

Chapter 132Z-310 WAC
GRIEVANCE PROCEDURES—DISABILITY

Last Update: 3/17/15

WAC

132Z-310-010	Preamble.
132Z-310-020	Informal procedure.
132Z-310-030	Formal procedure.
132Z-310-040	Other remedies.

WAC 132Z-310-010 Preamble. Cascadia College is covered by section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act prohibiting discrimination on the basis of handicap/disability in education. Applicants for admission, enrolled students, applicants for employment, or employees of Cascadia College who believe they have been discriminated against on the basis of handicap/disability may lodge an institutional grievance by following the procedures contained in this chapter.

[Statutory Authority: RCW 28B.50.140. WSR 15-07-093, § 132Z-310-010, filed 3/17/15, effective 4/17/15. Statutory Authority: Chapter 28B.50 RCW. WSR 96-14-098, § 132Z-310-010, filed 7/2/96, effective 8/2/96.]

WAC 132Z-310-020 Informal procedure. All employees and students should feel free to discuss perceived discrimination with the individual immediately in charge, such as the first-line supervisor or instructor, to see if the situation can be resolved informally. Employees and students may also consult directly with the district's affirmative action officer or designee without making a formal written complaint. Employees and students are not required to use the informal process and may go directly to the formal procedure.

Any district official receiving a discrimination complaint shall contact the affirmative action officer or designee as soon as reasonably convenient. The district official shall arrange for the complainant to receive a copy of the grievance procedure.

[Statutory Authority: Chapter 28B.50 RCW. WSR 96-14-098, § 132Z-310-020, filed 7/2/96, effective 8/2/96.]

WAC 132Z-310-030 Formal procedure. Step one: Employees and students must make a written complaint concerning discriminatory behavior to the affirmative action officer or designee.

(1) Complaints may be held in confidence only to the extent allowed by Washington's public disclosure law, chapter 42.17 RCW. Formal action against the person accused may not be taken on behalf of the complainant unless the complainant consents to be identified to the one accused in connection with the investigation.

(2) Complainants may bring persons of their choice to the initial or subsequent complaint meetings.

(3) The affirmative action officer or designee shall give a copy of these regulations and any applicable board policy to the person making the formal complaint and to the accused.

(4) The result of that consultation and any investigation made may be communicated to the complainant before any further action is taken.

(5) An informal hearing may be substituted for investigation if the complainant and the accused agree. The affirmative action officer or designee will be responsible for investigating the complaint and discussing the complaint with the accused. The affirmative action officer will make a written recommendation to the president within a reasonable time following the close of the investigation or hearing.

(6) Appropriate corrective measures will be decided by the president of the district upon consultation with the affirmative action officer and the appropriate administrators or supervisors involved. If an accused employee or student disagrees with the determination or appropriateness of the corrective measures, that individual may contest those measures through the appropriate staff grievance procedures, if they are covered by an agreement, or the student disciplinary code.

(7) Information will be entered in the personnel or student file only to the extent that a formal reprimand or other disciplinary action has been taken. If no disciplinary action is taken, the affirmative action officer will keep a record of the investigation accessible to the president, the complainant and the accused for a period of three years and then that record will be destroyed. If a formal complaint is filed with an outside state or federal agency, files will be maintained until the complaint is resolved. When such files are used, written notice will be placed in the file indicating the person using the file and the date used.

[Statutory Authority: Chapter 28B.50 RCW. WSR 96-14-098, § 132Z-310-030, filed 7/2/96, effective 8/2/96.]

WAC 132Z-310-040 Other remedies. These procedures, outlined in WAC 132Z-310-010 through 132Z-310-030, are internal district procedures and, as such, serve to resolve complaints within the district's administrative framework. These procedures do not replace an individual's right to timely file a complaint with an external agency such as the Office of Civil Rights, Equal Employment Opportunity Commission, or the Washington state human rights commission.

[Statutory Authority: Chapter 28B.50 RCW. WSR 96-14-098, § 132Z-310-040, filed 7/2/96, effective 8/2/96.]