

WAC 132E-122-250 Initiation of Title IX proceedings. Title IX includes, but is not limited to, the following prohibited student conduct: Domestic violence, gender-based harassment, sex discrimination, sexual harassment, sexual intimidation, sexual violence including dating violence, nonconsensual sexual intercourse (rape), nonconsensual sexual contact (sexual assault), and stalking, quid pro quo, and sexual exploitation.

(1) **Written notice.** In matters involving alleged sexual misconduct, the Title IX coordinator will initiate investigation proceedings by serving the respondent with a written notice of the factual allegations, the specific conduct code provision(s) the respondent is alleged to have violated, and the range of possible sanctions for such violation(s). The Title IX coordinator will include notification that an investigation is taking place and, if applicable, identify the designated Title IX investigator(s) assigned to the case.

(2) **Investigation meeting.** For matters involving sexual misconduct, the complainant, respondent, and, as applicable, witnesses will be asked to attend an investigation meeting. At the investigation meeting, the Title IX coordinator or designated Title IX investigator(s), will review the investigation proceedings, ask each party questions regarding the allegations, and consistent with "Brief Adjudicative Proceedings" under RCW 34.05.482, afford each party the opportunity to provide any other information or evidence.

If the respondent fails to attend or participate in the meeting, the Title IX coordinator or designated Title IX investigator(s), may proceed with the investigation, including making findings regarding the alleged policy violations, based on the available information.

(3) Following written notice and an investigation meeting, the Title IX coordinator may take any of the following actions:

(a) Dismiss the proceeding upon finding the allegation(s) to be unsubstantiated and after providing any appropriate counseling or warnings. Such action shall be final and not subject to appeal or further review.

(b) Refer the matter for disciplinary action by the student conduct committee. Such referral shall be in writing, to the attention of the committee chair, with a copy served to the complainant and respondent. The decision to refer shall not be subject to appeal or further review.

(c) If the allegations are found to be substantiated, the Title IX coordinator may provide the complainant and respondent with a copy of the investigation report with the option to review the report and provide a response.

(4) **Findings.** If the allegations are found to be substantiated, the Title IX coordinator will review all of the information gathered throughout the investigation proceedings and make findings of fact for each alleged policy violation. The Title IX coordinator will notify the complainant and the respondent of these findings in writing and that the matter is being referred to the conduct officer, for matters involving only students, or the vice president of administrative services, for matters involving one or more employees, for initiation of disciplinary action.

(5) On the same date that a disciplinary decision is served on the respondent, the conduct officer or vice president of administrative services will serve a written notice informing the complainant 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 in-

form the complainant of their appeal rights. If protective sanctions and/or conditions are imposed, the conduct officer or vice president shall make a reasonable effort to contact the complainant to ensure the prompt notice of the protective disciplinary sanctions and/or conditions.

(6) Each party involved in sexual misconduct proceedings may appear alone or with another to advise and assist them during any conduct proceeding as outlined in WAC 132E-122-260.

[Statutory Authority: RCW 28B.50.140. WSR 18-01-119, § 132E-122-250, filed 12/19/17, effective 1/19/18.]