

Chapter 132Y-300 WAC
NONDISCRIMINATION AND HARASSMENT POLICY

Last Update: 11/20/20

WAC

132Y-300-005 Statement of policy.
132Y-300-010 Procedures.
132Y-300-015 Other remedies.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

132Y-300-001 Preamble. [Statutory Authority: Chapter 28B.19 RCW. WSR 89-04-008 (Resolution No. 88-12-2), § 132Y-300-001, filed 1/20/89.] Repealed by WSR 20-24-034, filed 11/20/20, effective 12/21/20. Statutory Authority: Chapter 34.05 RCW, RCW 28B.50.140(13), 20 U.S.C. § 1092(f) and Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.

132Y-300-002 Informal procedure. [Statutory Authority: Chapter 28B.19 RCW. WSR 89-04-008 (Resolution No. 88-12-2), § 132Y-300-002, filed 1/20/89.] Repealed by WSR 15-12-069, filed 5/29/15, effective 6/29/15. Statutory Authority: RCW 28B.50.140(13) and Federal Statutes - Title IX, 20 U.S.C. § 1681 et seq.; VAWA, 42 U.S.C. § 13925; Edmonds CC Board of Trustees Resolution No. 15-5-3.

132Y-300-003 Formal procedure. [Statutory Authority: Chapter 28B.19 RCW. WSR 89-04-008 (Resolution No. 88-12-2), § 132Y-300-003, filed 1/20/89.] Repealed by WSR 15-12-069, filed 5/29/15, effective 6/29/15. Statutory Authority: RCW 28B.50.140(13) and Federal Statutes - Title IX, 20 U.S.C. § 1681 et seq.; VAWA, 42 U.S.C. § 13925; Edmonds CC Board of Trustees Resolution No. 15-5-3.

132Y-300-004 Other remedies. [Statutory Authority: Chapter 28B.19 RCW. WSR 89-04-008 (Resolution No. 88-12-2), § 132Y-300-004, filed 1/20/89.] Repealed by WSR 15-12-069, filed 5/29/15, effective 6/29/15. Statutory Authority: RCW 28B.50.140(13) and Federal Statutes - Title IX, 20 U.S.C. § 1681 et seq.; VAWA, 42 U.S.C. § 13925; Edmonds CC Board of Trustees Resolution No. 15-5-3.

132Y-300-020 Complaint content. [Statutory Authority: RCW 28B.50.140(13) and Federal Statutes - Title IX, 20 U.S.C. § 1681 et seq.; VAWA, 42 U.S.C. § 13925; Edmonds CC Board of Trustees Resolution No. 15-5-3. WSR 15-12-069, § 132Y-300-020, filed 5/29/15, effective 6/29/15.] Repealed by WSR 20-24-034, filed 11/20/20, effective 12/21/20. Statutory Authority: Chapter 34.05 RCW, RCW 28B.50.140(13), 20 U.S.C. § 1092(f) and Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.

WAC 132Y-300-005 Statement of policy. Edmonds Community College provides equal opportunity in education and employment and does not discriminate on the basis of protected classes as required by state and federal law. Prohibited discrimination and/or harassment of protected classes includes sexual harassment.

[Statutory Authority: Chapter 34.05 RCW, RCW 28B.50.140(13), 20 U.S.C. § 1092(f) and Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 20-24-034, § 132Y-300-005, filed 11/20/20, effective 12/21/20. Statutory Authority: RCW 28B.50.140(13) and Federal Statutes - Title IX, 20 U.S.C. § 1681 et seq.; VAWA, 42 U.S.C. § 13925; Edmonds CC Board of Trustees Resolution No. 15-5-3. WSR 15-12-069, § 132Y-300-005, filed 5/29/15, effective 6/29/15.]

WAC 132Y-300-010 Procedures. (1) **Introduction.** Edmonds College, hereinafter referred to as "the college," recognizes its responsibility for investigating and resolving incidents; implementing corrective measures; monitoring the educational environment and workplace; and implementing regulations to stop, remediate, and prevent discrimination and harassment based on an individual's association with protected classes as required by law. To this end, the college has enacted a policy prohibiting discrimination against and harassment of members of these protected classes and procedures that deal with complaints and violations of the policy. Any individual found to be in violation of the policy will be subject to disciplinary action up to and including expulsion from the college or dismissal from employment.

Any employee, student, or visitor who is the alleged subject of discrimination or harassment should report the incident or incidents

to the EO/AA office, Title IX coordinator identified below. If the complaint is against that officer, the complainant should report the matter to the president's office for referral to an alternate designee.

Civil Rights: Equal Opportunity/Affirmative Action (EO/AA).

Title IX: Gender Discrimination, Sexual Harassment, and Sexual Violence.

Title: EO/AA Office, Title IX Coordinator
Office: Edmonds Community College
20000 - 68th Ave. W.
Clearview Building, Room 122
Lynnwood, WA 98036

(2) **Filing a complaint.** The college encourages the timely reporting of any incidents of alleged discrimination or harassment. Any employee of, student of, or visitor to the college may file a complaint. Complaints must be submitted in writing.

For complainants who wish to submit a written complaint, a formal complaint form is available online at www.edcc.edu/titleix/. Hardcopies of the complaint form are available at the following locations on campus: Human resources office and vice president for student services office. Any person submitting a discrimination or harassment complaint shall be provided with a written copy of the college's nondiscrimination and harassment policy and procedures.

The proposed content is designed to assist you with filing a discrimination and/or harassment complaint. Please write clearly and focus on the alleged discriminatory and/or harassing conduct. The complaint should include as much information regarding the incident(s) giving rise to the complaint as possible, including the location, date, and time of the alleged incident(s); the name of the individual or group whom the complaint is against, if known; a description of the incident(s); and the remedy sought.

You may attach additional documents if needed. Please include your contact information (phone, email, mailing address), sign, and return your complaint to the EO/AA office, Title IX coordinator or designee. A link to an online reporting form is located at <http://www.edcc.edu/titleix/>.

(3) **Confidentiality and right to privacy.** The college will seek to protect the privacy of the complainant to the fullest extent possible, consistent with the legal obligation to investigate, take appropriate remedial and/or disciplinary action, comply with the state and federal laws, as well as the college's policy and procedures.

Although the college will attempt to honor complainants' requests for confidentiality, it cannot guarantee complete confidentiality. Determinations regarding how to handle requests for confidentiality will be made by the Title IX coordinator.

(a) The Title IX coordinator will inform and attempt to obtain consent from the complainant before commencing an investigation of alleged discrimination or sexual harassment. If a complainant asks that their name not be revealed to the respondent or that the college not investigate the allegation, the Title IX coordinator will inform the complainant that maintaining confidentiality may limit the college's ability to fully respond to the allegations and that retaliation by the respondent and/or others is prohibited. If the complainant still insists that their name not be disclosed or that the college not investigate, the Title IX coordinator will determine whether the college can honor the request and at the same time maintain a safe and nondiscriminatory environment for all members of the college community, in-

cluding the complainant. Factors to be weighed during this determination may include, but are not limited to:

- (i) The seriousness of the alleged sexual harassment;
- (ii) The age of the complainant;
- (iii) Whether the sexual harassment was perpetrated with a weapon;
- (iv) Whether the respondent has a history of committing acts of sexual harassment or violence or has been the subject of other sexual harassment or violence complaints or findings;
- (v) Whether the respondent threatened to commit additional acts of sexual harassment or violence against the complainant or others; and
- (vi) Whether relevant evidence about the alleged incident can be obtained through other means (e.g., security cameras, other witnesses, physical evidence).

(b) If the college is unable to honor a complainant's request for confidentiality, the Title IX coordinator will notify the complainant of the decision and ensure that complainant's identity is disclosed only to the extent reasonably necessary to effectively conduct and complete the investigation in compliance with this grievance procedure.

(c) If the college decides not to conduct an investigation or take disciplinary action because of a request for confidentiality, the Title IX coordinator will evaluate whether other measures are available to address the circumstances giving rise to the complaint and prevent their recurrence, and implement such measures if reasonably feasible.

(4) **Publication of nondiscrimination and harassment policy and procedures.** The policy and procedures regarding complaints of discrimination and harassment shall be published and distributed as determined by the president or designee. Individuals who believe they have been subjected to discrimination or harassment will be provided a copy of the policy and procedures.

(5) **Limits to authority.** Nothing in these procedures shall prevent the president or designee from taking immediate disciplinary action in accordance with the college's policies and procedures, and federal, state, and/or municipal rules and regulations.

(6) **Retaliation, intimidation, and coercion.** Retaliation by, for, or against any participant (including complainant, respondent, witness, investigator, or EO/AA office, Title IX coordinator or designee) is expressly prohibited. Retaliatory action of any kind taken against a participant who is seeking redress under the nondiscrimination and harassment policy and using these procedures is prohibited and is subject to discipline. Individuals who think they have been retaliated against, intimidated, or coerced should contact the EO/AA office, Title IX coordinator or designee immediately.

[Statutory Authority: Chapter 34.05 RCW, RCW 28B.50.140(13), 20 U.S.C. § 1092(f) and Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 20-24-034, § 132Y-300-010, filed 11/20/20, effective 12/21/20. Statutory Authority: RCW 28B.50.140(13) and Federal Statutes - Title IX, 20 U.S.C. § 1681 et seq.; VAWA, 42 U.S.C. § 13925; Edmonds CC Board of Trustees Resolution No. 15-5-3. WSR 15-12-069, § 132Y-300-010, filed 5/29/15, effective 6/29/15.]

WAC 132Y-300-015 Other remedies. (1) **Criminal complaints.** Discriminatory or harassing conduct may also be, or occur in conjunction with, criminal conduct. Criminal complaints may be filed with the following law enforcement authorities:

City of Edmonds Police Department
<http://www.edmondswa.gov/government/departments/police.html>

City of Lynnwood Police Department
<http://www.ci.lynnwood.wa.us/Public-Safety/Police-Department>

Snohomish County Sheriff's Department
<http://snohomishcountywa.gov/210/Sheriff>

The college will proceed with an investigation of harassment and discrimination complaints regardless of whether the underlying conduct is subject to civil or criminal prosecution.

(2) **Other discrimination complaint options.** Discrimination complaints may also be filed with the following federal and state agencies:

Washington State Human Rights Commission
www.hum.wa.gov/index.html

U.S. Department of Education Office for Civil Rights
<http://www2.ed.gov/about/offices/list/ocr/index.html>

Equal Employment Opportunity Commission
www.eeoc.gov

[Statutory Authority: RCW 28B.50.140(13) and Federal Statutes - Title IX, 20 U.S.C. § 1681 et seq.; VAWA, 42 U.S.C. § 13925; Edmonds CC Board of Trustees Resolution No. 15-5-3. WSR 15-12-069, § 132Y-300-015, filed 5/29/15, effective 6/29/15.]