

Chapter 495C-300 WAC
GRIEVANCE RULES—DISCRIMINATION AND HARASSMENT

Last Update: 2/22/16

WAC

495C-300-010 Preamble.
495C-300-030 Investigation procedure.
495C-300-040 Other remedies.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

495C-300-020 Informal procedure. [Statutory Authority: RCW 28B.50.140, 42.30.075 and 1991 c 238. WSR 92-19-091, § 495C-300-020, filed 9/16/92, effective 10/17/92.] Repealed by WSR 16-06-026, filed 2/22/16, effective 3/24/16. Statutory Authority: RCW 28B.50.140.

WAC 495C-300-010 Preamble. Clover Park Technical 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, honorably discharged veteran or military status, or use of a 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. To this end, Clover Park Technical College has enacted policies prohibiting discrimination against and harassment of members of these protected classes.

Any employee, applicant, student or visitor of the college may file a complaint. Complaints may be submitted in writing or verbally. The college encourages the timely reporting of any incidents of discrimination or harassment to the college's Title IX coordinator or via the form provided on the college's web site.

[Statutory Authority: RCW 28B.50.140. WSR 16-06-026, § 495C-300-010, filed 2/22/16, effective 3/24/16. Statutory Authority: RCW 28B.50.140, 42.30.075 and 1991 c 238. WSR 92-19-091, § 495C-300-010, filed 9/16/92, effective 10/17/92.]

WAC 495C-300-030 Investigation procedure. Upon receiving a discrimination complaint, the college shall commence an impartial investigation. The Title IX/equal educational opportunity (EEO) coordinator shall be responsible for overseeing all investigations. Investigations may be conducted by the Title IX/EEO coordinator or his or her designee. If the investigation is assigned to someone other than the Title IX/EEO coordinator, the Title IX/EEO coordinator shall inform the complainant and respondent(s) shall be notified of the appointment of the investigator.

Interim measures. The Title IX/EEO coordinator may impose interim measures to protect the complainant and/or respondent pending the conclusion of the investigation. Interim measures may include, but are not limited to, imposition of no-contact orders, rescheduling classes, temporary work reassignments, referrals for counseling or medical as-

sistance, and imposition of summary discipline on the respondent consistent with the college's student conduct code or the college's employment policies and collective bargaining agreements.

Investigation. Complaints shall be thoroughly and impartially investigated. The investigation shall include, but is not limited to, interviewing the complainant and the respondent, relevant witnesses, and reviewing relevant documents. The investigation shall be concluded within a reasonable time, normally sixty days barring exigent circumstances. At the conclusion of the investigation the investigator shall set forth his or her findings and recommendations in writing. If the investigator is a designee, the investigator shall send a copy of the findings and recommendations to the Title IX/EEO coordinator. The Title IX/EEO coordinator shall consider the findings and recommendations and determine, based on a preponderance of the evidence, whether a violation of the discrimination and harassment policy occurred, and if so, what steps will be taken to resolve the complaint, remedy the effects on any victim(s), and prevent its recurrence. Possible remedial steps may include, but are not limited to, referral for voluntary training/counseling, development of a remediation plan, limited contact orders, and referral and recommendation for formal disciplinary action. Referrals for disciplinary action will be consistent with the student conduct code or college employment policies and collective bargaining agreements.

Written notice of decision. The Title IX/EEO coordinator will provide each party and the appropriate student services administrator or appointing authority with written notice of the investigative findings and of actions taken or recommended to resolve the complaint, subject to the following limitations. The complainant shall be informed in writing of the findings and of actions taken or recommended to resolve the complaint, if any, only to the extent that such findings, actions or recommendations directly relate to the complainant, such as a finding that the complaint is or is not meritorious or a recommendation that the accused not contact the complainant. The complainant may be notified generally that the matter has been referred for disciplinary action. The respondent shall be informed in writing of the findings and of actions taken or recommended to resolve the complaint and shall be notified of referrals for disciplinary action. Both the complainant and the respondent are entitled to review any final findings, conclusions, and recommendations, subject to any FERPA confidentiality requirements.

Informal dispute resolution. Informal dispute resolution processes, like mediation, may be used to resolve complaints, when appropriate. Informal dispute resolution shall not be used to resolve sexual discrimination complaints without written permission from both the complainant and the respondent. If the parties elect to mediate a dispute, either party shall be free to discontinue mediation at any time. In no event shall mediation be used to resolve complaints involving allegations of sexual violence.

Final decision/reconsideration. Either the complainant or the respondent may seek reconsideration of the decision by the Title IX/EEO coordinator. Requests for reconsideration shall be submitted in writing to the Title IX/EEO coordinator within seven days of receiving the decision. Requests must specify which portion of the decision should be reconsidered and the basis for reconsideration. If no request for reconsideration is received within seven days, the decision becomes final. If a request for reconsideration is received, the Title IX/EEO coordinator shall respond within fourteen days. The Title IX/EEO coordinator shall respond within fourteen days. The Title IX/EEO coordinator shall respond within fourteen days.

dinator shall either deny the request or, if the Title IX/EEO coordinator determines that the request for reconsideration has merit, issue an amended decision. Any amended decision is final and no further reconsideration is available.

[Statutory Authority: RCW 28B.50.140. WSR 16-06-026, § 495C-300-030, filed 2/22/16, effective 3/24/16. Statutory Authority: RCW 28B.50.140, 42.30.075 and 1991 c 238. WSR 92-19-091, § 495C-300-030, filed 9/16/92, effective 10/17/92.]

WAC 495C-300-040 Other remedies.

ADDITIONAL COMPLAINT OPTIONS

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:

- Lakewood Police Department, 253-830-5000
- Pierce County Sheriff, 253-798-4721 (select option 1)

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

OTHER DISCRIMINATION COMPLAINT OPTIONS

Discrimination complaints may also be filed with the following federal and state agencies:

Washington State Human Rights Commission
<http://www.hum.wa.gov/index.html>
U.S. Department of Education Office for Civil Rights
<http://www2.ed.gov/about/offices/list/ocr/index.html>
Equal Employment Opportunity Commission
<http://www.eeoc.gov/>

[Statutory Authority: RCW 28B.50.140. WSR 16-06-026, § 495C-300-040, filed 2/22/16, effective 3/24/16. Statutory Authority: RCW 28B.50.140, 42.30.075 and 1991 c 238. WSR 92-19-091, § 495C-300-040, filed 9/16/92, effective 10/17/92.]