

# Grievance Policy





- All incoming students are required to complete an online educational module focused on issues of personal and community safety.

## 1.5 Employee Reporting Obligations related to Behavior Directed at Minors

All Whitman College employees have mandatory child abuse reporting obligations. The state of Washington mandates reporting of abuse or suspected abuse of a minor, even if the minor is a Whitman student. This means that employees must immediately report child abuse to the college's Title IX administrator and a sworn law officer employed by the Walla Walla Police Department. This reporting obligation applies to all Whitman employees, regardless of whether you are a privileged or confidential source and regardless of whether you witness the abuse at, or outside of, your

## 1.7 Academic Freedom and Freedom of Speech

Whitman College recognizes that the educational process can be con

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## 2.3 Retaliatory Harassment

Retaliatory harassment is any intentional adverse action taken by an accused individual or allied third party to seek revenge, reprimand or injury to an individual or group who has exercised, in good faith, their right to file a grievance, make an oral or written report of prohibited harassment or discrimination, or participate in a related grievance proceeding.

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## 3. Resources, Support & Rights

### 3.1 Resources and Support

Whitman College provides students and employees with support, counseling, medical referral, assistance with safety planning (including adjustments to class and work schedule, and safe housing) and information concerning their rights.

Students and employees who have experienced an incident of sex- or gender-related harassment, discrimination or violence may seek confidential victim advocacy.

### 3.3 Privacy

College officials who are involved in informal or formal allegation resolution procedures or investigations, as a result of being consulted by the complainant, the accused (respondent), and/or college officials conducting investigations, are obligated to respect the privacy of the individuals involved to the greatest extent possible. The Family Educational Rights and Privacy Act (FERPA) requires protection of student education records. College officials may not disclose information from a student's

respondent, and they will take the decision on campus.

- Campus and legal proceedings may occur simultaneously.
- Persons involved in a grievance process have the right to a prompt investigation and resolution of the complaint.
- The complainant and respondent have the right to have an advisor ([see 4.3](#)) who will help them as they go through the investigation and adjudication.



those involving sex- or gender- based harassment, discrimination or violence, will need to undergo a formal resolution process.

## 4.1 Dishonest Reports

Persons who submit intentionally dishonest reports could be subject to disciplinary action.

## 4.2 Prompt Reporting

Prompt reporting of an allegation is strongly encouraged, as it allows for a rapid response to and resolution of prohibited or objectionable behavior. The passage of a significant time between incident and any investigation can result in memory lapses, the departure of key witnesses, or other time-sensitive factors that can impair the investigation.

## 4.3 Right to an Advisor

The complainant and responding party have the right to have an advisor who will support them through the grievance process, including an investigation and adjudication process, and prepare for the hearing, if necessary.

- complainant and responding party may select an advisor of their own choosing
  - Advisor provides support and guidance during the process. The investigative administrator (WVA) or faculty or staff members who are trained and qualified to advise the parties involved, based on their knowledge of the process. Due to potential conflict of interest, the Whittman College, Angelin Center and Health Center staff are not eligible to serve as advisors.
  - Parties may choose to have no advisor, or they may choose an advisor other than one that is a complainant or respondent.
- The advisor will provide support and to give advice based on their knowledge of the college process.
- Advisors are not permitted to represent either party during the hearing.

actively represent the party in hearing and appeal proceedings

- Advisors may not contact any voting member of the Investigative Review Committee Sanctioning Board (except the chair, as described below), the other party, witnesses, or the advisors of the other party representing the case.
- Advisors may contact the investigative administrator.

Michelle McCullough, (Tel: 509-527-5941, [mcculltl@whitman.edu](mailto:mcculltl@whitman.edu)).

Students and Employees may file a grievance using the online portal <http://whitman.edu/aggmt>.

## Grievance Withdrawal

At any time during the informal or formal resolution process (see 5.1 and 5.2), the complainant may withdraw the allegation however, even if the complainant decides to withdraw the allegation, the college reserves the right to investigate and take appropriate action if necessary, to protect the interests and safety of the complainant and the community. If the complainant withdraws the allegation and refuses to cooperate, the value of a meaningful conclusion is severely diminished.

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Evaluation and Resolution

Formal Dispute Resolution

... process, the appropriate person will be made to resolve the issue(s). The grievance

process will be outlined in Appendix A (for faculty), Appendix B (for non-faculty employees).

The appropriate senior staff member or their designee will be assigned to investigate the grievance for incidents involving students, the Provost for incidents involving faculty, and the Director of Human Resources for incidents involving

### 5. Investigative Authority

For the purpose of this policy, the term "investigative administrator" will designate the person who will oversee a grievance investigation.

For incidents involving disability-related grievance, the 504 coordinator (Julia Dunn, Reid Campus Center 205 Whitman College, 509-527-5158, [dunnjl@whitman.edu](mailto:dunnjl@whitman.edu)) will oversee and investigate on behalf of the college. For additional information, see section 1.8.





## 5.6 Post-Investigation Procedures

1. The investigative administrator will

5. If the responding party is found responsible, the case is moved along for sanctioning (see 5.7).

- If the recommended result of sanctioning does not include separation from the college (expulsion, suspension, termination or dismissal), the procedure outlined in 5.7 will be followed



- Separation from the college

Sanctions related to behavior involving sex or gender harassment, discrimination or misconduct must act to end the behavior, prevent its recurrence, and remedy its effect on the complainant and the community.

- For instance, that do not involve separation from the college, the appropriate senior staff member (see 5.2) will determine the final sanction.
- For instance, that do involve a recommended range of sanctions that does include separation from the college, the procedure noted below will determine the sanction.

## SANCTIONING PANELS

### For student

- The Council on Student Affairs is the official body delegated to decide sanctions when suspension or dismissal is within the recommended range of sanctions.

If not enough faculty and/or student members of the Council on Student Affairs are able to serve, the Dean of Student will choose replacement faculty and student members who have previously been trained.

### For faculty

- The procedure specified in the Faculty Code (Chapter 1, Article III, Section 5) shall be followed.

### For non-faculty employees

- The appropriate senior staff member for non-faculty employees who are found responsible for a policy violation will determine the final sanction based on the investigation report, findings and recommended range of sanctions.

## 5. Appeal Process

Either the complainant or the respondent may make an appeal request following the final determination (when the college deems the case closed). Appeals are not to be considered as "seeking a second opinion," rather, they are intended to allow the college to reconsider elements that may have impacted the original decision, or to impact the objectivity of that decision. See the Faculty Code for appeal procedure relative to faculty dismissal.

- The appeal, accompanied by a detailed description of the information supporting the specific appeal category, must be submitted in writing to the Chair of the Faculty within

five (5) working days after you are informed of the outcome.

- The appeal must be based on the following, and only the following ~~W~~

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a rebuttal (or, in the case of the other party, their own appeal) to the appeal request to be

considered by the appellate officer **within five (5) working days**. Both the complainant and the respondent have one appeal opportunity.

## 5.15 Notification of Appeal Outcome

Once a determination is made, the appellate officer will notify the complainant and the respondent of the outcome either in person or in writing within **two working days**.

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## 6. Annual Policy & Procedure Review

The Grievance Policy is maintained by the Committee on Academic Freedom and Due Process. This committee will review this policy and procedure on at least an annual basis with the assistance of the Dean of Students, the Director of Human Resources, and the Provost and Dean of the Faculty.

### 6.1 Official Version

This policy supersedes all prior published or unpublished policies. The college reserves the right to modify this policy with appropriate approval and notice to the community. All modifications will be noted by highlighting for the first six months.

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**The Office for Civil Rights**

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