

WAC 132V-305-070 Investigation procedure, notice and appeal.

Upon receiving a discrimination complaint, the Title IX coordinator or designee will assess the complaint and determine the appropriate steps to take, if any. The Title IX coordinator or designee shall be responsible for commencing and overseeing all investigations. Investigations may be conducted by the Title IX coordinator or designee. If the investigation is assigned to someone other than the Title IX coordinator or designee, the Title IX coordinator or designee shall inform the complainant and respondent of the appointment of an investigator.

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

(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 working 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 designee who shall consider the findings and recommendations and determine, based on a preponderance of the evidence, whether a violation of the nondiscrimination 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. The Title IX coordinator or designee will issue a decision in writing to each party and to the appropriate student services administrator or appointing authority. 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 to the parties and request for reconsideration.** The complainant shall be informed in writing of the decision and of actions taken or recommended to resolve the complaint, if any, that are directly related to the complainant, such as a recommendation that the respondent 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 decision 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.

(4) **Informal dispute resolution.** Informal dispute resolution processes, including mediation, may be used to resolve complaints, when appropriate. Informal dispute resolution shall not be used to resolve complaints without the complainant's and the respondent's written agreement. If the parties agree to engage in formal dispute resolu-

tion, all timelines and limitations herein shall be tolled until a party or the Title IX coordinator or designee provides written notice that they have discontinued mediation which they are free to do at any time. In no event shall informal dispute resolution processes be used to resolve complaints involving allegations of sexual violence.

(5) **Final decision/reconsideration.** Either the complainant or the respondent may seek reconsideration of the decision by the Title IX coordinator or designee. Requests for reconsideration shall be submitted in writing to the Title IX coordinator or designee within seven working 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 working days, the decision becomes final. If a request for reconsideration is received, the Title IX coordinator or designee shall respond within ten working days that the request is denied or granted. If the request for reconsideration is granted, the Title IX coordinator or designee shall issue an amended decision within ten additional working days from the date that the request for reconsideration was granted. Any amended decision is final and no further reconsideration is available unless provided herein.

(6) **Appeal for disciplinary action.** If formal sanctions or disciplinary action is imposed as a result of a finding of violation of this policy, a respondent may file an appeal. Appeals should succinctly state the basis of the appeal, such as findings not supported by the evidence, sanction is substantially disproportionate to the severity of the violation, due process was violated.

(7) **Student appeal.** A student respondent may appeal sanctions or disciplinary action imposed under this policy in accordance with WAC 132V-121-070. The complainant will receive notice of the appeal and may submit either his/her own appeal or a written response to the student respondent's appeal within ten working days, which will be considered by the student conduct appeal board.

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

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

(10) **Nonrepresented employee review.** Nonrepresented employees may request review of disciplinary action through the supervisory chain of command to the college president within twenty working days of the imposition of 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 coordinator or designee and/or investigator from referring findings against a student employee to the chief student conduct officer or designee for additional review under the code of student conduct). 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 findings and/or discipline is upheld, the college president's decision will constitute final action and there is no further appeal within the college.

(11) **Volunteer or visitor review.** A volunteer or visitor respondent may request review by the college president of sanctions imposed in response to findings under this policy.

[Statutory Authority: Chapter 49.60 RCW. WSR 16-03-053, §
132V-305-070, filed 1/15/16, effective 2/15/16.]