

**BELLINGHAM TECHNICAL COLLEGE
POLICY & PROCEDURES GUIDE**

POLICY Discrimination and Harassment <i>Replaces previous Discrimination and Harassment Policy 502.0</i>	Section 502.X Page 1 of 1
POINT OF CONTACT Vice President of Student Services/Executive Director of Human Resources	INITIAL DATE OF POLICY: 5/20/1993
RELATED POLICIES and/or PROCEDURES 502.X Non-Title IX Grievance Procedure 502.X Sex Discrimination Investigation Procedure 502.X Employee Discipline Procedure 427.5 Mandatory Reporting by Employees of Concerning Behaviors, Discrimination, Harassment, and Other Serious Crimes	THIS PAGE WAS LAST REVISED ON: 7/18/2024
APPLIES TO Employees, Students, Applicants, and Visitors of Bellingham Technical College	WAC/RCW WAC 495B-121: RCW 28B.50.863

A. POLICY

Bellingham Technical 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, perceived or actual physical or mental disability, pregnancy, genetic information, sex, sexual orientation, gender identity, marital status, creed, religion, honorably discharged veteran or military status, or use of a trained guide dog or service animal, as required by Title VI of the Civil Rights Act of 1964, Title VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, Sections 504 and 508 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. To this end, Bellingham Technical College has enacted policies prohibiting discrimination against and harassment of members of these protected classes. Any individual found to be in violation of these policies will be subject to disciplinary action up to and including dismissal from the College or from employment.

B. DEFINITIONS

1. Complainant: Employee(s), student(s), applicant(s), or visitor(s) of Bellingham Technical College who alleges that they have been subjected to discrimination or harassment due to their membership in a protected class.

2. Complaint: A description of facts that allege violation of the college's policy against discrimination or harassment.

3.

4. Discrimination: Unfavorable treatment of a person based on that person's membership or perceived membership in a protected class. Harassment is a form of discrimination.

5. Harassment: A form of discrimination consisting of physical or verbal conduct that denigrates or shows hostility toward an individual because of their membership in a protected class or their perceived membership in a protected class. Harassment occurs when the conduct is sufficiently severe, persistent, or pervasive that it has the effect of altering the terms or conditions of employment or substantially limiting the ability of a student or an employee to participate in or benefit from the college's educational and/or social programs.

Petty slights, annoyances, offensive utterances, and isolated incidents (unless extremely serious) typically do not qualify as harassment. Examples of conduct that could rise to the level of discriminatory harassment include, but are not limited to, the following:

- a. Epithets, "jokes," ridicule, mockery, or other offensive or derogatory conduct focused upon an individual's membership in a protected class.
- b. Verbal or physical threats of violence or physical contact directed toward an individual based upon their membership in a protected class.
- c. Making, posting, e-mailing, texting, or otherwise circulating demeaning or offensive pictures, cartoons, graffiti, notes, or other materials that relate to race, ethnic origin, gender, or any other protected class.

6. Protected class: Persons who are protected under state or federal civil rights laws, including laws that prohibit discrimination on the basis of race, color, national origin, age, perceived or actual physical or mental disability, pregnancy, genetic information, sex, sexual orientation, gender identity, marital status, creed, religion, honorably discharged veteran or military status, or use of a trained guide dog or service animal.

7. Resolution: The means by which the complaint is finally addressed. This may be accomplished through informal or formal processes, including counseling, mediation, or the formal imposition of discipline sanctions.

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

C. TITLE IX COORDINATOR OR EEO/AA OFFICER

Student and Student Applicant Contact: Vice President of Student Services, Title IX Coordinator
Contact Information: titleIX@btc.edu; 360-752-8440

Employee, Job Applicant and Visitor Contact: Executive Director of Human Resources, Equal Employment Opportunity/Affirmative Action (EEO/AA) Officer
Contact Information: hr@btc.edu; 360-752-8354

The Title IX Coordinator or EEO/AA Officer or designee:

- Will accept all complaints and referrals from college employees, applicants, students, and visitors.
- Will make determinations regarding how to handle requests by complainants for confidentiality.
- Will keep accurate records of all complaints and referrals for the required time period.
- May conduct investigations or delegate and oversee investigations conducted by a designee.
- May impose interim remedial measures to protect parties during investigations of discrimination or harassment.
- Will issue written findings and recommendations upon completion of an investigation.
- May recommend specific corrective measures to stop, remediate and prevent the recurrence of inappropriate conduct.

D. HOW TO FILE A COMPLAINT

Any employee, applicant, student or visitor of the College may file a complaint with the Title IX Coordinator, EEO/AA Officer, or designee. If the complaint is against that Coordinator/Officer, the complainant should report the matter to the president's office for referral to an alternate designee. Complaints may be submitted in writing or verbally. The College encourages the timely reporting of any incidents of discrimination or harassment. For complainants who wish to submit a written complaint, a formal complaint form is available online at www.btc.edu/Safety. Hardcopies of the complaint form are available at the following locations on campus: Human Resources Office and Office of the Vice President

of Student Services. Any person submitting a discrimination complaint shall be provided with a written copy of the College's anti-discrimination policies and procedures.

E. CONFIDENTIALITY AND RIGHT TO PRIVACY

Bellingham Technical College will seek to protect the privacy of the complainant 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 Bellingham Technical College policies and procedures. Although Bellingham Technical College will attempt to honor complainants' request for confidentiality, it cannot guarantee complete confidentiality.

Determinations regarding how to handle requests for confidentiality will be made by the Title IX Coordinator/EEO Officer.

Confidentiality Requests and Sexual Violence Complaints. The Title IX Coordinator or EEO/AA Officer will inform and obtain consent from the complainant before commencing an investigation into a sexual violence complaint. If a sexual violence complainant asks that their name not be revealed to the respondent or that the college not investigate the allegation, the Title IX Coordinator or EEO/AA Officer will inform the complainant that maintaining confidentiality may limit the college's ability to fully respond to the allegations and that retaliation by the respondent and/or others is prohibited. If the complainant still insists that their name not be disclosed or that the College not investigate, the Title IX Coordinator or EEO/AA Officer will determine whether the college can honor the request and at the same time maintain a safe and nondiscriminatory environment for all members of the college community, including the complainant. Factors weighed during this determination may include, but are not limited to:

- The seriousness of the alleged sexual violence;
- The age of the complainant;
- Whether the respondent has a history of committing acts of sexual violence or violence or has been the subject of other sexual violence complaints;
- Whether the respondent threatened to commit additional acts of sexual violence against the complainant or others; and
- Whether relevant evidence can be obtained through other means (e.g., security cameras, other witnesses, physical evidence).

If the College is unable to honor a complainant's request for confidentiality, the Title IX Coordinator or EEO/AA Officer will notify the complainant of the decision and ensure that the complainant's identity is disclosed only to the extent reasonably necessary to effectively conduct and complete the investigation.

If the College decides not to conduct an investigation or take disciplinary action because of a request for confidentiality, the Title IX Coordinator or EEO/AA Officer will evaluate whether other measures are available to limit the effects of the harassment and prevent its recurrence and implement such measures if reasonably feasible.

F. PUBLICATION OF ANTI-DISCRIMINATION POLICES AND PROCEDURES

The policies and procedures regarding complaints of discrimination and harassment 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 college policy will be provided a copy of these policies and procedures.

G. NON-RETALIATION, INTIMIDATION, AND COERCION

Retaliation by, for or against any participant (including complainant, respondent, witness, Title IX Coordinator, EEO/AA Officer or investigator) 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 Coordinator or EEO/AA Officer immediately.

H. CRIMINAL COMPLAINTS

Discriminatory or harassing conduct may also be, or occur in conjunction with, criminal conduct. Criminal complaints may be filed with the following law enforcement authorities:

Bellingham Police Department: 360-778-8600

Whatcom County Sheriff's Office: 360-676-6650

Washington State Patrol: 360-738-6215

The College will proceed with an investigation of harassment and discrimination complaints regardless of whether the underlying conduct is subject to civil or criminal prosecution.

I. OTHER DISCRIMINATION COMPLAINT OPTIONS

Discrimination complaints may also be filed with the following federal and state agencies:

Washington State Human Rights Commission: <http://www.hum.wa.gov/index.html>

U.S. Dept. of Education Office for Civil Rights: <http://www2.ed.gov/about/offices/list/ocr/index.html>

Equal Employment Opportunity Commission: <http://www.eeoc.gov/>