

Chapter 132F-419 WAC

SEXUAL HARASSMENT

WAC

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WAC 132F-419-010 Sexual harassment policy. Sexual harassment is an illegal activity and will not be tolerated in the Seattle Community College district. Students, faculty, and all other employees of the district shall be made aware that management will investigate all sexual harassment complaints. Awareness activities made available to all college groups will include appropriate training, workshops, and written materials providing information about sexual harassment, its prevention, and complaint procedures. Any employee or student who feels that she/he has been sexually harassed is encouraged to deal with the situation as outlined in the appropriate procedures.

In recognition of the fact that sex discrimination in the form of sexual harassment is a violation of section 703, Title VII of the Civil Rights Act of 1964 and chapter 49.60 RCW, which prohibits discrimination on the basis of race, color, religion, national origin, or sex, Seattle Community College District hereby declares that sexual harassment of students and/or staff by any member of the district community will not be tolerated.

For purposes of this policy, sexual harassment will be defined as any behavior or action, either physical or verbal, which is sexual in nature and is uninvited, unwanted, or non-reciprocal, and:

- (1) Submission to it is either an implicit or explicit condition of employment or educational opportunity; or
- (2) Submission to, or rejection of it is used as a basis for employment or educational decisions; or
- (3) It has the purpose or effect of negatively interfering with the individual's work or educational performance or creating an intimidating, hostile, or offensive work or educational environment.

It may include, but is not limited to the following:

- (1) Unwelcome and/or repeated sexual advances.
- (2) Offensive, disparaging remarks about one's gender or appearance.
- (3) Remarks about one's physical appearance which implies sexual interest.
- (4) Subtle pressure for sexual activity.
- (5) Unnecessary offensive brushes or touches.
- (6) Offensive sexual graffiti.
- (7) Physical aggression such as pinching, patting, or grabbing.
- (8) Sexual innuendos.
- (9) Written communications with sexual overtones.
- (10) Sexually offensive remarks disguised as humor.

- (11) Obscene gestures.

[Statutory Authority: Chapter 28B.50 RCW. 85-13-075 (Order 46, Resolution No. 1985-16), § 132F-419-010, filed 6/19/85.]

WAC 132F-419-020 Procedural guidelines. (1) Students or district employees who feel they have been victims of sexual harassment by a district employee or student are encouraged to file an informal complaint through the designated college official. The college will carry out any investigation in such a way as to protect the rights of both the complainant and the respondent.

- (2) Designated college officials:

- (a) The affirmative action officer of the campus or unit is responsible for immediately initiating the investigative process for alleged infractions of this policy when the complainant is an employee of the district or when a student is complaining against an employee.

- (b) The dean of students is responsible for immediately initiating the investigative process for alleged infractions of this policy where a student is complaining against another student.

- (3) Immediate and appropriate investigative action should be taken regarding alleged acts of sexual harassment involving:

- (a) The conduct of a faculty member in a faculty-student relationship.

- (b) The conduct of an individual in the paid employment of the district who may grant or withhold benefits to students and employees.

- (c) The conduct of any college supervisory employee.

- (d) The conduct between fellow employees of the college.

- (e) The conduct of college agents.

- (f) The conduct of nonemployees when it occurs related to college-sanctioned activities and hampers the educational or college work environment.

- (g) The conduct of students in daily classes and activities.

[Statutory Authority: Chapter 28B.50 RCW. 85-13-075 (Order 46, Resolution No. 1985-16), § 132F-419-020, filed 6/19/85.]

WAC 132F-419-030 Informal complaint procedures.

When a person believes that she/he has been sexually harassed, the complainant may contact one of the designated college officials for informal assistance. This person will provide the complainant with procedures and suggestions to enable him/her to resolve the problem or to initiate the appropriate complaint process. Complainants will be informed that they may choose an advocate from an available list or of their own choosing to assist with the process.

The designated college official will discuss the complaint with the respondent with the intent that the complaint may be resolved in an informal manner based on consent of

the parties concerned. Anonymity of the complainant will be protected where appropriate. In the event the severity of the case merits other intervention or is not resolved to the satisfaction of the complainant, the following procedures will be followed:

(a) The complainant shall file a written complaint with the designated college official stating the times, dates, places, and circumstances surrounding the allegations.

(b) The designated college official will notify the appropriate supervisor who will speak informally with the respondent and provide a copy of the written complaint in an effort to resolve the complaint.

[Statutory Authority: Chapter 28B.50 RCW. 85-13-075 (Order 46, Resolution No. 1985-16), § 132F-419-030, filed 6/19/85.]

WAC 132F-419-040 Formal complaint procedures.

If no satisfactory resolution can be achieved at the informal level, the complainant may file a formal written complaint according to the Seattle Community College District affirmative action plan formal complaint procedures.

[Statutory Authority: Chapter 28B.50 RCW. 85-13-075 (Order 46, Resolution No. 1985-16), § 132F-419-040, filed 6/19/85.]

WAC 132F-419-050 Nondistrict options. At any point during these proceedings, the complainant may choose to file sexual harassment complaints concurrently with the Washington state human rights commission, Seattle human rights department, equal employment opportunity commission, Office of Federal Contract Compliance, or the Office of Civil Rights. However, complainants are encouraged to use the internal complaint procedures to resolve complaints.

[Statutory Authority: Chapter 28B.50 RCW. 85-13-075 (Order 46, Resolution No. 1985-16), § 132F-419-050, filed 6/19/85.]

WAC 132F-419-060 Appropriate disciplinary action.

Findings of discrimination in the form of sexual harassment will result in immediate and appropriate disciplinary action, which may include but is not limited to the following:

- (1) Findings placed in employee's file
- (2) Reprimand
- (3) Suspension
- (4) Dismissal

In cases of suspension or employment termination, existing procedures for administrative, academic or classified staff shall be followed.

[Statutory Authority: Chapter 28B.50 RCW. 85-13-075 (Order 46, Resolution No. 1985-16), § 132F-419-060, filed 6/19/85.]

WAC 132F-419-070 Repeated offenses. When a complaint is made against someone who has been found in the past to have been in violation of the sexual harassment policy, the person receiving the complaint may determine whether the complaint should be filed initially as a formal complaint or grievance. The disciplinary measure chosen for repeating offenders should take into account the repeated lack of compliance by the offender and should be more severe/extreme.

[Statutory Authority: Chapter 28B.50 RCW. 85-13-075 (Order 46, Resolution No. 1985-16), § 132F-419-070, filed 6/19/85.]

