

(8) Districts may recognize completion of such courses for salary improvement or vocational certification provided such courses are an approved part of the professional improvement plan of the individual;

(9) Prior to implementing any program for tuition and fee waivers for full-time employees, the college district shall adopt a written rule regarding such program and definitively set forth rules and procedures related to:

(a) Whether or not employees may take tuition free courses on released time and under what circumstances;

(b) Whether or not courses taken on a tuition free basis shall be allowed to apply toward an advancement on the salary schedule of the institution;

(c) Whether or not there will be a limit on the number of courses per quarter an employee may take; what that limitation is and any other constraints;

(d) The definition of a full-time employee, professional and classified, for purposes of this act;

(10) The individual community college district shall submit a copy of its adopted rule relating to the above to the state director.

(11) In addition to waivers provided under subsections (1) through (9) of this section, community college districts may also waive all or a portion of tuition and services and activities fees for full-time classified employees of state agencies and higher education institutions as provided in RCW 28B.15.558.

[Statutory Authority: Chapters 28B.15 and 28B.50 RCW. 95-13-070, § 131-28-085, filed 6/20/95, effective 7/21/95. Statutory Authority: RCW 28B.15.502. 89-14-037 (Order 116, Resolution No. 89-16), § 131-28-085, filed 6/29/89. Statutory Authority: RCW 28B.15.535. 85-01-040 (Order 102, Resolution No. 84-67), § 131-28-085, filed 12/13/84. Statutory Authority: 1979 c 82. 79-10-021 (Order 76, Resolution No. 79-29), § 131-28-085, filed 9/10/79.]

WAC 131-28-090 Tuition and fee waivers for unemployed and underemployed resident students. (1) Under RCW 28B.15.522 community college districts may waive, in whole or in part, tuition and services and activities fees for any individual who:

(a) Is a resident student as defined by RCW 28B.15.012(2);

(b) Will have attained age twenty-one prior to the first day of instruction;

(c) Has not attended an institution of higher education during the six-month period immediately prior to the first day of instruction, other than under this section;

(d) Is not receiving or eligible to receive unemployment compensation funded by federal, state matching, or trade readjustment benefit sources;

(e) Has a monthly household income below four hundred sixty-five dollars for a single person and an additional one hundred thirty dollars for each additional household member or the successor values to these amounts as may be subsequently established by the department of social and health services as need standards for assistance determination purposes;

(f) Has been or will have been unemployed for at least six months prior to the first day of instruction or is underemployed as evidenced by monthly income for the preceding six-month period below the level established in (e) of this subsection.

(2) Enrollments made pursuant to this section shall be on a space available basis.

(3) No new course sections shall be created as a result of enrollments based on waivers authorized by this section.

(4) Enrollment information on students registered pursuant to this section shall be maintained separately from other enrollment information and shall not be included in official enrollment reports, nor be considered in any enrollment statistics which would affect budgetary determinations.

(5) Persons enrolled under this section shall have the same access to support services as do all other students and shall be subject to all course prerequisites and requirements.

[Statutory Authority: Chapters 28B.15 and 28B.50 RCW. 95-13-070, § 131-28-090, filed 6/20/95, effective 7/21/95. Statutory Authority: RCW 28B.50.090 (7)(d) and (10), 28B.50.851, 28B.15.502(4), 28B.15.522, 28B.50.140(3) and 1990 c 29. 90-20-009 (Order 122, Resolution Nos. 90-42 and 90-43), § 131-28-090, filed 9/20/90, effective 10/21/90. Statutory Authority: RCW 28B.15.502. 89-14-037 (Order 116, Resolution No. 89-16), § 131-28-090, filed 6/29/89. Statutory Authority: 1984 c 50. 84-21-112 (Order 100, Resolution No. 84-57), § 131-28-090, filed 10/23/84.]

Chapter 131-46 WAC

SPECIAL SERVICE PROGRAMS—RUNNING START PROGRAM

WAC

131-46-135

Adopting running start rules by reference.

WAC 131-46-135 Adopting running start rules by reference. WAC 392-169-005 through 392-169-125, inclusive of the 1995 amendments thereto and the repeal of WAC 392-169-035 are hereby adopted by reference.

[Statutory Authority: RCW 28.600.300.390 [28A.600.300 - 28A.600.390], 28A.150.260, 28A.150.290 and 28A.600.300 - 28A.600.400 as amended by 1994 c 205. 95-10-013, § 131-46-135, filed 4/25/95, effective 5/26/95.]

Title 132D WAC

COMMUNITY COLLEGES—SKAGIT VALLEY COLLEGE

Chapters

132D-300

Grievance procedure—Sexual harassment, sex discrimination, and handicapped discrimination.

132D-305

Sexual harassment policy.

132D-310

Antidiscrimination policy.

132D-315

Students with disabilities policy.

Chapter 132D-300 WAC
GRIEVANCE PROCEDURE—SEXUAL
HARASSMENT, SEX DISCRIMINATION, AND
HANDICAPPED DISCRIMINATION

WAC

132D-300-010 through 132D-300-040 Repealed.

DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER

- 132D-300-010 Statement of policy. [Statutory Authority: RCW 28B.50.140. 94-01-028, § 132D-300-010, filed 12/6/93, effective 1/6/94; 89-11-038 (Order 89-10), § 132D-300-010, filed 5/15/89.] Repealed by 96-01-077, filed 12/18/95, effective 1/18/96. Statutory Authority: RCW 28B.50.140.
- 132D-300-020 Jurisdiction. [Statutory Authority: RCW 28B.50.140. 94-01-028, § 132D-300-020, filed 12/6/93, effective 1/6/94; 89-11-038 (Order 89-10), § 132D-300-020, filed 5/15/89.] Repealed by 96-01-077, filed 12/18/95, effective 1/18/96. Statutory Authority: RCW 28B.50.140.
- 132D-300-030 Grievance procedure. [Statutory Authority: RCW 28B.50.140. 94-01-028, § 132D-300-030, filed 12/6/93, effective 1/6/94; 89-11-038 (Order 89-10), § 132D-300-030, filed 5/15/89.] Repealed by 96-01-077, filed 12/18/95, effective 1/18/96. Statutory Authority: RCW 28B.50.140.
- 132D-300-040 Definition—Sexual harassment. [Statutory Authority: RCW 28B.50.140. 94-01-028, § 132D-300-040, filed 12/6/93, effective 1/6/94.] Repealed by 96-01-077, filed 12/18/95, effective 1/18/96. Statutory Authority: RCW 28B.50.140.

WAC 132D-300-010 through 132D-300-040 Repealed. See Disposition Table at beginning of this chapter.

Chapter 132D-305 WAC
SEXUAL HARASSMENT POLICY

WAC

132D-305-005 Sexual harassment policy.

WAC 132D-305-005 Sexual harassment policy. (1) **Preamble.** Sexual harassment is an illegal activity and will not be tolerated at Skagit Valley College. Therefore, it shall be the policy of Skagit Valley College that harassment directed at any individual or group on the basis of gender, marital status, or sexual orientation is in violation of the mission and purpose of Skagit Valley College and shall not be condoned. Any employee or student who feels that she/he has been sexually harassed is encouraged to deal with the situation as outlined in the following procedure.

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, Title IX of the 1972 Education Amendments, and chapter 49.60 RCW, which prohibits discrimination on the basis of race, color, religion, national origin, or sex, Skagit Valley College hereby declares that sexual harassment of students and/or staff by any member of the district community will not be tolerated.

(2) **Definition.** For purposes of this policy, sexual harassment will be defined as any behavior or action, either physical or verbal, which is sexual in nature, is unwanted, unwanted, or nonreciprocal, and:

(a) Submission to sexual harassment is either an implicit or explicit condition of employment or educational opportunity; or

(b) Submission to, or rejection of, sexual harassment is used as a basis for employment or educational decisions; or

(c) Sexual harassment has the purpose or effect of negatively interfering with the individual's work or educational performance or of creating an intimidating, hostile, or offensive work or educational environment. Sexual harassment may include, but is not limited to the following:

- (i) Unwelcome or repeated sexual advances.
- (ii) Offensive, disparaging remarks about one's gender, marital status, sexual orientation, or appearance.
- (iii) Jokes about gender-specific traits.
- (iv) Remarks about one's physical appearance which imply sexual interest.
- (v) Subtle pressure for sexual activity, including sexual propositions.
- (vi) Unnecessary brushes or touches, including pinching, patting, or grabbing.
- (vii) Displayed offensive sexual graffiti, gestures, cartoons, or materials.
- (viii) Sexual innuendos or obscene gestures.
- (ix) Written communications with sexual overtones.
- (x) Sexually offensive remarks disguised as humor.
- (xi) Unwanted gifts, staring, leering, or unwanted attention.

(d) Skagit Valley College will investigate allegations of sexual harassment which may include, but is not limited to the following:

- (i) The conduct of a faculty member in a faculty-student relationship.
- (ii) The conduct of an individual in the paid employment of the district who may grant or withhold benefits to students and employees.
- (iii) The conduct of any college supervisory employee.
- (iv) The conduct between fellow employees of the college.
- (v) The conduct of college agents.
- (vi) The conduct of employees when it occurs related to college-sanctioned activities on or off campus and/or hampers the educational or college work environment.
- (vii) The conduct of nonemployees when it occurs related to college sanctioned activities on or off campus and/or hampers the educational or college work environment.
- (viii) The conduct of students in daily classes and activities.

(3) **In-district procedural guidelines.** When a person believes that she/he has been sexually harassed, the claimant may contact one of the district's ombudspersons. Faculty and staff shall assist the claimant in contacting an ombudsperson. The ombudsperson will provide the claimant with procedures and suggestions to enable the claimant to resolve the problem or to initiate the appropriate complaint process. All complaints shall be initiated no later than one hundred eighty days from the most recent incident.

The district shall have four ombudspersons: A female and male shall be appointed for both the Mount Vernon and Whidbey campuses. Appointment will be by the president, on the advice of the vice-president, educational services, the dean for administrative and student services, the dean of

Whidbey campus (for Whidbey personnel), the president of the SVCEA, the president of the CSA, and the president of ASSVC. Appointment shall be for staggered three-year terms.

Ombudspersons shall report directly to the vice-president - educational services who shall be directly responsible for the implementation of this policy. The ombudspersons shall be responsible for receiving complaints, for receiving and giving training to all members of the college community on sexual harassment as directed by the vice-president - educational services, and for conducting awareness activities for all college groups. They will be assisted in their efforts by the affirmative action officer. The college will carry out any investigation in such a way as to protect the rights of both the claimant and the respondent. The college recognizes that in some circumstances a change of environment may be appropriate during the investigation. If during the mediation process the ombudsperson deems the complaint without merit, it shall be immediately dismissed. Further, if the ombudsperson finds the complaint to be false and malicious, the claimant shall be referred to the designated college officer. Maximum confidentiality and support for both parties shall be maintained at each step of the procedure.

(4) **Advising process.** In the event that an individual feels he or she has been the victim of sexual harassment, the individual may discuss the matter with an ombudsperson on campus. The responsibility of the ombudsperson is to inform the individual of the policy and procedures about sexual harassment. The advising process itself is designed to promote free and open discussions between the individual seeking information and the advisor. An incident report will be generated to record the number of the different types of incidents reported in a given year. The incident reports will be forwarded to the affirmative action officer to be used for tracking purposes only. Names of individuals involved will not be designated on the incident report and no record of the advising conversations will be kept. The college will insure the privacy of all individuals involved in a sexual harassment case. If an individual feels that he or she has a warranted complaint, that individual may choose to proceed to the mediation process or directly to the formal process, step one.

(5) **Mediation.** When an ombudsperson receives a complaint, either verbally or in writing, of sexual harassment, he/she shall discuss the complaint with the respondent within three working days. Such complaints may come from an individual who was the target of the action or a third party. The purpose of the mediation process is to encourage both parties to communicate in an attempt to resolve the conflict. If a meeting occurs during this phase, both the claimant and the respondent may bring a support person. If the complaint appears valid, the ombudsperson shall complete a written report including the complaint and any action taken including the nature of the resolution if one is reached. This report shall be forwarded to the claimant, respondent, and the affirmative action officer who will keep it in a confidential manner for five years.

The mediation process shall be completed within thirty working days of receipt of complaint by the ombudsperson. If a satisfactory resolution is reached, the claimant and respondent will acknowledge resolution in writing.

(6) **Formal complaint; step one.** In the event that the mediation process does not occur or does not resolve the conflict to the satisfaction of both parties, the following process will be used:

(a) The claimant, within ten working days of the conclusion of the mediation process or the event itself, shall file a written complaint with the ombudsperson stating the times, dates, places, and circumstances surrounding the allegations. The ombudsperson will forward a copy of the complaint to the respondent within five working days. In turn, the respondent shall submit a written response concerning the complaint to the ombudsperson within five working days of receiving the written complaint. Within three working days of the complaint, the ombudsperson will forward all information to the AAO whether or not a response has been received.

The affirmative action officer may also file a formal complaint about any alleged offender who has had repeated claims filed against them. This will be done in collaboration with the receiving ombudspersons.

(b) Within five working days of receiving materials from the ombudsperson, the affirmative action officer will review all forms received and check for completeness and detail. Any concerns about procedure and forms will be discussed with the overseeing ombudsperson and corrections made.

Within the same five working day period, the affirmative action officer will then forward appropriate forms received by the ombudsperson to the appropriate supervisor who will speak informally with the respondent. The affirmative action officer shall also provide a copy of the written complaint and the respondent's response to: The vice-president, educational services when the respondent is faculty; dean responsible for student grievances if respondent is a student; appropriate dean when respondent is classified staff; president when the respondent is an administrator; chair of board of trustees if respondent is the president.

The ombudsperson shall keep a written record of all actions taken in an effort to resolve the complaint. If resolution is reached, the ombudsperson shall complete a written report of this resolution and submit copies to all parties involved.

(c) If a resolution has not been reached, and the parties were not able to mediate together, joint mediation will now take place. The mediation session will include both parties involved in the complaint and a representative for each of them. The ombudsperson and the affirmative action officer will also be present. While the parties may not want to speak to each other, in this session they will hear each other describe the events they believed to have taken place through the facilitation of the ombudsperson. If no resolution is agreed to, the case will now proceed to formal complaint, step two.

If a resolution can be achieved, the ombudsperson shall complete a written report of this resolution and submit copies to all parties involved. The claimant and respondent will acknowledge resolution in writing. Forms involved in the case will be kept by the affirmative action officer in a confidential manner for five years after which time this information will be destroyed.

(d) The entire formal procedure, step one, will be completed within thirty working days.

(7) **Formal complaint; step two.** If no satisfactory resolution can be achieved through formal complaint, step one, a team will be formed to conduct a fact-finding investigation as follows:

- (a) The affirmative action officer;
- (b) A member of the standing grievance committee selected by the claimant;
- (c) A member of the standing grievance committee selected by the respondent;
- (d) In the case of presidential involvement, a member of the board of trustees.

The team will hear findings from all parties. Within fifteen days of the completion of formal complaint, step one, the team will be charged with submitting a decision to the designated college officer.

The appropriate designated college officer shall be:

- (i) The vice-president, educational services when the claimant of infractions of this policy is an employee of the college or when a student is complaining against an employee. When a student is involved, the dean responsible for student grievances will co-chair the investigation. However, the vice-president, educational services will assume the ultimate responsibility to see the process to conclusion.
- (ii) The dean responsible for student grievances when the claimant of infractions of this policy is a student complaining against another student.
- (iii) In the event the respondent is the vice-president, educational services or the dean responsible for student grievances, the designated college officer shall be the president. In the event the respondent is the president, the designated college officer shall be the chair of the board of trustees.

(8) **Appropriate disciplinary action.** Should the team find (unanimously) discrimination in the form of sexual harassment, the result will be immediate and appropriate action as determined by the designated college officer, which may include, but is not limited to the following order of actions:

- (a) Findings placed in personnel or student file;
- (b) Reprimand;
- (c) Suspension;
- (d) Dismissal.

In cases of suspension or employment termination, existing procedures for students, administrative, faculty or classified staff shall be followed. Administrators, paraprofessionals, vendors and other college employees and agents shall be subject to discipline as deemed appropriate by the panel and the designated college officer. The affirmative action officer shall be responsible for ensuring that disciplinary actions are carried out.

(9) **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 normal procedure will commence. Disciplinary measures chosen for repeat offenders should take into account the repeated lack of compliance by the offender and should be moved to the next level.

(10) **Nondistrict options.** At any point during these proceedings, the claimant may file concurrently with an outside agency. Claimants are encouraged to use the internal complaint procedures first. Students may file complaints

with the Office of Civil Rights, U.S. Department of Education, 2901 Third Ave., M/S 106, Seattle, WA 98121. Employees may file complaints with the Equal Employment Opportunity Commission (EEOC), 1321 Second Avenue, 7th Floor, Arcade Plaza, Seattle, WA 98101, or the Human Rights Commission, 1515 Second Avenue, Columbia Bldg. Suite 400, Seattle, WA 98101.

[Statutory Authority: RCW 28B.50.140. 96-01-077, § 132D-305-005, filed 12/18/95, effective 1/18/96.]

Chapter 132D-310 WAC ANTIDISCRIMINATION POLICY

WAC

132D-310-005 Skagit Valley College antidiscrimination policy.

WAC 132D-310-005 Skagit Valley College antidiscrimination policy. (1) **Preamble.** In March of 1992, the Skagit Valley College board of trustees adopted the dignity statement relating to an environment of equity. This statement said, in part, "A most important policy of the board of trustees of Skagit Valley College is to provide a work place in which all individuals can achieve success in a climate of equality for all people. Equity must be the guiding principle in all college matters. Because the college seeks diversity in all of its services and relationships, the dignity and rights of all people involved must be respected and preserved."

As an academically centered community, Skagit Valley College highly values and respects diversity as a necessary foundation for a healthy learning and working community. A stable, positive and collegial environment is prerequisite to the success of its members.

Adverse treatment on the basis of group or categorical membership has no value or place in the mission of Skagit Valley College. Fostering and developing values which promote open-mindedness, awareness, sensitivity and respect for differences are encouraged and will be supported.

Employees, students, visitors, vendors, and agents of the college must adhere to the following policy. Responsibility for achieving a nondiscriminatory academic and working environment lies with each member of the college community.

(2) **Policy.** It is the policy of Skagit Valley College to prohibit discrimination on the basis of race, ethnicity, national origin, ancestry, creed, color, gender*, marital/parental status, sexual orientation, age, religion, and sensory, mental or physical disability. In recognition of the fact that discrimination in any form is in violation of the mission and purpose of Skagit Valley College, the following federal guidelines will be applied to issues of discrimination: Title IX of the 1972 Education Amendments and chapter 49.60 RCW (which prohibits discrimination on the basis of race, color, religion, national origin, or sex); Title VII of the Civil Rights Act of 1964; the Rehabilitation Act of 1973; Title VI of the Civil Rights Act of 1964; the Vocational Education Act of 1963-1976; and the Americans with Disabilities Act. For the purposes of this policy, discrimination is defined as:

- (a) Exclusionary forms of conduct;

- (b) Creation of an intolerant environment; and
- (c) Malicious harassment.

* Sex discrimination in the form of sexual harassment is covered under Skagit Valley College's sexual harassment policy.

(3) **An exclusionary form of conduct** is any disparate treatment of, or adverse impact on, an individual(s) by a person(s) or a structure(s) which excludes and denies access to participation in services, programs, and activities of the college. Some types of differential treatment, such as separate toilets and locker room facilities for men and women, are considered socially acceptable.

(4) **Creation of an intolerant environment** is the result of the willful or intentional conduct of an individual or group of individuals who engage in threats, expressions (either verbal or nonverbal), physical abuse or harassment that threatens or endangers the health, safety or welfare of a member of the college community. An intolerant environment is also likely to provoke or cause an immediate breach of the peace and interfere with an individual's ability to effectively pursue his or her education or otherwise participate fully in college programs and activities.

(5) **Malicious harassment** is conduct or behavior which is maliciously and intentionally committed because of the claimant's race, ethnicity, national origin, ancestry, creed, color, gender, marital/parental status, sexual orientation, age, religion, or sensory, mental or physical disability. This conduct may include injury to the claimant or another person, damage or destruction of the property of the claimant or another person, or threats to a specific person or group of persons which places that person, or members of the specific group of persons, in reasonable fear of harm to themselves or their property.

In this policy, claimant is defined as the individual bringing forth the complaint; respondent is defined as the individual to whom the claim is directed.

If any provision of this policy is adjudged by a court to be unconstitutional or otherwise illegal, the remaining provisions shall continue in effect.

Skagit Valley College will investigate allegations of discrimination which may include, but is not limited to the following:

(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 employee in a supervisory position.

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

(e) The conduct of college agents.

(f) The conduct of employees when it occurs related to college sanctioned activities on or off campus and/or hampers the educational or college work environment.

(g) The conduct of nonemployees when it occurs related to college sanctioned activities on or off campus and/or hampers the educational or college work environment.

(h) The conduct of students in daily classes and college sanctioned activities on or off campus.

(6) **Procedures.** When a person believes that she/he has been discriminated against, the claimant may contact one

of the district's ombudspersons. Faculty and staff, if requested, shall assist the claimant in contacting an ombudsperson. The ombudsperson will provide the claimant with procedures and suggestions to enable him/her to resolve the problem or to initiate the appropriate informal or formal complaint process. All complaints shall be initiated no later than one hundred eighty days from the most recent incident. However, if a claimant can demonstrate exceptional circumstances to the appropriate designated college officer, the one hundred eighty-day reporting period limit may be waived.

The district shall have a total of two ombudspersons who shall be chosen from the protected classifications related in this policy and shall be appointed for both the Mount Vernon and Whidbey campuses. Appointment will be by the president, on the advice of the vice-president of educational services, the dean responsible for student grievances, the dean of Whidbey campus (for Whidbey personnel), the president of the Skagit Valley College education association, the president of the classified staff association, and the president of the associated students of Skagit Valley College. Appointment shall be for staggered three-year terms.

Ombudspersons shall report directly to the vice-president of educational services who shall be directly responsible for the implementation of this policy. The ombudspersons shall be responsible for receiving complaints and advising the cultural pluralism committee regarding educational efforts needed on critical discrimination issues. The ombudspersons will make every effort to ensure that neutrality is maintained throughout the process. For the purpose of this policy, the ombudsperson will act solely as a resource person and mediator and specifically will not act as an advocate for either party.

The college will carry out any investigation in such a way as to protect the rights of both the claimant and the respondent. The college recognizes that in some circumstances a change of environment may be appropriate during the investigation. If the respondent is the affirmative action officer, an ombudsperson will perform the affirmative action officer's responsibilities throughout the process. Confidentiality shall be maintained to the extent allowed by law.

(7) **Advising process.** In the event that an individual feels he or she has been the victim of discrimination, the individual may discuss the matter with an ombudsperson. The responsibility of the ombudsperson is to inform the individual of the policy and procedures regarding antidiscrimination. The advising process itself is designed to promote free and open discussion between the individual seeking information and the ombudsperson.

If an individual feels that he or she has a warranted complaint, that person may choose to proceed to the mediation process or directly to the formal process, step one.

At the conclusion of the advising process, the ombudsperson will generate an incident report. If the ombudsperson finds the complaint without merit, he/she will not generate a report nor notify the respondent. The identity of individuals involved will not be designated on the report and no record of the advising conversation will be kept. The incident reports will be forwarded to the affirmative action officer to be used to record the number and types of incidents. The college will ensure the privacy of all individuals in the generation and maintenance of incident reports.

(8) **Mediation.** When an ombudsperson receives an informal complaint of discrimination, either verbally or in writing, he/she shall discuss the informal complaint with the respondent within three working days. The purpose of the mediation process is to encourage both parties to communicate in an attempt to resolve the conflict. If a meeting occurs during this phase, both the claimant and the respondent may bring a support person. If the informal complaint appears valid, the ombudsperson shall complete a written report together with the informal complaint and any action taken including the nature of the resolution if one is reached. This report shall be forwarded to the claimant, respondent, and the affirmative action officer. The affirmative action officer will keep the report confidential for five years from the date of final decision on the complaint, after which time it is destroyed.

The mediation process shall be completed within thirty working days of receipt of the informal complaint by the ombudsperson. If a satisfactory resolution is reached, the claimant and respondent will acknowledge resolution in writing to the ombudsperson who will forward a copy of the acknowledgement to the affirmative action officer.

(9) **Formal complaint; step one.** In the event that the mediation process does not occur or does not resolve the conflict to the satisfaction of both parties, the following process will be used:

(a) If the claimant decides to pursue the complaint, he/she shall file a formal complaint in writing with the ombudsperson within ten working days of the conclusion of the mediation process or within one hundred eighty days of the event itself for those claimants who have elected to bypass the mediation process. This formal complaint must state the times, dates, places, and circumstances surrounding the allegations. The ombudsperson will forward a copy of the formal complaint to the respondent within five working days. In turn, the respondent shall forward a written response concerning the formal complaint to the ombudsperson within five working days of receiving the written formal complaint. The ombudsperson shall forward all information to the affirmative action officer in a timely manner. Materials shall be forwarded without a response if a timely response is not received.

The affirmative action officer may also begin the formal complaint; step one process, against any alleged offender who has had repeated claims filed against him or her after the person has had an opportunity to respond in an informal manner. This will be done in collaboration with the ombudsperson.

If the affirmative action officer finds that the factual allegations of the formal complaint do not present a prima facie case of discrimination, as defined under this policy, he/she shall dismiss the complaint. In making this decision, the affirmative action officer should assume that the facts alleged in the complaint are true.

If the affirmative action officer finds the complaint to be false and malicious, he/she shall dismiss the complaint. The affirmative action officer will notify the ombudsperson why the complaint has been dismissed and the ombudsperson shall file that information with the incident report. In addition to dismissing the complaint, the affirmative action

officer will refer the claimant to the designated college officer for possible disciplinary action.

(b) Within five working days of receiving materials from the ombudsperson, the affirmative action officer will review all information received and check for completeness and detail. Any concerns about procedure and documentation will be discussed with the ombudsperson, with a possible request for clarification from claimant and/or respondent.

Within the same five working day period, the affirmative action officer will forward documentation to the appropriate authority (as listed below) who will speak informally with the respondent:

Respondent	Appropriate Authority
Faculty	Associate dean or dean depending upon reporting relationships
Classified	Director/associate dean/dean depending on reporting relationships
Administrator	Immediate supervisor
Student	Dean of guidance & special populations
President	chair of board of trustees
Visitor, Vendor, Agent	Vice-president, administrative & business services

The affirmative action officer shall also provide a copy of the written formal complaint and the respondent's response to:

Respondent	Receives Copy
Faculty	Vice-president, educational services
Classified	Appropriate dean
Administrator	President
Student	Dean responsible for student grievances
President	Chair of board of trustees
Visitor, Vendor, Agent	Vice-president, administrative & business services

The ombudsperson shall keep a written record of all actions taken in an effort to resolve the formal complaint. If resolution is reached, the ombudsperson shall complete a written report of this resolution and submit copies to all parties involved.

(c) If resolution is not reached and the parties have not engaged in mediation, joint mediation will now take place. The mediation session will include both parties involved in the formal complaint and a support person or representative for each of them. The ombudsperson and the affirmative action officer will also be present (except when the affirmative action officer is the initiator of the complaint in which case the dean responsible for student grievances will serve). An ombudsperson will facilitate this session where both parties will hear each other describe the events they believe have taken place. If resolution is not reached, the case will now proceed to formal complaint; step two.

If a resolution is achieved, the ombudsperson shall complete a written report and submit copies to all parties involved. The claimant and respondent will acknowledge the resolution in writing. Documents involved in the case will be kept confidential by the affirmative action officer for five years after which time this information will be destroyed.

(d) The entire formal complaint; step one, procedure will be completed within thirty working days.

(10) **Formal complaint; step two.** If the complaint has not been dismissed and a satisfactory resolution is not achieved through formal complaint; step one, a team will be formed to conduct a fact-finding investigation as follows:

(a) The affirmative action officer (except when the affirmative action officer is the initiator, claimant, or respondent of the complaint in which case the dean responsible for student grievances will serve).

(b) A member of the standing grievance committee selected by the claimant.

(c) A member of the standing grievance committee selected by the respondent.

(d) In the case of presidential involvement, a member of the board of trustees.

The team will hear evidence and argument from all parties. In conducting a fact-finding hearing, it is important to recognize that many times potential witnesses will not be available to testify at the time of the hearing. This is particularly true for former students of this institution. Alleged acts of discrimination will often arise in settings where there may be no other direct witnesses besides the claimant and the respondent. Evidence which may be available from former complainants, or others, who are no longer available to testify is likely to be helpful to the fact-finding team in weighing the credibility of the witnesses and in evaluating alleged acts of discrimination. Liberal admissibility of evidence at the fact-finding hearing is, therefore, anticipated and encouraged with the exception of information offered during the mediation process for the purpose of resolving the complaint. Evidence admitted should be accorded whatever weight is deemed appropriate under the circumstances by the fact-finding team.

Within fifteen days of the completion of formal complaint; step two, the team will be charged with submitting a report outlining their findings to the designated college officer.

The appropriate designated college officer shall be:

(i) The vice-president, educational services, when the claimant is an employee of the college or when a student is complaining against an employee. When a student is involved, the dean responsible for student grievances will join the vice-president in determining appropriate action. However, the vice-president, educational services, will assume the ultimate responsibility in seeing the process to conclusion.

(ii) The dean responsible for student grievances when the claimant is a student complaining against another student.

(iii) In the event the respondent is the vice-president, educational services, or the dean responsible for student grievances, the designated college officer shall be the president. In the event the respondent is the president, the designated college officer shall be the chair of the board of trustees.

(11) **Disciplinary/further action.** Where discrimination has been determined to have occurred based on the results of the fact-finding team's report, the designated college officer will determine appropriate action, which may include:

- (a) Findings placed in personnel or student file;
- (b) Reprimand;
- (c) Suspension;
- (d) Dismissal.

In cases of suspension or employment termination, existing procedures for students, faculty, administrative or classified staff shall be followed. Administrators, paraprofessionals, and other college employees and agents shall be subject to discipline as deemed appropriate by the designated college officer. The affirmative action officer shall be responsible for ensuring that disciplinary actions are complied with and will report back to the designated college officer.

If the fact-finding team determines that discrimination has not occurred and that the claim is false and malicious, the claimant shall be referred to the designated college officer for possible disciplinary action.

(12) **Repeat offenses.** When an informal or formal complaint is made against someone who has been found in the past five years to have been in violation of the antidiscrimination policy, the initial procedures of this policy will commence. However, disciplinary measures chosen for repeat offenders will take into account the repeated lack of compliance by the offender and should be moved to the next level of disciplinary action.

(13) **External options.** At any point during these proceedings, the claimant may file concurrently with an outside agency. Claimants are encouraged to use the internal complaint procedures first. Students may file complaints with the Office of Civil Rights, U.S. Department of Education, 2901 Third Ave., M/S 106, Seattle, WA 98121. Employees may file complaints with the Equal Employment Opportunity Commission (EEOC), 1321 Second Avenue, 7th Floor, Arcade Plaza, Seattle, WA 98101, or the Human Rights Commission, 1515 Second Avenue, Columbia Bldg., Suite 400, Seattle, WA 98101.

[Statutory Authority: RCW 28B.50.140. 96-01-077, § 132D-310-005, filed 12/18/95, effective 1/18/96.]

Chapter 132D-315 WAC

STUDENTS WITH DISABILITIES POLICY

WAC

132D-315-005 Students with disabilities policy.

WAC 132D-315-005 Students with disabilities policy. (1) **Policy statement.** No student shall, on the basis of his or her disability, be excluded from participation in, be denied the benefits of, or otherwise be subject to discrimination under any college program or activity. Skagit Valley College is committed to providing qualified students with a disability an equal opportunity to access the benefits, rights, and privileges of college services, programs and activities, in the most integrated setting appropriate to the student's needs, in compliance with the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, and chapter 105, Laws of 1994.

Skagit Valley College is committed to providing reasonable accommodations, including core services, to qualified students with disabilities. The purpose of this policy is to identify the rights and responsibilities of students under ADA/504 and to establish clear guidelines for seeking and receiving reasonable accommodations.

To receive reasonable accommodations, students are responsible for requesting accommodations and documenting

the nature and extent of their disability in a timely manner. This policy establishes the scope of and the procedures for requesting those accommodations.

(2) **Scope.** Reasonable accommodations under this policy include, but are not limited to:

(a) Academic adjustments, such as modification of academic requirements and flexibility in test-taking arrangements;

(b) Adjustments in nonacademic services and other rules; and

(c) Auxiliary aids and services.

Skagit Valley College will make those modifications to its academic requirements that:

(i) Are necessary to ensure that those requirements do not discriminate, or have the effect of discriminating, against a qualified student with a disability based on that disability; and

(ii) Do not impose an undue hardship on the college or require alteration of essential program requirements.

Appropriate academic adjustments/reasonable accommodations will be provided to qualified students with disabilities for recruitment, the application process, enrollment, registration, financial aid, course work, academic counseling, nonacademic programs and services.

Section 202 of the 1990 Americans with Disabilities Act states:

No qualified individual with a disability shall, by reason of such disability, be excluded from the participation in or be denied the benefits of the services, programs or activities of any public entity, or be subject to discrimination by any such entity.

Section 504 of the Rehabilitation Act states:

No otherwise qualified, handicapped individual in the United States shall solely, by reasons of his/her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

(3) **Definitions.** "Reasonable accommodations" in college programs and services, are modifications of those programs, policies, practices, and procedures that enable qualified students with a disability to have an equal opportunity to benefit from and have access to college programs and services and providing auxiliary aids and services.

"Student" is a person enrolled at the college.

A "qualified student with a disability" is one who, with or without reasonable accommodations, meets the academic and technical standards required for admission to, participation in, and/or fulfilling the essential requirements of college programs or activities.

A "student with a disability" is a student who:

(a) Has a physical, mental or sensory impairment that substantially limits one or more of his/her major life activities;

(b) Has a record of such an impairment; or

(c) Is perceived to have such an impairment.

A "learning disability specialist" is a person with a masters degree in special education/learning disabilities.

"Undue hardship" is any excessively costly, extensive, substantial or disruptive modification or one that would substantially alter the nature or operation of the institution or

any of its programs or services or threaten the health or safety of the college community.

"Program accessibility" means that all programs and services, when viewed in their entirety, are accessible to persons with a disability.

"Core services" are those services listed in chapter 105, Laws of 1994, that are necessary to ensure students with disabilities are reasonably accommodated at the college.

"Course substitution" is the replacement of a specific course required for a degree program with another course that measures the same learning objectives/skills as the required course.

Disabled student services office and disabled student services coordinator serve district-wide functions.

(4) **Obligations of the college.** Skagit Valley College shall:

(a) Comply with Section 504 of the Rehabilitation Act of 1973 and Section 202 of the Americans with Disabilities Act of 1990, as amended.

(b) Notify students of the college's policy of nondiscrimination on the basis of disability and of steps the student may take if he/she believes discrimination has taken place. This notice shall be included in all formal correspondence that communicates decisions or policies adversely affecting the student's status or rights with the institution of higher education. This notice shall include the phone numbers of the United States Department of Education, U.S. Office of Civil Rights, and the Washington state human rights commission.

(c) Make available to all students information on the services available to disabled students, including the name and location of the disabled student services coordinator, and the process for accessing those services.

(d) Work with the student, faculty, and staff on a case-by-case basis, to select and provide those accommodations/core services appropriate for each qualified student with a disability.

(e) Develop procedures to protect the confidentiality of information regarding the nature and extent of the documented disability.

(f) Maintain the academic integrity of its program.

(g) Not make preadmission inquiry as to whether the applicant has a disability, except as provided by law.

(h) Work collaboratively with eligible students to determine what accommodations are reasonable and appropriate. The college may require specific documentation from the student's physician to identify the accommodations that are reasonable based on the nature and extent of a student's disability.

(5) **Obligations and rights of students.** The college is obligated to provide reasonable accommodation to a qualified student with known disability. What is appropriate for a student is a case-by-case determination. A student who seeks accommodation under this policy is responsible for documenting the nature and extent of the disability. The college will work collaboratively with the student in determining the appropriate accommodations.

To ensure that needed accommodations are provided in a timely manner, the student shall:

(a) Provide timely notice and documentation of the nature and extent of the disability, and the accommodations

requested, to the disabled student services coordinator. Some accommodations may require some time to arrange. Requests for accommodations should be received by the college six weeks prior to the beginning of the quarter for which the request is made, when possible. Lack of advance notice may delay the availability of an accommodation.

(b) Provide such additional documentation on the nature and extent of their disability as the college may require to determine appropriate accommodations. Such documentation may include, but is not limited to, identification of tests administered, test results, description of the covered disability, and recommended accommodations.

(c) Cooperate with the disabled student services coordinator to develop an appropriate curriculum plan and reasonable accommodations.

(d) Promptly notify the disabled student services coordinator of any problems encountered in receiving the agreed-upon accommodations.

(6) **Disabled student services office.** The disabled student services office is responsible for the coordination of services to qualified students with disabilities requiring reasonable accommodations.

The disabled student services office is committed to a reasonable approach in the identification of students with disabilities, including contacting all students who voluntarily self-identify during the college admission or orientation process.

Information regarding a disability will be kept confidential unless the student signs a release of information form.

The office will assist and advise each qualified student with a disability who requests accommodations under this policy in developing an instructional plan, identifying those reasonable accommodations appropriate for the student, and ensuring that the agreed-upon accommodations are provided.

(7) **Reasonable accommodations—Examples by categories.** The process of selecting reasonable accommodations for each qualified student with a disability shall be made on a case-by-case basis, appropriate to the nature and extent of the student's disability.

(8) **Academic modifications.** Academic modifications may include, but are not limited to:

(a) Flexibility in timeliness for completion of courses, certification, and degree requirements;

(b) Substitution of specific courses required for the completion of degrees;

(c) Adaptation of the manner in which specific courses are conducted;

(d) Flexibility in teaching methods and test-taking arrangements;

(e) Flexibility in credits required to satisfy institutional eligibility.

(9) **Auxiliary aids and services.**

(a) Flexible procedures in the admissions process, (early registration or priority registration);

(b) Qualified sign language, oral and tactile interpreters, or other technological alternatives;

(c) Access to adaptive equipment including, but not limited to TDDs, FM communicators, closed caption devices, amplified telephone receivers, closed circuit televisions, low-vision reading aids, player/recorders for 15/16 4-track tapes, photocopy machine able to use eleven-by-seventeen inch paper, braille devices and computer enhancements;

(d) Textbooks and other educational materials in alternative media, including, but not limited to large print, braille, electronic format, and audio tape;

(e) Provision of readers, notetakers, and/or proofreaders; and

(f) Release of syllabi, study guides, and other appropriate instructor-produced materials in advance of general distribution and access beyond the regular classroom session to slides, films, overheads, and other media, and taping of lectures.

(10) **Access.**

(a) Ongoing review and coordination of efforts to ensure campus accessibility, including barrier-free design, signage, identification of hazards of mobility barriers, maintenance of access during construction, snow and ice clearance, and adequate disability parking for all facilities;

(b) Facilitating physical access to programs and services including relocating classes, activities, and services to accessible facilities;

(c) Referral to appropriate on-campus and off-campus resources, services and agencies; and

(d) Accessibility to tutoring, mentoring, peer counseling, and academic advising, if available on campus, for students with disabilities.

(11) **Procedures for course substitutions and waivers.**

Policy. Skagit Valley College recognizes that certain disabilities may preclude a student from successfully completing a specific course requirement for a degree (for example, math) even with appropriate accommodations. Skagit Valley College recognizes its obligation to accommodate disabled students without compromising the integrity of the academic program.

Under the ADA, the college is not required to waive essential requirements of a student's program of instruction. Therefore, every student enrolled in a degree program at the college is required to meet the essential requirements of the degree program.

Skagit Valley College recognizes that altered methods of course delivery and/or providing core services will enable most disabled students to successfully complete course requirements, except in unusual circumstances. Therefore, disabled students will attempt to successfully complete required courses with accommodations.

If a student is unsuccessful in completing a course, that student may request course substitution under this policy. Waivers of degree program requirements will be rarely given, and then only after students have attempted, with appropriate reasonable accommodations, to meet those requirements.

(12) **Procedure for requesting course substitution.**

(a) Course substitutions will be approved only when such substitution is consistent with the essential degree requirements.

(b) Requests for substitution for a required course shall be considered only when a qualified student with a disability has demonstrated that, even with academic adjustments and auxiliary aids/services provided by the college, he or she is unable to successfully complete the course solely because of his/her disability.

(c) All requests for course substitution shall be submitted to the disabled student services coordinator in a timely manner and shall include the following information:

(i) A description of the accommodations previously provided to the student for the course;

(ii) An explanation of the relationship of the student's disability to the lack of success in completing the course;

(iii) The proposed substitute course, if known;

(iv) A statement by the student that he/she has made a good faith effort to complete the required course with appropriate accommodations;

(v) A statement from a medical, psychological or learning disabilities specialist who works in the field of the disability which makes this request for substitution necessary; and

(vi) A release signed by the student, authorizing the department chair, appropriate dean or associate dean, and vice-president of educational services to review the documentation on the student's disability and to contact the evaluating doctor, psychologist, or learning disabilities specialist.

(d) The disabled student services coordinator shall forward the request, with documentation through the appropriate approval process as designated below.

(13) Waiver/substitution committee.

(a) All requests for course substitutions/waivers shall be submitted through Skagit Valley College's formal waiver process. This process consists of obtaining approval from the appropriate department chair, dean or associate dean and the vice-president of educational services.

(b) Request for a course substitution shall be approved if the proposed substitution meets the learning objective of the degree requirement.

(c) The appropriate dean or associate dean shall respond in writing to all requests for course substitutions within two weeks of receiving the request. The response shall include a brief summary of the basis for the decision.

(14) Waiver of degree requirements. Requests for waiver of a program requirement will only be considered when the course substitution is not successful. The waiver request shall be considered in the same manner as provided above.

(15) Reasonable accommodation—disputes.

(a) If a student believes that the disabled student services coordinator has not identified or provided reasonable academic adjustments or auxiliary aids, that student may seek review of the coordinator's actions by the dean of guidance and special populations.

(b) The student will submit the appeal to the dean of guidance and special populations. The dean will review the student's position, and respond within five days.

(c) If resolution is not reached the dean will refer the appeal to the formal grievance process.

(d) The decision of the grievance committee is the final decision of the institution.

[Statutory Authority: RCW 28B.50.140. 96-01-077, § 132D-315-005, filed 12/18/95, effective 1/18/96.]

Title 132G WAC COMMUNITY COLLEGES— SHORELINE COMMUNITY COLLEGE

Chapters

132G-126

Reduction in force and tenure code.

132G-160

Admission and registration procedures.

Chapter 132G-126 WAC

REDUCTION IN FORCE AND TENURE CODE

WAC

132G-126-010 through 132G-126-400 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 132G-126-010 Rules and regulations governing reduction in force—Objective and definition. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. 79-06-106 (Order 12-10:79), § 132G-126-010, filed 6/6/79.] Repealed by 95-07-103, filed 3/20/95, effective 4/20/95. Statutory Authority: RCW 34.05.320.
- 132G-126-020 RIF—Procedures for determining the necessity. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. 79-06-106 (Order 12-10:79), § 132G-126-020, filed 6/6/79.] Repealed by 95-07-103, filed 3/20/95, effective 4/20/95. Statutory Authority: RCW 34.05.320.
- 132G-126-030 RIF—Layoff units. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. 79-06-106 (Order 12-10:79), § 132G-126-030, filed 6/6/79.] Repealed by 95-07-103, filed 3/20/95, effective 4/20/95. Statutory Authority: RCW 34.05.320.
- 132G-126-040 RIF—Seniority. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. 79-06-106 (Order 12-10:79), § 132G-126-040, filed 6/6/79.] Repealed by 95-07-103, filed 3/20/95, effective 4/20/95. Statutory Authority: RCW 34.05.320.
- 132G-126-050 RIF—Implementation of reduction in force. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. 79-06-106 (Order 12-10:79), § 132G-126-050, filed 6/6/79.] Repealed by 95-07-103, filed 3/20/95, effective 4/20/95. Statutory Authority: RCW 34.05.320.
- 132G-126-060 RIF—Notification, hearing and appeal. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. 79-06-106 (Order 12-10:79), § 132G-126-060, filed 6/6/79.] Repealed by 95-07-103, filed 3/20/95, effective 4/20/95. Statutory Authority: RCW 34.05.320.
- 132G-126-070 RIF—Rights of laid off academic employees. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. 79-06-106 (Order 12-10:79), § 132G-126-070, filed 6/6/79.] Repealed by 95-07-103, filed 3/20/95, effective 4/20/95. Statutory Authority: RCW 34.05.320.
- 132G-126-080 RIF—Special provisions. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. 79-06-106 (Order 12-10:79), § 132G-126-080, filed 6/6/79.] Repealed by 95-07-103, filed 3/20/95, effective 4/20/95. Statutory Authority: RCW 34.05.320.
- 132G-126-200 Tenure—Purpose. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. 79-06-106 (Order 12-10:79), § 132G-126-200, filed 6/6/79.] Repealed by 95-07-103, filed 3/20/95, effective 4/20/95. Statutory Authority: RCW 34.05.320.
- 132G-126-210 Tenure—Definitions. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. 79-06-106 (Order 12-10:79), § 132G-126-210, filed 6/6/79.] Repealed by 95-07-103,