the Rehabilitation Act of 1973, 34 CFR Part 104
Americans with Disabilities Act of 1990