

WSR 21-18-099

PERMANENT RULES

WHATCOM COMMUNITY COLLEGE

[Filed August 31, 2021, 10:52 a.m., effective October 1, 2021]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The existing chapter 132U-300 WAC, Discrimination and harassment, do not meet current Title IX regulations including investigative procedures and definitions of key terms.

Citation of Rules Affected by this Order: Amending chapter 132U-126 WAC [WAC 132U-300-040, 132U-300-060, and 132U-300-130].

Statutory Authority for Adoption: Chapter 28B.50 RCW.

Adopted under notice filed as WSR 27-01-119 [21-07-119] on March 23, 2021.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 3, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: April 27 [May 25], 2021.

Benjamin Reed
Title IX and
ADA Coordinator

OTS-2968.1

AMENDATORY SECTION (Amending WSR 18-17-025, filed 8/6/18, effective 9/6/18)

WAC 132U-300-040 Introduction. Whatcom Community College recognizes its responsibility for investigation, resolution, implementation of corrective measures, and monitoring the educational environment and workplace to stop, remediate, and prevent discrimination on the basis of race, color, national origin, age, perceived or actual physical or mental disability, pregnancy, genetic information, sex, sexual orientation, gender identity, marital status, creed, religion, or honorably discharged veteran or military status, or the use of trained guide dog or service animal, as required by Title VI of the Civil Rights Act of 1964, Title VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, Sections 504 and 508 of the Rehabilitation Act of 1973, the Americans with Disabilities Act and ADA Amendment Act, the Age Discrimination Act of 1975, the Violence Against Women Reauthorization Act and Washington state's law against discrimination, chapter 49.60 RCW and their implementing regulations. Employ-

ees are also protected from discrimination for filing a whistleblower complaint with the Washington state auditor.

For complaints involving sexual misconduct and sex-based discrimination, the Title IX coordinator or designee will evaluate the complaint according to Policy 616, chapter 132U-305 WAC. Complaints that fit the jurisdictional requirements of chapter 132U-305 WAC will follow the investigative and discipline procedures outlined in that policy, which follows the requirements of the 2020 final rules under Title IX, which went into effect August 14, 2020. All complaints that do not fit the jurisdictional requirements of chapter 132U-305 WAC will use the procedures outlined in this policy.

[Statutory Authority: Chapter 28B.50 RCW. WSR 18-17-025, § 132U-300-040, filed 8/6/18, effective 9/6/18.]

AMENDATORY SECTION (Amending WSR 18-17-025, filed 8/6/18, effective 9/6/18)

WAC 132U-300-060 Complaint procedure. Whatcom Community College has enacted policies prohibiting discrimination against, and harassment of members of protected classes. Any individual found to be in violation of this policy will be subject to disciplinary action up to and including dismissal from the college or from employment.

Any employee, student, applicant, or visitor who believes that he or she has been the subject of discrimination or harassment should report the incident or incidents to the college's Title IX/EEO coordinator identified below. If the complaint is against that coordinator, the complainant should report the matter to the president's office for referral to an alternate designee.

The college encourages the timely reporting of any incidents of discrimination or harassment. Complaints may be submitted in writing or verbally. For complainants who wish to submit a written complaint, a formal complaint form is available online at <http://www.whatcom.edu/home/showdocument?id=360>. Hard copies of the complaint form are available in the Human Resource Office, Laidlaw Center (LDC) 235.

The following college officials ((~~s~~)) are designated to handle inquiries regarding this policy:

Name: Benjamin Reed

Title: Title IX & ADA Coordinator

Office: Laidlaw Center (LDC) 208

Contact: breed@whatcom.edu

Address: 237 W. Kellogg Rd., Bellingham, WA 98226

Name: Becky Rawlings

Title: Executive Director for Human Resources, Title IX/EEO Coordinator

Office: Laidlaw Center (LDC) 235

Contact: brawlings@whatcom.edu

Address: 237 W. Kellogg Rd., Bellingham, WA 98226

The Title IX/EEO coordinators or designee:

- Will accept all complaints and referrals from college employees, applicants, students, and visitors;
- Will make determinations regarding how to handle requests by complainants for confidentiality;

- Will keep accurate records of all complaints and referrals for the required time period;
- May conduct investigations or delegate and oversee investigations conducted by a designee;
- May impose interim remedial measures to protect parties during investigations of discrimination or harassment;
- Will issue written findings and recommendations upon completion of an investigation; and
- May recommend specific corrective measures to stop, remediate, and prevent the recurrence of inappropriate conduct.

[Statutory Authority: Chapter 28B.50 RCW. WSR 18-17-025, § 132U-300-060, filed 8/6/18, effective 9/6/18.]

AMENDATORY SECTION (Amending WSR 18-17-025, filed 8/6/18, effective 9/6/18)

WAC 132U-300-130 Criminal complaints. Discriminatory or harassing conduct may also be, or occur in conjunction with, criminal conduct. Criminal complaints may be filed with the following law enforcement authorities:

Bellingham Police Department

505 Grand Avenue
Bellingham, WA 98225
360-778-8800
<https://www.cob.org/gov/dept/police>

Blaine Public Safety Department

322 H Street
Blaine, WA 98230
360-332-6769
<http://www.ci.blaine.wa.us/171/Public-Safety>

Everson Police Department

111 W Main Street
Everson, WA 98247
360-966-4212
<http://www.ci.everson.wa.us/police-department.html>

Ferndale Police Department

2220 Main Street
Ferndale, WA 98248
360-384-3390
<http://www.ferndalepd.org/>

Lummi Nation Police Department

2665 Kwina Road
Bellingham, WA 98226
360-312-2000
<http://www.lummi-nsn.gov/Website.php?PageID=397>

Lynden Police Department

203 19th Street
Lynden, WA 98264
360-354-2828
<http://www.lyndenwa.org/departments/police/>

Nooksack Tribal Police Department5061 Deming RoadDeming, WA 98244360-592-5176<https://nooksacktribe.org/departments/law-enforcement>**Sumas Police Department**

433 Cherry Street

Sumas, WA 98295

360-988-5711

<http://www.sumaspolice.com/>**Western Washington University**

Department of Public Safety

516 High Street

Bellingham, WA 98225

360-650-3911

<http://www.wvu.edu/ps/police/index.shtml>**Whatcom County Sheriff's Office**

Public Safety Building

311 Grand Avenue

Bellingham, WA 98225

360-676-6650

<http://www.whatcomcounty.us/200/Sheriff>

The college will proceed with an investigation of harassment and discrimination complaints regardless of whether the underlying conduct is subject to civil criminal prosecution.

[Statutory Authority: Chapter 28B.50 RCW. WSR 18-17-025, § 132U-300-130, filed 8/6/18, effective 9/6/18.]