

Chapter 132C-285 WAC

GRIEVANCE PROCEDURES

WAC

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Grievance procedure.
Adjudicative proceedings.

WAC 132C-285-010 Grievance procedure. Any enrolled student or employee of Olympic College who believes he/she has been discriminated against on the basis of a handicap may lodge a formal institutional grievance by:

(1) **Step 1: Informal meeting**—Requesting an informal meeting with the individual believed to have committed the discriminatory act in an attempt to informally resolve the concern.

(2) **Step 2: Official hearing**—If not satisfied by the results of the informal meeting, the complainant may request in writing, stipulating a specific grievance(s), a meeting with the college handicap representative (administrative assistant to the president). Within thirty calendar days of receiving a written request, the handicap representative will have arranged a meeting and reported the findings, in writing, to both the complainant and the person to whom the complaint is directed. It shall be at the discretion of the complainant to determine whether the handicap representative will meet with each party separately or in a single meeting.

If the complainant requests a single meeting, the meeting shall be attended by the complainant, the person to whom the complaint is directed, and the handicap representative who will chair the meeting.

(3) **Step 3: Presidential appeal**—If the complaint is not resolved as a result of the hearing conducted by the handicap representative, either the complainant or the person to whom the complaint is directed may request an appeal to the college president in writing within ten calendar days after receiving the written results of the official hearing. Within fifteen calendar days after receiving a written request, the college president or his designee will conduct a presidential appeal hearing and report the findings in writing to both the complainant and the person to whom the complaint is directed.

(a) The college president or his designee, the handicap representative, the complainant, and the person to whom the complaint is directed, shall attend the presidential appeal hearing. The college president or his designee shall preside.

(b) Either the complainant or the person to whom the complaint is directed may have a reasonable number of witnesses present.

(c) The written findings of the presidential appeal will be considered final. No further intrainstitutional appeal exists.

This procedure is not applicable to applicants for admission or employment.

[Statutory Authority: RCW 28B.50.140(13). WSR 78-02-062 (Order 16), § 132C-285-010, filed 1/23/78.]

WAC 132C-285-020 Adjudicative proceedings. (1) **Purpose.** Adjudicative proceedings are formal proceedings designed to resolve disagreements between Olympic College

and any of its constituents, including students, employees and members of the general public. The college strongly encourages, but does not require, parties to explore whether disputes can be resolved through informal dispute resolution methods before submitting them to formal hearing.

(2) **Policy.** The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250 are adopted for use at the college. Those rules may be found in chapter 10-08 WAC. Other procedural rules adopted in this title are supplementary to the model rules of procedure. To the extent of any conflict between the model rules and the college's procedural rules, the college's rules shall prevail.

(3) **Matters subject to brief adjudication.** The provisions of RCW 34.05.482 through 34.05.494, (brief adjudication) are hereby adopted. Brief adjudicative proceedings shall be used in all matters related to:

(a) Appeals from residency determinations under RCW 28B.15.013;

(b) Appeals of student suspensions for a time period less than eleven academic days;

(c) Challenges to contents of educational records;

(d) Appeals of library charges;

(e) Federal financial aid appeals;

(f) Appeals of student debt collection decisions;

(g) Appeals of employee debt collection not related to payroll;

(h) Appeals of trespass orders; and

(i) Appeals pursuant to any other formal policy adopted by the college which specifically provides for a brief adjudicative procedure.

(4) **Application for adjudicative proceeding.** An application for an adjudicative proceeding, including a brief adjudicative proceeding, shall be submitted in writing. The application shall include the printed name, signature and contact information of the applicant, the nature of the matter for which an adjudicative proceeding is sought, a description of the facts involved, and the relief requested. An application shall be submitted to the president's office within twenty days of the agency action giving rise to the application, except as otherwise provided by statute or rule.

(5) **Appointment of presiding officer(s).** The president of the college (or his or her designee) shall appoint presiding officers for formal and brief adjudicative proceedings. The presiding officer(s) shall be either an individual, or a panel of individuals, who is a member of the administration, faculty, staff, or student body, or any combination of the foregoing. When a panel of individuals is selected, one person will be designated as the chair by the president (or president's designee) to make final decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

(6) **Discovery.** Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer or

the chair. In permitting discovery, the presiding officer or the chair shall refer to the civil rules of procedure. The presiding officer or the chair shall have the power to control the frequency and nature of the discovery permitted, and to order discovery conferences to discuss discovery issues.

(7) **Method of recording.** Proceedings shall be recorded by a method chosen by the presiding officer or the chair from among those available under the model rules of procedure, WAC 10-08-170.

(8) **Procedure for closing parts of a hearing.**

(a) Any party may apply for a protective order to close part of a hearing. The moving party shall file a written statement setting forth the reasons for the request with the presiding officer or chair and serve copies on all other parties. If another party opposes the request, a written response to the request shall be submitted within ten days of the request to the presiding officer or the chair. The presiding officer or the chair shall determine which, if any, parts of the proceeding shall be closed, and shall state the reasons in writing within twenty days of receiving the request.

(b) No cameras or recording devices, other than the official recording method, shall be allowed in proceedings or parts of proceedings that have been closed.

[Statutory Authority: Chapter 28B.50 RCW and RCW 34.05.250. WSR 12-19-005, § 132C-285-020, filed 9/6/12, effective 10/7/12.]

