

Policy Type: Human Resources
Policy Title: Nondiscrimination Policies & Discrimination Complaint
Procedures
Policy Number: HR-22

Purpose

To enforce the Board of Trustee's position prohibiting discrimination at Green River Community College and to set forth the investigation and complaint handling procedures for discrimination claims.

Scope

These nondiscrimination policies and procedures apply to discrimination complaints arising from all programs and activities of Green River Community College, including, but not limited to, admissions, educational programs, employment practices, and other college-sponsored programs.

Definitions

Complainant: A person who alleges that she/ he has suffered an act of unlawful discrimination committed by an employee or student of the college and who has made an informal or formal complaint to that effect under these procedures.

Respondent: The person who is alleged in a complaint to have violated this policy by committing an act of unlawful discrimination.

Investigator: The person who is responsible for investigating a formal complaint and making a determination regarding its merits.

VPHR: The Vice President for Human Resources or successor employee who is responsible for the Human Resources functions of the college. This person has institutional authority over the investigation and other processing of discrimination complaints at the college. The VPHR is the designated compliance officer under Titles VII and IX of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990.

Policy

Green River Community College is committed to the principle of equal opportunity in education and employment. The college does not discriminate against individuals on the basis of race, creed, color, national origin, sex (including sexual harassment), sexual orientation, age, marital status, religion, disability, genetic information or on any other unlawful basis. The college is committed to preventing and stopping discrimination, including harassment, on any of these unlawful bases, and any associated retaliatory behavior. All employees and students must be allowed to work and learn in an environment free from discrimination. The

College will comply with applicable laws prohibiting discrimination in employment, educational programs, and admissions, including Titles VII and IX of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and the state law against discrimination, chapter 49.60 RCW.

Supervisors are responsible for assisting in the prevention and elimination of discrimination. A supervisor who is informed or believes that discrimination is occurring, whether in his/her area of responsibility or not, must report such activity to the VPHR. Supervisors shall assist in ensuring that no retaliation occurs against either persons who make complaints or persons who are involved in the investigation of complaints.

Any applicant for admission or employment, employee, student, or participant in a college activity or program who believes that he/ she has been discriminated against may pursue an institutional complaint under the procedures below and/ or may pursue other remedies provided by law.

Individuals who violate this nondiscrimination policy are subject to appropriate disciplinary action, which may include termination of employment, expulsion from the college, or any other available remedy.

Procedure

A respondent who is a college employee shall cooperate in the investigation and resolution of a discrimination complaint, as requested by his/ her supervisor or by the VPHR.

Any college employee or volunteer who receives a discrimination complaint shall immediately report the complaint to the supervisor or, if supervisor is the subject of the complaint, report complaint to supervisor's supervisor or to the VPHR. That employee, their supervisor or the VPHR shall arrange for the complainant to receive a copy of these complaint procedures.

A. Informal Complaint Procedures

1. Students and employees are encouraged to resolve their complaints informally at the lowest possible level. This may occur by discussing the complaint directly with the respondent and/ or with the respondent's supervisor.
2. A complainant may also consult with the VPHR, the Director of Disability Support Services, or other college officials, without making a formal written complaint.
3. The VPHR may arrange and/ or participate in an informal resolution meeting, either upon his/ her own initiative or at the request of any party to the informal complaint.
4. The complainant may at any time decline to continue with this informal process. Use of this informal procedure is not required prior to making a formal written complaint.

B. Formal Complaint Procedures

1. Any person may begin the formal complaint procedure by filing a written complaint as follows:

- (a) Any complaint may be initially filed with the Vice President of Human Resources.
- (b) A complaint by a student against another student should be filed with (or forwarded to) the Executive Dean of Student Services or successor employee who is responsible for taking student discipline actions.
- (c) A complaint involving discrimination on the basis of disability may be filed with the Director of Disability Support Services office.
- (d) A college employee or volunteer other than the VPHR who receives a written complaint alleging discrimination shall forward a copy of that complaint to their immediate supervisor or forward directly to the VPHR.

2. Complaints will be treated confidentially to the extent permitted by public disclosure laws and by the college's obligations to protect the rights of the complainant and the respondent while at the same time promptly investigating alleged discrimination and taking any appropriate remedial action. Ordinarily no formal action will be taken against a respondent unless the complainant consents to be identified to the respondent so that the respondent can provide his/ her own version of what happened. However, the college reserves the right to take appropriate corrective action regardless of a complainant's actions.

3. The written complaint should be dated and signed and should describe the specific conduct complained of, including the dates, times, locations, and circumstances of the alleged acts of discrimination along with the names of known witnesses. The college encourages a complainant to file the written complaint within 30 days of the alleged discriminatory act(s), in order to assist in effective and timely investigation and corrective action, if appropriate.

4. The respondent will be given a copy of the complaint and a description of these procedures. The respondent is strongly encouraged to provide the investigator with a written response to the complaint within one week of receiving this complaint copy. However, even if the respondent fails to or chooses not to answer a complaint or participate in an investigation, this will not prevent the process from proceeding.

5. The complainant may bring a person of his or her choice to the initial and/ or any subsequent meetings regarding the complaint. Respondents represented by a collective bargaining unit may also bring a union steward to meetings regarding the complaint and subsequent investigation.

6. The complaint will be promptly investigated by the VPHR or another person designated by the VPHR; complaints against students will be investigated by the Executive Dean of Student Services or his/ her designee. This investigation generally will include interviewing the complainant, the respondent and relevant witnesses.

7. During the investigation, the college will attempt to protect the rights of the complainant and the respondent, as well as any witnesses involved. All parties involved have the right to protection from any retaliating behavior.

8. A formal investigation may be terminated at any time by the investigator if a satisfactory resolution can be reached without the necessity of a written report.

9. When the VPHR, or any staff of the VPHR, is a respondent, the complaint shall be referred to the college president, who will designate someone else to perform the VPHR's responsibilities under these complaint procedures. When the college president is a respondent, the complaint should be referred to the board of trustees for appropriate handling.

10. Upon completion of the investigation, the investigator will promptly make a written report, including any appropriate recommendation, and may also directly take such action as is within her/ his authority. If the respondent is a college employee, the investigator may make a recommendation to the employee's appointing authority. The findings of the investigation shall at the same time also be reported to the complainant. For these purposes, prompt investigation and reports will ordinarily mean reports made within thirty days of the date of the complaint, unless the investigator determines that more time is needed

11. Corrective measures, if any, will be promptly decided by the appointing authority or student services officer, upon appropriate consultation with the investigator and VPHR and consistent with any applicable bargained agreement and statutes. If the respondent disagrees with the corrective measure(s), that individual may seek review through any available grievance procedure, such as a collectively-bargained agreement or the student disciplinary code.

12. In the absence of any applicable procedure under a collective bargaining agreement, an employee respondent may obtain review of a corrective measure by filing, within thirty days of notice of that action, a written request for such review with the college president. Upon receiving such a request, the president shall determine whether the matter should be heard as a brief adjudicative proceeding; if so, the president or his/ her designee shall be the presiding officer for that proceeding. The president (or designee) may affirm, modify, or reverse any corrective measure, to the extent of his/ her authority.

13. The final determination of the corrective measure(s), after any applicable review has been completed, shall be the final college action in the matter.

Complaints filed with outside agencies

These complaint procedures are internal college procedures, and serve to resolve complaints within the college's administrative framework. An aggrieved party also has the right to direct inquiries to, and/ or to file a complaint of discrimination with, any appropriate state or federal agency. These may include:

U.S. Equal Employment Opportunity Commission
909 First Avenue
Seattle, WA 98104
(800) 669-4000

Department of Education
Office for Civil Rights
915 2nd Avenue Room 3310
Seattle, WA 98174
(206) 220-7900

Washington State Human Rights Commission
1511 Third Avenue
Seattle, WA 98101
(206) 464-6500

Specific Authority:

Law Implemented:

History of Policy or Procedure

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