

## **2.5 Discrimination or Harassment Grievance/Complaint Process**

These grievance procedures provide a complaint process for employees or other individuals to make a complaint about discrimination or harassment, or otherwise seek review of a decision or action regarding a disability determination, accommodation, modification, auxiliary aid, or otherwise based on a disability. The University will ensure the prompt and equitable resolution of complaints.

Individuals with concerns about accommodations or other disability related complaints should bring those concerns forward promptly. Individuals are encouraged, but not required, to try to resolve concerns through the informal review and resolution process outlined below.

### **Informal Review and Resolution**

Individuals with complaints or concerns about discrimination or harassment may choose to pursue the informal review and resolution process as an alternative to proceeding directly to the formal grievance process.

The request for an informal review and resolution should be in writing and should be directed to the Human Resources Director. It is important that the person making the request include a description of resolution being sought. The Human Resources Director will attempt to resolve the situation through discussions with the individuals involved, and will issue a written determination as to the resolution within fifteen (15) work days after receipt of the request.

If the individual making the request does not feel a satisfactory resolution has been reached, the individual may file a complaint through the formal grievance process described below. An individual may file a formal grievance without first using the informal review and resolution process.

### **Formal Grievance**

- A grievance should be filed as soon as possible or within 30 calendar days after the grievant becomes aware of the alleged violation.
- A grievance must be filed in writing, contain the name and address of the person filing it, and briefly describe the alleged violation.

Grievances should be addressed to:

Human Resources Director

3240 Fort Road

Toppenish WA 98948

509-865-8617

[HumanResouces@heritage.edu](mailto:HumanResouces@heritage.edu)

If a grievance alleges discriminatory treatment or harassment by the Human Resources Director, the grievance should be addressed to:

President

3240 Fort Road

Toppenish WA 98948

509-865-8600

[PresidentsOffice@heritage.edu](mailto:PresidentsOffice@heritage.edu)

The President will designate an appropriate individual or individuals to investigate a grievance against the Human Resources Director. After receiving the results of the investigation, the President will make

the determination concerning resolution of the grievance and any corrective actions that may be undertaken. The President's decision shall be final and not subject to further appeal.

### **Investigation**

- An investigation, as may be appropriate, will follow the filing of a grievance. The investigation will be conducted by the Human Resources Director or designee (Human Resources Advocate – HRA). Investigations will be conducted as expeditiously as possible and are usually completed within 30-60 days, though this may vary based on the availability of witnesses, the scope of the investigation, or unforeseen circumstances.
- During an investigation, the grievant will have the opportunity to describe their allegations and identify supporting witnesses or other evidence. Individual respondent(s), if any, will have the opportunity to respond to each allegation and identify supporting witnesses or other evidence. As determined to be appropriate by the investigator, he or she will review evidence presented and may meet with witnesses identified by the grievant, respondent(s), third parties, or the investigator. All parties involved in the investigation are expected to cooperate and provide truthful information throughout the investigation process.
- During the investigation process, both the grievant and any individual respondent(s) may ask an advisor or support person of their choice to accompany them to any meetings with the investigator. Although neither party is restricted from choosing an attorney as their support person, an attorney serves in the same advisory role as a non-attorney support person, not as a legal advocate. The investigator will apply any restrictions on the advisor or support person's ability to speak or otherwise participate equally to both parties.

### **Confidentiality**

Heritage University cannot ensure total confidentiality in its investigation of grievances filed under these procedures. However, Heritage University makes every reasonable effort to conduct investigations and related proceedings in a manner that protects the privacy of all parties, and will make clear to each individual involved in the grievance process that the expectation of confidentiality also applies to them. Each situation is reviewed as discreetly as possible, with information shared only with those who need to know about it in order to investigate and resolve the problem.

### **Resolution**

At the conclusion of an investigation, the Human Resources Director or HRA will determine whether the preponderance of the evidence supports the allegations of a violation of the University's Anti-Harassment and Anti-Discrimination Policy or the Access and Accommodations (ADA/504) Policy for Persons with Disabilities, and will consult with the appropriate University office regarding the resolution of the grievance and any corrective actions that will be undertaken. For staff, the appropriate office is the Human Resources Office in collaboration with the respondent's supervisor. For faculty, the appropriate office is the faculty member's Chair or the University Provost.

The Human Resources Director will issue a written determination on the validity and resolution of the grievance and provide a copy to the grievant and respondent(s) within 60 calendar days from the date the formal grievance is filed, although that time frame may be extended for good cause.

When a grievance is found to have merit, the University's response is based on several factors, including the severity of the conduct, and aims to prevent problems from recurring and ensure compliance with relevant discrimination and harassment laws, both state and federal. Individuals found responsible for discrimination or harassment will be subject to disciplinary action, up to and including termination of

employment, in accordance with relevant University policies and/or procedures and other requirements set forth in the Employee Handbook and/or Faculty Handbook.

The University will take steps to ensure access to qualified individuals, to prevent recurrence of any discrimination or harassment, and to remedy any discriminatory or harassment effects on the grievant and others, as appropriate.

### **Appeals**

If the grievant or an individual respondent is dissatisfied with the outcome of the grievance, they may appeal the grievance determination, as outlined below. The appeal must be submitted within ten (10) work days of the party's receipt of the grievance determination from the Human Resources Director.

The appeal must be submitted to the Appeals Committee in writing and must specify the substantive and/or procedural basis for the appeal. The Appeals Committee is appointed by the University President, and shall consist of the Human Resources Director, the Vice President for Student Affairs, and the Provost, unless the University President determines that one of those three members should be replaced with a different member of the University administration. If an appeal involves allegations of discriminatory treatment or harassment by a member of the Appeals Committee, that member will not take part in the consideration or decision on the appeal. If the remaining members of the Appeals Committee believe it is necessary for the resolution of the appeal, they may request that the President appoint an additional committee member to take the place of the recused member for consideration and decision on the appeal.

The Appeals Committee will review the appeal and issue a written decision to the grievant and respondent(s) within 15 work days of receipt of the appeal, unless extenuating circumstances require additional time for completion of the written decision. The decision of the Appeals Committee shall be final and not subject to further appeal, except in exceptional circumstances, where discretionary review is granted by the University President.

Appeals should be addressed to the Appeals Committee and may be submitted either to the Human Resources Director or the President at the addresses below:

Human Resources Director  
3240 Fort Road  
Toppenish WA 98948  
509-865-8617  
[HumanResouces@heritage.edu](mailto:HumanResouces@heritage.edu)

President  
3240 Fort Road  
Toppenish WA 98948  
509-865-8600  
[PresidentsOffice@heritage.edu](mailto:PresidentsOffice@heritage.edu)

### **Discretionary Review**

If either the grievant or respondent is dissatisfied with the outcome of the appeal and believes there are exceptional circumstances that justify a different result, the party may seek discretionary review from the University President by submitting a written request detailing the exceptional circumstances and the substantive or procedural basis for seeking review. The request for discretionary review must be

submitted within ten (10) work days from the party's receipt of the final determination from the Appeals Committee.

The President's decision on discretionary review will normally be issued within 15 work days of receipt of the request, unless additional time is required for a full consideration of the circumstances. The President's decision to accept or reject discretionary review, and any subsequent decision made by the President on the grievance if discretionary review is granted, is final and not subject to further appeal.

### **Outside Remedies**

The right of a person to prompt and equitable resolution of a complaint or grievance shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the responsible federal and state agencies. Use of the University's internal grievance and appeal process is not a prerequisite to pursuing other remedies with outside agencies. These agencies are:

Washington State Human Rights Commission  
905 West Riverside, Suite 416  
Spokane, WA 99201  
(509) 456-4473

U.S. Department of Education Office for Civil Rights  
915 Second Avenue, Room 331  
Seattle, WA 98174  
TDD (206) 220-7907  
(206) 220-7880

The Department of Justice Civil Rights Division  
1425 New York Avenue, Room 5041  
Washington, D.C. 20005  
TDD (800) 514-0383  
(202) 514-4224