

WAC 495A-300-075 Investigation process—Dismissal. (1) Mandatory dismissal. The Title IX coordinator will dismiss the Title IX allegations, if during the course of a formal investigation under the Title IX grievance procedures, the investigator determines that the alleged misconduct in the formal complaint:

(a) Does not meet the definition of sexual harassment under Title IX, even if proved; or

(b) Did not occur in the context of a college education program or activity; or

(c) Occurred outside the United States.

(2) Discretionary dismissal. The college may dismiss a Title IX complaint in whole or in part, if:

(a) The complainant notifies the Title IX coordinator in writing that they would like to withdraw the formal complaint in whole or in part;

(b) The respondent is no longer enrolled with or employed by the college; or

(c) Specific circumstances prevent the college from gathering evidence sufficient to complete the investigation of the Title IX allegations in whole or in part.

(3) The Title IX coordinator will provide both parties written notice if Title IX allegations are dismissed with an explanation for the dismissal.

(4) Mandatory or discretionary dismissal of a Title IX complaint does not preclude the college from investigating and pursuing discipline based on allegations that a respondent violated other federal or state laws and regulations, Bates Technical College's conduct policies, and/or other codes and contractual provisions governing student and employee conduct.

[Statutory Authority: Chapter 34.05 RCW and RCW 28B.50.140(13); and 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 21-01-196, § 495A-300-075, filed 12/22/20, effective 1/22/21.]