

Chapter 495D-300 WAC

GRIEVANCE POLICIES AND PROCEDURES—DISCRIMINATION

WAC

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WAC 495D-300-010 Preamble. Lake Washington Institute of Technology is covered by the Age Discrimination in Employment Act, Titles VII and IX of the Civil Rights Act of 1964, by section 504 of the Rehabilitation Act of 1974, chapter 49.60 RCW, and the Americans With Disabilities Act. The college prohibits discrimination on the basis of race, color, religion, marital status, age, handicap/disability, national origin, sex, sexual orientation, sexual harassment, or any other unlawful basis. Any applicant for admission, enrolled student, applicant for employment, or employee of Lake Washington Institute of Technology who believes she/he has been discriminated against may lodge an institutional grievance by following the procedures below.

[Statutory Authority: RCW 28B.50.140(13). WSR 11-19-083, § 495D-300-010, filed 9/20/11, effective 10/21/11. Statutory Authority: RCW 28B.50.140. WSR 92-15-081, § 495D-300-010, filed 7/16/92, effective 8/16/92.]

WAC 495D-300-015 Policy statement on disabilities. Students with documented disabilities as defined in PL 101-336 who meet admission qualifications will be provided reasonable accommodation. Accommodations may be made in the style of instructional delivery, method of evaluation, or curricular aides. The college will not lower the standard measurement of competency for the certificate of merit or the standards for a degree.

Specific support services and auxiliary aids will be determined prior to registration. State vocational rehabilitation agencies or common school districts charged with providing support to handicapped students will retain primacy of responsibility for necessary auxiliary aids.

Lake Washington Institute of Technology encourages all students to achieve the highest level of skill development possible, as well as to achieve the ability to function independently in the workplace. Therefore, accommodations will be provided on a decreasing basis to the extent that the student's reasonable requirements diminish as the student becomes increasingly successful in training and nears job placement.

[Statutory Authority: RCW 28B.50.140(13). WSR 11-19-083, § 495D-300-015, filed 9/20/11, effective 10/21/11. Statutory Authority: RCW 28B.50-140. WSR 92-15-081, § 495D-300-015, filed 7/16/92, effective 8/16/92.]

WAC 495D-300-020 Informal procedure. All employees and students should feel free to discuss perceived discrimination with the individual immediately in charge,

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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 college affirmative action officer, or coordinator for disabled student services for grievances related to handicap/disability, without making a formal written complaint, and this consultation will be considered confidential. Employees and students are not required to use the informal process and may go directly to the formal procedure.

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

[Statutory Authority: RCW 28B.50.140. WSR 92-15-081, § 495D-300-020, filed 7/16/92, effective 8/16/92.]

WAC 495D-300-030 Formal procedure. Employees and students must make a written complaint concerning discriminatory behavior to the affirmative action officer or designee.

(1) Complaints will be held in confidence. No action against the person accused will ordinarily be taken on behalf of the complainant unless the complainant consents to be identified to the one accused in connection with the investigation, although the college reserves all rights to take appropriate corrective measures regardless of actions of the complainant.

(2) The complainant may bring a person of his or her 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 will be communicated to the complainant before any further action is taken. The affirmative action officer or designee will be responsible for investigating the complaint and discussing the complaint with the complainant and the accused.

(5) The affirmative action officer will make a written report and/or recommendation to the appointing authority or appropriate disciplinary authority within a reasonable time following the close of the investigation or meeting. An informal meeting may be substituted for investigation if the complainant and the accused agree.

(6) Appropriate corrective measures, if any, will be decided by the appointing disciplinary authority upon consultation with the affirmative action officer and the appropriate administrators and consistent with applicable bargained agreement provisions and state statutes. If an accused employee or student disagrees with the determination or appropriateness of the corrective measures, that individual

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may contest those measures through any available faculty or classified grievance procedures, if they are covered by a bargained agreement, or the student disciplinary code.

(7) In the absence of an applicable grievance procedure under a collective bargaining agreement, the accused employee or student may, within thirty days of the corrective measure(s), file with the executive vice president for instruction or vice president for administrative services a written request for adjudication. That vice president shall meet with the employee or student to determine whether the matter should be heard as a regular or brief adjudicative proceeding. That vice president shall be the presiding officer for the proceeding.

(8) The presiding officer may affirm, modify, or reverse the corrective measure(s).

(9) The decision of the presiding officer shall be final unless, within twenty-one days after it is served, a party files with the president a written request for administrative review or the president or designee decides to conduct such review.

(10) 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: RCW 28B.50.140. WSR 92-15-081, § 495D-300-030, filed 7/16/92, effective 8/16/92.]

WAC 495D-300-040 Other remedies. These procedures outlined in WAC 495D-300-010 through 495D-300-030, are internal college procedures and, as such, serve to resolve complaints within the college's administrative framework. These procedures do not replace an individual's timely 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: RCW 28B.50.140. WSR 92-15-081, § 495D-300-040, filed 7/16/92, effective 8/16/92.]