AIMS COMMUNITY COLLEGE PROCEDURE

DISCRIMINATION AND ADA COMPLAINTS

Any Aims Community College employee, student, campus visitor, applicant for admission or employment, or other participant in the College’s programs or activities who believes he or she has been unlawfully discriminated against on the basis of age, race, color, religion, creed, national origin, sex, sexual orientation, veteran status, or disability may file a complaint in accordance with the procedures described below. This procedure includes compliance with Title II of the Americans with Disabilities Act, which states in pertinent part, "no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination" in programs, services or activities sponsored by a public entity.

Federal and state law and Aims Community College policy prohibit any form of retaliation against a person who files a discrimination complaint. Action may be taken against any person found to have knowingly filed a discrimination complaint in bad faith, or who maliciously or knowingly files false charges. In cases in which allegations of discrimination are not substantiated, the College may, where appropriate, take reasonable steps, such as expunging records or notifying persons who participated in the investigation of the charge, to restore the reputation of the respondent.

Employees and students are encouraged to resolve disputes or complaints through their division or academic department before filing a formal complaint. A representative or designee from the Office of Human Resources and Equal Opportunity will be available to provide assistance to the division or academic department in order to resolve the complaint at the lowest level possible. If resolution through the appropriate administrative channel is not possible, the following formal complaint procedure applies:

1. Complaints. Complaints must be directed to the Office of Human Resources and Equal Opportunity or Office of the President, Aims Community College, 5401 W. 20th Street, P.O. Box 69, Greeley, CO 80632. Telephone number (970) 339-6434.

2. Time for Filing. Complaints must be in writing and be filed with the Executive Director of Human Resources, at the earliest practicable time after the alleged violation but in no case later than 150 days after the most recent allegedly discriminatory act or violation. In cases related to Title IX and sexual harassment or sexual discrimination as outlined under Procedure 4-902, complaints should be sent to the Title IX Coordinator. In addition to this procedure, all Federal, State, and Local legal remedies apply, use of this procedure is not a prerequisite nor does it preclude exercising other available remedies. The time for filing under this procedure does not reflect the different statutes of limitation for this or other causes of action. An attorney should be consulted to ensure compliance with any applicable statutes of limitation.

3. Content of Complaint. The complaint must include the following: (1) The complainant’s name, signature, and date of filing; (2) A detailed description of the act or acts complained of; (3) The identity of the person or persons involved in the act or acts.
complained of; (4) The date or dates on which the act or acts occurred. The Executive Director of Human Resources, or his or her designee, may request a preliminary interview with the complainant to clarify the allegations in the complaint at the Executive Director of Human Resources sole discretion.

4. Initial Review and Investigation: The Executive Director of Human Resources, or the Title IX Coordinator or his or her designee performs an initial review and investigation of the complaint. The investigation may include, but is not necessarily limited to: meetings with material persons who may have relevant information; reviewing relevant files and records such as personnel files, departmental and division files, and others as necessary; comparing the treatment of complainant to that of others similarly situated in the department or unit; and, reviewing applicable policies and procedures.

5. Complaint Disposition and Recommendation. A written disposition report will be given to the President within forty-five working days of the filing date of the complaint. The disposition will include a post-investigation factual summary of the alleged act or acts, the depth and scope of impact, and identity of all involved parties. A written recommendation for resolution will also be a part of the disposition. Appropriate findings will be delivered to the complainant and respondent after review by the President. Cases concerning Title IX issues will be completed within 60 days of initial notification to include a review by the President and written recommendations for resolution.

6. Negotiated Resolution. One potential recommendation for resolution of the issue is negotiated resolution, which is a process by which the Executive Director of Human Resources, or his or her designee attempts to resolve complaints quickly and to the satisfaction of all parties without reaching formal findings, while protecting confidentiality to the extent possible. Negotiated Resolution is similar to mediation whereby the parties are encouraged to reach a mutually agreeable solution to the issue. If the complaint is successfully resolved, each party will sign a "Negotiated Resolution Agreement," which describes fully the agreed-upon terms. Following the acceptance of that document by parties, all other documents and notes except the original complaint will be destroyed. A copy of the complaint and the Negotiated Resolution Form will be available to the complainant and respondent upon request and will be maintained in the Office of Human Resources for a period of five years. If the parties are unable to reach a solution through this process another recommendation will be made by the Executive Director of Human Resources.

7. Referral to Other Offices. The Executive Director of Human Resources reserve the right to refer complaints to other College offices or committees that may exist to investigate and adjudicate complaints at the Executive Director of Human Resources discretion.

8. Complaint Outcome. If the Executive Director of Human Resources concludes that the complainant’s allegations are substantiated, the report will recommend that a directive be issued to stop the discriminatory practice, if it is ongoing; recommend disciplinary or other corrective action against the respondent and others; and, if appropriate, recommend remedial provisions for the complainant, such as reinstatement, hiring, reassignment, training, back pay, or other remedies deemed appropriate at the sole discretion of the President of Aims Community College. If the Executive Director of Human Resources concludes that the complainant’s allegations are not substantiated, the report will indicate
that the truth or veracity of the allegations cannot be corroborated and recommend reasonable steps, if applicable, to restore the reputation of the respondent. A full report substantiating this finding will precede the disciplinary action.

9. President’s Decision. The President may accept, disagree with, or modify the recommendations for cause. The President’s decision and the reasons thereof will be communicated in writing to the complainant, respondent, and Executive Director of Human Resources. The President may provide the report to other College officials, as he or she deems appropriate. The President’s decision is final.

10. Substantive Rights. These rules shall be used to protect the substantive rights of interested persons to meet appropriate due process standards and to assure that Aims Community College complies with the Americans with Disabilities Act, implementing regulations and other pertinent Anti-Discrimination laws.

APPROVED: Dr. Marilynn Liddell
Aims Community College President
Date: December 13, 2002

Revised: August 20, 2007
April 13, 2009
February 27, 2012
February 17, 2014
January 13, 2017