

Discrimination and Harassment Complaint Procedure

HOW TO FILE A COMPLAINT

Any employee, applicant, student or visitor of the College may file a complaint with the Title IX Coordinator. If the complaint is against that Coordinator, 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 pencol-advocate.symplicity.com/public_report. Hard copies of the complaint form are available at the Human Resources Office. Any person submitting a discrimination complaint shall be provided with a written copy of the College's anti-discrimination policies and procedures.

CONFIDENTIALITY AND RIGHT TO PRIVACY

Peninsula 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 federal and state law, as well as Peninsula College policies and procedures. Although Peninsula College will attempt to honor complainants' requests for confidentiality, it cannot guarantee complete confidentiality. Determinations regarding how to handle requests for confidentiality will be made by the Title IX / EEO Coordinator.

Confidentiality Requests and Sexual Violence Complaints: The Title IX / EEO Coordinator 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 / EEO Coordinator 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 / EEO Coordinator will determine whether the College can honor the request and at the same time maintain a safe and non-discriminatory environment for all members of the college community, including the complainant. Factors to be 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 sexual violence was perpetrated with a weapon;
- 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 / EEO Coordinator will notify the complainant of the decision and ensure that 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 / EEO Coordinator 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.

INVESTIGATION PROCEDURE

Upon receiving a discrimination complaint, the College shall commence an impartial investigation. The Title IX / EEO Coordinator shall be responsible for overseeing all investigations. Investigations may be conducted by the Title IX / EEO Coordinator or their designee. If the investigation is assigned to someone other than the Title IX / EEO Coordinator, the Title IX / EEO Coordinator shall inform the complainant and respondent(s) of the appointment of an investigator.

Interim Measures: The Title IX / EEO Coordinator 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 no contact orders, rescheduling classes, temporary work reassignments, referrals for counseling or medical assistance, and imposition of a summary suspension in compliance with the College's student conduct code or an administrative leave of absence in compliance with the College's employment policies and collective bargaining agreements.

Informal Dispute Resolution: 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.

Investigation: Complaints shall be thoroughly and impartially investigated. 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 ninety days unless there is good cause shown. If it appears completion of the investigation will take longer than ninety days, the Title IX/ EEO Coordinator will notify the parties, describe the reasons for the delay, and provide an estimated time for completing the investigation.

At the conclusion of the investigation, the investigator shall set forth their findings in writing. If the investigator is someone other than the Title IX / EEO Coordinator, the investigator shall send a copy of the findings to the Title IX / EEO Coordinator.

The Title IX / EEO Coordinator will provide each party and the appropriate student services administrator or appointing authority with written notice of the investigative findings, subject to the following limitations. The complainant shall be informed in writing of the findings only to the extent that such findings directly related to the complainant's allegations. The complainant may be notified generally that the matter has been referred for disciplinary action. The respondent shall be informed in writing of the findings 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 the investigative findings subject to any FERPA confidentiality requirements.

Final Decision/Reconsideration: Either the complainant or the respondent may seek reconsideration of the investigation findings. Requests for reconsideration shall be submitted in writing to the Title IX / EEO Coordinator within seven calendar days of receiving the investigation report. Requests must specify which portion of the findings should be reconsidered and the basis for reconsideration. If no request for reconsideration is received within seven calendar days, the findings become final. If a request for reconsideration is received, the Title IX / EEO Coordinator shall respond within 14 calendar days. The Title IX / EEO Coordinator shall either deny the request or, if the Title IX / EEO Coordinator determines that the request for reconsideration has merit, issue amended findings. Any amended findings are final and no further reconsideration is available.

PUBLICATION OF ANTI-DISCRIMINATION POLICIES 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.

LIMITS TO AUTHORITY

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

NON-RETALIATION, INTIMIDATION AND COERCION

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

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:

City of Port Angeles Police Department
321 East 5th Street
Port Angeles, WA 98362
Phone: 360-452-4545
wa-portangeles.civicplus.com/288/Police-Department

City of Forks Police Department
500 East Division Street
Forks, WA 98331
Phone: 360-374-2223
forkswashington.org/police-corrections

City of Port Townsend Police Department
1925 Blain Suite 100
Port Townsend, WA 98368
Phone: 360-385-2322
cityofpt.us/police

City of Sequim Police Department
152 W. Cedar Street
Sequim, WA 98382
Phone: (360) 683-7227
sequimwa.gov/111/Police

Clallam County Sheriff Department
223 East 4th Street
Port Angeles, WA 98362
Phone: 360-417-2459
clallam.net/sheriff

Jefferson County Sheriff Department
79 Elkins Road
Port Hadlock, WA 98339
Phone: 360-385-3831
co.jefferson.wa.us/172/Sheriff

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.

OTHER DISCRIMINATION COMPLAINT OPTIONS

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

- Washington State Human Rights Commission, hum.wa.gov
- US Dept of Education Office for Civil Rights, ed.gov/about/offices/list/ocr
- Equal Employment Opportunity Commission, eeoc.gov