

GRIEVANCE PROCEDURES RELATING TO EQUAL OPPORTUNITY

TRUCKEE MEADOWS COMMUNITY COLLEGE PROCEDURE FOR IMPLEMENTING NEVADA SYSTEM OF HIGHER EDUCATION HANDBOOK TITLE 4, CHAPTER 8, SECTION 14

NSHE Handbook Title 4, Chapter 8, Section 14 (hereafter, "Section 14") provides the policy prohibiting discrimination on the basis of person's age (40 or older), disability, whether actual or perceived by others (including service-connected disabilities), gender (including pregnancy related condition), military status or military obligations, sexual orientation, gender identity or expression, genetic information, national origin, race (including hair texture and protected hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks and twists), color, or religion (protected classes). Discrimination includes, but is not limited to, harassment based upon any of these basis, and retaliation for reporting or participating in an investigation of discrimination. This procedure states how Section 14 will be implemented at Truckee Meadows Community College.

Discrimination complaints may be filed with the Primary Officer (who is the Director of Employee Relations, Equal Opportunity & Title IX) by a student, faculty, staff, or guest. The Primary Officer is designated as the Title IX Coordinator as well. The Primary Officer for receiving complaints, investigating and making recommendations regarding complaints of discrimination is:

Director of Employee Relations, Equal Opportunity & Title IX

Human Resources Office
7000 Dandini Blvd.
Red Mountain Room 211
Reno, Nevada 89512
Voice: 775-674-7502
FAX: 775-674-7560

If a complaint is received regarding the Primary Officer, the Human Resource Office shall deliver the complaint to the TMCC President noting that the complaint is regarding the Primary Officer and requesting that the President designate another person to investigate and make a recommendation regarding the complaint. If the President designates another person to investigate a complaint, that person shall perform the duties of the primary officer as stated in this procedure.

Any person in a supervisory, managerial, administrative or executive role or position at TMCC, such as a supervisor, department chair, or director of a unit, who receives a complaint of alleged discrimination or observes or becomes aware of conduct that may constitute discrimination, the person must immediately forward the complaint or report the conduct to the Primary Officer.

The Primary Officer shall make an initial review of the complaint or conduct and make a determination whether the complaint or conduct alleges discrimination. If the complaint alleges discrimination, the

Primary Officer shall note in writing the date the complaint was received by the Primary Officer and begin an investigation. Also, if the complaint alleges sexual violence, the Primary Officer shall notify the complainant that the complainant may report the conduct to the appropriate law enforcement office. If the Primary Officer has received a report of conduct which alleges discrimination, the Primary Officer may summarize the information in writing, note in writing the date the information was received by the Primary Officer and begin an investigation. If the complaint does not allege discrimination, the Primary Officer shall meet with the person filing the complaint and notify the person that the complaint does not allege discrimination and that no investigation will be conducted. In addition, the Primary Officer shall notify the person by letter or email of this conclusion. The Primary Officer shall inform the person that the person may bring the information to the TMCC Human Resources Office or to the TMCC student conduct officer.

The Primary Officer shall notify the TMCC police, general counsel, and President if a complaint of sexual harassment is received which requires the person subject to the investigation to be placed on administrative leave and excluded from one or more of the TMCC properties. A person may be placed on administrative leave and excluded from the TMCC properties if necessary to reduce or eliminate any contact between the subject of the investigation and the person alleging sexual harassment, to protect life, limb or property, or to insure maintenance of order. The President may consult with the TMCC police and general counsel or other faculty and staff before placing a person on administrative leave and excluding the person from the TMCC properties. If an allegation of sexual harassment is the basis for administrative leave and exclusion from the TMCC properties, an individual threat assessment must be conducted and an opportunity for a hearing provided.

The Primary Officer shall notify the TMCC police, general counsel, and President if a complaint of discrimination other than sexual harassment is received and the conduct alleged may be a threat to protect life, limb or property, or to the maintenance of order. The President may consult with the TMCC police and general counsel before placing a person on administrative leave and excluding the person from the TMCC properties.

The Primary Officer shall begin the investigation by interviewing the complainant. At that time, the Primary Officer shall notify the complainant of the right to have an advisor for assistance, support, and advice and shall postpone the initial interview upon the request of the complainant to identify an advisor. The Primary Officer shall ask the complainant

1. for all relevant information including who did the discriminatory acts, what happened, where it occurred, when it occurred and why it occurred
2. for the names and contact information for all witnesses and documentary evidence including electronic mail and information maintained electronically
3. what resolution would the complainant propose, if any
4. any other relevant facts

The Primary Officer shall interview the person who is alleged to have committed discrimination. At that time, the Primary Officer shall notify this person of the right to have an advisor for assistance, support, and advice and shall postpone the initial interview upon the request of the person to identify an advisor. During that interview, the Primary Officer shall ask

1. for a response to all information provided by the complainant
2. for the names and contact information for all witnesses and documentary evidence including electronic mail and information maintained electronically
3. a response to the proposed resolution
4. any other relevant facts

The Primary Officer shall interview witnesses suggested by either party and gather all documentary evidence. The Primary Officer need not interview witnesses with only information tangential to the complaint or who will provide repetitive information. The Primary Officer may consult with the general counsel, the student conduct officer, and any other faculty or staff during the investigation.

The investigation must be completed within 45 days of the date the complaint was received by the Primary Officer unless the Primary Officer notifies the complainant and the subject of the complaint that extraordinary circumstances require additional time by email or in writing. Such notice must be given within 45 days of the complaint being received and state the date by which the investigation shall be complete.

Upon completion of the investigation, the Primary Officer shall submit a written report to the President. The report shall make findings based upon the preponderance of the evidence. Also, the Primary Officer shall include a recommendation regarding a resolution of the matter. The recommendation is advisory only.

If a report of conduct which may be discrimination is received by the Primary Officer and no complaint is filed, the Primary Officer shall investigate all of the facts and circumstances regarding that report. The Primary Officer shall submit a written report to the President summarizing the facts and circumstances and making recommendations appropriate to the circumstances to the President.

The President shall accept or reject the recommendation made by the Primary Officer within 10 college working days of receipt of the written report. If disciplinary action is required to implement the course of action being pursued by the President, then the procedures of NSHE Code, Title 2, Chapter 6, or Chapter 10, or NRS and NAC Chapter 284 shall be initiated. Within 5 college working days of the President's rejection or acceptance of the recommendation, the President shall notify the complainant and the person accused of discrimination of the outcome of the investigation. That notice shall be either in writing or by email to the last known mailing or email address of the person. In the case of harassment complaints, the notice to the complainant shall include any action which directly relates to the victim of harassment and his or her safety.