

Section 8-3 DISCRIMINATION POLICY

A. INTRODUCTION

CASC is committed to providing students, employees, and visitors educational and working environments free from Discrimination, both in and out of the classroom. CASC does not tolerate Discrimination on the basis of race, color, national origin, sex, age, religion, disability, or veteran status. Through enforcement of this policy, CASC seeks to prevent, correct and discipline behavior that violates this policy. CASC strongly encourages students, visitors and employees to promptly report any Discrimination.

B. DEFINITIONS:

1. The "Complainant" is an employee, student, or visitor who informs the CASC Human Resources Office that the employee, student, or visitor believes he or she has been subjected to Discrimination.
2. Complainant does not include a CASC supervisor, administrator, employee or official who reports Discrimination that he or she has observed or a complaint he or she received involving other persons.
3. The "Respondent" is the employee, student, or visitor who allegedly discriminated against another person in violation of this policy.
4. "Retaliation" means any action or failure to act with respect to an individual based on that individual's making a complaint, participating in the investigation of a complaint, or participating in the process under this policy, where such action or failure to act could have the effect of dissuading a reasonable person from participating or assisting with this policy.
5. For purposes of this policy, "Discrimination" is a form of discrimination as outlined by state and/or federal laws, on the basis of race, color, national origin, gender, age, religion, disability, military status, or veteran status in any policy, procedure or practice including, but not limited to, admissions, employment, financial aid and educational services.

This policy is in keeping with the spirit and intent of various local, state and federal guidelines, which address discrimination. It is further understood that false accusations of discrimination will not be condoned. Accusations of discrimination are indeed grievous and can have serious and far-reaching effects upon the careers and lives of individuals.

- a. No specific intent to discriminate against an individual need be present for discrimination to occur.
- b. Examples of discriminatory conduct prohibited by this policy include, but are not limited to, the following: Unequal or disadvantageous treatment of an individual or group of individuals based on race, color, national origin, gender, disability, age, military status, or veteran status.
- c. The discriminator may be the supervisor of the individual who is discriminated against, a supervisor in another area, a co- worker, a subordinate, a faculty member, a student, or a non-employee;
- d. Conduct may constitute Discrimination in violation of this policy even in the absence of economic injury to, academic injury to, or discharge of the individual who is discriminated against.

C. INITIATING A COMPLAINT

1. Employees, students, or visitors who believe they (or someone they have witnessed), have been subjected to Discrimination in violation of this policy must report the incident to the CASC Human Resources Office using a Campus Concern/ Grievance Form. The Campus Concern/ Grievance Form includes the Complainant's name and contact information, identify the complained-of individual, and describe the complained-of conduct, including but not limited to dates, times, places, and witnesses, if any, along with the Complainant's preferred outcome for resolving the matter.

2. The complaint should be turned into the CASC Human Resources Office no later than one hundred eighty (180) calendar days after the last complained-of incident.
3. Any CASC supervisor, administrator, or employee who receives a complaint or otherwise becomes aware of conduct he or she believes to be Discrimination in violation of this policy must notify the Human Resources Office as soon as possible, but no later than ten (10) Working Days after the supervisor, administrator, or employee learns of the conduct.
4. The CASC supervisor, administrator, or official must also inform the individual making the Discrimination complaint of this policy and refer them to the Human Resources Office.

D. COMPLAINT RESOLUTION

The Human Resources Department will determine, whether a complaint of Discrimination will be resolved by formal or informal means.

1. **INFORMAL RESOLUTION:** The informal resolution process is appropriate where the complained-of conduct is not sufficiently serious or repetitive to rise to the level of unlawful Discrimination. No formal investigation is conducted. Neither the Complainant nor the Respondent may have an attorney or representative present during the informal resolution process. The Complainant and/or Respondent is responsible for presenting their own case.
 - a. The Human Resources Office shall attempt to resolve the Discrimination complaint using the informal resolution process, within thirty (30) days after the complaint has been submitted. When needed, the Human Resources Office shall conduct an investigation and attempt to resolve the matter informally.
 - b. At any time during the Informal Resolution process, the Human Resources Office or the Complainant may request a formal resolution process.
2. **FORMAL RESOLUTION:** The formal resolution process is appropriate where the Complainant alleges a serious or repetitive violation of this policy, or where no resolution is reached through the informal resolution process. Neither the Complainant nor the Respondent may have an attorney or representative present during the formal resolution process. The Complainant and/or Respondent is responsible for presenting his/her own case.
 - a. **Initiating the Formal Resolution Process:** The Complainant must have previously submitted to the Human Resources Office a signed written statement (Campus Concern/ Grievance Form).
 - b. The Formal Resolution Process shall be completed within 45 days from the date of the Complainant's signed written statement is received. Additional time may be required based on unusual circumstances, including but not limited to the unavailability of the Complainant, Respondent, information or witnesses.
 - c. The President shall appoint an investigator(s) to examine all written complaints of Discrimination against employees, students, and visitors. The investigator(s) may or may not be CASC employees.
 - d. In the course of the investigation, a copy of the written complaint will be given to the Respondent. The Respondent shall have ten (10) Working Days in which to submit a signed, written response to the complainant.
 - e. The investigator(s) interviews separately the Complainant and the Respondent as soon as reasonably possible after receipt of the written complaint and written response, if any.
 - f. The Respondent will not take any action against the Complainant or any witnesses or other persons, in retaliation for their initiation of or participation in the complaint process. Retaliation is a separate violation of this policy and may result in discipline even where the original complaint of Discrimination is unfounded.
 - g. The investigator(s) may interview any other persons considered to have information relevant to the complaint.
 - h. The investigator(s) may receive, gather, and review any documents and physical evidence related to the complaint.
 - i. Where necessary, the investigator(s) may recommend to the President temporary adjustments to the Complainant's class schedule or work environment pending conclusion of the investigation.
 - j. The investigation of complaints against visitors may differ from the investigation described

herein based on the circumstances.

3. Investigator(s) Report and Recommendations: Within ten (10) days after completing the investigation, the investigator prepares a written report and provides Complainant and Respondent, by hand delivery or other traceable means of delivery, a copy of the written report.
 - a. The President shall appoint a three-person committee to review the Report and Recommendations. Committee members will be appointed on a case-by-case basis.
 - b. The Complainant and Respondent shall have ten working days to submit a "written reply" regarding the Report to the Office of Human Resources. The Office of Human Resources shall provide the committee with a copy of the Complainants and Respondent's "written reply", if any.
 - c. Within twenty (20) days after receiving the Report, the committee shall review the Report and review the Complainants and Respondent's "written reply" to the Report, if any.
 4. The committee shall make one of the following determinations:
 - a. Return the Report to the investigator(s) for additional investigation.
 - b. Dismiss the complaint on finding that the complained-of conduct did not occur or that the complained-of conduct did not violate this policy and notify the Complainant and Respondent of the determination.
 - c. Find that the conduct did occur and constituted a violation of this policy.
 5. If it is determined that this policy was violated, the committee will recommend appropriate discipline action against the Respondent including but not limited to expulsion or termination.
- E. APPEALS: If either the Complainant or the Respondent is dissatisfied with the determination reached in the formal resolution process, he or she may appeal that determination as follows:
1. The appeal must be in writing, directed to the President and must state the grounds for the appeal. The written appeal must be received within 10 Working Days of the date of delivery of the written determination. The appeal may be made on substantive and/or procedural grounds.
 2. The President shall thoroughly review the matter and issue a written decision within twenty (20) Working Days of the appeal receipt date. The President may accept or reject the committees' findings of fact and may accept, modify or reject any discipline imposed.
- The President's decision on appeal shall be the final institutional decision.
- F. CONFIDENTIALITY: Complaints of Discrimination and investigations into Discrimination allegations are kept confidential to the extent possible consistent with the need to investigate the complaint and come to a thorough and effective resolution.
- G. RETALIATION PROHIBITED: Any employee, student, or visitor who retaliates in any way against an individual who has initiated or participated in the resolution of a good faith complaint of Discrimination is subject to discipline, up to and including termination of employment, suspension, or expulsion from CASC, even if no Discrimination is found.
- H. FILING OF FALSE COMPLAINTS AND STATEMENTS: Anyone who knowingly or intentionally files a false complaint, or false statement under this policy is subject to discipline, up to and including termination of employment, suspension or expulsion from CASC.
- I. EFFECT ON PENDING DISCIPLINARY ACTIONS: Filing a Discrimination or retaliation complaint will not prevent, delay or affect any non-retaliatory evaluation or discipline of the Complainant for conduct, performance, or academic deficiencies or for violation of CASC policies and procedures.