

**Subject: TITLE IX COMPLAINT PROCEDURE - DISCRIMINATION & HARASSMENT
PROCEDURE-All Employees and Students**

Administrative Procedure Number: **406.01**

Date adopted: 6/18/13; 5/20/14; 06/09/2015; July 2016, 08/09/2017, 3/13/2018, 5/15/2018,
6/15/2018

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Grays Harbor 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, status as a veteran of war, or use of a trained guide dog or service animal 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, the Americans with Disabilities Act and ADA Amendment Act, the Age Discrimination Act of 1975, the Violence Against Women Reauthorization Act and Washington State's law Against Discrimination, Chapter 49.60 RCW and their implementing regulations. Grays Harbor College has enacted policies prohibiting discrimination and harassment. Any individual found to be in violation of these policies and procedures will be subject to disciplinary action up to and including dismissal from the college or from employment.

Any employee, student or visitor who believes that he or she has been the subject of discrimination or harassment should report the incident or incidents to the college's Title IX/EEO Officer identified 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.

Title IX Coordinator

Aaron Tuttle (360) 538-4078
TTY: 7-1-1 Connect to Washington Relay
aaron.tuttle@ghc.edu

EEO Officer

Darin Jones
Chief Executive of Human Resources
(360) 538-4234
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darin.jones@ghc.edu

The Title IX and EEO Officers 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 discrimination or harassment.

- Will make findings of fact on investigations complete
- May recommend specific corrective measures to stop, remediate, and prevent the recurrence of inappropriate action.

CONFIDENTIAL RESOURCES

To ensure the safety of the campus community, college employees are required to report information they receive about prohibited conduct to the Title IX coordinator. If you want to speak with someone confidentially, contact one of the resources below. Using these resources means that none of the information you share will be provided to other individuals at the college. Professional counselors while acting in their professional role are exempt from mandated reporting except for child abuse and neglect reporting as required by state law. The College encourages, at their discretion, these professional counselors to inform those they counsel of procedures for reporting crimes voluntarily and confidentially for inclusion in the College's annual security report and web-based report to the Department of Education.

- Counselor, Student Support Center, 360-538-4099
- Grays Harbor Crisis Clinic: 360.532.8629 or 1.800.685.6556
- Beyond Survival Sexual Assault Resource Center: 360.533.9751 or 1.888.626.2640
- Grays Harbor Community Hospital: 360.532.8330 915 Anderson Dr., Aberdeen, WA 98520
- Domestic Violence Center of Grays Harbor: 360.538.0733 or 1.800.815.2194

A. DEFINITIONS

1. **Complainant:** employee(s), student(s) or visitors(s) of Grays Harbor College who alleges that she or he has been subjected to discrimination or harassment due to his or her membership in a protected class.
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.
4. **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 or EEO 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:** A form of discrimination consisting of unwelcome gender-based, written, verbal, electronic and/or physical conduct. There are two types of sexual harassment.
 - a. Hostile Environment Sexual Harassment occurs when the conduct is sufficiently severe and/or pervasive and so objectively offensive that it has the effect of altering the terms or conditions of employment or substantially limiting the ability of a student to participate in or benefit from the college's educational and/or social programs.

- b. **Quid Pro Quo Sexual Harassment** occurs when an individual in a position of real or perceived authority, conditions the receipt of a benefit upon granting of sexual favors.

Examples of behaviors that may qualify as sexual harassment include:

- i. Comments of a sexual nature.
 - ii. Sexually explicit statements, questions, jokes, or anecdotes.
 - iii. Unwelcome 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. Direct or indirect propositions for sexual activity
 - vii. Unwelcome letters, e-mails, telephone calls, or other communication referring to or depicting sexual activities.
- 10. **Sexual Violence:** is a type of sexual discrimination and harassment. Nonconsensual sexual intercourse, nonconsensual sexual contact, domestic violence, dating violence, and stalking are all types of sexual violence.
 - 11. **Nonconsensual sexual intercourse** is any sexual intercourse (anal, oral, or vaginal), however slight, with any object, by a person upon another person, that is without consent and/or by force. Sexual intercourse includes anal or vaginal penetration by a penis, tongue, finger, or object, or oral copulation by mouth to genital contact or genital to mouth contact.
 - 12. **Nonconsensual sexual contact** is any intentional sexual touching, however slight, with any object, by a person upon another person that is without consent and/or by force. Sexual touching includes any bodily contact with the breasts, groin, mouth, or other bodily orifice of another individual, or any other bodily contact in a sexual manner.
 - 13. **Domestic violence** includes asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.
 - 14. **Dating violence** means violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.
 - 15. **Stalking** means intentional and repeated following of another person, which places that person in reasonable fear that the perpetrator intends to injure, intimidate or

harass that person. Stalking also includes instances where the perpetrator knows or reasonably should know that the person is frightened, intimidated or harassed, even if the perpetrator lacks such intent.

WHO MAY FILE A COMPLAINT?

Any employee, student or visitor of the College may file a complaint. Complaints may be submitted in writing or verbally. The college encourages the timely reporting of any incidents of discrimination or harassment. A complaint cannot be filed on behalf of another person.

C. CONFIDENTIALITY AND RIGHT TO PRIVACY

Grays Harbor 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 College policies and procedures. Grays Harbor College cannot guarantee complete confidentiality.

D. COMPLAINT INVESTIGATION PROCEDURE

Upon receiving a discrimination complaint, the college shall commence an impartial investigation. The Title IX/EEO Officer shall be responsible for overseeing all investigations. Investigations may be conducted by the Title IX/EEO Officer or his or her designee. 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/EEO Officer 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/EEO 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/EEO Officer shall prepare a statement of facts which is reviewed by the complainant.

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

The title IX/EEO Officer may impose interim measures to protect the complainant and/or respondent pending the conclusion of the investigation. Interim measures may include, but are not limited to, imposition of non-contact orders, rescheduling classes, temporary work reassignments, referrals for counseling or medical assistance, and, imposition or summary discipline on the respondent consistent with the college's student conduct code or the college's employment policies and collective bargaining agreements.

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 urgent circumstances.

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/EEO Officer.

The Title IX/EEO Officer 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/EEO Officer 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 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. 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. Both the complainant and the respondent are entitled to review any final findings, conclusions, and recommendations, subject to any FERPA confidentiality requirements.

Informal dispute resolution processes, like mediation, may be used to resolve complaints, when appropriate. Informal dispute resolution shall not be used to resolve sexual discrimination complaints without written permission from both the complainant and the respondent. If the parties elect to mediate a dispute, either party shall be free to discontinue mediation at any time. In no event shall mediation be used to resolve complaints involving allegations of sexual violence.

Final Decision/Reconsideration. Either the complainant or the respondent may seek reconsideration of the decision by the Title IX/EEO Officer. Requests for reconsideration shall be submitted in writing to the Title IX/EEO Officer within seven (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 seven (7) days, the decision becomes final. If a request for reconsideration is received, the Title IX/EEO Officer shall respond within fifteen (15) calendar days. The Title IX/EEO Officer shall either deny the request or, if the Title IX/EEO Officer 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 discrimination in violation of this procedure will be provided a copy of this procedure.

E. LIMITS TO AUTHORITY

Nothing in this procedure shall prevent the College President or designee from taking immediate disciplinary action in accordance with Grays Harbor 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 or any resulting disciplinary proceedings 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/EEO Officer immediately.

G. OTHER COMPLAINT OPTIONS

Discrimination complaints may also be filed with:

[Washington State Human Rights Commission, http://www.humn.wa.gov/index.html](http://www.humn.wa.gov/index.html)

[U. S. Department of Education Office for Civil Rights, http://www2.ed.gov/about/offices/list/ocr/index.html](http://www2.ed.gov/about/offices/list/ocr/index.html)

[Equal Employment Opportunity Commission, http://www.eeoc.gov/](http://www.eeoc.gov/)