

## Step 2:

### FORMAL GRIEVANCE PROCEDURE.

The complainant may initiate a formal grievance. A formal grievance must be filed in writing and must set forth the specific grievance(s) raised by the complainant, including the dates, times, places, and circumstances surrounding his or her complaint. A form for this purpose is available; however, any written document is acceptable. Formal complaints may not be filed by e-mail.

Upon receipt of the grievance, an investigation will be conducted which includes, but is not limited to, interview(s) with the complainant, the respondent, and any additional persons necessary to determine the merit(s) of the complaint. The investigation should be completed within thirty (30) working days.

Upon completion of the investigation, a written report will be prepared, which includes findings and conclusions to the complainant and the respondent. The report may include a recommendation for appropriate disciplinary or corrective action, or the report may be sent to the designated Vice President or administrator to determine appropriate disciplinary or corrective action. If the complaint is found to be false and malicious, notification will be given to the designated Vice President or administrator for possible disciplinary action against the complainant.

## Step 3:

### PRESIDENTIAL APPEAL.

If the complaint is not resolved at Step 2, the complainant may appeal to the College President. The appeal must be made in writing within twenty-one (21) days after the report is issued.

Within twenty (20) days after receiving the appeal, the College President or the president's designee will conduct the presidential review and report the results in writing to both the complainant and the respondent. The College President may affirm or modify the report, remand the case for further investigation, or dismiss the appeal. The written results of the presidential review will be considered final.

No further intra-institutional appeal exists.

### NO RETALIATION

No one shall be singled out, penalized, or retaliated against in any way by a member of the College community for initiating or participating in a grievance procedure. Retaliation may be grounds for disciplinary action.



If desired, inquiries or appeals beyond the Clark College level may be directed to:

#### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

909 First Avenue, Suite 400  
Seattle, WA 98104-1061  
(206) 220-6883 • (206) 220-6882 TTY  
www.eeoc.gov

#### WASHINGTON STATE HUMAN RIGHTS COMMISSION

711 South Capitol Way, Suite 402  
PO Box 42490  
Olympia, WA 98504-2490  
(360) 753-6770  
1-800-300-7525 TTY  
www.hum.wa.gov

#### US DEPARTMENT OF EDUCATION

Office for Civil Rights  
915 Second Avenue, Room 3310  
Seattle, WA 98174-1099  
(206) 220-7900 • (206) 220-7907 TTY  
www.ed.gov/ocr

Alternate format of this document is available upon request.

Please contact Disability Support Services at:  
(360) 992-2314 or (360) 992-2835 TTY



Clark College *The Next Step*

1800 E. McLOUGHLIN BLVD.  
VANCOUVER, WA. 98663-3598  
360-699-NEXT | WWW.CLARK.EDU

Clark College is an Affirmative Action /  
Equal Opportunity Institution

## Discrimination and Harassment Grievance Procedure



Clark College  
*The Next Step*

CLARK COLLEGE affirms a commitment to freedom from discrimination for all members of the College community. The College expressly prohibits discrimination against any person on the basis of:

Race  
National Origin  
Sex  
Age  
Creed  
Presence of Physical, Sensory or Mental Disability  
Religion  
Color  
Disabled Veteran Status  
Sexual Orientation  
Gender Identity  
Gender Expression  
Vietnam-era Veteran Status  
Marital Status

The responsibility for, and the protection of, this commitment extends to students, faculty, administration, staff, contractors, and those who develop or participate in College programs. It encompasses every aspect of employment and every student and community activity.

Any person who believes she or he has been discriminated against or harassed by Clark College or its employee(s) or agent(s) on the basis of any status listed above, may request informal assistance and/or lodge a formal grievance.

The College President delegates investigation of grievances on the basis of race, sex, creed, religion, color, national origin, age, sexual orientation, gender identity, gender expression, and/or marital status to:

Leann Johnson  
Director for Equity and Diversity  
Baird Administration Bldg.  
(360) 992-2355

The College President delegates investigation of grievances on the basis of any physical, sensory or mental disability, or status as a disabled or Vietnam-era veteran to:

Tami Jacobs  
ADA Compliance Officer (ADACO)  
Room 142, Gaiser Hall  
(360) 992-2580  
TTY - (360) 992-2835  
VP - 192.102.5.20

## DEFINITIONS

### SEXUAL HARASSMENT:

A form of sex discrimination which involves the inappropriate introduction into the work or learning situation of sexual activities or comments that demean or otherwise diminish one's self worth on the basis of gender. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment under any of the following conditions:

- 1) When submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic standing.
- 2) When submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual.
- 3) When such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, offensive working or educational environment.

Sexual harassment often involves relationships of unequal power and contains elements of coercion—as when compliance with requests for sexual favors becomes a criterion for granting work, study, or grading benefits. However, sexual harassment may also involve relationships among equals, e.g., student to student, as when repeated sexual advances or demeaning verbal behavior have a harmful effect on a person's ability to study or work.



### SEX DISCRIMINATION:

The process of making a distinction in favor of, or against, a person or persons on the basis of sex rather than on individual merit. If sex is taken into account when making a decision regarding an employee, except when it is a bona fide occupational qualification or is otherwise authorized by law, or if a person is sexually harassed, that person has been subjected to sex discrimination.

### RACIAL HARASSMENT:

Physical or verbal conduct that is maliciously intended to harass, intimidate, or humiliate a person or persons on account of race, color, or national origin and that causes severe emotional distress, physical injury or damage or destruction to the property of another, or threatens and places a specific person or group of persons in reasonable fear of harm.

### DISABILITIES:

People with disabilities are persons with a physical, mental, or sensory impairment which substantially limits one or more major life activities. An individual is disabled if he or she meets at least any one of the following tests: (i) he or she is substantially impaired with respect to a major life activity; or (ii) he or she has a record of such an impairment, or (iii) he or she is regarded as having such an impairment.

### DISABLED VETERAN:

A person entitled to disability compensation under laws administered by the U.S. Department of Veterans Affairs, or a person whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty.

### VIETNAM-ERA VETERAN:

A person who served on active duty for a period of more than 180 days, any part of which occurred between August 5, 1964, and May 7, 1975, and was discharged or released from duty with other than a dishonorable discharge.

## GRIEVANCE PROCEDURE

Complaints should be filed within 180 days from the most recent incident; however, complainants are encouraged to express concerns as soon as possible. Where extraordinary circumstances are shown, the 180 day limit may be waived.

### Step 1:

#### INFORMAL MEETING.

In an attempt to informally resolve the concern, the complainant may request a meeting with the individual believed to have committed the discriminatory act (the respondent) or with the appropriate supervisor or President's designee. The time period in which attempts to informally resolve the concern are made shall not exceed thirty (30) working days from the time the complaint is lodged.