



HUMAN RESOURCES

Proposed changes to Washington Administrative Code

Chapter 495C-300: Grievance Rules –Title IX

Chapter 495C-300 WAC

GRIEVANCE RULES—TITLE IX

WAC Sections

495C-300-010

Preamble.

~~Clover Park Technical College is covered by Title IX of the Civil Rights Act of 1964 prohibiting sex discrimination in education. Applicants for admission, enrolled students, applicants for employment, or employees of Clover Park Technical College who believe they have been discriminated against on the basis of sex may lodge an institutional grievance by following the procedures below.~~

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 website.

[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.]



495C-300-020

~~Informal procedure.~~

~~All employees and students should feel free to discuss perceived discrimination with the individual immediately in charge, 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 designee without making a formal written complaint, and this consultation may 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 complaint 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.]~~

495C-300-030

~~Formal procedure. Investigation Procedure~~

~~Step one: Employees and students must make a written complaint concerning discriminatory behavior to the affirmative action officer or designee.~~

~~(1) Complaints may be held in confidence. Formal action against the person accused may not be taken on behalf of the complainant unless the complainant consents to be identified to the one accused in connection with the investigation.~~

~~(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 may be communicated to the complainant before any further action is taken.~~

~~(5) An informal hearing may be substituted for investigation if the complainant and the accused agree. The affirmative action officer or designee will be responsible for investigating the complaint and discussing the complaint with the accused. The affirmative action officer will make a written recommendation to the president within a reasonable time following the close of the investigation or hearing.~~

~~(6) Appropriate corrective measures will be decided by the president of the college upon consultation with the affirmative action officer and the appropriate administrators or supervisors involved. If an accused employee or student disagrees with the determination or appropriateness of the corrective measures, that individual may contest those measures through~~



the appropriate staff grievance procedures, if they are covered by an agreement, or the student disciplinary code.

~~(7) 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.~~

Upon receiving a discrimination complaint, the College shall commence an impartial investigation. The Title IX / 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 assistance, 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 14 days. The Title IX / EEO Coordinator 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](#), [42.30.075](#) and 1991 c 238. WSR 92-19-091, § 495C-300-030, filed 9/16/92, effective 10/17/92.]

495C-300-040

Other remedies.

~~These procedures outlined in WAC [495C-300-010](#) through [495C-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.~~

CRIMINAL COMPLAINTS

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 (#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), <http://www.hum.wa.gov/index.html>

[US Department of Education Office for Civil Rights](http://www2.ed.gov/about/offices/list/ocr/index.html), <http://www2.ed.gov/about/offices/list/ocr/index.html>

[Equal Employment Opportunity Commission](http://www.eeoc.gov/), <http://www.eeoc.gov/>

[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.]