



Section 8: RESOLVING CONFLICTS AT THE WORKPLACE

GRIEVANCE PROCEDURES

It is the policy of Delgado Community College to maintain a satisfied and efficient work force. It may be expected, however, that misunderstandings or dissatisfaction may occur in day-to-day relationships between employees or between employees and their supervisors. The College recognizes the right of its employees to express themselves and request solutions concerning disagreements between themselves and their supervisors, without fear of the loss of position or status. The Office of Human Resources is available to any employee, supervisor, or department head for consultation before, during, or following any of the steps of the grievance process.

Quick and equitable resolution of differences is considered most desirable at the level of the employee and his/her immediate supervisor whenever possible. Open communication is encouraged between supervisors and employees in order that differences can be resolved before they become grievances.

Grievance Procedures are handled according to the employee's classified, unclassified or faculty status. [Grievance Procedures](#) by employee status are published on the Human Resources website.

DISCRIMINATION

The College prohibits discrimination against its employees in any form and has established its [Discrimination](#) policy and procedures for employees who believe they have experienced such discrimination to receive due process.

AMERICANS WITH DISABILITIES ACT (ADA): Employment/ Public Accessibility

In accordance with Section 504 of the Rehabilitation Act of 1973 as amended in 1992, and the Americans with Disabilities Act of 1990, it is the general policy of Delgado Community College to assure equal opportunity for all qualified persons in admission or participation in, or employment in the activities which the College operates.

The College maintains that regulations that prohibit exclusion and discrimination on the basis of disability may necessitate different or special treatment of persons with disabilities. Services and benefits should be equally as effective or equivalent to those provided to others. Services and benefits to persons with disabilities must be in the most integrated setting appropriate to the persons' needs in order to be non-discriminatory. For more information, see the College's [Americans with Disabilities Act \(ADA\): Employment/ Public Accessibility](#) policy.

POWER-BASED VIOLENCE/ SEXUAL MISCONDUCT

In accordance with the College's [Power-Based Violence/Sexual Misconduct](#) policy and the Louisiana Community and Technical College System (LCTCS) [Power-Based Violence/ Sexual Misconduct](#) policy, the College is committed to having a positive learning and working environment for its students and employees and does not tolerate sexual misconduct of its members. Sexual misconduct is a form of discrimination that is illegal under Title VII of the Civil Rights Act of 1964 and Title IX of the Elementary/Secondary Education Act of 1972.

TITLE IX

Delgado publishes all Title IX information on the Delgado [Title IX Program](#) webpage, which is accessible to all employees and students in compliance with the requirements of the College's [Power-Based Violence/Sexual Misconduct](#) policy and the Louisiana Community and Technical College System (LCTCS) [Power-Based Violence/ Sexual Misconduct](#) policy.

Title IX Non-Discrimination Statement

As part of its commitment to providing an educational environment free from discrimination, Delgado Community College complies with Title IX of the Education Amendments, which prohibits discrimination and harassment based upon sex in an institution's education programs and activities. Title IX prohibits sexual harassment, including sexual violence, of students at Delgado Community College sponsored activities and programs whether occurring on-campus or off-campus. Title IX also protects third-parties, such as visiting student athletes, from sexual harassment or violence in Delgado Community College's programs and activities and protects employees from sexual harassment and discrimination. Prohibited harassment includes acts of verbal, nonverbal or physical aggression, intimidation or hostility based on sex, even if those acts do not involve conduct of a sexual nature; sex-based harassment by those of the same sex; and discriminatory sex stereotyping. Delgado Community College will take prompt action to investigate and resolve reports of sexual harassment or sexual violence in accordance with Title IX.

Delgado Community College
Traci B. Smothers, Title IX Coordinator
615 City Park Avenue
Building 9, Room 118
New Orleans, Louisiana 70119
Phone: [504-762-3004](tel:504-762-3004)
Email: tsmoth@dcc.edu

OR

U.S. Department of Education
Office of Civil Rights
Lyndon Baines Johnson Department of Education Bldg.
400 Maryland Avenue, SW
Washington, DC 20202-1100
Phone: [\(800\) 421-3481](tel:800-421-3481)
Fax [\(202\) 453-6012](tel:202-453-6012); TDD [\(800\) 877-8339](tel:800-877-8339)
Email: ocr@ed.gov

Retaliation against any person who initiates an inquiry or complaint or participates in the investigation of a complaint is prohibited. Such conduct will be further cause for disciplinary action.

Any person who has been impacted by sexual violence (sexual assault, domestic violence, dating violence, stalking) or gender-based misconduct is encouraged to report and seek appropriate resources at <http://www.dcc.edu/title-ix/default.aspx> or contact the College's Title IX Coordinator, Traci B. Smothers, at tsmoth@dcc.edu or (504)762-3004, to discuss options.

Title IX Definitions

Delgado defines sexual misconduct in accordance with the definitions set forth in the College's [Power-Based Violence/Sexual Misconduct](#) policy and the LCTCS [Power-Based Violence/Sexual Misconduct](#) policy and are published on the College's [Title IX Definitions](#) webpage.

How to File a Title IX Complaint

In accordance with [LCTCS Policy #9.001 Power -Based Violence](#) and [LCTCS Policy #9.002 Title IX Grievance Procedures](#), Delgado Community College is committed to providing a learning and working environment free of sexual discrimination and sexual misconduct. Sexual discrimination and sexual misconduct violates an individual's fundamental rights and personal dignity. Delgado Community College considers sexual misconduct and sexual discrimination in any form to be a serious offense. Anyone who believes there has been an act of discrimination on the basis of sex against any person or group in a program or activity that receives federal financial assistance may file a complaint with the U.S. Department of Education, Office for Civil Rights, under Title IX legislation. The person or organization filing the complaint need not be a victim of the alleged discrimination but may be affected by a general "hostile sexual environment" or may complain on behalf of another person or group.

A complaint can be filed one of three ways:

1. Contact Delgado's Title IX Coordinator, Traci B. Smothers, at [504-762-3004](tel:504-762-3004) or tsmoth@dcc.edu.
2. Log onto the College's [Referral Reporting System](#).
3. Contact the Office of Civil Rights Enforcement Office that serves the state in which the alleged discrimination occurred.

Dallas Office for Civil Rights
U.S. Department of Education
1999 Bryan Street, Suite 1620
Dallas, Texas 75201-6810

Telephone: [\(214\) 661-9600](tel:214-661-9600)
FAX: [\(214\) 661-9587](tel:214-661-9587); TDD: [800-877-8339](tel:800-877-8339)
Email: ocr.dallas@ed.gov

The complaint may, but is not required to be, provided in writing, and may include:

- The name, organization, department, and position of the person or persons allegedly violating this policy;
- A description of the incident(s), including the date(s), location(s), and the presence of any witness(es);
- If the complainant is an employee, the alleged effect of the incident(s) on the complainant's position, salary, benefits, promotional opportunities, or other terms of conditions of employment;
- The name(s) of other student(s) or employee(s) who might have been subject to the same or similar conduct; and/or
- Any other information the complainant believes to be relevant to the alleged sexual misconduct, discrimination, harassment, or retaliation.

While all sexual discrimination and sexual misconduct complaints must be filed with the Title IX Coordinator, student-involved complaints will use the student judicial process for disciplinary measures, as applicable. Employee-involved complaints will use Human Resources processes to determine the appropriate disciplinary action, or recommendation for disciplinary action, up to and including dismissal, in accordance with applicable laws, rules, and/or applicable Delgado Community College and LCTCS policies. See [LCTCS Policy #9.001 Power -Based Violence/ Sexual Misconduct](#) and [LCTCS Policy #9.002 Title IX Grievance Procedures](#).

Under Title IX, if you choose to report sexual assault or harassment, the person to whom you report may be required to submit a form, which is used to compute campus crime statistics as mandated by the [Clery Act](#). The form asks for information such as what kind of offense occurred and whether it happened on College property. You do not have to provide any details beyond those you with which you are comfortable sharing, and you have no obligation to give the perpetrator's name if you do not want to. You may or may not be able to report anonymously, depending on the person to whom you report, but in no case will your name appear in the College's public crime statistics. You have a right to access your incident report in the future, which may involve getting a case number for reference.

Title IX Responsible Employees

For the purposes of Title IX, a responsible employees are defined as those employees with the authority to take action and redress sexual violence, and have been given the duty of reporting incidents of sexual misconduct by students and employees to the Title IX Coordinator.

All Delgado Community College employees are designated as responsible employees, with the exception of those employees who are authorized or required by law to keep information confidential by virtue of their role. Responsible employees have a duty to report incidents of sexual violence or misconduct to the College's Title IX Coordinator or other designated College official.

Title IX requires reporting from "responsible employees," which include:

1. Those with authority to address and remedy sex and gender-based discrimination and harassment; and/or
2. Those with responsibility to report sexual misconduct to supervisor, Title IX Coordinator, or other designated College official; and/or
3. Those who a student would reasonably believe have such authority or obligation; and/or
4. All supervisors of other employees

Title IX does not consider the following as responsible employees because they are authorized or required by law to keep information confidential by virtue of their role:

1. [Confidential Advisors](#)*
2. Health Personnel
3. Clergy/Pastoral Counselors
4. Licensed Mental Health Counselors

* See current list of [Delgado Title IX Confidential Advisors](#).

Accordingly, individuals working in the above described capacities at the College are not designated as responsible employees.

Title IX and Bystander Intervention Training

Taking a stand and looking out for others' safety is a core value of Delgado. Committing to this value includes intervening when we observe anyone whose safety is being threatened, being harassed or is in danger of sexual assault or violence. Delgado holds its employees to a high standard of never being silent and never being passive bystanders. Accordingly, College employees receive training on reporting and disclosure of sexual assault or violence as part of the College's sexual harassment, assault and violence prevention training. The online training fulfills the primary prevention and risk reduction program for current and new faculty and staff as part of the Campus SaVE act on sexual harassment and sexual violence to fulfill Title IX requirements. Through this training, employees also have the opportunity to better understand the impact of Title IX and the Educational Amendments of 1972 on colleges and universities, their employees, and students.

Title IX Resources

The College publishes [Title IX Resources](#) for students and employees on its website at <http://www.dcc.edu/title-ix/resources.aspx>.

VIOLENCE IN THE WORKPLACE

Employees are Delgado Community College's most valuable resource and their safety and security are essential to carrying out their responsibilities. Every employee has a reasonable expectation that he/she will be able to perform assigned duties in an atmosphere free of threats and assaults. Recognizing the increasing incidence of violence in the workplace, the Governor of the State of Louisiana issued an executive order committing the Governor and Delgado Community College to work toward a violence-free workplace for all employees, students and visitors. Delgado Community College fully supports this effort and is committed to a violence-free workplace. See the College's [Violence in the Workplace](#) policy for more specific information.

Furthermore, the College publishes Anti-Violence Resources for students and employees on its website at <http://www.dcc.edu/title-ix/resources.aspx>.