

**WAC 495B-305-050 Investigation procedure.** Upon receiving a discrimination complaint, the college shall commence an impartial investigation. The Title IX coordinator or EEO/AA officer shall be responsible for overseeing all investigations. Investigations may be conducted by the Title IX coordinator or EEO/AA officer or his or her designee. If the investigation is assigned to someone other than the Title IX coordinator or EEO/AA officer, the Title IX coordinator or EEO/AA officer shall inform the complainant and respondent(s) of the appointment of an investigator.

**Interim measures.** The Title IX coordinator or EEO/AA officer 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, re-scheduling 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 coordinator or EEO/AA officer.

The Title IX coordinator or EEO/AA officer 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.

**Written notice of decision.** The Title IX coordinator or EEO/AA officer will provide each party and the appropriate student services administrator or appointing authority with written notice of the investigative findings, and of acts taken or recommended to resolve the complaint, as well as the basis for the findings and any resulting sanctions, 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 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 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 coordinator or EEO/AA officer. Requests for reconsideration shall be submitted in writing to the Title IX coordinator or EEO/AA officer within seven 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 seven days, the decision becomes final. If a request for reconsideration is received, the Title IX coordinator or EEO/AA officer shall respond within fifteen days. The Title IX coordinator or EEO/AA officer shall either deny the request or, if the Title IX coordinator or EEO/AA officer determines that the request for reconsideration has merit, issue an amended decision. Any amended decision is final and no further reconsideration is available.

[Statutory Authority: RCW 28B.50.130. WSR 16-08-029, § 495B-305-050, filed 3/30/16, effective 4/30/16.]