

OPPM 3000 – Human Resources

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**SKAGIT VALLEY COLLEGE
POLICY/PROCEDURE
FOR
DRUG FREE WORKPLACE**

Section: 3010	Initial Date of Approval: 7/20/11 Revision Date(s):
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PURPOSE

To establish and maintain a drug-free work place.

REFERENCES

Drug- Free Schools and Communities Act (DFSCA)
Drug-Free Schools and Campuses Regulations
Drug-Free Workplace Act of 1988
Controlled Substances Act (21 U.S.C. 812)
21 CFR 1308.11 through 1308.15
Student Code of Conduct

POLICY

The College is committed to providing a drug-free workplace. Abuse of controlled substances negatively impacts the educational environment, job performance and employee/student safety. The College's objective is to insure that employees are in a position to perform their duties safely and efficiently in the interests of their fellow employees, students as well as themselves. The presence of controlled substances on the job, and the influence of these substances in the working environment are inconsistent with the College's objective.

PROCEDURE

Employees and students will be made aware that the unlawful possession, use, or distribution of controlled substances on College property, or as any part of a College activity is prohibited.

At the time of hire, employees will be requested to sign a Drug Free Statement indicating they have received, read and understand the Drug Free Workplace policy of Skagit Valley College. The signed Drug Free Statement will be filed in their personnel file.

Students, through the College publications, are provided information regarding the policy on a Drug Free Workplace.

An employee or student violating the College's policy are subject to sanctions imposed by the College which are consistent with disciplinary action in accordance with

applicable contract provisions, Code of Student Conduct, local, state, federal law and regulations.

Administrative Responsibility: Executive Director of Human Resources

**SKAGIT VALLEY COLLEGE
POLICY/PROCEDURE
FOR
FAMILY MEDICAL LEAVE**

Section: 3020	Initial Date of Approval: 7/20/11 Revision Date(s):
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PURPOSE

To provide employees the opportunity to request Family Medical Leave.

REFERENCES

The Family and Medical Leave Act of 1993 (FMLA)
28 U.S.C § 8
29 U.S.C. § 2611, 2612, 2613, 2614
29 C. F. R. § 825
Fair Labor Standards Act (FLSA)
Collective Bargaining Agreements
RCW 18.57 Osteopathy
RCW 18.71 Physicians
RCW 18.79 Nursing Care
RCW 49.12 Industrial Welfare
RCW 49.76 Domestic Violence Leave
RCW 49.77 Military Family Leave Act
RCW 49.78 Family Leave
WAC 182-12 Eligible and Noneligible Employees

POLICY

Eligible employees may be granted up to 12 weeks of leave in a rolling 12 month period in accordance with the Family Medical Leave Act of 1993 (FMLA).

PROCEDURE

An eligible employee must meet all of the following conditions:

1. The employee must have worked for Skagit Valley College for at least 12 months preceding the leave; and
2. The employee must have worked at least 1,250 hours in the twelve months preceding the commencement of the leave. This 1250 hour requirement does not count paid time off such as time used as annual leave, sick leave, personal holiday, personal leave day, compensatory time off, or shared leave. Employees receive credit for any time spent in the military reserves. Persons reemployed following military service gets credit for hours they would have worked if they hadn't been in the service.

Leave may be granted for:

1. The birth and care of a newborn child;
2. The placement of a child with the employee for adoption or foster care and to care for the child;
3. To care for a family member (spouse, child, parent or domestic partner as defined by WAC 182-12-260) with a serious health condition;
4. For the employee's own serious health condition which makes them unable to perform the essential functions of their job; or,
5. Due to a qualifying exigency arising from the fact that the family member of the employee is on covered active duty or has been notified of pending call to covered active duty in the Armed forces;
6. In the case of Military Caregiver Leave Entitlement, an eligible employee who is a child, parent of a child of any age, or next of kin of a covered service member is entitled to up to 26 weeks of leave in 12 month period to care for the service member who is undergoing treatment, recuperation or therapy, is otherwise in outpatient status or is otherwise on the temporary disability retired list for serious injury or illness;
7. Entitlement to FMLA leave for the care of a newborn child or newly adopted or foster child ends twelve (12) months from the date of the birth or the placement of the foster or adopted child.

Serious health condition means:

1. An illness, injury, impairment, or physical or mental condition that involves:
 - A. Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical-care facility, and any period of incapacity, **or**
 - B. Continuing treatment by a health care provider which includes any period of incapacity of more than three consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves treatment two or more times by or under the supervision of a health care provider; **or**
 - C. Treatment by a health care provider on at least one occasion with a continuing regimen of treatment of the health care provider.
2. Incapacity due to pregnancy or prenatal care;
3. Any period of incapacity or treatment due to a chronic serious health condition, which requires periodic visits for treatment by a health care provided, continues over an extended period of time, and may involve occasional episodes of incapacity;
4. A permanent or long-term condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of a health care provider, rather than active treatment;
5. Any periods of absences to receive multiple treatments for restorative surgery after an accident or other injury, or for a condition which would likely result in a period of incapacity of more than three consecutive calendar days if not treated.

Health care provider means:

A person licensed as a physician as defined in 18.71 RCW or osteopathic physician and surgeon under chapter 18.57 RCW or a person licensed as an advanced registered nurse practitioner under RCW 18.79.

I. Leave Coverage and 12-Month Period

1. An eligible employee can take up to 12 work weeks of leave during a 12-month period. The FMLA leave entitlement period is a rolling twelve (12) month period measured forward from the date the employee begins FMLA leave. Each time the employee takes FMLA leave during the twelve (12) month period, the leave will be subtracted from the twelve (12) weeks of available leave. The employee's next FMLA leave year would begin the first time FMLA leave is taken after completion of the previous 12-month period.
2. If spouses/domestic partners both work for SVC, they may only take a combined total of 12 weeks of FMLA leave in the 12-month period for the purpose of taking leave for the birth of a child or placement of a child or to care for the employee's parent with a serious health condition.
3. For employees who normally work less than a full-time schedule, the amount of leave will be determined on a pro rata basis and will be determined based on the employee's status at the time of the request for leave.

II. Employee Request for Leave and Employer Designation

It is the employee's responsibility to notify their supervisor of the need for leave and to provide reasons for the leave to allow the employer to determine if the leave qualifies for FMLA leave. The employee should provide the anticipated timing and duration of the leave. The employee must notify their supervisor at least 30 days in advance of the need for leave if the need for leave is foreseeable. If the need for leave is not foreseeable, notice must be given as soon as possible.

The employee's supervisor may inquire further regarding the need for leave if the employee does not initially provide enough information to determine if the leave request qualifies for FMLA designation.

The employee's supervisor or Human Resources (HR) will provide the employee with an FMLA request form to be completed by the employee and a medical certificate to be completed by the employee's or family member's health care provider. The employee should return these forms to HR within 15 calendar days after the employee receives them.

The College will normally determine eligibility and notify the employee that the leave will be designated as FMLA within two business days, absent extenuating circumstances, of the date the College receives knowledge that the leave is being taken for a FMLA qualifying reason. The designation can be made either orally or in

writing. If given orally, it will be followed up in writing by the next payday that is at least one week away from the oral notification.

III. Substitution of Paid Leave

Skagit Valley College will require an employee to exhaust all paid leave before using leave without pay for an FMLA covered event. The use of any leave, paid or unpaid (excluding leave for a work related injury or illness covered by workman's compensation or assault benefits or compensatory time earned under the Fair Labor Standards Act) for an FMLA qualifying event will run concurrently with, and not in addition to, the use of FMLA for that event. The types of leave to be substituted for otherwise unpaid FMLA leave include annual leave, sick leave, shared leave, and/or personal holidays.

Such use of sick leave is allowed only for those purposes that sick leave use is normally allowed for pursuant to state laws or Skagit Valley College policy, as applicable. Compensatory time earned pursuant to the Fair Labor Standards Act will not be counted toward the FMLA entitlement, although an employee is allowed to use compensatory time for a FMLA qualifying event.

IV. Medical Certification

Medical certification will be required for any request for use of Family Medical Leave. The employee will be asked to respond to the request for a complete medical certification within fifteen (15) calendar days of the request or to provide a reasonable explanation of the delay. Failure to provide the requested certification may result in the denial of FMLA. Certification should be provided by using the Medical Certification Form attached. All applicable information should be included.

If the College has questions regarding the initial medical certification they may, with a release from the employee, ask their health care professional to contact the employee's health care professional to authenticate or clarify the original certificate.

If the College has reason to question the medical certification, they may elect to seek a second opinion from a health care provider of their choosing at SVC expense. If the second opinion conflicts with the first opinion, a third opinion may be obtained at SVC expense from a health care provider mutually chosen by the employee and SVC. The third opinion will be controlling. The employee will be considered provisionally entitled to leave pending the second and/or third opinion.

The College may ask for re-certification under the provisions of the FMLA. Re-certifications are provided at the employee's expense.

V. Continuation of Benefits

1. During approved FMLA leave, the College will continue an eligible employee's health and other benefits at the same level and under the same conditions as if the employee had continued to work. The eligible employee will be required to pay for their portion of their health care and other benefit premiums during their FMLA absence.
2. During paid leave, the College will continue to make payroll deductions for the employee's share of the health care and other premiums. During unpaid leave the employee must continue to make these payments. Payment should be made to the Payroll department. If the employee on unpaid leave does not pay their share of the premiums, the College may elect to make these payments on behalf of the employee, thus continuing their benefits, and collect the amounts due from the employee upon his or her return to work. The employee using unpaid FMLA leave will be required to indicate on the FMLA request form how they intend to pay their share of premiums during their absence.
3. If an eligible employee chooses not to return to work at the conclusion of their unpaid FMLA leave for reasons other than a continued serious health condition of the employee or the employee's family member, or a circumstance beyond the employee's control, the College will require the employee to reimburse the College the amount of health care benefit premiums paid by the College for the employee during the FMLA leave period.

VI. Returning to Work

1. Upon returning to work after the employee's own FMLA qualifying illness, the employee will be required to provide a fitness for duty certificate from a health care provider. The fitness for duty certificate should be job related and consistent with business necessity. A fitness for duty certificate will not be required for intermittent leave usage.
2. Following absence granted for an approved FMLA event, an employee shall be returned to the same or an equivalent position as the one held immediately prior to the absence.
3. An employee returning from FMLA leave has no greater entitlement to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the leave period.

Administrative Responsibility: Executive Director of Human Resources

**SKAGIT VALLEY COLLEGE
POLICY/PROCEDURE
FOR
SHARED LEAVE**

Section: 3030	Initial date of Approval: 7/20/11 Revision Date(s):
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PURPOSE

To provide employees the opportunity to request shared leave.

REFERENCES

BSL-3 (2)
WAC 357-31
RCW 41
Collective Bargaining Agreements

POLICY

The leave sharing program allows college employees to donate leave, in compliance with current statute, to co-workers whose regular paid leave is depleted because of extraordinary or severe illness, injury, impairment, or physical or mental condition of themselves, a relative, or household member.

PROCEDURE

Leave sharing permits state employees to financially aid other College employees who will need to take leave without pay or separate from employment due to:

1. Having a severe or extraordinary illness; or,
2. Having care giver responsibilities for a relative or a household member with a severe or extraordinary illness; or,
3. When voluntarily or involuntarily serving in the uniformed services.
 - A. Serving in the uniformed services means being on active duty or active duty for training, inactive duty training, initial active duty training, full-time national guard duty, and absence from work to be examined for fitness for duty
 - B. Uniformed services means the armed forces, the army or air national guard of any state, territory, commonwealth, possession or district, the commissioned corps of the public health service, the coast guard and any other category of persons designated by the president of the United States in time of war or national emergency.

- C. The employee is a victim of domestic violence, sexual assault or stalking and has used or is about to use all of the employee's eligible annual and sick leave.

"Shared leave" may be a combination of vacation leave, sick leave, and/or personal holiday hours.

College employees who accrue leave and who meet eligibility requirements (see below) may donate and receive shared leave. Some restrictions may apply to federal and state grants. Leave sharing at Skagit Valley College is limited to eligible Skagit Valley College employees, and does not extend to other Washington State agencies.

Requests to receive shared leave require the supervisor and the Human Resources' approval and appropriate documentation from a health care provider. To make a request for shared leave, please contact the Human Resources Office.

ELIGIBILITY

To be eligible to receive shared leave an employee must meet the following eligibility requirements:

1. Have a severe or extraordinary illness; or,
2. Have caregiver responsibilities for a relative or a household member with a severe or extraordinary illness; or
3. When voluntarily or involuntarily serving in the uniformed services as defined above; and,
4. Have depleted or almost depleted all eligible paid leave (sick and vacation leave, personal holiday, as eligible, for serious illness; and vacation leave for uniformed service duty); and
5. Not be eligible for time loss compensation from the Washington State Department of Labor and Industries.

DEFINITIONS

Extraordinary or Severe Illness or Injury: Examples include cancer, major surgery, chemotherapy, broken back, fractured pelvis, liver transplant, heart transplant, AIDS, fetal endangerment, hysterectomy.

Household Member: A person who resides in the same home and who provides reciprocal personal and financial support to the employee.

Relative: A spouse, child, stepchild, grandchild, foster child, legal ward, parent, or grandparent.

Administrative Responsibility: Executive Director of Human Resources

**SKAGIT VALLEY COLLEGE
POLICY/PROCEDURE
FOR
REASONABLE ACCOMMODATION IN EMPLOYMENT**

Section: 3040	Initial Date of Approval: 7/20/11 Revision Date(s):
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PURPOSE

Persons with disabilities have the right to request and receive reasonable accommodation in all aspects of employment including but not limited to: application; recruitment; selection/hiring; promotion; testing; medical examinations; layoff/recall; assignments; termination; evaluation; compensation; disciplinary actions; leave; training; the terms, conditions and benefits of employment including insurance benefits; and employer supported activities.

REFERENCES

Americans with Disabilities Act of 1990
Americans with Disabilities Amendments Act of 2008
Rehabilitation Act of 1973 as Amended
Architectural Barriers Act
Collective Bargaining Agreements
Washington State Executive Order 93-03

POLICY

It is the policy of the College to provide Reasonable Accommodations to persons with disabilities and to comply in good faith with the requirements of applicable laws, rules, and regulations.

PROCEDURE

Equal Employment Opportunity – the opportunity to perform the essential job functions or to enjoy equal benefits and privileges of employment as are available to a similarly – situated applicant or employee without a disability.

Essential functions – the fundamental job duties of the position that the individual with the disability holds or desires. The term “essential functions” does not include the marginal functions of the position. The following criteria should be considered in identifying the essential functions of a position:

1. Employees in the position are actually required to perform the function;
2. Removing the function would fundamentally change the job;
3. The position was established to perform the function;

4. There are a limited number of other employees available to perform the function, or among whom the function can be distributed; and
5. The function is highly specialized, and the person in the position is hired for his/her special expertise or ability to perform it.

Persons with a disability – persons having a physical or mental impairment that substantially limits one or more major life activities; or a person who has an abnormal condition that is medically recognizable or diagnosable, and who is denied reasonable accommodation or is discriminated against on the basis of that condition.

Qualified individual with a disability – an individual with a disability who meets the skill, experience, education and other job-related requirements of the position held or desired, and who, with or without reasonable accommodation, can perform the essential functions of the job.

Reasonable accommodation – a modification or adjustment to a job, work environment, policies, practices or procedures that enables a qualified individual with a disability to enjoy equal employment opportunity, benefits, privileges and conditions of employment.

Reasonable accommodations may include, but are not limited to, the following actions:

1. Modification of the employee's regular job duties and/or work schedule;
2. Assignment to a different available position within the current class;
3. Opportunity to apply for other employment within the institution for which the employee qualifies;
4. Leave of absence in accordance with appropriate Collective Bargaining Agreements;
5. Physical office/equipment changes or office relocation to make facilities accessible and usable.

Reasonable accommodations are determined by the circumstances in each case. Not all possible accommodations are reasonable, specifically if they cause an undue hardship.

Undue hardship – An excessively costly, extensive, substantial, or disruptive modification, or one that would fundamentally alter the nature or operation of the institution. The following criteria shall be considered in determining undue hardship:

1. The nature and net cost of the accommodation needed, taking into consideration the availability of outside funding;

2. The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation, the number of employees, and the effect on expenses and resources;
3. The overall financial resources of the covered entity with respect to the number of employees and the number and type and location of its facilities;
4. The type of operation or operations of the covered entity, including the composition, structure and functions of the workforce of such entity, and the geographic separateness, and administrative or fiscal relationship of the facility or facilities in question to the covered entity; and
5. The impact of the accommodation on the operation of the facility including the impact on the ability of other employees to perform their duties and the impact on the facility's ability to conduct business.

Health Care Professional – A person who has completed a course of study and is licensed to practice in a field of health care which includes the diagnoses and assessment of the particular disability or disabilities in question.

I. RESPONSIBILITIES/RIGHTS

A. Responsibilities/Rights of Employees/Applicants

1. It is the obligation of an individual with a disability to request a reasonable accommodation and to provide information/documentation from a health care professional to verify the disability and make decisions regarding reasonable accommodation. This documentation must include a description of the nature and extent of the disability and must explain how the disability limits their performance.
2. A qualified individual with a disability has the right to refuse an accommodation; however, if after refusing the accommodation the essential elements cannot be performed, the individual will not be considered qualified.
3. In a situation where the college is attempting to accommodate or assist the employee in applying for other positions the employee is responsible for: providing current information showing skills, abilities, training, and experience; identifying the types of jobs s/he is interested in and qualified for; applying for vacant positions; and advising the college of any change of address/phone number.

B. Responsibilities/Rights of Skagit Valley College

1. The college must provide reasonable accommodation to the known physical, mental or sensory limitations of an otherwise qualified individual with a disability. This is an ongoing responsibility, which applies to all aspects of employment. This includes:

Selection, selection for promotion, training, traveling, participation in projects and committees, developmental work assignments or any opportunity which may have an impact on an employee's career development;

Opportunities to enjoy all employer supported social or recreational activities;

Timelines for all activities and opportunities which allow an employee to enjoy equal terms, benefits, privileges and conditions of employment;

Information regarding benefits privileges, and conditions of employment must be provided in a format, which is readily accessible to the disabled employee.

2. Information regarding the presence or nature of an employee's or applicant's disability must be treated as a confidential medical record and shall be maintained in a secure manner with access restricted to designated personnel on a need to know basis; these records will be kept separate from personnel files.
3. Employees will be notified of the college's obligation to provide reasonable accommodations and be instructed as to how to initiate such a request.
4. The institution may request verification from the employee's or applicant's health care provider when an applicant/employee requests a reasonable accommodation when a disability is not readily apparent and has not been previously documented. The college may obtain a second opinion at its own expense from a health care provider of its selection. Such inquiries must be limited to verification of the employee's/applicant's claims, except that the college may also request suggestions for alternative accommodations.
5. Notification of the right to make an accommodation request and information on how to initiate such a request must be included with all position announcements and bulletins. The college will respond to such requests in a timely way.
6. Qualification standards, employment tests or other selection criteria must not screen out or tend to screen out an individual with a disability unless they are job related and necessary for the employer. Employment tests must accurately reflect skills, aptitude, or other factors being measured and not the impaired sensory, manual, or speaking skills of an employee or applicant with a disability unless those are the skills the test is designed to measure.
7. The Human Resources Office is the designated contact point for information about job openings and the application process. The Human Resource office staff have the authority to initiate the college's process for the provision of reasonable accommodations for applicants.

II. PROCESS

1. Upon receiving a written request for reasonable accommodation, the Executive Director of Human Resources shall consult with the individual with a disability and their supervisor to find out the specific limitations as they relate to the essential job functions, identify the barriers to job performance and assess how an accommodation can overcome these barriers. Verification of the disability/limitations and/or a second opinion may be appropriate.
2. The Executive Director of Human Resources will consult with the employee/applicant, their supervisor (if an employee), and may consult with other knowledgeable sources, to identify potential accommodations and assess how effective each would be in enabling the individual to perform the essential job functions.
3. If there are two or more effective accommodations that would allow the individual with a disability to perform essential job functions, after considering the preference of the individual with a disability, the employer may select the accommodation to be provided.
4. When an accommodation in an employee's present position is not reasonable, or would cause an undue hardship, the college will attempt to accommodate the employee through reassignment to a vacant position, at the same pay range or lower, for which s/he is qualified. Within practical limitations, the college may also assist the employee in identifying and applying for vacant positions for which s/he is qualified within other agencies/institutions.
5. Written justification, signed by the President, must be provided for any decision not to provide a reasonable accommodation because of undue hardship. The decision should include the practical and available limits of the institution's ability to draw upon resources available elsewhere within state government.
6. If the cost of a reasonable accommodation would impose an undue hardship, and there are not other financial resources available, the individual with a disability must be given the option of providing the accommodation, or paying that portion of the cost which would constitute an undue hardship.
7. If no reasonable accommodation can be made a separation due to disability is initiated in accordance with the following procedure and the appropriate collective bargaining agreements.
 - a. Written notice of separation is provided to the employee. Notice includes, in part, the reason for separation.

- b. The employee will be provided with a list of benefit assistance programs offered by other agencies (i.e. public assistance, disability retirement, social security, etc.) and information concerning COBRA.
 - c. Classified employees will be notified of their option to apply for return to employment and appeal rights; and will be provided with the following information: provisions governing reemployment, assistance provided by the institution when seeking reemployment, information pertaining to a probationary period for employees returning from disability separation information pertaining to the definition and composition of eligible lists information pertaining to training and development for employees returning from separation copies of applicable civil service rules.
8. The college's internal grievance procedures as set forth in its collective bargaining or other applicable agreements shall be used for addressing disputes related to requests for reasonable accommodation.

III. DISSEMINATION

A copy of this procedure will be given to an employee at the time of a request for accommodation or when steps to accommodate are initiated by the institution.

Administrative Responsibility: Executive Director of Human Resources

**SKAGIT VALLEY COLLEGE
POLICY/PROCEDURE
FOR
SUSPENDED OPERATIONS**

Section: 3050	Initial Date of Approval: 7/20/11 Revision Date:
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PURPOSE

To provide a process for suspending operations as a result of safety, health or emergency conditions of the College.

REFERENCES

Collective Bargaining Agreements

POLICY

The College may suspend operations when the public health, property or safety is jeopardized.

PROCEDURE

The President or his/her designee may suspend the operation of all or any portion of the College. Suspended operations will be announced through established processes including appropriate media, telephone messages, College web page announcements and other resources as appropriate.

Use of leave during suspended operations will be in compliance with the appropriate collective bargaining agreements, or as approved by supervisors for non-represented employees.

Administrative Responsibility: Executive Director of Human Resources

**SKAGIT VALLEY COLLEGE
POLICY/PROCEDURE
FOR
TELECOMMUTING**

Section: 3060	Initial Date of Approval: 7/20/11 Revision Date(s):
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PURPOSE

To provide employees the opportunity to perform some or all of their assigned duties at other than the conventional workplace to enhance employee productivity, creativity and job satisfaction, as well as maintain or improve utilization of office space, while also contributing to commute trip reductions.

REFERENCES

Collective Bargaining Agreement
Fair Labor Standards Act (FLSA)
Washington State Executive Order 01-03

POLICY

Employees may participate in the telecommuting program.

PROCEDURE

Telecommuting is a temporary arrangement between the employee and his/her administrator, which may be terminated by either party with reasonable notice and is governed by the standards and procedures contained within this document, negotiated agreements and applicable laws. Documents for telecommuting requests may be obtained from Human Resources.

To be approved for telecommuting, a plan must be developed that meets the following conditions:

1. Approval of the telecommute arrangement will have no negative impact on:
 - a. The employee's or another employee's performance;
 - b. Student and/or customer service;
 - c. Inter-departmental communications;
 - d. The efficiency or effectiveness of work coordination between interdependent work units.
2. Employee has displayed satisfactory job performance over the past two years based on performance evaluations.
3. Approval of both the employee and the immediate supervisor, indicating agreement on the telecommuting conditions and restrictions.

4. The employee and the employee's immediate supervisor must complete a formal Telecommuting Agreement and gain approval by the appropriate authority (Director, Dean, Vice President or President) before any telecommuting arrangement can begin.

To apply for a telecommuting arrangement, an employee and his/her immediate supervisor must complete the following, without exception:

1. Telecommuting Application,
2. Telecommuting Agreement, and
3. Authorization for Temporary Checkout of Equipment Form (if applicable).

TELECOMMUTING AGREEMENT

The employee and the employee's immediate supervisor must complete a formal Telecommuting Agreement and gain approval by the appropriate authority (Director, Dean, Vice President or President) before any telecommuting arrangement can begin.

The agreement shall include the following:

1. A work schedule;
2. The location of the alternate worksite;
3. A brief description of how the duties of the position will be carried out and where each duty will take place (i.e. at an alternate worksite, on site);
4. Communications procedures to be used;
5. What equipment and/or supplies (including computer hardware/software configurations) will be used and who will provide them, and
6. Any applicable data security procedures.

Telecommuting agreements shall not exceed one year in duration and must provide specific time intervals for meetings and communications with the employee's supervisor, co-workers, students, and other constituents as appropriate. Skagit Valley College's business and operational needs take precedence over telecommuting and may justify termination of the agreement. Modification to existing agreements or new agreements must follow the eligibility requirements and Telecommuting Agreement guidelines as established. Modifications to the agreement may be initiated by either the employee or supervisor.

A copy of the Telecommuting Agreement will be kept on file with the telecommuter's supervisor, and the original will be kept in Human Resources.

Telecommuting shall not be used as a substitute for dependent care. Telecommuters shall make necessary arrangements for their dependents during the agreed upon work hours to ensure the successful completion of their assigned work duties.

DEFINITIONS OF EMPLOYMENT CONDITIONS, ALTERNATE WORK SITE, EQUIPMENT AND SUPPLIES

Each teleworking arrangement must address three important aspects; conditions of employment while teleworking, guidelines for the alternate work site and rules regarding

Conditions for Alternate Worksite

1. Skagit Valley College is responsible for providing standards to ensure a safe and healthy work environment for the telecommuter at an alternate worksite. The employee will agree to follow these standards and safe working procedures. (See 1. below)
2. To ensure safe working conditions exist at the alternate worksite (with exception as noted in 2. below); Skagit Valley College shall retain the right to make on-site inspections.
3. When the telecommuter's alternate worksite is in the home, the telecommuter shall be responsible for maintaining a designated workspace in a safe, healthy, professional, and secure manner. Failure to do so may be cause for termination of the telecommuting agreement and/or disciplinary action up to and including termination.
4. It is the employee's responsibility to immediately report to his/her supervisor any/all industrial accident(s) occurring as a result of performing job related responsibilities.

Since the employee's remote workspace will be considered an extension of Skagit Valley College's workspace, the State's liability for job-related injuries to the employee will apply. Since the workplace and home will be one in the same, worker's compensation will not apply to non-job related injuries that might occur in the home.

Equipment and Supplies

1. If the alternate work site is the employee's home, the employee will be encouraged to utilize his/her own equipment. If Skagit Valley College equipment is used, the employee will be responsible for the protection and security of the equipment until it is returned to Skagit Valley College. If Skagit Valley College equipment on loan to a telecommuter is damaged or stolen while in the possession of the telecommuter, repair and/or replacement of the equipment is the responsibility of the telecommuter. A Skagit Valley College "Authorization for Temporary Checkout of Equipment" form for temporary check out of equipment must be used. Telecommuters should check their Homeowner's policy for coverage of Skagit Valley College equipment in case the equipment is damaged or stolen at the telecommuter's residence.
2. If the alternate worksite is other than the employee's home, Skagit Valley College will have responsibility for providing the appropriate equipment.
3. The supervisor may arrange for the telecommuter to connect on Skagit Valley College network through the Skagit Valley College Information Systems Department.
4. If a SCAN number is assigned to the employee, it will be used solely for work related calls. Work related, long distance call charges using other carriers will be reimbursed according to existing Skagit Valley College procedures.

Skagit Valley College's equipment and supplies. As each teleworking arrangement will be unique, an agreement may contain specific rules and conditions under each of these aspects that the employee, supervisor and Skagit Valley College have identified as important to ensure that particular arrangement is successful.

Conditions of Employment Telecommuting

1. The duties, obligations, and job responsibilities assigned to the employee will remain the same while telecommuting.
2. During a telecommuting agreement the employee's salary, benefits and other employer insurance coverage shall remain in effect.
3. Collective Bargaining Agreements governing leave, overtime, hours of duty and scheduled workweek; Fair Labor Standards Act (FLSA) rules governing overtime; and Skagit Valley College policies and procedures will continue to apply to Skagit Valley College telecommuters.
4. Employees remain obligated to comply with all agency rules, policies, practices and instructions. Failure to do so may result in the termination of the telecommuting agreement and/or disciplinary action up to and including termination of employment, in accordance with applicable rules, regulations and the Collective Bargaining Agreement.
5. Performance evaluation requirements for telecommuters shall not differ from non-telecommuters.
6. In the event circumstances prohibit the teleworker from performing his or her assigned duties while telecommuting, the telecommuter shall immediately notify his or her supervisor for further work direction.
7. Vacation, sick and other leave while telecommuting will continue to require appropriate signatures and prior approval by the employee's supervisor.
8. All sick leave will be reported by the employee to his/her supervisor in accordance with applicable collective bargaining agreements, and/or District procedures.
9. Telecommuters will be expected to check their E-mail, voice mail and remain accessible by direct phone during approved telework hours identified in the Telecommuting Agreement.

Failure of a telecommuter to notify his/her supervisor that they cannot be reached at their telecommuting location during hours specified in the Telecommuting Agreement is grounds for terminating the agreement.

5. Telecommuters using their own computer equipment must certify that they have installed recent virus protection software.
6. To protect confidentiality and guard against data contamination, telecommuters shall follow Skagit Valley College approved data security procedures at their alternate worksite.
7. Telecommuters using Skagit Valley College-provided computer software shall adhere to the manufacturer's licensing agreements, including the prohibition against unauthorized duplication. The teleworker will not load non-business software on Skagit Valley College-provided computers and will follow the Employee Acceptable use Guidelines for Skagit Valley College Technology Resources at all times. Skagit Valley College software that has an "on site license contract", cannot be installed on an employee owned computer.
8. Office supplies for use by telecommuters at their alternate worksites shall be provided by Skagit Valley College and should be obtained during the teleworker's in-office work periods. Out-of-pocket expenses for supplies or services shall be pre-approved and will be reimbursed according to existing agency procedures.

TERMINATION OF AGREEMENT

Telecommuting arrangements are for mutual benefit and not an employee right. No telecommuting agreement will be approved beyond one year, although subsequent agreement can be reached for subsequent periods. Telecommuting agreements must meet the operational needs of Skagit Valley College and failure of an agreement to meet operational needs shall be grounds for immediate termination of the agreement. It is not the intent of the Telecommuting Policy to take the place of flexible work schedules as approved by a supervisor and employee. Further, the agreement may be terminated by either the employee or the immediate supervisor for any reason upon reasonable notice, 14 calendar day's written notice, to the other party.

PRACTICES AND EVALUATION

Skagit Valley College Human Resources Office will provide consultation for the proper implementation of telecommuting.

Administrative Responsibility: Executive Director of Human Resources

SKAGIT VALLEY COLLEGE POLICY/PROCEDURE FOR PREVENTION AND REMEDATION OF SEXUAL HARASSMENT AND DISCRIMINATION

Section: 3070

Initial Date of Approval: 7/20/11

Revision Date(s): /29/14; 5/11/15

PURPOSE

To describe Skagit Valley College's position regarding discrimination and harassment and to affirm the College's commitment to maintain an environment that is free of discrimination, harassment and/or retaliation as well as communicate the college's complaint process and actions toward any such conduct counter to this policy.¹

REFERENCES

Title IX of the Education Amendments of 1972
Violence Against Women Reauthorization Act (VAWA)
Americans with Disabilities Act and ADA Amendment Act (ADA & ADAA)
Section 504 of the Rehabilitation Act of 1973
Title VI and VII of the Civil Rights Act of 1964
Age Discrimination in Employment Act of 1967 (ADEA)
Washington Law Against Discrimination (WLAD), RCW 49.60
Washington State and SVC Collective Bargaining Agreements
RCW 28B.110
RCW 26.50.010
RCW 9A.44.093
§668.46

OBJECTIVE

It is the policy of Skagit Valley College to provide equal opportunity in education and employment and not discriminate on the basis of race, color, national origin, age, disability, sex, sexual orientation, marital status, creed, religion, or status as a veteran of war as required by Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Americans with Disabilities Act and ADA Amendment Act, Section 504 of the Rehabilitation Act of 1973, Title VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, RCW 49.60 and their implementing regulations. Prohibited gender-based discrimination includes sexual harassment.

Harassment is a form of discrimination and is defined as unwelcome conduct that is based on, race, ethnicity, creed, color, national origin, sex, marital status, sexual orientation, age, religion, genetic information, gender identity, veteran status, or the presence of any sensory, mental, or physical disability or any other basis prohibited under state or federal law, where:

¹ Nothing in the policy shall be construed or applied to restrict academic freedom or constitutionally protected expression.

- 1) enduring the offensive conduct becomes a condition of continued employment or education, or
- 2) the conduct is sufficiently severe or pervasive so as to substantially interfere with the individual's employment, education, or access to college programs, activities and opportunities.

Sexual Harassment is defined, for the purposes of this policy as follows: unwelcome sexual advances, requests for sexual favors, and other unwelcome conduct either of a sexual nature or based on sex/gender where:

- a) submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or education; or
- b) submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting any individual; or
- c) such unwelcome conduct is sufficiently severe, persistent or pervasive to have the effect of denying or limiting any individual's access to educational or professional opportunities or benefits.

Sexual harassment based on gender includes domestic violence, dating violence, and gender-based stalking.

DEFINITIONS

Advocate: Individuals who assist members of the SVC community with concerns about their rights and the policies and procedures of Skagit Valley College. Advocates will:

- Provide information on college policies and Title IX obligations
- Provide resources about counseling and medical resources both on campus and in the community
- Upon request, assist complainant with filing a complaint
- Upon request, assist respondent with reviewing college policies and procedures
- Act as a neutral/impartial resource for student/staff
- Upon request, serve as advocate during investigation

Business Day: A week-day, excluding weekends and college holidays.

Calendar Day: Days on the calendar including weekends and holidays.²

Campus: (1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a

² "Day" refers to calendar days unless otherwise specified.

manner related to, the institution's educational purpose, including residence halls; and (2) Any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as food or other retail vendor).

Complainant: employee(s), student(s), applicants, or visitors(s) of Skagit Valley College who alleges that she or he has been subjected to discrimination or harassment due to his or her membership in a protected class.

Complaint: a description of facts that allege violation of the College's policy against discrimination or harassment.

Conflict of Interest: If an advocate, designee or investigating authority has an actual or perceived conflict of interest, that individual may excuse themselves from the process. Once excused, that member will not have access to records/evidence pertaining to the case.

Consent: knowing, voluntary and clear permission by word or action, to engage in mutually agreed upon sexual activity. Each party has the responsibility to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be at the time of the act of sexual intercourse or sexual contact actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact.

A person cannot consent if he or she is unable to understand what is happening or is disoriented, helpless, asleep or unconscious for any reason, including due to alcohol or other drugs. An individual who engaged in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has engaged in nonconsensual sexual conduct.

Intoxication is not a defense against allegations that an individual has engaged in nonconsensual sexual conduct.

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.

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 perceived membership in a protected class. Harassment occurs when the conduct is sufficiently severe and/or pervasive and so objectively offensive that it has the effect of altering the terms or conditions of employment or substantially limiting the ability of a student to participate in or benefit from the College's educational, social programs and/or student housing. 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, slurs, "jokes," mockery or other offensive or derogatory conduct focused upon an individual's membership in a protected category.
- B. Verbal or physical threats of violence directed toward an individual based upon their membership in a protected class.
- C. Making, posting, displaying, e-mailing, 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.

Hate Crime: A crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purpose of this section, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

Investigation: The Title IX Officer may appoint a designee to investigate the complaint. The Officer shall inform the complainant and respondent of the appointment. The College representative shall conduct an investigation based upon the submitted complaint from the complainant or prepared by the Officer.

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.

Reporter: employee(s), student(s), applicants or visitor(s) of Skagit Valley College who are aware of discriminatory practices or sexual misconduct.

Retaliation: Retaliation occurs when an adverse action is either threatened or taken against an individual for engaging in protected activity. An adverse action is an action which might dissuade a reasonable person from making or supporting a complaint. Retaliation may include adverse actions taken against a person close to the complainant.

Resolution: the means by which the complaint is finally addressed. This may be accomplished through informal or formal processes, including counseling, resource referral, protective measures, reasonable changes to academic and housing situations, mediating, mediation, or the formal imposition of discipline. No complainant will be required to have face to face interaction with an alleged perpetrator in any informal resolution or mediation. Mediation will not be used in cases of sexual violence.

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

Sexual Misconduct: A range of behaviors including sexual harassment, sexual coercion or exploitation, sexual assault, sexual violence, domestic/dating violence, and gender-based stalking.

Sexual Harassment: a form of discrimination consisting of unwelcome, gender-based verbal, written, electronic and/or physical conduct. Sexual harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's gender. There are two types of sexual harassment.

- a. **Hostile Environment Sexual Harassment** occurs when the conduct is sufficiently severe and/or pervasive and so objectively offensive that it has the effect of altering the terms or conditions of employment or substantially limiting the ability of a student to participate in or benefit from the College's educational, social programs and/or student housing.
- b. **Quid Pro Quo Sexual Harassment** occurs when an individual in a position of real or perceived authority, conditions the receipt of a benefit upon granting of sexual favors.

Examples of conduct that may qualify as sexual harassment include:

- Persistent comments or questions of a sexual nature.
- A supervisor who gives an employee a raise in exchange for submitting to sexual advances.
- An instructor who promises a student a better grade in exchange for sexual favors.
- Sexually explicit statements, questions, jokes, or anecdotes
- Unwelcome touching, patting, hugging, kissing, or brushing against an individual's body.
- Remarks of sexual nature about an individual's clothing, body, or speculations about previous sexual experience.
- Persistent, unwanted attempts to change a professional relationship to an amorous relationship.
- Direct or indirect propositions for sexual activity.
- Unwelcomed letters, emails, texts, telephone calls, or other communications referring to or depicting sexual activities.

Sexual Violence: is a type of sexual discrimination and harassment. Nonconsensual sexual intercourse, nonconsensual sexual contact, domestic violence, dating violence, and stalking are all types of sexual violence.

A. **Nonconsensual sexual intercourse** is any sexual intercourse (anal, oral, or vaginal), however slight, with any object, by a person upon another person, that is without consent and/or by force. Sexual intercourse includes anal or vaginal penetration by a penis, tongue, finger, or object, or oral copulation by mouth to genital contact or genital to mouth contact.

B. **Nonconsensual sexual contact** is any intentional sexual touching, however slight, with any object, by a person upon another person that is without consent and/or by force.

Sexual touching includes any bodily contact with breasts, groin, mouth, or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

C. Domestic violence includes asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

D. Dating violence means violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.

E. Stalking means intentional and repeated harassment or following of another person, which places that person in reasonable fear that the perpetrator intends to injure, intimidate or harass that person. Stalking also includes instances where the perpetrator knows or reasonably should know that the person is frightened, intimidated or harassed, even if the perpetrator lacks such intent.

PROCEDURE

Skagit Valley 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, creed, color, religion, national or ethnic origin, parental status or families with children, marital status, sex (gender), sexual orientation, gender identity or expression, age, genetic information, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability, or any other prohibited basis as required by Title VI of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, the Americans with Disabilities Act and ADA Amendment Act, Section 504 of the Rehabilitation Act of 1973, Title VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, RCW [49.60.030](#) and their implementing regulations. Prohibited sex discrimination includes sexual harassment. Skagit Valley College has enacted policies prohibiting discrimination and harassment. Any individual found to be in violation of College discrimination and harassment policies and procedures will be subject to disciplinary action up to and including separation from the college or from employment.

The College will follow the procedures contained in this document for all discrimination and/or sexual harassment complaints brought by employees, students or visitors to the campus. Any employee, student, applicant or visitor who believes that he or she has been the subject of discrimination or sexual harassment should report the incident or incidents to the following College Officials listed below. If the complaint is against that official, the complainant should report the matter to the president's office for referral to an alternate designee. 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 <http://www.skagit.edu/imageuploads/file1848.pdf>. Hardcopies of the complaint form are available at the following locations on campus:

TITLE IX OFFICE AND DESIGNEES

Title: Executive Director Human Resources, Title IX/EEO Coordinator
Department: Human Resources
Number: 360-416-7679

DESIGNEES: Student-on-Student Complaints

Title: Vice President of Student Services
Department: Student Services
Number: 360-416-7738

Title: Director of Student Life
Department: Student Services: Student Life
Number: 360-416-7633

Title: Section 504 Coordinator (Mount Vernon)
Department: Student Services: Disability Access Services
Number: 360-416-7818

Title: Section 504 Coordinator (Whidbey Island)
Department: Student Services: Counseling & Disability Access Services
Number: 360-679-5351

The Title IX Coordinator or designee:

- will accept all complaints and reports from college employees, students, applicants, and visitors
- will inform the complainant of resources and will assist with contacting law enforcement, if desired
- will provide information about Advocates
- will make determinations regarding how to handle requests by complainants for confidentiality.
- will keep accurate records of all complaints and reports for the required time period
- may conduct or delegate investigations and oversee investigations conducted by a designee.
- may impose interim remedial measures to protect parties during investigations of discrimination or harassment.
- will make findings of fact on investigations completed
- may recommend specific corrective measures to stop, remediate, and prevent the recurrence of inappropriate conduct.

WHO MAY FILE A COMPLAINT OR A REPORT?

Any employee, student, applicant or visitor of the College may file a complaint to the Title IX Officer or designee. Complaints may be submitted in writing or verbally. If the complaint is against that official, the complainant should report the matter to the president's office for referral to an alternate designee. The College encourages the timely reporting of any incidents of discrimination or harassment.

All reports of incident(s) will be forwarded to the Title IX Officer for coordination and a determination on how to process the complaint. The College representative who receives the complaint should provide the complainant with a copy of this policy

For complainants who wish to submit a written complaint, a formal complaint form is available online at <http://www.skagit.edu/imageuploads/file1848.pdf>. Hardcopies of the complaint form are available at the following locations on campus: **Student Services and Human Resources**. Complaints shall be signed, dated, include names, description and date of the incident, and the remedy sought. If the complainant does not submit a written statement, the Title IX Officer shall prepare a statement of facts which is reviewed by the complainant. Any person submitting a discrimination complaint shall be provided with a written copy of the College's anti-discrimination policies and procedures.

A complainant can file a complaint on his or her own behalf. A third party may file a report of harassment or discrimination affecting another person, but the college will determine how to proceed while considering the confidentiality wishes of the complainant.

False and Malicious Accusations. Members of the college community who make false and malicious complaints of harassment, sexual harassment or discrimination may be subject to disciplinary action.

EMPLOYEE'S OBLIGATION TO REPORT

SVC employees have the ethical obligation and are strongly encouraged to report any incidences they are aware of concerning discrimination and/or harassment. If the employee is unsure, s/he may direct their questions to the Executive Director Human Resources.

CONFIDENTIALITY AND RIGHT TO PRIVACY

Skagit Valley College will seek to protect the privacy of all the parties involved to the full extent possible, consistent with the legal obligation to investigate, take appropriate remedial and/or disciplinary action, protect against imminent risks to the safety, health, and welfare of members of the campus community, and comply with the federal and state law, as well as with Skagit Valley College policies and procedures. Skagit Valley 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 his or her 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 his or her 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.

CLERY ACT-FEDERAL STATISTICAL REPORTING OBLIGATIONS

Certain campus officials have a duty to report criminal misconduct, including sexual misconduct, for federal statistical reporting purposes (Clery Act). All personal identifiable information is kept confidential, however, statistical information must be passed along to Campus Security regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given) for publication in the annual Campus Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety. Mandated federal reporters include: student/conduct affairs, campus law enforcement, local police, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations and any other official with significant responsibility for student and campus activities. The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the complainant and may be done anonymously.

CLERY ACT-FEDERAL TIMELY WARNING REPORTING OBLIGATIONS

Victims of sexual misconduct should also be aware that College administrators must issue immediate timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community. The College will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger. The reporters for timely warning purposes are exactly the same as detailed at the end of the above paragraph.

For more information on Clery Act reporting requirements please contact the Director of Security.

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 his or her 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 summary discipline on the respondent consistent with the College's student conduct code or the College's employment policies and collective bargaining agreements.

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 sixty days barring exigent circumstances. At the conclusion of the investigation the investigator shall set forth his or her findings and recommendations in writing. If the investigator is a designee, the investigator shall send a copy of the findings and recommendations to the Title IX / EEO Coordinator. The Title IX / EEO Coordinator shall consider the findings and recommendations and determine, based on a preponderance of the evidence, whether a violation of the discrimination and harassment policy occurred, and if so, what steps will be taken to resolve the complaint, remedy the effects on any victim(s), and prevent its recurrence. Possible remedial steps may include, but are not limited to, referral for voluntary training/counseling, development of a remediation plan, limited contact orders, and referral and recommendation for formal disciplinary action. Referrals for disciplinary action will be consistent with the Code of Student Conduct or college employment policies and collective bargaining agreements.

Responding to Written Notice of Allegations. Once notice has been sent to alleged parties involved, parties have five (5) business days to respond and make an appointment with Title IX/EEO Coordinator or designee.

Written Notice of Decision. The Title IX / EEO Coordinator will simultaneously provide each party and the appropriate student services administrator or appointing authority with written notice of investigative findings, and of actions taken or recommended to resolve the complaint, subject to the following limitations. The complainant shall be informed in writing of the findings and of actions taken or recommended to resolve the complaint, if any, only to the extent that such findings, actions or recommendations directly relate to the complainant, such as such as a finding that the complaint is or is not meritorious or a recommendation that the accused not contact the complainant. 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 any final findings, conclusions, and recommendations, subject to any FERPA confidentiality requirements.

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.

Final Decision/Reconsideration. Either the complainant or the respondent may seek reconsideration of the decision by the Title IX / EEO Coordinator. Requests for reconsideration shall be submitted in writing to the Title IX / EEO Coordinator within five (5) business days of receiving the decision. Requests must specify which portion of the decision should be reconsidered and the basis for reconsideration. If no request for reconsideration is received within five (5) business days, the decision becomes final. If a request for reconsideration is received, the Title IX / EEO Coordinator shall respond within 30 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 an amended decision. Any amended decision is 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 Skagit Valley College policies and procedures, and federal, state, and municipal rules and regulations.

NON-RETALIATION, INTIMIDATION AND COERCION

Retaliation by, for or against any known or suspected 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 dealing with harassment/discrimination 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.

RECORDS

A copy of the final complaint and investigation report including supplemental materials shall be maintained as confidential files located in the Human Resources Office for employees or the Dean of Student Services Office for students. When involving employees, these records shall be considered "personal information in files maintained for employees which affects their right to Privacy," within the meaning of Washington State's public disclosure law, RCW 40.24 or RCW 42.56.

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:

Mount Vernon Police Department
Oak Harbor Police Department
Friday Harbor Police Department
Skagit County Sheriff's Office
Island County Sheriff's Office
San Juan County Sheriff's Office

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

The internal procedures described herein are internal College procedures and, as such, serve to resolve complaints within the college's administrative framework. These procedures do not replace an individual's timely complaint with an external agency. Discrimination complaints may also be filed with the following federal and state agencies:

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

US 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/>

**Discrimination/Harassment
Formal Complaint Form**

This form is designed to assist you with filing a discrimination and/or harassment complaint. If you wish to file a formal complaint involving alleged discrimination and/or harassment please write clearly and specifically focus on the alleged discrimination and/or harassing conduct.

The complaint should include as much information regarding the incident giving rise to the complaint as possible, including the location, date and time of the alleged incident(s); the name of the individual or group whom the complaint is against, if known; a description of the incident(s); and the remedy sought.

All formalized complaints shall be signed and dated

Skagit Valley College does not have a defined timeframe to report cases of sexual harassment and discrimination. However, it is important to note that the college's ability to investigate may be hampered if the complaint delays reporting.

Name filing the complaint

Date filing the complaint

Please describe the alleged incident:

Signature

Date

You may use the back side of this sheet if needed. Please return this form to the Title IX Coordinator or Designee.

**SKAGIT VALLEY COLLEGE
POLICY/PROCEDURE
FOR
PAYROLL**

Section: 3080	Initial Date of Approval: 7/20/11 Revision Date(s):
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PURPOSE

To establish the responsibility and requirement for processing the College payroll.

REFERENCES

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RCW 42.16.010
RCW 41.04.035
RCW 41.04.036
Collective Bargaining Agreements
Office of Financial Management

POLICY

It is the policy of the college to remunerate in a timely fashion employees for services rendered in accordance with law and contractual agreements.

PROCEDURES

Payment of Wages

District #4 payroll data is processed by the State Board for Community and Technical Colleges.

Professional staff contracted for a certain number of days or months each year are paid according to the number of pay periods covered by the contract.

Employee earnings are established by employment contracts and/or Employment Worksheets submitted to Human Resources by budget managers or others with authority to establish earnings. This information is then forwarded to payroll for processing.

Classified staff is paid in accordance with the salary schedule in the Collective Bargaining Agreement.

Payroll Taxes and Deductions

Payroll deductions from gross employee earnings are made in the following categories as required by federal or state law:

1. Income tax withholding based upon wages and declared exemptions.
2. Medical aid-industrial insurance as per current rates.
3. Old Age and Survivors' Insurance (Social Security) as per rates established by Congress.
4. Retirement as per rates established by the legislature for TIAA/CREF or Washington State Department of Retirement.

Miscellaneous deductions are made from an employee's salary only upon his/her written request (RCW41.04.035, 41.04.036). Such deductions are contingent upon approval by the SBCTC payroll system.

Wage assignments (voluntary transfers of an interest in writing of an employee's wages for the benefit of creditors) may be made by the District at the discretion of the President.

All writs of garnishment or federal levies must be served to the Assistant Attorney General for processing. After processing the garnishment or levy, the payroll warrant is subject to garnishment, levy, or cancellation. The Attorney General's office will forward this information to payroll for processing.

Changes in an employee's status such as number of exemptions, miscellaneous deductions must be promptly reported to payroll. To be effective in a particular pay period, changes must be reported prior to the payroll run of the pay period so affected. Changes to retirement, health insurance or beneficiaries must be reported to HR.

Administrative Responsibility: Executive Director of Human Resources