

WAC 172-121-100 Complaints. (1) Filing of complaints.

(a) Any person or EWU may file a complaint against a student or student organization for violation of the student conduct code. Complaints must be submitted in good faith.

(b) A person wishing to file a complaint under the student conduct code must submit the complaint, in writing, to one of the following:

- (i) Student rights and responsibilities (www.inside.ewu.edu/srr);
- or
- (ii) Title IX coordinator (www.inside.ewu.edu/titleix).

(c) Filing a complaint under the student conduct code does not prohibit or limit a person's right to file complaints or charges with other civil and/or criminal authorities for violations of local, county, state, or federal law.

(d) All student conduct code complaints will be forwarded to the director of SRR for further review and action.

(e) In cases where EWU is pursuing a student conduct case on its own behalf, an EWU employee shall initiate the complaint.

(2) **Complaint review.** Upon receipt of a complaint, the director of SRR shall review the complaint to determine whether it may lead to suspension or expulsion and/or involves felony level criminal conduct to determine which student conduct process applies and if appropriate law enforcement or other authorities should be notified. If a complaint falls within such categories, it shall be referred to a hearing under WAC 172-121-122. If the director of SRR receives a complaint that involves potential violations of chapter 172-125 WAC, the director will refer the complaint to the Title IX coordinator within 24 hours to handle under the procedures contained in chapter 172-125 WAC. For all other complaints, the director may determine whether or not to dismiss the complaint, refer the matter to adaptable dispute resolution under WAC 172-121-102, or refer the matter for a conduct review meeting or full hearing.

(a) Investigations. The director may initiate an investigation for other forms of alleged misconduct. During the investigation, the investigator is responsible for collecting evidence related to the complaint. The investigation can be conducted by either a single investigator or a team of investigators. The investigator(s) will reach out to the complainant (if applicable), respondent, and other witnesses to ask questions and gather relevant evidence.

Throughout the investigation, all parties will have an equal opportunity to present witnesses and other evidence that supports their positions. At the conclusion of the investigation, the investigator will compile a final written report that fairly summarizes the relevant evidence gathered. This investigative report, along with any collected evidence, will be forwarded to the director of SRR if the investigation was conducted externally.

As part of the investigatory process, EWU may collaborate with outside organizations or entities, such as Sorority and Fraternity National Headquarters, when necessary to conduct the investigation into the alleged misconduct of student organizations.

(b) Confidentiality. To facilitate the investigative process and protect the privacy of those involved, all information will be maintained in a confidential manner to the fullest extent permissible by law. During an investigation, complaint information will be disseminated on a need-to-know basis. If the complainant wishes to remain anonymous, EWU will take all reasonable steps to investigate the allegation without disclosing the name of the complainant to the extent al-

lowed by state and federal law. If the complainant wishes to remain anonymous, EWU shall inform them that its ability to investigate and respond to the allegation will be limited. EWU cannot ensure confidentiality, as its legal obligations under federal or state law may require investigation of the allegation and possible disclosure of the complainant's name. Reports of crimes to the campus community shall not include the names of the complainants. Files subject to public disclosure will be released to the extent required by law.

(c) Right to file a criminal report. Once the university is notified of an allegation misconduct that could constitute a crime, it will notify the potential complainant of their right to file a criminal complaint with campus or local law enforcement. If the complainant in such circumstances wishes to report the conduct to local law enforcement, EWU will assist them in doing so. EWU will also notify the complainant that they are not required to file a report with local law enforcement. EWU will report allegations of misconduct to law enforcement or other authorities when it is required to do so under federal, state, and local law.

(3) **Supportive measures and interim restrictions.** During the complaint review, the director or designee of SRR will review whether any supportive measures or interim restrictions are needed. Supportive measures and interim restrictions are addressed in WAC 172-121-140.

(4) **SRR will follow up with the parties as described below.** The director of SRR will contact the respondent and complainant, where applicable, and provide them with the following information:

(a) The respondent's and complainant's rights under the student conduct code;

(b) A summary of the allegations the complainant has against the respondent;

(c) The potential conduct code violations related to the allegations; and

(d) How to report any subsequent problems or retaliation, including intimidation, threats, coercion, or discrimination.

Where applicable and based on the alleged misconduct, the director of SRR or designee will, in addition to the information specified under this subsection, provide parties with written information that will include, at a minimum:

(i) The student's rights and options, including options to avoid contact with the other party; a list of available university and community resources for counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other academic and housing services at the university and in the community; and options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures;

(ii) The importance of preserving evidence of the alleged incident and procedures to follow to preserve evidence of the alleged incident;

(iii) Who will receive a report of the allegation;

(iv) Their right to file or not file a criminal complaint as detailed above and the ability to be assisted by campus authorities in notifying law enforcement authorities if the complainant wishes to do so;

(v) A list of resources for obtaining protective, no contact, restraining, or similar orders, if applicable;

(vi) The procedures the university will follow when determining if discipline is appropriate;

(vii) Steps the university will take to ensure confidentiality of complainants and other necessary parties and the limits this may place on the university's ability to investigate and respond, as set forth above; and

(viii) Information regarding the university's policy against retaliation, steps the university will take to prevent and respond to any retaliation, and how the student should report retaliation or new incidents.

(5) Following the complaint review, the director of SRR will either dismiss the matter, refer it to adaptable dispute resolution, or arrange a prehearing conference.

(a) Dismiss the matter. If the director of SRR determines the allegations, even if true, would not rise to the level of a conduct violation, they may dismiss the matter. In such cases, the director of SRR or designee will prepare a written record of the dismissal. The director of SRR or designee will also notify the complainant of their decision, if such notification is permissible under FERPA. The dismissal letter, along with the original complaint and any other related documents, will be maintained as described in WAC 172-121-080.

(b) Adaptable dispute resolution. The director may refer the complaint to the adaptable dispute resolution process contained in WAC 172-121-102.

(c) Prehearing conference. If the director of SRR does not dismiss the matter they will arrange a prehearing conference as described in WAC 172-121-110 unless a respondent is opting to admit responsibility under WAC 172-121-118.

[Statutory Authority: RCW 28B.35.120(12). WSR 24-22-047, § 172-121-100, filed 10/28/24, effective 11/28/24; WSR 24-01-030, § 172-121-100, filed 12/8/23, effective 1/8/24; WSR 23-11-109, § 172-121-100, filed 5/19/23, effective 6/19/23; WSR 23-01-027, § 172-121-100, filed 12/9/22, effective 1/9/23; WSR 21-01-102, § 172-121-100, filed 12/11/20, effective 1/11/21; WSR 20-19-046, § 172-121-100, filed 9/10/20, effective 10/11/20; WSR 20-01-032, § 172-121-100, filed 12/6/19, effective 1/6/20. Statutory Authority: RCW 28B.35.120(12) and 42.56.070. WSR 19-01-047, § 172-121-100, filed 12/13/18, effective 1/13/19. Statutory Authority: RCW 28B.35.120(12). WSR 17-17-031, § 172-121-100, filed 8/9/17, effective 9/9/17; WSR 15-24-050, § 172-121-100, filed 11/23/15, effective 12/24/15; WSR 13-24-123, § 172-121-100, filed 12/4/13, effective 1/4/14; WSR 09-12-001, § 172-121-100, filed 5/20/09, effective 6/20/09.]