

WAC 106-125-210 Title IX jurisdiction. (1) This supplemental procedure applies only if the alleged misconduct:

- (a) Occurred in the United States;
- (b) Occurred during a university educational program or activity;
- (c) Meets the definition of sexual harassment as that term is defined in this supplemental procedure; and
- (d) At the time of filing a formal complaint, the complainant was participating or attempting to participate in the educational program or activity.

(2) For purposes of this supplemental procedure, an "educational program or activity" is defined as locations, events, or circumstances over which the university exercised substantial control over both the respondent and the context in which the alleged sexual harassment occurred. This definition includes any building owned or controlled by a student organization that is officially recognized by the university.

(3) Proceedings under this supplemental procedure must be dismissed if the decision maker determines that one or all of the requirements of subsection (1)(a) through (d) of this section have not been met. Dismissal under this supplemental procedure does not prohibit the university from pursuing other disciplinary action based on allegations that the respondent violated other provisions of the student conduct code under WAC 106-125-020.

(4) If the student conduct officer determines the facts in the investigation report are not sufficient to support Title IX jurisdiction and/or pursuit of a Title IX violation, the student conduct officer will issue a notice of dismissal in whole or part to both parties explaining why some or all of the Title IX claims have been dismissed.

[Statutory Authority: RCW 28B.35.120. WSR 22-06-018, § 106-125-210, filed 2/22/22, effective 3/25/22.]