PROCEDURE
(1) 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 discrimination and/or harassment, including sexual harassment and reports such activity will be provided a copy of this procedure.

(2) The following procedures are established to meet the requirements for implementing EvCC3090: Equal Opportunity/Title IX policy.

(3) Everett 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. This responsibility extends to activity on campus, including student housing, at all college-sponsored events, and off campus when the behavior impacts the campus such that an individual's employment, education, or access to college programs, activities, and opportunities are limited because of the behavior.

(4) Prohibited sex discrimination includes sexual harassment. Everett Community College has enacted policies prohibiting discrimination and harassment, including sexual harassment.

(5) Any individual found to be in violation of college discrimination and/or harassment, including sexual harassment policies and procedures will be subject to disciplinary action up to and including dismissal from the college or from employment.

(6) The college will follow the procedures contained herein for all discrimination and harassment, including sexual harassment complaints brought by employees, students, or visitors to the campus.

(7) Any employee, student, or visitor who believes that he or she has been the subject of discrimination and/or harassment, including sexual harassment should report the incident or incidents to the following college official listed below.

(a) If the complaint is against that official, the complainant should report the matter to the president's office for referral to an alternate designee.

(b) The college encourages the timely reporting of any incidents of discrimination or sexual harassment.

Name: Rebecca Lamboley
Title: Title IX Coordinator
Office: Olympus 207
Contact info: titleixcoordinator@everettcc.edu; 425-388-9172

(8) Role of Title IX coordinator/designee.

(a) Will accept all complaints and referrals from college employees, students, and visitors.

(b) Will keep accurate records of all complaints and referrals for the required time period.
(c) Will communicate with complainant and respondent regarding outcomes.

(d) May conduct investigations.

(e) May impose interim remedial measures to protect parties during investigations of sexual misconduct.

(f) Will make findings of fact on investigations completed.

(g) May recommend specific corrective measures to stop, remediate, and prevent the recurrence of inappropriate action.

(9) Definition of terms.

(a) Complainant: Employee(s), student(s), or visitor(s) of Everett Community College who alleges that she or he has been subjected to discrimination and/or harassment, including sexual harassment.

(b) Respondent: Person or persons who are members of the campus community who allegedly discriminated against or harassed another person or persons.

(c) Complaint: A description of facts that allege violation of the college's policy against discrimination or sexual misconduct.

   (i) The college has an official formal complaint form for documenting alleged discrimination or harassment.

   (ii) This form is available online under policies and procedures on the Everett Community College web page.

   (iii) Hard copies of the form are located in the human resources office, student activities, security, and the counseling and career services center.

(d) Investigation: The Title IX coordinator 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.

(e) 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.

(f) Harassment:

   (i) A form of discrimination consisting of physical or verbal conduct that:

      (A) 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

      (B) 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 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.

(g) Discrimination:

(i) Unfavorable treatment of another person:

(A) Based on that person's 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.

(B) 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.

(ii) Examples of behaviors that may rise to the level of discrimination include, but are not limited to:

(A) Treating one person differently than another based on their status as described above.

(B) Denying any aid, benefits, or services or providing aid, benefits, or services in a different manner on the basis of their status as described above.

(C) Subjecting any person to separate or different rules of behavior, sanctions, or other treatment based on their status as described above.

(D) Otherwise limiting any person in the enjoyment of any right, privilege, or opportunity based on their status as described above.

(h) Sexual misconduct: A range of behaviors including sexual harassment, sexual assault, and sexual violence.

(i) Sexual harassment:

(i) For the purposes of this policy, sexual harassment is defined as unwelcome verbal or physical conduct of a sexual nature:

(A) That is sufficiently severe, persistent, or pervasive;

(B) 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;
(ii) Sexual harassment may be either "quid pro quo" when being asked to subject oneself to unwelcome advances in exchange for something else; or

(iii) "Hostile environment" which may occur when another's unwelcome 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;

(iv) Examples of behaviors that may rise to the level of sexual harassment include, but are not limited to:

(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.

(10) How to file a complaint. Any employee, student, or visitor of the college may file a complaint. If an individual provides notice to the college of an incident, the college may investigate the complaint whether or not the individual providing notice is the victim.

(a) Confidentiality and the right to privacy. Everett Community College will seek to protect the privacy of all the parties involved to the fullest 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 Everett Community College policies and procedures. Everett Community College cannot guarantee complete confidentiality.

(b) Reporting the incident.

(i) 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, the chief student judicial officer, security, counseling and career services office, or student activities.
(ii) If the complaint is against that official, the complainant should report the matter to the president's office for referral to an alternate designee.

(iii) The college encourages the timely reporting of any incident(s) of discrimination or sexual harassment.

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

(c) Filing the complaint.

(i) The complainant alleging discrimination or sexual harassment may submit a brief written statement of allegations to the Title IX coordinator or designee.

(ii) Complaints shall be signed, dated, include names, description and date of the incident, and the remedy sought.

(iii) If the complainant does not submit a written statement, the Title IX coordinator or designee shall prepare a statement of facts which is reviewed by the complainant.

(d) Investigating the complaint.

(i) The Title IX coordinator or chief student judicial officer may appoint a designee to investigate the complaint.

(ii) The Title IX coordinator or chief student judicial officer shall inform the complainant and respondent(s) of the identity of the investigator.

(iii) The investigator shall conduct a thorough investigation.

(A) The investigation shall include, but is not limited to, interviewing the complainant and the respondent, relevant witnesses, and reviewing relevant documents.

(B) 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 or chief student judicial officer or designee may impose interim measures to protect the parties pending the conclusion of the investigation.

(C) At the conclusion of the investigation the investigator shall set forth his or her findings and recommendations in writing.

(D) The investigator shall send a copy of the findings and recommendations to the Title IX coordinator or chief student judicial officer or designee.

(iv) The Title IX coordinator or chief student judicial officer or designee shall consider the findings and recommendations and determine, based on a preponderance of the evidence, whether a violation of the discrimination and/or harassment, including sexual 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.

(v) The Title IX coordinator or chief student judicial officer or designee will issue a decision in writing to each party.
(vi) 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.

(vii) 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.

(e) Outcome of complaint.

(i) 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.

(ii) The complainant shall be informed of the recommended disciplinary action.

(iii) 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 applicable privacy laws.

(f) Appeal of the decision. Either the complainant or the respondent may seek reconsideration of the decision by the appropriate administrator.

(i) Complaints involving students only.

(A) Requests for reconsideration relating to student issues shall be submitted in writing to the chief student affairs administrator within fourteen calendar days of receiving the decision.

(B) Requests must specify which portion of the decision should be reconsidered and the basis for reconsideration.

(C) If no request for reconsideration is received within fourteen calendar days, the decision becomes final.

(D) If a request for reconsideration is received, the chief student affairs administrator or designee shall respond within fourteen calendar days.

(E) The appropriate administrator shall either deny the request or, if the appropriate administrator determines that the request for reconsideration has merit, issue an amended decision.

(F) Any amended decision is final and no further reconsideration is available.

(ii) Complaints involving employees and/or visitors.

(A) Requests for reconsideration relating to student issues shall be submitted in writing to the college president within fourteen calendar days of receiving the decision.

(B) Requests must specify which portion of the decision should be reconsidered and the basis for reconsideration.
(C) If no request for reconsideration is received within fourteen calendar days, the decision becomes final.

(D) If a request for reconsideration is received, the college president or designee shall respond within fourteen calendar days.

(E) The appropriate administrator shall either deny the request or, if the appropriate administrator determines that the request for reconsideration has merit, issue an amended decision.

(F) Any amended decision is final and no further reconsideration is available.

(g) Authority to take immediate action. Nothing in this procedure shall prevent the college president or designee from taking immediate disciplinary action in accordance with Everett Community College policies and procedures, and federal, state, and municipal rules and regulations.

(h) Retaliation prohibited. 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 coordinator immediately.

(11) 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.

RELEVANT LAWS AND OTHER RELATED INFORMATION
WAC 132E-120-385

REVISION HISTORY
Original Date: February 28, 2014

APPROVED BY
VP Staff