



NUMBER: 305

SUBJECT: DISCRIMINATION COMPLAINTS

EFFECTIVE DATE: AUGUST 15, 2005

EFFECTIVE DATE OF LAST REVISION: JANUARY 24, 2011

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### **305.1 — POLICY**

Bridgerland Applied Technology College (BATC) is committed to providing an environment free from harassment and other forms of discrimination based on race, color, religion, gender, national origin, age, disability, or veteran's status. BATC also prohibits discrimination on the basis of sexual orientation in employment and academic related practices and decisions.

This policy is in accordance with applicable federal, state, and local laws, orders and policies, which include, but are not limited to: Titles VI and VII of the Civil Rights Act of 1964; Title IX of the Educational Amendments of 1972; Sections 503 and 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act; Vietnam Era Veterans' Readjustment Assistance Act of 1974; Executive Order 11246 (as amended); the State of Utah Anti-Discrimination Act; and others as applicable.

Bridgerland Applied Technology College employees and students cannot, because of race, color, religion, gender, national origin, age, disability, veteran's status, or sexual orientation, refuse to hire, discharge, promote, demote, terminate, discriminate in compensation, or discriminate regarding terms, privileges, or conditions of employment or enrollment, against any person otherwise qualified. Employees and students also cannot discriminate in the classroom, training labs, or in on/off-campus, BATC-sponsored events and activities.

Employees and candidates for employment will be treated on the basis of their ability to perform the essential job functions, with or without reasonable accommodations. Employees who require accommodation are responsible for disclosing disability-related information and requesting reasonable accommodation.

### **305.2 — PROCEDURES**

#### **305.2.1 — Filing A Complaint**

**305.2.1.1** — Any BATC employee or job applicant who feels he or she may have been the victim of discrimination, unfair employment practice, or sexual harassment may file a complaint with the President, Vice President for Student Services, any Vice President for Instruction, any BATC department head, or the Controller within 180 calendar days of the last alleged occurrence.

**305.2.1.2** — Any BATC student or prospective student who feels he or she may have been the victim of discrimination, unfair academic practices, or sexual harassment may file a complaint with the President, the Vice President for Student Services, or the respective Vice President for Instruction, within 180 calendar days of the last alleged occurrence.

- (a) Alleged incidences of harassment or discrimination occurring outside the complaint time line should also be brought to the attention of the applicable authority(s) (as described in 305.2.1.1 and 305.2.1.2 above) for review.
- (b) Complaints may be filed with the Utah Anti-Discrimination Department (UADD) in Salt Lake City, Utah, or the Equal Employment Opportunity Commission (EEOC) with regional offices in Phoenix, Arizona. Statutory time limitations will be provided by these organizations.

**305.2.1.3** — The complaint is discussed by the complainant (employee, student, job applicant) and the applicable authority(s) as described in 305.2.1.1 and 305.2.1.2 above. If the information given by the complainant is sufficient to establish that a potential violation of the law or this policy has occurred, the applicable authority will explain what options are available to address the alleged violation. The complainant will complete, sign, and date a written complaint form outlining the issues, facts, and circumstances surrounding the alleged discrimination/harassment.

- (a) A complaint is an allegation of discrimination/harassment. The purpose of investigating is to determine if



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discrimination/harassment has occurred. The applicable authority(s), or his or her staff, is committed to objectivity, reasoned thoughtfulness, and common sense in collecting and analyzing all available facts or situations are the same, and each investigation is conducted in an atmosphere of open-mindedness and fairness to all parties.

- (b) If information is brought to the applicable authority(s) and the person alleging discrimination/harassment chooses not to file a complaint, the applicable authority(s) may file a complaint if there is sufficient reason to believe that discrimination/harassment has occurred.

**305.2.1.4** — An inquiry investigation is conducted and completed by the applicable authority within a reasonable time frame based on the facts and circumstances of the individual case following the filing of the complaint. The purpose of the inquiry/investigation is to gather the facts, and substantiate or refute the complaint. The inquiry/investigation may include some or all of the following: collecting documents related to the case, interviewing persons having knowledge of the incident(s), or documenting the findings.

- (a) Due to the damage that could result to the career and reputation of any person falsely accused of discrimination/harassment, all inquiries/investigations and hearings surrounding such matters will be designed, to the maximum extent possible, to protect the privacy of and minimize suspicion toward the accused, as well as the complainant.
- (b) Retaliation against an individual who has made a complaint or has in any way participated in an inquiry/investigation is prohibited.
- (c) An investigation report is sent to the appropriate supervisor (typically a department head or Vice President).

### **305.2.2 — Appealing a Decision**

**305.2.2.1** — If the complainant or respondent is not satisfied with the outcome of the inquiry/investigation, he or she has the right to file a written appeal, outlining the specific issues, facts, or circumstances being appealed, to the President within ten (10) calendar days of the announcement of the outcome of the inquiry/investigation. The President, or his or her designee, will appoint an independent committee consisting of three (3) BATC employees who are independent from the original investigation and are at the highest levels on the organizational chart.

**305.2.2.2** — The committee selected in 305.2.2.1 above will conduct a closed, informal hearing limited to complainant, respondent, witnesses, and appropriately involved personnel, including the appropriate Assistant Attorney General, and/or experts from the Utah Division of Risk Management, to examine the specific issues being appealed. The committee will present a written report of its findings, conclusions, and recommendations to the President within 45 calendar days of filing the appeal.

**305.2.2.3** — The President will review the recommendations of the committee and may accept or modify them. The decision of the President is the final internal decision.

### **305.2.3 — Use of Informal Methods**

Nothing in this procedure should preclude using informal methods of compromise or settlement of disputes which are mutually agreeable to the interested parties.



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### **305.3 — RESPONSIBILITY**

#### **305.3.1 — Department Heads, Vice Presidents, President,**

Department heads, Vice Presidents, and the President are responsible for providing advice and assistance in implementing this policy and for responding to complaints in the time frame outlined. All complaints will be investigated.

#### **305.3.2 — Independent Committee**

The independent committee is responsible for responding to any written discrimination/harassment complaint appeal in a timely manner and to examine the issues being appealed. Within 45 days of a written appeal, the independent committee will provide the President with a written report of its findings and any recommendations.

#### **305.3.3 — Employees**

All employees are responsible for supporting the equal opportunity philosophy by treating every employee and student as an individual and by developing and maintaining a climate of mutual respect.