



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

NONDISCRIMINATION POLICY

MTC 112

Mitchell Technical College believes that a valuable element of education is the development of respect for all individuals and seeks to provide equal access/equal opportunity for students, employees and the public to college programs and activities.

In an effort to provide a safe, respectful educational environment, the College prohibits discrimination in its policies, employment practices, and programs 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 law. The College prohibits any person, while on college property or at college-sponsored activities, from confronting another individual with an act of bigotry.

Prohibited acts of discrimination include racial, sexual, ethnic, or other types of slurs, insults, intimidation, harassment, and other conduct directed toward another person’s 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 condition protected by applicable federal or state law.

Violations of this policy may result in discipline up to and including expulsion for students, up to and including termination for employees, suspension from attending school activities for citizens, and necessary legal action.

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

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 college buildings. Notice shall also be placed in all student and employee handbooks.

Resolution of Discrimination Complaints

A complaint may be filed when it is felt that a violation of the Policy on Nondiscrimination 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 Nondiscrimination may be filed by a student or parent/guardian in the event a student is not of majority age; employee; or other person with legal standing. Steps will be taken to ensure confidentiality at each level of the complaint 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 and the formal procedure may be the process to follow.

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 the designated administrator. Information included in the report 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. The date of receipt of the complaint will be that date as stamped on the complaint when received in the office of the designated administrator.

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 the original complaint form, 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 date of the appeal. The President's review of the appeal may or may not include a conference with the parties involved.
6. If the complainant is not satisfied with the decision rendered 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 the original complaint form, a copy 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 date of 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 request for the hearing. The date of the request for the hearing will be that date as stamped on the request when received in the office of the Superintendent. 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 of the process. 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 VI, Civil Rights Act of 1964, 34 CFR Part 100
- Title VII, Civil Rights Act of 1962, as amended by the Equal Employment Opportunity Act of 1972.
- Executive Order 11246, as amended by E.O. 11375
- Equal Pay Act, as amended by the Education Amendments of 1972
- Title IX, Education Amendments of 1972, 34 CFR Part 106
- Section 504 of the Rehabilitation Act of 1973, 34 CFR Part 104
- Education for All Handicapped Children Act of 1975
- Vocational Education Programs Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, and National Origin, Sex and Handicap (Guidelines), 34 CFR Part 100 Appendix B
- Age Discrimination in Employment Law, P.L. 95-256
- Constitution of the State of South Dakota, Art. VI
- SDCL 13-37; 20-12; 20-13

6/27/11 – Address of Vice-President for Academic Affairs was changed to 1800 E. Spruce St. where office is now located.

8/10/15 – Additional protected statuses were added.

6/10/19 – The title of the designated administrator and addresses for inquiries were updated. Legal references were also updated.