

Chapter 132W-300 WAC

GRIEVANCE PROCEDURES—DISCRIMINATION

WAC

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WAC 132W-300-001 Grievance procedures—Discrimination. The procedures for resolving all types of discrimination and harassment complaints are described below and provide a means for resolving any alleged unfair or improper action.

[Statutory Authority: Chapter 28B.50 RCW. WSR 01-14-016, § 132W-300-001, filed 6/25/01, effective 7/26/01.]

WAC 132W-300-010 Definitions. (1) Complaint means the cause of dissatisfaction, resentment, or discontent which leads to a petition, a grievance, or an appeal.

(2) Discrimination means an action or actions based on prejudice.

(3) Grievance means the formal request to some higher authority for action when the complaint includes the allegation of violations of the policies of the college.

(4) Grievant means an individual or a group of individuals who have a complaint or are filing a grievance.

(5) Harassment means to persistently act to disturb or irritate.

(6) Petition means an informal request to resolve complaints prior to engaging in the grievance process.

[Statutory Authority: Chapter 28B.50 RCW. WSR 01-14-016, § 132W-300-010, filed 6/25/01, effective 7/26/01.]

WAC 132W-300-020 Scope of procedure. A complaint may be initiated by an individual or group of individuals, who shall be known as the grievant. The alleged incident may be initiated by any individual, group of individuals, or by the college itself. Claims of alleged harassment or discrimination may be made by any student, faculty member, administrative/exempt employee, classified staff member of the college, or by any applicant for admission or employment.

[Statutory Authority: Chapter 28B.50 RCW. WSR 01-14-016, § 132W-300-020, filed 6/25/01, effective 7/26/01.]

WAC 132W-300-030 Confidentiality and right to privacy. Each complaint shall be handled in a confidential manner so as to protect the privacy of the parties involved to the fullest extent possible.

[Statutory Authority: Chapter 28B.50 RCW. WSR 01-14-016, § 132W-300-030, filed 6/25/01, effective 7/26/01.]

WAC 132W-300-040 Limits to authority. (1) Violations of this policy on the part of a classified staff member (6/25/01)

may result in the application of disciplinary procedures outlined in chapter 251-11 WAC up to and including dismissal.

(2) Violations of this policy on the part of a faculty member may result in the application of procedures outlined in negotiated agreement with the AHE up to and including dismissal

(3) Violations of this policy on the part of an administrative/exempt staff member may lead to immediate dismissal.

(4) Violations of this policy on the part of a student may lead to disciplinary procedures outlined in the WVC student handbook.

(5) Nothing in this procedure shall prevent the district president from taking immediate disciplinary action in accordance with federal and state laws, rules and regulations, and the applicable negotiated agreement(s) should it be deemed necessary.

[Statutory Authority: Chapter 28B.50 RCW. WSR 01-14-016, § 132W-300-040, filed 6/25/01, effective 7/26/01.]

WAC 132W-300-050 Informal petition options. The parties are encouraged to meet informally in an effort to resolve all complaints. Anyone with a complaint may use one or more of the options outlined below.

(1) Any individual with a complaint alleging harassment or discrimination may discuss the complaint with the person or group of people acting in a discriminatory manner.

(2) An individual may choose not to discuss the issue with the parties directly involved. In such a case the issue may be brought to the appropriate administrative supervisor (i.e., either director or dean).

(3) The complaint may be discussed with the director of personnel, or the special populations coordinator, or the multicultural affairs coordinator, who have two courses of action:

(a) Investigate the complaint; or,

(b) Act as a neutral third-party when the complainant discusses the allegation with the other party.

(4) A complaint may be brought to the Washington State Human Rights Commission, the U.S. Department of Education's Office of Civil Rights, or the U.S. Equal Employment Opportunity Commission at any time.

[Statutory Authority: Chapter 28B.50 RCW. WSR 01-14-016, § 132W-300-050, filed 6/25/01, effective 7/26/01.]

WAC 132W-300-060 Formal grievance procedures. If the parties are unable to resolve the complaint informally through the one of the options listed in WAC 132W-300-050 above, the grievance shall be resolved in the following manner.

(1) Requirements. In order to conduct an adequate investigation, and resolve the complaint as fully and justly as possible the following requirements shall be in force:

(a) All grievances must be in writing and shall include: The date and time of the alleged incident; the name of the

individual or group whom the complaint is against, if known; a statement of the incident; the remedy being sought; the name(s) of the grievant(s); the grievant's relationship to the college (i.e., student, faculty, classified, administrator, or applicant); and must include the signature of the grievant(s), and the date which the grievance is signed.

(b) Evidence used to substantiate the claim(s) should be submitted at step 1. Evidence not introduced at step 1 and not brought out during the investigation, (step 2), will not be considered in preparing the finding of fact or conclusions.

(c) Grievances must be submitted within thirty calendar days of the date of the alleged incident, or the date the grievant knew or should have known of the incident.

(2) Grievance Procedures

STEP 1. Reporting the incident. The grievant shall report the incident, in writing, and submit the report to the dean of the north campus, the director of personnel services or the multicultural affairs coordinator within thirty calendar days of the date of the alleged incident, or the date the grievant knew or should have known of the incident. Grievances filed with the dean of the north campus will be delivered to the director of personnel services within five calendar days. Incidents reported after thirty days will not be considered. Reports which do not conform to the requirements specified in F.1.a) above may be dropped if insufficient information is available, and the grievant or other witnesses are not able to provide further information.

STEP 2. Investigation. Complaints may be handled by either an internal or outside investigator, as determined by the district president. The district president shall appoint an investigator to conduct an investigation and prepare findings of fact and conclusions. If the complaint is against the district president or a member or members of the board of trustees, the board of trustees may designate an outside investigator. A written report of findings and conclusions shall be submitted to the district president within thirty calendar days of the college's receipt of the grievance. In the case of a complaint against the district president or a member or members of the board of trustees, the written report shall be submitted to the board of trustees. The investigator may request, and the district president or board of trustees may grant, up to thirty additional days to complete the investigation for good cause.

STEP 3. Outcome and feedback. The district president board chair, or board of trustees as a whole shall send a copy of the report to the grievant, the accused, and the appropriate supervisor within ten calendar days. Each recipient may respond in writing to the district president or the board of trustees within ten days of the date the report was sent.

STEP 4. Action. The district president board chair, or board of trustees as a whole shall determine the appropriate course of action, including any disciplinary action to be taken, within ten calendar days after a response was due. Such action shall be in accordance with federal and state laws, rules and regulations, district policies, and the appropriate negotiated agreement(s).

[Statutory Authority: Chapter 28B.50 RCW. WSR 01-14-016, § 132W-300-060, filed 6/25/01, effective 7/26/01.]