

## **PROCEDURE IN REFERENCE TO FILING, PROCESSING, AND RESOLVING STUDENT COMPLAINTS REGARDING ALLEGED DISCRIMINATION**

### **I. DEFINITIONS AND GENERAL PROVISIONS**

- A. Discrimination Complaint: A written complaint alleging any policy, procedure, or practice which discriminates on the basis of race, color, national origin, sex, or qualified handicap.
- B. Student Grievant/Complainant: A student of Lamar State College–Port Arthur who submits a complaint alleging discrimination based on race, color, national origin, sex, or qualified handicap.
- C. Title IX and Section 504 Coordinator: Person designated to coordinate efforts to comply with and carry out responsibilities under Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and other state and federal laws addressing equal educational opportunity. The Title IX /504 Coordinator is responsible for processing complaints and serves as moderator and recorder during hearings. Lamar-Port Arthur has designated the Director of Human Resources to act as the Title IX/504 Coordinator.
- D. Respondent: Person *alleged* to be responsible for the violation alleged in a complaint. May be used to designate a person responsible for a particular action or persons with supervisory responsibility for procedures and policies in areas covered in the complaint.
- E. Day: A working day. The calculation of days in complaint processing shall exclude Saturdays, Sundays, and holidays.
- F. Extension of Time: Any time limits set by those procedures may be extended by mutual consent of parties involved. The total number of days from date that complaint is filed until complaint is resolved shall be no more than 180 days.
- G. Access to Regulations: The College shall provide copies of all System and/or College regulations prohibiting discrimination on the basis of race, color, national origin, religion, sex, age, or qualified handicap upon request.
- H. Confidentiality of Records: To the extent practicable, records of complaints will remain confidential unless permission is granted by the parties involved to release such information. Complaint records shall be maintained on file for three years after the resolution of the complaint.

### **II. PRE-FILING PROCEDURES AND INFORMAL COMPLAINTS**

- A. All complaints are considered informal until they are filed in writing. Prior to the filing of a written complaint, the student may file an informal complaint alleging discrimination with the appropriate College official.
  - 1. Complaints regarding discrimination by faculty members should be directed to the Vice President for Academic Affairs.
  - 2. Complaints regarding discrimination by other students should be directed to the Vice President for Student Affairs.
  - 3. Complaints involving a staff member should be directed to the appropriate division supervisor (Vice President/Academic Affairs, Vice President/Student Services, Vice President/Finance, or the Director of the Physical Plant).
  - 4. In the event a student is uncertain regarding which college official should receive the informal complaint, or if an informal complaint cannot be filed

with the appropriate official identified in 1-3 above, the complaint may also be reported to the Director of Human Resources.

- B. When resolving an informal complaint the student grievant and college official should make reasonable effort to resolve the problem or complaint. After the student has notified the proper office of the alleged discrimination, the steps for seeking an informal resolution are as follows:
1. The college official will work with the grievant/complainant to determine what evidence exists for the charge of discrimination.
  2. The evidence presented will be reviewed to determine if there is cause to believe a discrimination violation has occurred.
  3. If in the judgment of the college official a violation did not occur, the grievant/complainant will be so advised and given a verbal explanation of why the incident(s) described does not constitute discrimination.
  4. If the grievant/complainant does not agree with this decision, the student will be given the opportunity to file a formal, written complaint.
  5. If the college official has cause to believe discrimination did occur, the complainant will be given the opportunity to file a formal, written complaint or pursue an informal resolution.
  6. If the grievant/complainant chooses to pursue the informal resolution, the college official will notify the person charged (respondent) that an informal complaint has been filed and the complainant wishes to seek an informal resolution to the problem. The charged party will be given an opportunity to confirm or rebut the charge. The college official will then meet with both parties, either together or independently, for the purpose of reaching a mutually agreeable resolution.
  7. If a resolution is not achieved, the student will be given the opportunity to file a formal, written complaint.
  8. The College may elect to pursue the charge even if the complainant does not elect to proceed.

### **III. FILING, PROCESSING, AND RESOLVING DISCRIMINATION COMPLAINTS**

- A. To be considered a formal complaint regarding discrimination on the basis of race, color, national origin, sex, or qualified handicap the complaint must be submitted to the appropriate college official in writing within ninety (90) days of the most recent incident and must include the resolution sought. A complaint should be filed with one of the following college officials.
1. The Vice President for Academic Affairs if the complaint is made against a faculty member.
  2. The appropriate division head (Vice President for Academic Affairs, Vice President for Student Services, Vice President for Finance, or Director of the Physical Plant) if the complaint is made against a staff member.
  3. The Vice President of Student Services if a formal complaint is lodged against a student.
  4. The Director of Human Resources, if a student is uncertain regarding which college official should receive the formal complaint.
- B. The college official will review the written complaint with the student grievant/complainant.

1. If the college official does not feel there is cause to believe that discrimination occurred, he/she will so advise the complainant in writing and state the reason(s) for the decision.
  2. If the college official thinks there is cause to believe that discrimination did occur, he/she will notify the charged party that he/she has been formally charged with discrimination and give him/her a copy of the written charge. The accused party will be given the opportunity to confirm or rebut the charge in writing.
  3. The college official will then meet with both parties either together or separately and try to reach a mutually agreeable resolution.
- C. If a solution is not reached in III.B, the college official and the Director of Human Resources will meet with both parties, either together or separately, to review both sides of the issue.
1. The college official and the Director of Human Resources will then mutually agree on a resolution which will be communicated in writing to both parties.
  2. Both parties will be instructed by the appropriate college officials to comply with the terms of the resolution.
- D. Appeals.
1. The decision reached by the college official and the Director of Human Resources as described in III.C may be appealed by either party to the President of the College by submitting a *written* statement to the Director of Human Resources. The appeal must include the basis for the appeal and the remedy sought.
  2. Appeals must be filed within five (5) working days of receiving an answer. Each step should be completed within ten (10) working days.
  3. The President will take whatever action he feels appropriate to resolve the complaint. The President's decision is final and binding.
- E. Lamar State College-Port Arthur may take appropriate disciplinary action for any discrimination occurring in the employment or academic environment even in the absence of an individual complaint. Disciplinary action may consist of action up to and including termination of employment or, in the case of a student, dismissal from the College. If disciplinary action is imposed, the accused shall have his/her full right to invoke applicable due process procedures.
- F. If a discrimination complaint, informal or formal, is filed against a Vice President, the Director of the Physical Plant, or the Director of Human Resources, the functions assigned to the person by these procedures will transfer to the President or his designee.
- G. The student grievant/complainant and the respondent both have the right to bring an advisor to all meetings with college officials. The advisor may not act as a participant, but may render consultation to the advisee. If either party chooses to exercise this option, the advisor's name shall be submitted in writing to the Director of Human Resources at least forty eight (48) hours prior to the meeting.
- H. Under no circumstances will Lamar State College-Port Arthur permit retaliation against an individual as a result of seeking relief under this policy.