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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 VI of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, RCW 49.60.030 and their implementing regulations. Prohibited gender based discrimination includes sexual harassment

Harassment is defined, for the purpose of this policy, as unwelcome and unauthorized patterns of conduct, based on a person's or persons' race, color, religious belief, sex, marital status, sexual orientation, gender identity or expression, national or ethnic origin, disability, veteran status or age, and which

- a) The harasser either knows, or should know, will have the effect of making the College environment hostile, intimidating, or demeaning to the victim, and
- b) in fact is sufficiently, severe, persistent or pervasive to substantially deny or limit that person's ability to benefit from or fully participate in educational programs or activities or employment opportunities

Sexual Harassment is defined, for the purposes of this policy as follows: unwelcome sexual advances, requests, and other unwelcome conduct of a sexual nature where:

- a) submission to such conduct is made, either expressly or implicitly, a term or condition of an individual's employment or education; or
- b) submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting any individual; or
- c) such unwelcome conduct is sufficiently severe, persistent or pervasive to have the effect of substantially interfering with any individual's academic or professional performance

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ADMINISTRATIVE PROCEDURE—DISCRIMINATION AND HARASSMENT

_____ 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, 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 VII 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. _____ College has enacted policies prohibiting discrimination and harassment. Any individual found to be in violation of College discrimination and harassment policies and procedures will be subject to disciplinary action up to and including dismissal from the college or from employment.

The College will follow the procedures contained in this document for all discrimination and/or sexual harassment complaints brought by employees, students or visitors to the campus. Any employee, student or visitor who believes that he or she has been the subject of discrimination or sexual harassment should report the incident or incidents to the following College Official listed below. 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 incidents of discrimination or sexual harassment.

Name:

Title: Chief Human Resources Officer, Title IX Officer/EO/AA Officer

Office:

Contact info:

The Title IX Officer or designee:

- Will accept all complaints and referrals from College employees, students, and visitors
- Will keep accurate records of all complaints and referrals for the required time period
- May conduct investigations
- May impose interim remedial measures to protect parties during investigations of sexual misconduct
- Will make findings of fact on investigations completed
- May recommend specific corrective measures to stop, remediate, and prevent the recurrence of inappropriate action.

A. DEFINITIONS

1. **Complainant:** employee(s), student(s) or visitor(s) of _____ College who alleges that she or he has been subjected to discriminatory practices or sexual conduct.
2. **Respondent:** person or persons who are members of the campus community who allegedly discriminated against or harassed another person or persons.
3. **Complaint:** a description of facts that allege violation of the College's policy against discrimination or sexual misconduct. The College has an official formal complaint form for documenting alleged discrimination or harassment. This form is available online under policies and procedures on the human resources webpage. Hardcopies of the form are located in the human resources office and/or student office on campus.
4. **Discriminatory Harassment:** a form of discrimination consisting of physical or verbal conduct that (1) denigrates or shows hostility toward an individual because of their race, creed, color, religion, national or ethnic origin, parental status or families with children, marital status, sex (gender), sexual orientation, gender identity or expression,

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1 age, genetic information, honorably discharged veteran or military status, or the presence
2 of any sensory, mental, or physical disability, or the use of a trained dog guide or service
3 animal by a person with a disability, or any other prohibited basis; and (2) is sufficiently
4 severe or pervasive so as to substantially interfere with the individual's employment,
5 education or access to college programs, activities and opportunities.
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7 Examples of behaviors that may rise to the level of discriminatory harassment include
8 but are not limited to the following:
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- 10 a. Racial epithets, "jokes," offensive or derogatory comments, or other verbal or
11 physical conduct based on an individual's race/color.
- 12 b. Ethnic slurs, workplace graffiti, or other offensive conduct directed towards an
13 individual's birthplace, ethnicity, culture, or foreign accent.
- 14 c. Verbal or physical abuse, "jokes" or offensive comments based on an individual's
15 age, gender, disability, or sexual orientation.
- 16 d. Making, posting, e-mailing, or circulating demeaning or offensive pictures,
17 cartoons or other materials in the workplace that relate to race, ethnic origin,
18 gender or one of the other protected categories listed above.

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23 5. **Investigation:** The Title IX Officer may appoint a designee to investigate the complaint.
24 The Officer shall inform the complainant and respondent of the appointment. The
25 College representative shall conduct an investigation based upon the submitted
26 complaint from the complainant or prepared by the Officer.

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28 6. **Resolution:** a process that attempts a complaint resolution agreeable to a complainant
29 using methods which may include, counseling, supporting, mediating, discipline or
30 otherwise facilitating the resolution of the complaint. No Title IX complainant will be
31 required to have face to face interaction with an alleged perpetrator in any informal
32 resolution or mediation.

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34 7. **Discrimination:** Unfavorable treatment of another person based on that person's race,
35 color, national origin, age, disability, sex, sexual orientation, marital status, creed,
36 religion, or status as a veteran that is sufficiently severe or pervasive so as to
37 substantially deny or limit that person's ability to benefit from or fully participate in
38 educational programs or activities or employment opportunities

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40 8. **Sexual Misconduct:** A range of behaviors including sexual harassment, sexual assault
41 and sexual violence.

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43 9. **Sexual Harassment:** For the purposes of this policy sexual harassment is defined as
44 unwelcome verbal or physical conduct of a sexual nature that is sufficiently severe,
45 persistent or pervasive that it substantially interferes with, limits, or deprives the victim of
46 the ability to participate in, or benefit from the college's educational program or activities
47 or employment benefits or opportunities.

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49 Sexual harassment may be either "quid pro quo" when being asked to subject
50 oneself to unwelcome advances in exchange for something else; or "hostile
51 environment" which may occur when another's unwelcomed conduct of a sexual
52 nature is sufficiently severe, persistent or pervasive such that it substantially limits
53 one's ability to work or participate in an educational program.

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55 Examples of behaviors that may rise to the level of sexual harassment and, therefore,
56 are prohibited include but are not limited to the following:
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- 1 a. Physical assault.
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- 3 b. Direct or implied threats that submission to sexual advances will be a condition of
- 4 employment, work status, promotion, grades, or letters of recommendation.
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- 6 c. A pattern of behaviors that is unwelcome and severe or pervasive, resulting in
- 7 unreasonable interference with the work or educational environment, and may
- 8 include but is not limited to the following:
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- 10 i. Comments of a sexual nature.
- 11 ii. Sexually explicit statements, questions, jokes, or anecdotes.
- 12 iii. Unnecessary or undesirable touching, patting, hugging, kissing, or brushing
- 13 against an individual's body.
- 14 iv. Remarks of a sexual nature about an individual's clothing, body, or
- 15 speculations about previous sexual experiences.
- 16 v. Persistent, unwanted attempts to change a professional relationship to an
- 17 amorous relationship.
- 18 vi. Subtle propositions for sexual activity or direct propositions of a sexual
- 19 nature.
- 20 vii. Uninvited letters, e-mails, telephone calls, or other correspondence referring
- 21 to or depicting sexual activities.
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24 B. WHO MAY FILE A COMPLAINT?

25 Any employee, student or visitor of the College may file a complaint. The employee,
26 student or visitor is referred to as a complainant and can file a complaint on his or her
27 behalf. A complaint cannot be filed on behalf of another person.

28 C. CONFIDENTIALITY AND RIGHT TO PRIVACY

29 _____ College will seek to protect the privacy of all the parties involved to the full extent
30 possible, consistent with the legal obligation to investigate, take appropriate remedial
31 and/or disciplinary action, and comply with the federal and state law, as well as _____
32 College policies and procedures. _____ College cannot guarantee complete
33 confidentiality.
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35 D. COMPLAINT PROCEDURE

36 Any person who believes that he or she has been the subject of discrimination or sexual
37 harassment, should report the incident or incidents to the Title IX Coordinator. If the
38 complaint is against that official, the complainant should report the matter to the
39 president's office for referral to an alternate designee. The college encourages the timely
40 reporting of any incident(s) of discrimination or sexual harassment.

41 All reports of incident(s) will be forwarded to the Title IX Coordinator for coordination and
42 a determination on how to process the complaint.

43 The complainant alleging discrimination or sexual harassment may submit a brief written
44 statement of allegations. to the Title IX Officer. Complaints shall be signed, dated, include
45 names, description and date of the incident, and the remedy sought. If the complainant
46 does not submit a written statement, the Title IX Coordinator shall prepare a statement of
47 facts which is reviewed by the complainant.

48 The Title IX Coordinator may appoint a designee to investigate the complaint. The Title IX
49 Coordinator shall inform the complainant and respondent(s) of the appointment.
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2 The investigator shall conduct a thorough investigation. The investigation shall include,
3 but is not limited to, interviewing the complainant and the respondent, relevant witnesses,
4 and reviewing relevant documents. The investigation shall be concluded within a
5 reasonable time, normally sixty days, barring exigent circumstances. In cases of
6 complaints of sexual misconduct, the Title IX Coordinator may impose interim measures
7 to protect the parties pending the conclusion of the investigation.
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9 At the conclusion of the investigation the investigator shall set forth his or her findings
10 and recommendations in writing. If the investigator is a designee, the investigator shall
11 send a copy of the findings and recommendations to the Title IX Coordinator.
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13 The Title IX Coordinator shall consider the findings and recommendations and determine,
14 based on a preponderance of the evidence, whether a violation of the discrimination and
15 harassment policy occurred, and if so, what steps will be taken to resolve the complaint,
16 remedy the effects on any victim(s), and prevent its recurrence. The Title IX Coordinator
17 will issue a decision in writing to each party. Possible remedial steps may include, but
18 are not limited to, referral for voluntary training/counseling, development of a remediation
19 plan, limited contact orders, and referral and recommendation for formal disciplinary
20 action. Referrals for disciplinary action will be made to the appropriate student services
21 administrator or appointing authority, consistent with the student conduct code, college
22 policies and collective bargaining agreements
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25 The complainant shall be informed of the decision and of actions taken or recommended
26 to resolve the complaint, if any, that are directly related to the complainant, such as a
27 recommendation that the accused not contact the complainant. The complainant may be
28 notified generally that the matter has been referred for disciplinary action, but shall not be
29 informed of the details of the recommended disciplinary action without the consent of the
30 respondent. The respondent shall be informed of the decision and of actions taken or
31 recommended to resolve the complaint and shall be notified of referrals for disciplinary
32 action and recommended disciplinary action. Both the complainant and the respondent
33 are entitled to review any final findings, conclusions, recommendations and investigatory
34 reports, subject to any FERPA confidentiality requirements.
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36 Final Decision/Reconsideration. Either the complainant or the respondent may seek
37 reconsideration of the decision by the Title IX Coordinator. Requests for reconsideration
38 shall be submitted in writing to the Title IX Coordinator within 7 days of receiving the
39 decision. Requests must specify which portion of the decision should be reconsidered
40 and the basis for reconsideration. If no request for reconsideration is received within 7
41 days, the decision becomes final. If a request for reconsideration is received, the Title IX
42 Coordinator shall respond within _____ days. The Title IX Coordinator shall either deny
43 the request or, if the Coordinator determines that the request for reconsideration has
44 merit, issue an amended decision. Any amended decision is final and no further
45 reconsideration is available.
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47 The procedures regarding complaints of discrimination shall be published and distributed
48 as determined by the president or president's designee. Any person who believes he or
49 she has been subjected to sexual harassment will be provided a copy of this policy and
50 procedure.
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52 53 **E. LIMITS TO AUTHORITY**

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55 Nothing in this procedure shall prevent the College President or designee from taking
56 immediate disciplinary action in accordance with _____ College policies and
57 procedures, and federal, state, and municipal rules and regulations.

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F. NON-RETALIATION, INTIMIDATION AND COERCION

Retaliation by, for or against any participant (complainant, respondent, or witness) is expressly prohibited. Retaliatory action of any kind taken against individuals as a result of seeking redress under the applicable procedures or serving as a witness in a subsequent investigation dealing with harassment/discrimination is prohibited and is conduct subject to discipline. Any person who thinks he/she has been the victim of retaliation should contact the Title IX Officer/EO/AA Officer immediately.

G. OTHER COMPLAINT OPTIONS

An employee or student may always file a complaint with:

Washington State Human Rights Commission at (800) 233-3247 or TDD (800) 300-7525, or
U. S. Department of Education Office for Civil Rights at (800)421-3481 or TDD (877) 521-2172 or
Equal Employment Opportunity Commission at (800) 669-4000 or TDD (800) 669-6820.

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1 If you wish to file a formal complaint involving alleged discrimination and/or harassment please write
2 clearly and specifically addressing alleged discrimination and/or harassment. All formalized complaints
3 shall be signed and dated, and shall include the following information: the date and time of the alleged
4 incidents(s); the name of the individual or group whom the complaint is against, if known; a description of
5 the incident(s); and the remedy sought. Complaints shall be filed within 30 days of the event unless there
6 are extraordinary circumstances that prohibit the complainant from reporting the alleged discrimination or
7 harassment.

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9 Name filing the complaint: _____ Date filing the complaint: _____

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11 Please describe the alleged incident:
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47 Signature: _____ Date: _____
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50 You may use the back side of this sheet if needed. Please return this form to the executive director of
51 human resources.