

Chapter 132H-155 WAC

DISCRIMINATION COMPLAINT PROCEDURE OF BELLEVUE COMMUNITY COLLEGE

WAC

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

[Statutory Authority: RCW 28B.50.140. WSR 03-14-013, § 132H-155-010, filed 6/19/03, effective 7/20/03.]

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.

[Statutory Authority: RCW 28B.50.140. WSR 03-14-013, § 132H-155-020, filed 6/19/03, effective 7/20/03.]

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.

[Statutory Authority: RCW 28B.50.140. WSR 03-14-013, § 132H-155-030, filed 6/19/03, effective 7/20/03.]

(6/19/03)

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 public who believes he/she has been discriminated against should bring his/her complaint to the Department of Human Resources, A101, or telephone (425) 564-2274.

[Statutory Authority: RCW 28B.50.140. WSR 03-14-013 and 03-14-138, § 132H-155-040, filed 6/19/03 and 7/2/03, effective 7/20/03 and 8/2/03.]

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.

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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.

[Statutory Authority: RCW 28B.50.140. WSR 03-14-013, § 132H-155-050, filed 6/19/03, effective 7/20/03.]

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 he/she 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.

[Statutory Authority: RCW 28B.50.140. WSR 03-14-013, § 132H-155-060, filed 6/19/03, effective 7/20/03.]

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

[Statutory Authority: RCW 28B.50.140. WSR 03-14-013, § 132H-155-070, filed 6/19/03, effective 7/20/03.]