

WAC 132B-310-040 Complaint options. (1) Informal resolution. Internal review and consultative process have been proven to be desirable means of resolving problems.

An individual who believes he or she has been or is being harassed may choose to informally share information and seek advice from the equity resource director or one of the college's designated ombudspersons. The purpose of this informal procedure is to give the complainant a sounding board, to help make sure that the complainant becomes informed of the options available, and to effect an informal resolution of complaints where possible. These include, but are not limited to:

- * Mediation through a liaison between parties.
- * Mediation through a face-to-face meeting between parties.
- * Mediation through written correspondence between parties. Every attempt will be made to keep this material confidential; however, confidentiality cannot be guaranteed.
- * Filing of an informal incident report with the college equity resource director. The informal incident report will be shared with the other party by the appropriate administrative supervisor for a response no later than the end of the subsequent academic term. If over a period of time, complaints continue to be received regarding the conduct of the same individual, it will then be the responsibility of the administrative supervisor to initiate a formal investigation of the merits of the complaints against that individual. All incident reports and responses will remain in the equity resource director's files for no more than six years.

If the complainant is satisfied at this point, he or she may decline to pursue the matter any further. No further action will be taken unless the complainant specifically requests such action or the college decides to pursue the matter on behalf of the college. Every attempt will be made to keep these discussions and materials confidential; however, confidentiality cannot be guaranteed.

Personnel action authority has been delegated to the college president, vice president for administration, and vice president for instruction. If a complainant brings an allegation to any one of these three administrators, that administrator will make a good faith effort to inform the employee of the complaint. However, the administrator will consider whether doing so would seriously impair the investigative process. It is the responsibility of these administrators to inform a potential claimant of their responsibility to so inform the other party.

(2) Formal. The complainant may file a formal written complaint:

(a) At any point in the process, whether an informal resolution has been attempted or not; or

(b) If a satisfactory resolution cannot be obtained through the informal procedure.

The formal written complaint should include the times, dates, places and circumstances surrounding the allegation. The accused will be notified of the allegation at this point.

The investigative process begins with a preliminary meeting with the college's equity resource director or vice president for student services. The purpose of this meeting is to orient the complainant to the formal complaint process. The complainant is encouraged to bring to this meeting any personal support person such as a friend, clergy, family member, professional counselor, etc., of the complainant's choice who is not, however, an employee of the college. These support

persons will be encouraged to accompany the complainant through the remainder of the complaint process. Like the complainant, the accused will be encouraged to identify a support person such as a friend, clergy, family member, professional counselor, etc., who is not an employee of the college to accompany him or her through the remainder of the process.

Nothing herein shall be deemed to preclude an employee's right to union representation. If at any point either party secures legal counsel, the other party will be so notified immediately. The formal complaint will be referred for investigation to the vice president for administration, the vice president for instruction or the equity resource director if they have not previously been involved with the case, the selection to be made by the president. In appointing an investigator, the president should obtain such information as he deems appropriate. Because damage could result to the career and reputation of any person who is affected by a harassment complaint investigation, all investigations of and hearings on such matters will be conducted insofar as possible to protect the privacy of, and minimize suspicion toward, the accused as well as the complainant, until the matter is impartially resolved. Only those persons responsible for investigating and enforcing harassment complaints will have access to the investigative files during the pendency of any proceedings.

[Statutory Authority: RCW 28B.50.140(13). WSR 94-20-073, § 132B-310-040, filed 10/3/94, effective 11/3/94.]