

Chapter 132V-300 WAC

GRIEVANCE PROCEDURE—SEXUAL HARASSMENT, SEX DISCRIMINATION, AND DISABILITY DISCRIMINATION

WAC

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WAC 132V-300-010 Statement of policy. Tacoma Community College is covered by Title IX of the Education Amendments of 1972 prohibiting sex discrimination in education and Section 504 of the Rehabilitation Act of 1973 prohibiting discrimination on the basis of a documented disability. The college is committed to protecting the rights and dignity of each individual in the campus community and so will not tolerate discrimination of any kind, at any level.

It is the policy of Tacoma Community College to provide an environment in which students and applicants for admission can attend the college free from sexual harassment or sexual intimidation and discrimination on the basis of a documented disability. Persons found to have engaged in discriminatory acts will be subject to corrective action up to and including termination, suspension or expulsion from the college pursuant to appropriate procedures depending on their status as an employee or a student.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

(1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's academic standing; or

(2) Submission to or rejection of such conduct by an individual is used as the basis for academic decision affecting such individual; or

(3) Such conduct has the purpose or effect of unreasonably interfering with an individual's academic performance or creating an intimidating, hostile, or offensive educational environment.

As an institution of higher education, Tacoma Community College shall ensure that students with documented disabilities are reasonably accommodated with appropriate core services and services necessary to ensure equal success. Such accommodating will be provided in a timely manner.

[Statutory Authority: RCW 28B.50.140(13). WSR 01-24-005, § 132V-300-010, filed 11/21/01, effective 12/22/01; WSR 93-20-028, § 132V-300-010, filed 9/27/93, effective 10/28/93; WSR 93-03-078, § 132V-300-010, filed 1/19/93, effective 2/19/93.]

WAC 132V-300-020 Jurisdiction. This chapter shall serve as a Title IX/Section 504 grievance procedure for all enrolled students of and applicants for admission to Tacoma Community College.

[Statutory Authority: RCW 28B.50.140(13). WSR 01-24-005, § 132V-300-020, filed 11/21/01, effective 12/22/01; WSR 93-03-078, § 132V-300-020, filed 1/19/93, effective 2/19/93.]

(11/21/01)

WAC 132V-300-030 Grievance procedure. Internal review and consultative processes have proven to be a desirable means of resolving problems. Any enrolled student or applicant for admission to Tacoma Community College who believes he/she has been discriminated against on the basis of sex or on the basis of a disability is encouraged to resolve the complaint with the individual believed to have committed the discriminatory act. The dean for student services or designee is available to assist in resolving the complaint. At any point in the grievance process where resolution is obtained the process will be stopped. The process could also be stopped if the complainant makes such a request. Flexibility in the grievance process is important due to the sensitivity of the issues and the individuality of each situation. The following steps are guidelines useful in proceeding with the grievance process:

(1) Step 1: Filing the complaint with the college official.

(a) Sexual discrimination/harassment complaints shall be lodged with the Title IX officer. Disability discrimination complaints shall be lodged with the 504 officer.

(b) The complainant shall file a written complaint with the designated college officer describing the specific grievance(s), including dates, times, places, circumstances, and any witnesses. A copy of the written complaint will be provided to the person to whom the grievance is directed, referred to as the respondent.

(2) Step 2: Within ten instructional days of receiving the written complaint, the designated college officer shall arrange a meeting to hear the complaint and initiate an investigation if warranted. It shall be at the discretion of the college official to determine whether the officer will meet with the complainant and the respondent separately or in a single meeting. Throughout the investigation, the college official may call witnesses, including those persons identified by the complainant and by the respondent, as well as any other persons who may have information relevant to the investigation.

At this step and all subsequent steps in the grievance procedure, the complainant may elect to be advised by an attorney or other advocate in preparing and presenting the grievance. The respondent may choose to be represented by his/her union if a member of a recognized union with the college or may be advised by an attorney in preparing and responding to the grievance. The complainant or respondent shall notify the appropriate college officer at least five instructional days in advance if he/she is being advised by an attorney. In any case, the college may choose to be assisted by an assistant attorney general.

(3) Step 3: Following the investigation and within thirty calendar days of receiving the written request, the college officer will report his/her findings, conclusions and any actions taken by the college to resolve the complaint in writing to both the complainant and the respondent. This decision

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is final. The complainant or student respondent may, however, appeal concerns to the student rights and responsibilities hearing committee.

[Statutory Authority: RCW 28B.50.140(13). WSR 01-24-005, § 132V-300-030, filed 11/21/01, effective 12/22/01; WSR 93-20-028, § 132V-300-030, filed 9/27/93, effective 10/28/93; WSR 93-03-078, § 132V-300-030, filed 1/19/93, effective 2/19/93.]

WAC 132V-300-035 Procedural appeal to the student rights and responsibilities hearing committee. Either the complainant or the student respondent may appeal a procedural concern(s) to the student rights and responsibilities hearing committee.

(1) Step 1: The appeal must be submitted in writing through the office of the dean for student services within ten calendar days of written notification of the results of the investigation by the college official.

(2) Step 2: Within ten calendar days of receiving the appeal request, the student rights and responsibilities hearing committee will review the investigation process and report in writing a recommendation to the college official with a copy to both the complainant and the respondent.

(3) Step 3: Within ten calendar days the college official shall review the recommendation of the student rights and responsibilities hearing committee and make a final determination whether to uphold or reopen the investigation. The decision of the college officer shall be final.

If desired, inquiries or appeals beyond the institutional level may be directed to:

(a) United States Department of Education, Office of Civil Rights, 915 2nd Avenue, Room 3310, Seattle, Washington 98174-1099.

(b) United States Equal Employment Opportunity Commission, 909 First Avenue, Suite 404, Seattle, Washington 98104.

(c) The Washington State Human Rights Commission, 711 South Capitol Way, Suite 402, PO Box 42490, FJ-41, Olympia, Washington 98504-2490.

(d) City of Tacoma, Human Rights Department, 747 Market Street, Room 808, Tacoma, Washington 98402.

(e) Current telephone numbers for the above agencies are available in the office of the dean for student services.

[Statutory Authority: RCW 28B.50.140(13). WSR 01-24-005, § 132V-300-035, filed 11/21/01, effective 12/22/01.]