# 1000.330 DISCRIMINATION AND DISCRIMINATORY HARASSMENT PROCEDURE

Wenatchee Valley College’s (WVC) procedure for resolving alleged discrimination and/or discriminatory harassment, hereafter called “harassment”, is described below.

This same process will be followed whether the complaint is by an employee or a student. The official college contact for discrimination and/or harassment complaints is the:

Executive Director of Human Resources or designee

Wenatchee Valley College

1300 Fifth Street

Wenatchee, WA 98801

(509) 682-6445

rbellamy@wvc.edu

It is the responsibility of Wenatchee Valley College to provide and maintain an environment for students, employees and visitors of the college, which is free from discrimination and harassment. Discrimination and harassment violate federal and state law and will not be tolerated by Wenatchee Valley College. Any individual in violation of this procedure will be subject to disciplinary action up to and including dismissal from the college or from employment.

If discrimination and/or harassment occur, Wenatchee Valley College will take immediate and appropriate steps to end the discrimination or harassment and implement an action plan to reduce the likelihood that such discrimination or harassment will occur again. The judgment and common sense of administrators and instructors are important elements of any response. However, the college is responsible for taking all reasonable steps to ensure a safe learning and work environment.

Sexual harassment is addressed separately in the college’s sexual harassment/Title IX policy 000.340 and 1000.340, sexual harassment Title IX procedure.

## A. DEFINITIONS

### 1. **Appeal**: when a decision is rendered whether informally or formally the complainant has the right to appeal the decision within 10 business days. This appeal is done via the office of human resources. The office phone number is 509.682.6440.

### 2. **Complainant**: employee or student who reports orally or in writing to a college official (supervisor, college administrator, etc.) that he/she has been the subject of discrimination or harassment or who is aware of situations or incidents which may be having a discriminatory and adverse impact upon another member of the college community.

### 3. **Complaint**: an oral report or written document specifically addressing alleged discrimination and/or harassment. Wenatchee Valley College has an official formal complaint form for documenting alleged discrimination or harassment (available at the end of this procedure).

### 4. **Discrimination**: conduct of any nature that violates the policy set forth above by denying equal privileges or treatment to a particular individual because of the individual's race, creed, color, religion, national or ethnic origin, political affiliation, parental status or families with children, marital status, sex, sexual orientation, gender identity or expression, age, genetic information, pregnancy, being a victim of domestic violence, sexual assault, or stalking, participation or lack of participation in union activities, disabled veteran or Vietnam era veteran, honorably discharged veteran or military status, or the presence of any real or perceived 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.

### 5. **Discriminatory Harassment**: a form of discrimination consisting of physical or verbal conduct that (1) denigrates or shows hostility toward an individual because of the their race, creed, color, religion, national or ethnic origin, political affiliation, parental status or families with children, marital status, sex, sexual orientation, gender identity or expression, age, genetic information, pregnancy, being a victim of domestic violence, sexual assault, or stalking, participation or lack of participation in union activities, disabled veteran or Vietnam era veteran, honorably discharged veteran or military status, or the presence of any real or perceived 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.

### 6. **Formal Resolution**: a formal process that attempts a complaint resolution agreeable to the complainant. Complaints shall be signed, dated, include names, description and date of the incident, and the remedy sought (see Section G below). This form of resolution will involve the disciplinary clause or grievance procedures of the college’s collective bargaining agreements, or those found in the student discipline procedure.

### 7. **Informal Resolution**: a process that attempts a complaint resolution agreeable to a complainant, but does not invoke the formal resolution procedures, involving the relevant parties using methods which may include, counseling, supporting, mediating, or otherwise facilitating the resolution of the complaint (see Section F below).

### 8. **Sex Discrimination**: an action or acts whereby an individual is treated unfairly on the basis of one’s sex.

### 9. **Sexual Harassment**: See sexual harassment/Title IX policy and procedure.

### 10. **Respondent**: a person against whom an allegation of discrimination or harassment has been made pursuant to this procedure.

## B. WHO MAY FILE A COMPLAINT?

Any employee or student of the college may file a complaint. The employee or student is referred to as a complainant. A complaint cannot be filed on behalf of another person. Only an employee or a student can file a complaint on his or her own behalf.

## C. CONFIDENTIALITY AND RIGHT TO PRIVACY

WVC 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 WVC policies and procedures.

## D. RECEIPT OF AN ORAL COMPLAINT

### 1. Anyone who believes they are a victim of discrimination or harassment should report it, as appropriate, to a WVC counselor, administrator, supervisor, coworker or the executive director of human resources.

### 2. Any WVC employee, faculty, or administrator that receives oral information from an employee or student that raises a concern that discrimination or harassment may have occurred, will refer the employee or student to the executive director of human resources or designee. The executive director of human resources or designee will speak with the employee or student and provide the complainant with options of pursuing either the informal (Section F) or formal (Section G) complaint resolution process.

### 3. A supervisor receiving information in his or her capacity as a supervisor describing incidents of discrimination or harassment defined in this procedure will:

#### a. Report the incident to the police if suspicion exists that a crime was committed; and

#### b. Report alleged incidents of discrimination or discrimination harassment to the executive director of human resources.

## E. LIMITS TO AUTHORITY

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

## F. INFORMAL COMPLAINT OPTIONS

The parties are encouraged, but not required, to meet informally in an effort to resolve all complaints. A complainant may choose either of the options outlined below:

### 1. Option 1. The complainant may request orally or in writing to meet with the executive director of human resources or designee to informally discuss the complaint and seek an informal resolution.

### 2. Option 2. The complainant may orally or in writing bring their concerns to the executive director of human resources or designee. The executive director of human resources or designee will meet with the complainant, ask questions, possibly investigate further, and provide a written response within seven business days of first hearing the complaint. The complainant will then meet with the executive director of human resources or designee to discuss the findings and bring the matter to a close or if the complainant wishes, move the complaint to a formalized process.

## G. FORMAL COMPLAINT PROCEDURES

The employee or student may choose to resolve the complaint through a formal process as outlined below:

### 1. Step 1 – Reporting the Incident. In order for WVC to conduct a prompt and equitable formal investigation, all complaints shall be submitted in writing to the following college office:

Executive Director of Human Resources

Wenatchee Valley College

1300 Fifth Street

Wenatchee, WA 98801

(509) 682-6445

rbellamy@wvc.edu

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; 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.

### 2. Step 2 – Investigation. Within 21 business days of receiving the complaint, the WVC President shall identify a qualified investigator who will conduct an investigation and prepare findings of fact and conclusions. If the complaint is against a WVC employee, the WVC President will designate a qualified investigator. WVC will make every effort to conduct its investigation as expeditiously as possible, given the facts and circumstances.

### 3. Step 3 – Notification of Investigation Outcome. After the WVC President receives a copy of the investigation results, the WVC President or designee will provide to the complainant, in writing, a result of the investigation. At the discretion of the WVC President, the respondent may also receive a copy of these findings. Such action shall be in accordance with WVC rules and regulations.

## H. NON-RETALIATION, INTIMIDATION, AND COERCION

WVC ensures that an employee or student, who submits a complaint, cooperates with an investigation, or otherwise reports discrimination or harassment, will not be retaliated against by WVC or otherwise adversely impacted in their ability to perform their job and/or benefit from their educational program at WVC.

## I. OTHER COMPLAINT OPTIONS

An employee or student may always file a complaint with the Washington State Human Rights Commission at 1.800.233.3247 or online at <https://www.hum.wa.gov/file-complaint>, or the U. S. Department of Education Office for Civil Rights at 206.607.1600 or online at <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html>.

Approved by the president’s cabinet: 8/18/20

Presented to the board of trustees: 9/9/20

Last reviewed: 5/18/23

Policy contact: Human Resources

Related policies and procedures

 000.050 [Formal Hearing Policy](https://www.wvc.edu/humanresources/policies-procedures/000-general/000.050-formal-hearing.html)

 000.190 [Expressive Activities Policy](https://www.wvc.edu/humanresources/policies-procedures/000-general/000.190-expressive-activities-policy.html)

 000.300 [Freedom of Inquiry and Expression Policy](https://www.wvc.edu/humanresources/policies-procedures/000-general/000.300-freedom-of-inquiry-and-expression.html)

 000.330 [Discrimination & Discriminatory Harassment Policy](https://www.wvc.edu/humanresources/policies-procedures/000-general/000.330-discrimination-and-discriminatory-harassment.html)

 000.340 [Sexual Harassment/Title IX Policy](https://www.wvc.edu/humanresources/policies-procedures/000-general/000.340-sexual-harassment.html)

 400.100 [Student Rights and Responsibilities/Code of Student Conduct Policy](https://www.wvc.edu/humanresources/policies-procedures/400-student-services/400.100-student-rights-and-responsibilities.html)

 500.125 [Equal Opportunity/Affirmative Action Policy](https://www.wvc.edu/humanresources/policies-procedures/500-human-resources/500.125-equal-opportunity-aa.html)

 1000.340 [Sexual Harassment/Title IX Procedure](https://www.wvc.edu/humanresources/policies-procedures/000-general/000.340-sexual-harassment.html)

 1000.345 [Sexual Harassment/Title IX Employee Disciplinary Procedure](https://www.wvc.edu/humanresources/policies-procedures/000-general/1000.345-sexual-harassment-title-ix-employee-disciplinary-hearing.html)

 1400.100 [Student Rights and Freedoms Procedure](https://www.wvc.edu/humanresources/policies-procedures/400-student-services/1400.100-student-rights-freedoms.html)

 1400.110 [Code of Student Conduct Procedure](https://www.wvc.edu/humanresources/policies-procedures/400-student-services/1400.110-code-of-student-conduct.html)

**Discrimination and Harassment**

**Complaint Form**

This form is designed to assist you with filing a discrimination or discriminatory harassment complaint. Please write clearly and focus on the alleged discriminatory and/or harassing conduct. The complaint should include as much information regarding the incident giving rise to the complaint as possible, including the location, date and time of the alleged incidents(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.

Name filing the complaint: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

You may use the back side of this sheet if needed. Please return this form to the executive director of human resources.