
TITLE: Discrimination and Harassment Procedure
NUMBER: 730 (formerly part of 4020 policy)
APPROVED BY THE PRESIDENT: 11/26/2013, 3/18/16

Please review Whatcom Community College Policy 615 -- Discrimination and Harassment Policy.

Whatcom Community 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. Whatcom Community 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: Becky Rawlings
Title: Human Resources Director, Title IX Coordinator
Office: Human Resources
Contact info: 360-383-3404 brawlings@whatcom.ctc.edu

Title: Title IX Support
Office: Human Resources
Contact info: 360-383-3400, HR@whatcom.ctc.edu

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 visitors(s) of Whatcom Community 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, age, genetic information, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability, or any other prohibited basis; and (2) is sufficiently severe or pervasive so as to substantially interfere with the individual's employment, education or access to college programs, activities and opportunities.

Examples of behaviors that may rise to the level of discriminatory harassment include but are not limited to the following:

- a. Racial epithets, "jokes," offensive or derogatory comments, or other verbal or physical conduct based on an individual's race/color.
 - b. Ethnic slurs, workplace graffiti, or other offensive conduct directed towards an individual's birthplace, ethnicity, culture, or foreign accent.
 - c. Verbal or physical abuse, "jokes" or offensive comments based on an individual's age, gender, disability, or sexual orientation.
 - d. Making, posting, e-mailing, or circulating demeaning or offensive pictures, cartoons or other materials in the workplace that relate to race, ethnic origin, gender or one of the other protected categories listed above.
5. **Investigation:** The Title IX Officer may appoint a designee to investigate the complaint. The Officer shall inform the complainant and respondent of the appointment. The College

representative shall conduct an investigation based upon the submitted complaint from the complainant or prepared by the Officer.

6. **Resolution:** a process that attempts a complaint resolution agreeable to a complainant using methods which may include, counseling, supporting, mediating, discipline or otherwise facilitating the resolution of the complaint. No Title IX complainant will be required to have face to face interaction with an alleged perpetrator in any informal resolution or mediation.
7. **Discrimination:** Unfavorable treatment of another person based on that person's race, color, national origin, age, disability, sex, sexual orientation, marital status, creed, religion, or status as a veteran that is sufficiently severe or pervasive so as to substantially deny or limit that person's ability to benefit from or fully participate in educational programs or activities or employment opportunities
8. **Sexual Misconduct:** A range of behaviors including sexual harassment, sexual assault and sexual violence.
9. **Sexual Harassment:** For the purposes of this policy sexual harassment is defined as unwelcome verbal or physical conduct of a sexual nature that is sufficiently severe, persistent or pervasive that it substantially interferes with, limits, or deprives the victim of the ability to participate in, or benefit from the college's educational program or activities or employment benefits or opportunities.

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

Examples of behaviors that may rise to the level of sexual harassment and, therefore, are prohibited include but are not limited to the following:

- a. Physical assault.
- b. Direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendation.
- c. A pattern of behaviors that is unwelcome and severe or pervasive, resulting in unreasonable interference with the work or educational environment, and may include but is not limited to the following:
 - i. Comments of a sexual nature.
 - ii. Sexually explicit statements, questions, jokes, or anecdotes.

- iii. Unnecessary or undesirable touching, patting, hugging, kissing, or brushing against an individual's body.
- iv. Remarks of a sexual nature about an individual's clothing, body, or speculations about previous sexual experiences.
- v. Persistent, unwanted attempts to change a professional relationship to an amorous relationship.
- vi. Subtle propositions for sexual activity or direct propositions of a sexual nature.
- vii. Uninvited letters, e-mails, telephone calls, or other correspondence referring to or depicting sexual activities.

B. WHO MAY FILE A COMPLAINT?

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

C. CONFIDENTIALITY AND RIGHT TO PRIVACY

Whatcom Community College will seek to protect the privacy of all the parties involved to the full extent possible, consistent with the legal obligation to investigate, take appropriate remedial and/or disciplinary action, and comply with the federal and state law, as well as Whatcom Community College policies and procedures. Whatcom Community College cannot guarantee complete confidentiality.

D. COMPLAINT PROCEDURE

Any person who believes that he or she has been the subject of discrimination or sexual harassment, should report the incident or incidents to the Title IX Coordinator. 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 incident(s) of discrimination or sexual harassment.

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

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

The Title IX Coordinator may appoint a designee to investigate the complaint. The Title IX Coordinator shall inform the complainant and respondent(s) of the appointment.

The investigator shall conduct a thorough investigation. 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. In cases of complaints of sexual misconduct, the Title IX Coordinator may impose interim measures to protect the parties pending the conclusion of the investigation.

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 Coordinator.

The Title IX 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. The Title IX Coordinator will issue a decision in writing to each party. 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 made to the appropriate student services administrator or appointing authority, consistent with the student conduct code, college policies and collective bargaining agreements.

The complainant shall be informed of the decision and of actions taken or recommended to resolve the complaint, if any, that are directly related to the complainant, such as a recommendation that the accused not contact the complainant. The complainant may be notified generally that the matter has been referred for disciplinary action, but shall not be informed of the details of the recommended disciplinary action without the consent of the respondent. The respondent shall be informed of the decision and of actions taken or recommended to resolve the complaint and shall be notified of referrals for disciplinary action and recommended disciplinary action. Both the complainant and the respondent are entitled to review any final findings, conclusions, and recommendations, subject to any FERPA confidentiality requirements.

Final Decision/Reconsideration. Either the complainant or the respondent may seek reconsideration of the decision by the Title IX Coordinator. Requests for reconsideration shall be submitted in writing to the Title IX Coordinator within 7 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 7 days, the decision becomes final. If a request for reconsideration is received, the Title IX Coordinator shall respond within 15 days. The Title IX Coordinator shall either deny the request or, if the Coordinator determines that the request for reconsideration has merit, issue an amended decision. Any amended decision is final and no further reconsideration is available.

The procedures regarding complaints of discrimination shall be published and distributed as determined by the president or president's designee. Any person who believes he or she has been subjected to sexual harassment will be provided a copy of this policy and procedure.

E. LIMITS TO AUTHORITY

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

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.

Discrimination/Harassment Formal Complaint Form

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

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

Please describe the alleged incident (Please use the reverse side of this paper if additional space is needed):

Signature: _____

Date: _____

Please return this form to the Human Resources Director.