

POLICY & PROCEDURES MEMORANDUM

TITLE:	DISCRIMINATION
EFFECTIVE DATE:	December 2, 1997* <i>(Executive Order Update 7/1/16; Title Updates 6/7/12, 2/24/05)</i>
CANCELLATION:	Discrimination Policy and Procedures in DCI 1732 (10/5/90)
CATEGORY:	Administrative (AD) <i>Initially Distributed as PR-1732.2</i>

POLICY STATEMENT

Delgado Community College is committed to providing a positive learning and working environment for its students and employees. The College assures equal opportunity for all qualified persons without regard to race, color, religious or political affiliation, gender identity, sexual orientation, citizenship, national origin, age, disability, marital status or veteran's status, pregnancy, child birth and related medical conditions, and the sickle cell trait in the admission to, participation in, or employment in the programs and activities of the College. It adheres to all equal opportunity provisions of federal and state civil rights laws and regulations that are applicable to the College-- Title VI of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975; the Americans with Disabilities Act of 1990; and the Louisiana Employment Discrimination Law of 1997.

No member of the College community may discriminate against another. This includes discrimination of an employee by another employee, of a student by an employee, of an employee by a student, and of a student by another student. Visitors to the campus are also covered by this policy should the alleged incident occur on College property. Additionally, the College does not tolerate discrimination of its students or employees at campus-sponsored events or programs held at off-campus locations or by non-institutional personnel in programs sponsored or supported by the institution. The College has established the procedures outlined in this memorandum for employees and students who believe they have experienced discrimination to have their complaints handled promptly and to receive due process for the filing of grievances.

PROCEDURES & SPECIFIC INFORMATION

1. **Purpose**

To publish the College's policy and procedures on the prompt handling of complaints and grievances related to discrimination.

2. **Scope and Applicability**

This policy and procedures memorandum applies to all students, prospective students, employees, guests or affiliates of, or visitors to, the College. For classified staff, the policies set forth in this memorandum are followed in accordance with Civil Service regulation.

3. **Definitions**

A. **Discrimination**

As defined by the Equal Employment Opportunity Commission, "discrimination" is:

Discrimination is any overt action in which a member of a group is afforded unfavorable or disparate treatment because of his/her race, color, religious or political affiliation, gender identity, sexual orientation, citizenship, national origin, age, disability, marital status or veteran's status .

B. **Complainant**

"Complainant" is defined as the person referred to during the informal process who has alleged that he/she is a victim of discrimination.

C. **Respondent**

"Respondent" is defined as the person whom the complainant alleges is guilty of discrimination.

D. **Confidential Advisor**

"[Confidential Advisor](#)" is defined as a college employee who is trained in handling complaints of discrimination.

4. **General Provisions**

A. A complaint of discrimination should be presented as promptly as possible after the alleged discrimination occurs, but not later than six (6) months after the alleged occurrence. There may be exceptions to this statute of limitation as determined by current equal employment opportunity regulation.

B. Any individual (an employee, student, prospective student, guest, or visitor) who believes that discrimination has taken place may seek resolution by pursuing an informal process or requesting a formal College hearing. A complainant may file multiple complaints against the same respondent.

- C. The confidentiality of each case is observed provided it does not interfere with the institution's ability to investigate or take corrective action.
- D. False charges are treated as serious offenses. Civil action may follow false or frivolous complaints and grievances.
- E. The fact that someone did not intend to discriminate against an individual is no defense to a complaint of discrimination. Regardless of intent, it is the effect and characteristics of the behavior that determine whether the behavior constitutes discrimination.
- F. Retaliation against anyone reporting or thought to have reported discriminatory behaviors or who is a witness or otherwise involved in a discrimination proceeding is prohibited. Such retaliation is considered a serious violation of the policy and is independent of whether a charge or informal complaint is substantiated. Encouraging others to retaliate also violates this policy.
- G. It is encouraged that complaints of discrimination are handled informally, where possible. Informal procedures are optional and individuals can choose to bypass them, discontinue them or request a formal hearing while using them. The purpose of dealing with a complaint informally is to investigate the alleged offending behavior and to resolve the matter as expeditiously as possible.
- H. If the final decision may result in termination, separation, revocation of tenure, or expulsion, the individuals involved in the investigation and/or hearing must be especially careful to respect the due process rights of all parties involved.

5. **Procedures**

- A. Each campus has [Confidential Advisors](#) who are trained in handling complaints of discrimination. Generally, each campus has at least two (2) Confidential Advisors. The names of the Confidential Advisors are available in the campus or site Executive Dean's Offices, the Student Government Association (SGA) Offices, and the Division Offices.
- B. Should a faculty or staff member, other than a Confidential Advisor, be approached by a member of the College community with a complaint of discrimination, it is recommended for him/her to encourage the complainant to go to a Confidential Advisor with the complaint. It is further recommended that the faculty or staff member escort the complainant to meet with one of the College's Confidential Advisors with whom the complainant would feel comfortable discussing the complaint.

- C. If the complainant is willing to meet with Confidential Advisor, the complainant is assured of the seriousness with which the College takes such complaints. Options for resolution are explored including the possibility of a conference with the two involved parties and the Confidential Advisor. Depending on the facts of the incident, the Confidential Advisor may provide assistance to the complainant on ways to cope with the alleged behavior personally. The Confidential Advisor explains the informal complaint process; the advisability of a written statement outlining the complaint and proposed action to resolve the complaint, with any collaborating documentation attached; the legal ramifications of false accusations; the College's commitment to preventing retaliation to the extent possible; and the limits on maintaining confidentiality.
- D. The Confidential Advisor notifies the College Equal Access Equal Employment (EAE0) Officer of the complaint and assists the College EAE0 Officer in the investigation/resolution of the complaint.
- E. Where parties attempt an informal resolution, a satisfactory agreement between the parties may be reached and no further action is required. The mutually agreed-upon resolution may consist of a warning to the respondent and an agreement by him/her to cease the alleged offensive conduct, an apology to the complainant, a letter of reprimand to the respondent (to be filed in the employee's personnel file), a behavioral contract (to be filed in the student's discipline file) or other, similar solutions.
- F. If the complainant chooses to file a formal grievance, he/she may do so using the appropriate College grievance process for that individual. Specifically, students follow the College's student grievance process, faculty follow the College's faculty grievance process, unclassified staff follow the College's unclassified staff grievance process, and classified staff follow the classified staff grievance process. (For information on these processes see the Policy and Procedures Memorandum on [Student Grievance Procedures](#), the Policy and Procedures Memorandum on [Grievance Procedures for Teaching Faculty, Librarians, and Academic Counselors with Faculty Rank](#), the Policy and Procedures Memorandum on [Grievance Procedures for Unclassified Administrators and Staff](#), and the Policy and Procedures Memorandum on [Grievance Procedures for Employees in the Classified Service](#).) Files of such cases are maintained by the College EAE0 Officer.

6. **Cancellation**

This policy and procedures memorandum cancels the Discrimination policy and procedures as described in DCI 1732, *Discrimination, Sexual Harassment and Human Relations Policy*, dated October 5, 1990.

Policy Reference:

Title VII of the Civil Rights Act of 1964 (as amended)

Title IX of the Education Amendments of 1972

Section 504 of the Rehabilitation Act of 1973

Age Discrimination Act of 1975

Americans with Disabilities Act of 1990

Louisiana Employment Discrimination Law Amendments of 1997

Louisiana Community and Technical College System [Policy #6.011 Harassment Policy](#)

Delgado Policy and Procedures Memorandum, [Student Grievance Procedures](#)

Delgado Policy and Procedures Memorandum, [Grievance Procedures for Teaching Faculty, Librarians, and Academic Counselors with Faculty Rank](#)

Delgado Policy and Procedures Memorandum, [Grievance Procedures for Unclassified Administrators and Staff](#)

Delgado Policy and Procedures Memorandum, [Grievance Procedures for Employees in the Classified Service](#)

Review Process:

Human Relations Committee 10/17/97

Executive Council 12/2/97

Executive Order JBE 16-11 Update - EAEO Officer Approval 7/1/16

Distribution:

Distributed Electronically via the College's Intranet