



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/22/01)

Agency: Community College District VIII

- Permanent Rule
- Emergency Rule
- Expedited Rule Making

(1) Date of adoption: June 18, 2003

(2) Purpose: Deletes the current discrimination complaint procedure codified in chapter WAC 132H-152-135 and replaces it with chapter WAC 132H-155 which has a more streamlined process that is easier to use.

(3) Citation of existing rules affected by this order:

Repealed: WAC 132H-152-135
 Amended:
 Suspended:

(4) Statutory authority for adoption: 28B.50.140 RCW

Other Authority:

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 03-08-020 on 3/26/03 (date).
 Describe any changes other than editing from proposed to adopted version:

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?:

Yes No If Yes, explain:

(6) Effective date of rule:

Permanent Rules

- 31 days after filing
- Other (specify) _____*

Emergency Rules

- Immediately
- Later (specify) _____

*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

Name (Type or Print)

Elise J. Erickson

Signature

Title
Rules Coordinator

Date
6/18/03

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

JUN 19 2003

TIME 11:29 AM

WSR 03-14-013 PM

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

The number of sections adopted at the request of a nongovernmental entity:

	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted in the agency's own initiative:

	New	<u>7</u>	Amended	<u>0</u>	Repealed	<u>1</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

	New	<u>7</u>	Amended	<u>0</u>	Repealed	<u>1</u>
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The number of sections adopted using:

Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>7</u>	Amended	<u>0</u>	Repealed	<u>1</u>

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC132H-152-135 Discrimination complaint procedure

NEW SECTION

WAC 132H-155-010 Title. WAC 132H-155-010 through WAC 132H-155- shall be known as the discrimination complaint procedure of Bellevue Community College.

NEW SECTION

WAC 132H-155-020 Purpose. It is the policy of Bellevue Community College to provide clear and accurate information, provide accessible services, and offer excellent educational programs and quality service.

Bellevue Community College, through its affirmative action policy and general policy on sexual harassment, and in accordance with state and federal regulations, prohibits discrimination against students and employees on the basis of race or ethnicity, creed, color, national origin, sex, marital status, sexual orientation, age, religion, the presence of sensory, mental or physical disability, or status as a disabled or Vietnam-era veteran.

BCC employees are responsible for ensuring that their conduct does not discriminate against anyone; they are expected to treat people conducting business at Bellevue Community College with respect and may expect the same consideration, in return.

NEW SECTION

WAC 132H-155-030 Informal complaint process. The purpose of this step is to enable an individual to express and resolve misunderstandings, complaints or grievances at the lowest level possible by speaking directly with the employee or departmental supervisor. The aggrieved person should make an appointment to talk directly with the employee to attempt to reach a mutual agreement. In some situations, the aggrieved person may be more comfortable requesting a meeting with the employee's supervisor, instead. Both parties should be courteous, flexible and respectful, as concerns are identified and possible resolutions discussed. Both sides should be open to alternative solutions or suggestions. If the problem cannot be solved together, the following formal complaint procedures may be used.

NEW SECTION

WAC 132H-155-040 How to file a discrimination complaint. Whenever a complaint alleges discrimination or sexual harassment, this procedure should be used rather than the other complaint procedures. Alleged Title IX and Section 503 violations as well as other discrimination complaints will be investigated under this procedure. A student or member of the

NEW SECTION

WAC 132H-155-050 Formal discrimination complaint procedure. Discrimination complaints should be filed within one year after the incident(s) occurred. The college will act promptly to investigate the complaint and will attempt to protect the rights of the individual bringing the complaint (the complainant), the alleged discriminator, and any witnesses involved. All parties involved have the right to protection from any retaliating behavior by the alleged discriminator or any college employee. All complaints shall be kept as confidential as is reasonably possible during the investigation/resolution process. However, complaints may be subject to public disclosure under the state's Public Disclosure Act, and therefore the college cannot assure confidentiality to any participant in the process.

If administrators or supervisors become aware that discrimination is occurring, receive a complaint, or obtain other information indicating possible discrimination, they must notify the vice president of human resources as soon as reasonably possible, to ensure that the matter is addressed, even if the problem or alleged problem is not within their area of responsibility and authority.

Complainants, individuals charged, and any witnesses are entitled to representation of their selection throughout the complaint process. The individual charged will be informed that his/her bargaining unit representative will be notified that a complaint has been filed against him/her, unless he/she requests that no notification be made.

Within seven days after the formal complaint has been filed, the individual charged, his/her immediate supervisor and the area dean/vice president will be notified that a complaint has been filed.

The complainant may request an alternate dispute resolution process prior to or in lieu of the investigatory process outlined below. The vice president of human resources or designee (the investigator) will conduct interviews with the complainant, the alleged discriminator, and any witnesses to allegations identified by the complainant and the alleged discriminator. Reasonable efforts will be made to complete such interviews within ninety days.

The report summarizing the findings of the investigation and the determination as to whether or not discrimination has occurred shall be forwarded to the appropriate area dean/vice president.

The decision regarding what action to take on the complaint, including, but not limited to, appropriate corrective measures and/or disciplinary action shall be made by the area dean/vice president and reported to the complainant. Copies of the determination shall be sent to the complainant, alleged discriminator, the alleged discriminator's supervisor and the vice president of human resources. Reasonable efforts will be made to take action on the complaint within thirty days after receipt of the report. If a decision is made to take disciplinary action, such action shall be taken in accordance with appropriate college procedures and collective bargaining agreements.

NEW SECTION

WAC 132H-155-060 Appeal. Appeals of any disciplinary action, including any finding that discrimination occurred, may be made through the appropriate employee contract or the student code.

If the complainant is not satisfied with the disposition of the complaint, she/he may file a written appeal to the president within ten days after notification of the disposition of the complaint. This request should include any and all additional information s/he wants the president to consider. The decision regarding the appeal, including appropriate corrective measures, shall be made in writing by the president within fifteen days after receipt of an appeal.

NEW SECTION

WAC 132H-155-070 External complaint. Any student, employee, applicant for admission or employment, or member of the public using BCC facilities who believes he/she has been discriminated against has the right to bypass the internal college process and file a discrimination complaint with one of the agencies listed below or any other agency with the jurisdiction to hear such complaints. Individuals seeking assistance from state and federal agencies need to be aware that many agencies have strict timelines regarding the filing of complaints.

Equal Employment Opportunity Commission
909 First Avenue, Suite 400
Seattle, WA 98104-1061

Human Rights Commission
1511 Third Avenue, Suite 921
Seattle, WA 98101

U.S. Office of Civil Rights
Department of Education
915 Second Avenue
Seattle, WA 98174-1099