

# Chapter 132L-300 WAC

## DISCRIMINATION COMPLAINT PROCESS

### WAC

132L-300-010	General policy.
132L-300-020	Applicability.
132L-300-030	Right to complain.
132L-300-040	Protection from retaliation.
132L-300-050	Informal complaint procedure.
132L-300-060	Outcomes of the informal complaint process.
132L-300-070	Time limit for formal complaint procedures.
132L-300-080	Formal complaint procedures against students.
132L-300-085	Formal complaint procedures against employees and/or agents of the college.
132L-300-090	Outcomes of the formal complaint process.
132L-300-100	Complainant appeal process.
132L-300-110	Responsibilities of the equal opportunity officer.

**WAC 132L-300-010 General policy.** It is the policy of Centralia College to assure equal opportunity and nondiscrimination on the basis of race or ethnicity, creed, color, national origin, sex, marital status, sexual orientation, age, religion, the presence of any sensory, mental or physical disability, and status as a disabled veteran or Vietnam-era veteran or veteran of a uniformed service.

[Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. 04-19-062, § 132L-300-010, filed 9/15/04, effective 10/16/04.]

**WAC 132L-300-020 Applicability.** This policy applies to any member of the Centralia College community. The Centralia College community is defined to include, but not be limited to: Students and any other individuals enrolled or seeking enrollment at the college; employees and any other individuals seeking employment at the college; vendors and other providers of service to the college; and other users of college services.

[Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. 04-19-062, § 132L-300-020, filed 9/15/04, effective 10/16/04.]

**WAC 132L-300-030 Right to complain.** Any member of the college community has the right to make a complaint against the college that alleges violation of the general policy described in WAC 132L-300-010 or that alleges violations of any federal, state, municipal, or college law, regulation, policy, order, or directive that prohibits discrimination. This complaint process covers sexual harassment, as a form of illegal discrimination. Copies of Centralia College's sexual harassment policy are available from the offices of either the equal opportunity officer or the chief student judicial affairs officer. Complaints may be informal or formal. In addition, any member of the Centralia College community has the right to file a complaint of discrimination with the appropriate state or federal agency. A complainant has the right of professional assistance at his or her own expense.

[Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. 04-19-062, § 132L-300-030, filed 9/15/04, effective 10/16/04.]

**WAC 132L-300-040 Protection from retaliation.** No individual shall be penalized or retaliated against in any way

(9/15/04)

by a member of the college community for initiating a complaint.

[Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. 04-19-062, § 132L-300-040, filed 9/15/04, effective 10/16/04.]

**WAC 132L-300-050 Informal complaint procedure.** An informal complaint may be initiated in one of two ways:

(1) All persons covered by this policy are encouraged to discuss the matter with the appropriate administrator. The complaint may be concluded by mutual consent at this point. The administrator must submit a brief description of the facts to the equal opportunity officer of the college for maintaining a confidential record.

(2) As an alternative to subsection (1) of this section or, if subsection (1) of this section fails, the complainant may consult informally with the equal opportunity officer, if the complaint is about an employee, or with the chief student judicial affairs officer, if the complaint is about a student. The equal opportunity officer or chief student judicial affairs officer will provide advice and intervention in confidence, where appropriate.

[Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. 04-19-062, § 132L-300-050, filed 9/15/04, effective 10/16/04.]

**WAC 132L-300-060 Outcomes of the informal complaint process.** Informal complaints may have several outcomes. The person raising the issue may only want to discuss the matter with a neutral party in order to clarify whether discrimination may be occurring and to determine his or her options, including the pursuit of more formal options. In such a situation the equal opportunity officer or chief student judicial affairs officer will give assistance and offer suggestions as to how the issue might be resolved, without drawing a conclusion as to whether illegal discrimination has occurred. In other cases the equal opportunity officer or chief judicial affairs officer may be asked to act as a mediator, to talk to the alleged offending person to see whether an informal resolution of the issue can be reached. In the case of an employee, the supervisor of the alleged offending person may be notified that an informal complaint has been received, but that no investigation has taken place. If this process reaches resolution, no further actions will be taken and the matter will be closed. Issues not resolved may require that further inquiries be made and/or that the appropriate administrator take a more active role in finding a solution to the problem.

[Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. 04-19-062, § 132L-300-060, filed 9/15/04, effective 10/16/04.]

**WAC 132L-300-070 Time limit for formal complaint procedures.** Formal complaints must be submitted within six months of the most recent alleged discriminatory act, preferably within thirty days, in order to help ensure effective investigation and corrective action.

[Ch. 132L-300 WAC—p. 1]

[Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. 04-19-062, § 132L-300-070, filed 9/15/04, effective 10/16/04.]

**WAC 132L-300-080 Formal complaint procedures against students.** Complaints about the conduct of a student, who was not performing as an employee of the college during the alleged incident, should be made to the chief student judicial affairs officer of the college. Complaints about students shall be handled in accordance with chapter 132L-120 WAC, Student rights and responsibilities code. A copy of this code is available from the chief student judicial affairs officer. In addition, the Family Education Rights and Privacy Act places protections and limits on releasing information about students. The chief student judicial affairs officer shall notify the equal opportunity officer of all such complaints, seek consultation and/or assistance as appropriate, and provide the equal opportunity officer timely notification of the outcome.

[Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. 04-19-062, § 132L-300-080, filed 9/15/04, effective 10/16/04.]

**WAC 132L-300-085 Formal complaint procedures against employees and/or agents of the college.** Complaints about the conduct of an employee should be made to the equal opportunity officer of the college. If there are repeated informal complaints about a member of the college community, the president may initiate an investigation without a formal complaint from an individual. The president will provide a written copy of the complaint to the individual against whom the complaint is lodged.

[Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. 04-19-062, § 132L-300-085, filed 9/15/04, effective 10/16/04.]

**WAC 132L-300-090 Outcomes of the formal complaint process.** (1) Within fifteen days after receipt of a complaint, the equal opportunity officer will consult with the complainant, the appropriate administrator, the person against whom the complaint is made and/or other appropriate persons, in an attempt to resolve the matter and/or to determine whether further investigation is warranted. Every effort will be made to report the findings within sixty days of receipt of the written complaint. If for any reason, an extension is necessary, the complainant will be informed in writing of the reasons for the extension, the status of the investigation, and the probable date of completion.

(2) If the investigating officer determines that corrective action is needed, that officer will initiate discussions with the appropriate administrator to resolve the complaint. A formal investigation can be terminated at any time should a satisfactory resolution be reached before a written finding is made.

(3) Upon completion of the investigation, the investigating officer will notify in writing the complainant and the appropriate administrator of the findings and recommendations.

[Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. 04-19-062, § 132L-300-090, filed 9/15/04, effective 10/16/04.]

**WAC 132L-300-100 Complainant appeal process.** If the complainant disputes the findings or is dissatisfied with the recommendations, he or she may appeal such findings by filing a complaint with an outside agency within its established time limits.

[Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. 04-19-062, § 132L-300-100, filed 9/15/04, effective 10/16/04.]

**WAC 132L-300-110 Responsibilities of the equal opportunity officer.** The equal opportunity officer, located in the Human Resource Office, Hanson Administration Building, on the Centralia College campus shall be responsible for implementation of this policy. All inquiries will be handled confidentially when feasible. When any member of the college community or persons denied admission, employment, or services files a complaint of discrimination with an outside federal or state agency, that agency will request a response from the college to the charges of the complaint. The equal opportunity officer will prepare the response, usually after conducting an internal investigation of the complaint.

[Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. 04-19-062, § 132L-300-110, filed 9/15/04, effective 10/16/04.]

