

Chapter 132I-300 WAC

GRIEVANCE PROCEDURES—TITLE IX—HANDICAPPED

WAC

132I-300-010 Statement of policy.
132I-300-020 Discrimination and sexual harassments complaints—Procedure.

WAC 132I-300-010 Statement of policy. The college provides equal opportunity in education and employment and does not discriminate on the basis of race, color, national origin, age, disability, sex, sexual orientation, marital status, creed, religion, or status as a veteran of war as required by Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, RCW 49.60.030 and their implementing regulations. Prohibited sex discrimination includes sexual harassment (unwelcome sexual conduct of various types).

Sexual harassment is a form of sex discrimination. It occurs in a variety of situations which share a common element: The inappropriate introduction of sexual activities or comments into the work or learning situation, the creation of relationships of unequal power and/or elements of coercion, such as requests for sexual favors as a criterion for granting work, study, or grading benefits. Sexual harassment may also involve relationships among peers of repeated sexual advances or demeaning verbal behavior resulting in a harmful effect on a person's ability to study or work in the academic setting. In addition, third parties may submit claims if a sexual relationship unfairly confers preferential treatment to participant(s) in the relationship.

[Statutory Authority: RCW 28B.50.140. WSR 12-16-111, § 132I-300-010, filed 8/1/12, effective 9/1/12. Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. WSR 92-15-115, § 132I-300-010, filed 7/21/92, effective 8/21/92.]

WAC 132I-300-020 Discrimination and sexual harassments complaints—Procedure. (1) Any student or employee who believes that he or she has been the subject of discrimination or sexual harassment, should report the incident or incidents to the chief human resources officer, the administrator so designated by the college president, hereafter referred to as the CHRO. If the complaint is against that official, 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 incident(s) of discrimination or sexual harassment.

(2) All reports of incident(s) will be forwarded to the CHRO for coordination and a determination on how to process the complaint.

(3) The student or employee who files a complaint alleging discrimination or sexual harassment (the complainant) may submit a brief written statement of allegations to the CHRO. If the complainant does not submit a written statement, the CHRO shall prepare a statement of facts which is approved by the complainant. That statement will be for-

warded as well to the subject of the complaint, who may choose to submit a response.

(4) The CHRO shall appoint a college employee to investigate the complaint. The CHRO shall inform the complainant and respondent(s) of the appointment.

(5) The college representative shall conduct an investigation based upon the written statement submitted by the complainant and, if applicable, respondent(s). If the complainant did not file a written statement, the representative shall conduct an investigation based upon the statement prepared by the CHRO.

(6) The college representative shall conduct a thorough investigation. The investigation shall include, but is not limited to, providing the complainant and the respondent the opportunity to state their positions, interviewing witness, and reviewing relevant documents. The investigation shall be concluded within a reasonable time, normally thirty days.

(7) At the conclusion of the investigation the college representative shall set forth his or her findings and recommendations in writing. The representative shall send a copy of the findings and recommendations to the CHRO.

(8) The CHRO shall consider the findings and recommendations of the representative. The CHRO shall determine whether disciplinary action may be appropriate. If the CHRO so recommends, he or she will consult with the respondent's appointing authority regarding possible personnel action. These options may include voluntary training/counseling, development of a remediation plan, or formal discipline. The CHRO shall advise the complainant and respondent of the college's decision.

(9) If the CHRO and respondent's appointing authority determine that disciplinary actions should be instituted against an employee the applicable provisions of employee rights and responsibilities shall be followed. These provisions include but are not limited to, state and federal constitutional and statutory provisions, rules Washington office of financial management, collective bargaining agreements, and college policies.

(10) If the CHRO determines that disciplinary action should be instituted against a student, the applicable provisions of the college student code shall be followed.

(11) If the CHRO determines that disciplinary action is not appropriate and the complainant disagrees, the complainant may appeal, in writing, to the president.

(12) The procedures regarding complaints of discrimination shall be published and distributed as determined by the president or president's designee. Any person who believes he or she has been subjected to sexual harassment will be provided a copy of this policy and procedure.

[Statutory Authority: RCW 28B.50.140. WSR 12-16-111, § 132I-300-020, filed 8/1/12, effective 9/1/12. Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. WSR 92-15-115, § 132I-300-020, filed 7/21/92, effective 8/21/92.]