

WAC 132S-100-420 Sexual misconduct procedures. (1) The college's Title IX coordinator or their designee, shall investigate complaints or other reports of alleged sexual misconduct by a student. Investigations will be completed in a timely manner and the substantiated results of the investigation shall be referred to the acting SCO for disciplinary action.

(2) Informal dispute resolution shall not be used to resolve sexual misconduct 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.

(3) College personnel will honor requests to keep sexual misconduct complaints confidential to the extent this can be done without unreasonably risking the health, safety and welfare of the complainant or other members of the college community or compromising the college's duty to investigate and process sexual harassment and sexual violence complaints.

(4) Both the respondent and the complainant in cases involving allegations of sexual misconduct shall be provided the same procedural rights to participate in the student discipline matters, including the right to participate in the initial disciplinary decision-making process, to simultaneously receive all notification of the SCO, SCB, SAB, or president's decision, and to appeal any disciplinary decision from the SCO, SCB, or SAB.

(5) Application of the following procedures is limited to student conduct code proceedings involving allegations of sexual misconduct by a student. In such cases, these procedures shall supplement the student disciplinary procedures in WAC 132S-100-400 through 132S-100-405. In the event of conflict between the sexual misconduct procedures and the student disciplinary procedures, the sexual misconduct procedures shall prevail.

(6) The SCO, prior to initiating disciplinary action, will make a reasonable effort to contact the complainant to discuss the results of the investigation and possible disciplinary sanctions and/or conditions, if any, that may be imposed upon the respondent if the allegations of sexual misconduct are found to have merit.

(7) The SCO or SCB chairperson, on the same date that a disciplinary decision is served on the respondent, will serve a written notice informing the complainant whether the allegations of sexual misconduct were found to have merit and describing any disciplinary sanctions and/or conditions imposed upon the respondent for the complainant's protection, including disciplinary suspension or dismissal of the respondent. The notice will also inform the complainant of their appeal rights. If protective sanctions and/or conditions are imposed, the SCO shall make a reasonable effort to contact the complainant to ensure prompt notice of the protective disciplinary sanctions and/or conditions.

(8) The SCO, the Title IX coordinator officer and any participating members of the SCB or SAB that are involved with cases alleging sexual misconduct receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and learn how to conduct an investigative process that protects the safety of victims and promotes accountability.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-420, filed 5/25/16, effective 6/25/16.]