

WAC 132S-09-060 Investigation procedure. Upon receiving a discrimination complaint, the Title IX/EEO coordinator will assess the written complaint and determine the appropriate steps necessary to ensure all relevant evidence is obtained and all critical elements are addressed. 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.

(1) **Interim measures.** The Title IX/EEO coordinator may impose interim measures to protect the complainant and/or respondent and/or others 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.

(2) **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 student conduct code or college employment policies and collective bargaining agreements.

(3) **Written notice of decision.** The Title IX/EEO coordinator will provide each party and the appropriate student services administrator or appointing authority with written notice of the investigative findings and of actions taken or recommended to resolve the complaint, subject to the following limitations.

(a) **Complainant notice.** 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 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.

(b) **Respondent notice.** 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.

(c) **Request for reconsideration.** Either the complainant or the respondent may seek reconsideration of the finding and/or referral for

disciplinary action to the Title IX/EEO coordinator. Requests for reconsideration shall be submitted in writing to the Title IX/EEO coordinator within seven days of receiving the decision. Requests must specify which portion of the decision should be reconsidered and the basis for reconsideration. If a request for reconsideration is received, the Title IX/EEO coordinator shall respond within ten days. If the Title IX/EEO coordinator determines the request for reconsideration has merit, he or she may issue an amended finding or referral. Any amended decision is final and no further reconsideration is available, with the exception of subsection (5) of this section for appeal/review/grievance of disciplinary action as appropriate.

(4) **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.

(5) **Appeal for disciplinary action.** If formal disciplinary action is imposed as a result of a finding of violation of this policy, then a respondent may file an appeal. The right to appeal on particular grounds (i.e., the finding is not supported by the evidence, the sanction is substantially disproportionate to the severity of the violation, due process was violated, new evidence is available), if offered to either party, must be equally accessible to the complainant.

(a) **Student conduct appeal.** A student respondent may appeal a disciplinary action taken by the chief student conduct officer or the student conduct board in accordance with chapter 132S-100 WAC. The complainant will receive notice of the appeal and may submit either his or her own appeal or a written response to the student respondent's appeal within ten calendar days, which will be considered.

(b) **Represented employee grievance.** A faculty member or represented classified staff member may file a grievance under the applicable collective bargaining agreement.

(c) **Nonrepresented classified employee appeal.** Nonrepresented classified staff may file an appeal with the personnel resources board under WAC 357-52-020.

(d) **All other employee reviews.** All other employees may request review of the disciplinary action through the supervisory chain of command to the college president within twenty days of the imposition of the discipline. This includes student workers if the discipline imposed resulted from conduct that occurred during the performance of student employment and includes a loss in pay as a sanction (nothing prohibits the Title IX/EEO coordinator and/or investigator from referring findings against a student employee to the chief student conduct officer for additional review under the student conduct code). The request for review must be a signed, written document articulating the grounds for review. The responsible supervisor will respond to the request for review within twenty working days of receipt. If the finding(s) and/or discipline is upheld, then review of the supervisor's decision can be filed with the college president using the same process. If the finding(s) and/or discipline is upheld, the college president's decision will constitute final action and there is no further appeal within the college.

(e) **Volunteer or visitor review.** A volunteer or visitor respondent may request review of sanction(s) imposed in response to any find-

ings under this policy, including temporary or permanent trespass through the president's office.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-09-060, filed 5/25/16, effective 6/25/16.]