

AFFIRMATIVE ACTION GRIEVANCE

ARTICLE NUMBER: 318

LAST APPROVED: June 2, 2008, May 2, 2016, March 5, 2018

REFERENCE: Title IX of the Higher Education Act of 1972 (No. 20 U.S.C. 1681 et seq.) TBCC Affirmative Action / Equal Employment Opportunity Plan

POLICIES: 318.1

Separate Affirmative Action Grievance Procedures:

- A. The procedures described in the TBCC Affirmative Action / Equal Employment Opportunity Plan shall be used only for complaints related to the College's affirmative action and equal opportunity policies. It shall not be employed for grievances on personnel matters which do not involve charges of discrimination.

ORDERLY AND TIMELY PROCESS: 318.2

- A. The intent of the procedure described below is to provide an orderly and timely resolution of discrimination complaints, and to provide full opportunity for internal consideration of problems and potential remedies. None of the time limits or procedures outlined in this plan will be used to deprive a complainant of fair hearing or appeal.

AUTHORITY: 318.3

- A. Initial responsibility for resolving complaints rests with complainant and the parties specified in the complaint. Failing such resolution, the College President shall have the ultimate authority to decide how an internal affirmative action complaint will be resolved. Recommendations pertaining to a particular case made by the Affirmative Action Officer, review committees, or other persons shall be on an advisory nature.
- B. The Affirmative Action Officer is the Director of Human Resources or a designee appointed by the College President.

GRIEVANCE PROCEDURES: 318.4

Informal Procedure:

- A. The President agrees that every attempt should be made to be able to resolve the complaint at the lowest level possible. The complainant and the person responsible for the alleged complaint shall meet to attempt to resolve the grievance on an informal basis. Another administrative level employee may be requested by mutual consent of the parties to assist in the resolution of the grievance at the informal level.
- B. The complainant may invoke the formal grievance procedure if the complaint is not resolved on an informal basis.

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Notification:

The complaint shall be in writing and filed with the Director of Human Resources of the College within thirty (30) calendar days of the discovery of the alleged incident. The complaint shall set forth the basis of the claim, identifying the particular policy, procedure, practice or act being challenged, the facts surrounding the incident giving rise to the claim, or the language of the policy, practice or procedure involved, and list the names and classifications (whenever possible) of all employees involved in the claim.

Representation:

For the purpose of processing complaints filed under this affirmative action program, a party may be represented by legal counsel or any individual or organization designated by the complainant at the expense of the complainant.

A. Review Committee:

When a complaint is filed, the Director of Human Resources shall assess the sufficiency of the claim and advise the complainant of grievance procedure. If the complainant seeks a hearing, the Equal Opportunity Compliance Committee shall be convened as a review committee, comprised of the following membership:

- a. Director of Human Resources
- b. College President
- c. One (1) Classified Employee
- d. One (1) Administrative Employee

In case where several complaints are filed against a single party or a single practice of the College, a review committee will hear these cases collectively.

B. Hearing:

- a. Upon receipt of the complaint, the Director of Human Resources shall:
 - i. Schedule hearings of the review committee to permit all parties involved in the complaint (or their representatives) to present evidence or interpretations of incidents giving rise to the claim; and
 - ii. Make recommendations based on the record to the affected department for resolution of the complaint.

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The Director of Human Resources shall transmit a report to the College President, including a statement of all particulars (i.e., parties involved, statement of facts, etc.) and recommendations for an orderly and expeditious resolution of the complaint within thirty (30) calendar days after the Review Committee hearings are completed.

Presidential Recommendation

- A. The process of filing and hearing complaints will result in findings of fact, conclusions, and recommendations for action by the College President. The President shall announce their decision within thirty (30) calendar days after the complaint is filed, and their decision is final. At the time of the action, the President shall notify the complainant, the affected department, and the Director of Human Resources in writing of the action or decision.

Appeals:

- A. Either before or after pursuing an internal grievance, a complainant shall have full recourse to the Office for Civil Rights and all other legal remedies provided by Title IX of the Higher Education Act of 1972 (No. 20 U.S.C. 1681 et seq.)
- B. A complaint against the educational program or activities may be filed with the State Department of Education, Civil Rights, Region X, Jackson Federal Building 915 Second Avenue, Seattle, Washington 98174-1099. Complaints related to employment may be referred to the Office for Civil Rights or to the State Department of Labor, 115 Labor and Industries Building, Salem, Oregon 97310.