

**APPENDIX E-1-97**  
**Gender Grievance Procedures**

- (1) Any person aggrieved by a violation of this policy may file a complaint by delivering a copy of the complaint to the College President or Secretary of the Board of Governors or by delivering a copy of the complaint to the Human Resources Office. Such complaint shall be made in writing, under oath, within 180 days after such alleged violation and shall set forth the complainant's address and the facts of such alleged violation with sufficient particularity as to permit the governing body to understand and investigate the conduct complained of.
- (2) Subsequent to the delivery of the complaint, the Chief Human Resources Officer is directed to investigate this complaint and to make a report to the College President no later than ninety (90) days from the date of filing this complaint setting forth the findings of fact of the Chief Human Resources Officer concerning the alleged discriminatory practice or policy complained of and further setting forth the recommendation from the Chief Human Resources Officer as to whether:
  - (a) A discriminatory practice exists on the basis of gender;
  - (b) Designation of steps necessary to terminate the discriminatory practice or policy complained of;
  - (c) An award to the aggrieved person or persons such compensatory monetary damages as the particular facts and circumstances may warrant.
- (3) The College President shall within sixty (60) days after receiving this report from the Chief Human Resources Officer, review the findings of the Chief Human Resources Officer and may further investigate the conduct complained of. The College President shall make a final report to the Board of Governors setting forth whether:
  - (a) A discriminatory practice exists on the basis of gender;
  - (b) Designation of steps necessary to terminate the discriminatory practice or policy complained of;
  - (c) An award to the aggrieved person or persons such compensatory money damages as the particular facts and circumstances may warrant.
- (4) The Board of Governors shall within 180 days of filing of this complaint dispose of the complaint and shall notify the complainant of its findings. All dispositions of such complaint shall be in writing and signed by the Chairperson of the Board of Governors and a true copy of such disposition shall be mailed by certified mail, return receipt requested, to the complainant at the address set forth on the complaint or at such other address as may be filed by the complainant with the Board of Governors.

The complainant shall notify the Secretary of the Board of Governors of any change of address and the Board of Governors has no duty to attempt to locate any claimant who has failed to advise the Board of Governors of a change of address.

**Acceptance of Disposition**

If the complainant elects to accept the written disposition made by the Board of Governors of the complaint, he or she shall notify the Secretary of the Board of Governors in writing of his or her acceptance within sixty (60) days after receipts of such disposition at which time such disposition shall be deemed final and conclusive. A failure to notify the Board of Governors of such acceptance within the time period provided

in this section shall be deemed a rejection of such disposition.

### **Rejection of Disposition**

If the complainant elects not to accept the written disposition of such complaint made by the Board of Governors, he or she may within 180 days after receipt of such disposition, file an original action in the district court for equitable relief and compensatory money damages. If such action includes a claim for money damages, such complainant shall be entitled to a trial by jury as to such claim for damages unless he or she expressly waives in writing such trial by jury.

### **Failure of Board of Governors to Act**

If the Board of Governors fails to dispose of any written complaint filed within 180 days after the date of filing, such complaint may be withdrawn by the complainant and he or she may then proceed to file an original action in the district court. Such action must be filed within two (2) years of the date of filing such complaint.

### **Prerequisite to Other Remedies**

No original action asserting a violation of the Nebraska Equal Opportunity in Postsecondary Education Act may be filed in any district court unless a complaint asserting such violation is first filed with the Board of Governors of Western Community College Area and disposed or withdrawn as herein provided.