

## CCS Administrative Procedure

### 3.30.01-A Prevention and Response to Complaints of Discrimination, Sexual Harassment or Misconduct, Domestic or Dating Violence, Stalking and Retaliation by Students

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#### Implementing Board Policy [3.30.01](#)

Contact: District Academic Services Officer, 434-5060

#### 1.0 Purpose

Community Colleges of Spokane (CCS) is committed to providing equal access to its academic, athletic, and extracurricular programs (education programs). CCS does not discriminate on the basis of a person's protected status, including when acting or speaking on behalf of CCS. Consistent with state and federal law, discrimination, harassment, sexual misconduct, and retaliation are in violation of and prohibited by CCS Board Policy 3.30.01—Non-Discrimination/Anti-Harassment Educational Programs. This procedure establishes the reasonable measures CCS will use to implement that policy in regards to education programs.

#### 2.0 Limitations and Requirements

- 2.1 This procedure addresses CCS's education programs. The procedure is designed to support CCS's goals to monitor the workplace and academic environment; to investigate; to implement corrective measures when necessary; and to prevent, stop, and remediate discrimination, sexual harassment, sexual misconduct, domestic violence, dating violence, stalking, and retaliation regarding members of the CCS community including students, employees, guests, contractors, and visitors.
- 2.2 All students are required to comply with CCS Board Policy 3.30.01. This administrative procedure addresses alleged misconduct by students pursuant to CCS Board Policy 3.30.01, while CCS Administrative Procedure 2.30.01-A Complaints of Discrimination, Sexual Harassment or Misconduct, Domestic or Dating Violence, Stalking and Retaliation, addresses alleged misconduct by employees, guests, contractors, and visitors pursuant to CCS Board Policy 2.30.01. Conduct covered includes: conduct on campus; conduct while on property and facilities leased or used by CCS for any college-sponsored activity; off-campus conduct that adversely affects CCS's educational environment and/or the pursuit of its objectives as set forth in its mission, and off-campus sexual violence against a student for which CCS receives notice when such misconduct creates a hostile environment on campus or in off-campus education programs or activities. Examples of off-campus conduct that is covered includes, but is not limited to, athletic events, activities funded by associated students, training, internships, cooperative and distance education, on-line education, study abroad programs, practicums, supervised work experiences, any other college-sanctioned social or club activities, and /or travel associated with any of these events or activities.
- 2.3 This procedure is subject to constitutional protections related to freedom of speech, association, and the press.

#### 3.0 Definitions

The following definitions are specific to the terms of this procedure and do not modify or revise similar terms as used in related procedures.

- 3.1 **Chief Student Services Officer (CSO)** means the Vice President of Student Services of Spokane Community College or of Spokane Falls Community College or a person designated by the college president to be responsible for the administration of Standards of Conduct for Students. The CSO also serves as the Title IX Coordinator for matters regarding conduct of CCS students.

- 3.2 **Consent** means the affirmative, unambiguous, and voluntary agreement to engage in a specific sexual activity during a sexual encounter. Consent cannot be given by an individual who is: 1) asleep or mentally or physically incapacitated, either through the effect of drugs, alcohol, or for any other reason; or 2) is under the lawful age to provide legal consent; or 3) is under duress, threat, coercion or force. Intoxication is not a defense against allegations that an individual has engaged in nonconsensual conduct.
- 3.3 **Complainant:** employee(s), contractor(s), student(s), visitor(s), or guest(s) of CCS who alleges he/she has been subjected to discrimination, sexual harassment, sexual misconduct, domestic violence, dating violence, stalking, and/or retaliation by a CCS student. For the purposes of this procedure, the “complainant” is the alleged victim of sexual misconduct even if the complaint is filed by a third party, including but not limited to complaints filed by CCS, SFCC or SCC.
- 3.4 **Complaint:** a description of facts that allege violation of CCS policies, procedures and/or Standards of Conduct for Students, including but not limited to allegations of discrimination, sexual harassment, sexual misconduct, domestic violence, dating violence, stalking, and/or retaliation. CCS has an official formal complaint form on which to document and report the complaint. (See sections 5, 6 and 7 below.)
- 3.5 **Cyberstalking:** when a person, with the intent to harass, intimidate, torment or embarrass any other person makes an electronic communication, including, but not limited to, electronic mail, internet-based communications like social media sites or electronic bill boards, pager service, or instant messaging using 1) any lewd, lascivious, indecent, or obscene words, images or language, or suggesting the commission of any lewd or lascivious act; 2) anonymously or repeatedly whether or not conversation occurs; or 3) threatening to inflict injury on the person or property of the person or any member of his or her family or household.
- 3.6 **Dating Violence** (aka relationship violence) is a type of domestic violence, except the acts are committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
- 3.7 **Discrimination** is prohibited unfavorable treatment of a person based on that person’s membership or perceived membership in a protected class.
- 3.8 **Domestic Violence** means: 1) physical harm, bodily injury, assault, or the infliction of fear of imminent body harm, bodily injury or assault, between family or household members; 2) sexual assault of one family or household member by another; or 3) stalking of one family or household member by another family or household member. Pursuant to Chapter 10.99 RCW, it also includes, but is not limited to the following crimes when committed by one family or household member against another: assault; drive-by shooting; reckless endangerment; coercion; burglary; criminal trespass, malicious mischief; kidnapping; unlawful imprisonment; and violation of a restraining order, no-contact order or protection order.
- 3.9 **Harassment** is a prohibited form of discriminatory conduct that includes physical, verbal, or other conduct that denigrates or shows hostility toward an individual or group because of their legally protected or perceived membership in a protected status; and is sufficiently severe, pervasive, and objectively offensive so as to substantially interfere with the terms and conditions of employment or substantially interferes with the ability to study, participate in, or benefit from CCS’s educational programs and/or educational activities such that the person or group is effectively denied equal access/opportunities based on protected status.
- 3.10 **Nonconsensual Sexual Contact** means any intentional touching of the sexual or other intimate parts of a person done for the purpose of gratifying sexual desire of either party or a third party, however slight, without consent and/or by force. Sexual touching includes any bodily contact with the breasts, groin, mouth, or other bodily orifice of another individual, or any bodily contact in a sexual manner.

- 3.11 **Nonconsensual Sexual Intercourse** means any penetration, however slight, of the vagina or anus, by an object, when committed on one person by another, whether such persons are of the same or opposite sex, except when such penetration is accomplished for medically recognized treatment or diagnostic purposes; and any act of sexual contact between persons involving the sex organs of one person and the mouth or anus of another whether such persons are of the same or opposite sex without consent and/or by force.
- 3.12 **Protected Status** includes: race, creed, color, religion, national or ethnic origin, age, sex, marital status, pregnancy, parental status or families with children, class as a mother breastfeeding her child, AIDS/HIV or hepatitis C, honorably discharged veteran status, sexual orientation, gender identity or expression, disability, use of guide dog or service animal by a person with disability, genetic information, or any other legally protected classification.
- 3.13 **Retaliation** includes any actual or threatened retaliation or any act of intimidation against any participant (accused student, complainant, witness, investigator, Student Conduct Officer, Student Conduct Board member, Student Conduct Administrative Panel member or Title IX Coordinator) intended to prevent or otherwise obstruct the reporting, subsequent investigation, or enforcement of a complaint under this procedure.
- 3.14 **Respondent/accused:** person or persons who are members of the campus community who allegedly: discriminated against, harassed or engaged in sexual misconduct against another person or persons.
- 3.15 **Responsible Employee** means counselors, faculty, para-educators, and student advisors, and counselors who do not maintain the privilege of confidentiality by law.
- 3.16 **Sexual Harassment** is a prohibited form of discrimination that includes unwelcome, gender-based verbal, nonverbal, written, electronic; and/or physical conduct. Sexual harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's gender. There are two types of sexual harassment: hostile environment and quid pro quo, which are discussed in more detail in section 4.2.
- 3.17 **Sexual Misconduct** is a prohibited form of misconduct that includes sexually violent conduct including domestic violence, dating violence, stalking, nonconsensual sexual intercourse, and nonconsensual sexual contact. This conduct also includes, but is not limited to, indecent liberties, sexual exploitation, knowingly transmitting a sexually transmitted disease (STD), indecent exposure, sexual exhibitionism, sex-based cyber-harassment, prostitution or the solicitation of a prostitute, peeping or other voyeurism, or exceeding the boundaries of consent including allowing others to view consensual sex, the nonconsensual posting or recording of sexual activity, domestic violence, dating violence, and stalking.
- 3.18 **Stalking** includes matters in which an individual intentionally and repeatedly harasses or repeatedly follows another person; the person being harassed or followed is placed in fear that the stalker intends to injure the person, another person, or property of the person or of another person or the stalker knows or reasonably should know that the person is frightened intimidated or harassed, even if the stalker lacks such an intent.
- 3.19 **Student Conduct Officer** means the individual or individuals designated by Spokane Community College and Spokane Falls Community College presidents to facilitate and coordinate Student Conduct matters pursuant to the Standards of Conduct for Students Chapter 132Q-10 of the Washington Administrative Code (WAC).
- 3.20 **Title IX Coordinator(s)** means the Vice President of Student Services for Spokane Community College and the Vice President of Student Services for Spokane Falls Community College who are responsible for coordinating Title IX matters regarding students of CCS who is also known as the Chief Student Services Officer.

#### 4.0 Prohibited Conduct

- 4.1 Prohibited conduct includes fraternization which includes sexual relationships between an employee and a student or a supervisor and a subordinate in violation of CCS Administrative Procedure 2.00.01-L Non-Fraternization and Consensual Relationships.
- 4.2 Prohibited discriminatory conduct includes any physical, verbal, or other conduct that 1) denigrates or shows hostility toward an individual because of their protected status (as defined in section 3.12) and 2) is discriminatory in impact (as defined in section 3.7). Examples of behaviors that may rise to the level of discriminatory conduct include, but are not limited to the following:
- 4.2.1 Racial epithets, “jokes”, offensive or derogatory comments, or other verbal or physical conduct based on an individual’s race/color.
- 4.2.2 Ethnic slurs, workplace graffiti, or other offensive conduct directed towards an individual’s birthplace, ethnicity, culture, or foreign accent.
- 4.2.3 Verbal or physical abuse, “jokes” or offensive comments based on an individual’s age, gender, disability, or sexual orientation.
- 4.2.4 Marking, posting, emailing, or circulating demeaning or offensive pictures, cartoons or other materials in the educational environment that relate to race, ethnic origin, gender or one of the other protected categories listed above.
- 4.3 Prohibited sexual harassment includes conduct as defined in section 3.16. Consistent with applicable state and federal law, CCS prohibits two types of sexual harassment: “quid pro quo” and “hostile environment.”
- 4.3.1 Quid Pro Quo—a person with authority over a student or employee explicitly or implicitly conditions a term or condition of the student or employee’s education or employment on the victim’s submission to conduct defined in section 3.16. This includes instances where submission to or rejection of such sexual conduct by a victim is used as the basis for educational or employment decisions affecting the victim. In determining whether such harassment exists, it is immaterial whether the victim resists and suffers the threatened harm or submits and thus avoids the threatened harm. Examples of behaviors that may rise to the level of quid pro quo harassment and, therefore are prohibited include, but are not limited to:
- 4.3.1.1 Physical and/or sexual assault.
- 4.3.1.2 Direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendation.
- 4.3.2 Hostile environment—another’s unwelcomed conduct of sexual nature is sufficiently severe, persistent or pervasive and objectively offensive that: 1) it substantially interferes with the terms and conditions of employment or substantially limits a student’s ability to participate in, or benefit from the District’s education programs or educational activities; or 2) the conduct has the purpose or effect of unreasonably interfering with another individual’s work performance or creating an intimidating, hostile or offensive working environment. This second alternative only applies in the context of employment. In determining the severity and pervasiveness of the conduct the following factors will be considered: 1) the degree to which the conduct affected one or more employees work or one or more students education; 2) the type, frequency, and duration of the conduct; 3) the identity of and relationship between the alleged harasser and the subject(s) of the harassment; 4) the number of individuals involved; 5) the age and sex of the alleged harasser and the subject(s) of the harassment; 6) the location of the incidents and context in which the behaviors occurred; 7) whether there are other incidents; and 8) whether there are incidents of gender-based, but nonsexual harassment. Petty slights,

annoyances, offensive utterances, and isolated incidents (unless extremely serious) typically do not qualify as harassment. Examples of behaviors that may rise to the level of hostile environment and, therefore, are prohibited include, but are not limited to the following:

- 4.3.2.1 Comments of a sexual nature.
  - 4.3.2.2 Sexually explicit statements, questions, jokes, or anecdotes.
  - 4.3.2.3 Unnecessary or undesirable touching, patting, hugging, kissing, or brushing against an individual's body.
  - 4.3.2.4 Remarks of a sexual nature about an individual's clothing, body, or speculations about previous sexual experiences.
  - 4.3.2.5 Persistent, unwanted attempts to change a professional relationship to an amorous relationship.
  - 4.3.2.6 Subtle propositions for sexual activity or direct propositions of a sexual nature.
  - 4.3.2.7 Uninvited letters, emails, telephone calls, texts, or other correspondence referring to or depicting sexual activities.
- 4.4 Prohibited sexual misconduct includes domestic violence, dating violence, nonconsensual sexual intercourse, nonconsensual sexual contact, stalking, and other forms of sexual misconduct.
- 4.3.1 Dating Violence (aka relationship violence), as defined in section 3.6, is further evaluated by specific factors of the relationship including, but not limited to, the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.
  - 4.3.2 Nonconsensual Sexual intercourse or contact, as defined in section 3.10 and 3.11, the gender of the two parties is irrelevant. Consent, as defined in section 3.2, cannot be inferred under circumstances in which it is not clear, including but not limited to the absence of "no" or "stop"; or the existence of a prior or current relationship or sexual activity.
  - 4.3.3 Stalking, as defined by section 3.18 requires that the feeling of fear must be one that a reasonable person in the same situation would experience under all the same circumstances; and the stalker either: (i) Intends to frighten, intimidate, or harass the person; or (ii) knows or reasonably should know that the person is afraid, intimidated, or harassed even if the stalker did not intend to place the person in fear or intimidate or harass.
- 4.5 Prohibited retaliation means any actual or threatened retaliation or any act of intimidation against any participant (accused, complainant, witness, Student Conduct Officer, Student Conduct Board member, Student Conduct Administrative Panel member, Title IX Coordinator, or investigator) intended to prevent or otherwise obstruct the reporting, subsequent investigation, or enforcement of a complaint under this procedure is prohibited. Retaliatory conduct of any kind taken against any individuals as a result of seeking redress under applicable procedures or serving as a witness in a subsequent investigation or any resulting disciplinary proceedings is prohibited and is conduct subject to discipline. Any person who thinks he/she has been the victim of retaliation should contact the Title IX Coordinator immediately. The contact information for the Title IX Coordinator is available in section 6.0 below. If any person believes he/she has been the victim of retaliation by the Title IX Coordinator then the person should contact the Spokane Community College President's office or the Spokane Falls Community College President's office for referral to an alternate designee. The contact information for the Presidents' Offices is available in section 7.3.

## 5.0 Complaint Procedures

- 5.1 **Complaints against Students.** CCS will follow this administrative procedure for complaints of discrimination, sexual harassment, sexual misconduct, domestic violence, dating violence, stalking and/or retaliation brought by employees, contractors, guests, students or visitors against a student of the District. This includes complaints of student-to-student conduct.
- 5.2 **Complaints against Employees, Contractors, Guests or Visitors.** CCS will follow the procedures in CCS Administrative Procedure 2.30.01-A - Complaints of Discrimination, Sexual Harassment or Misconduct, Domestic or Dating Violence, Stalking and Retaliation against an employee, contractor or guest of the District.
- 5.3 **Complaints against Individuals who are both Students and Employees.** If CCS receives a complaint against an individual who has both a student and employment status at the institution, CCS will determine what status the individual was in at the time the conduct or incident occurred to determine whether to apply this procedure or CCS administrative procedure 2.30.01-A. If the individual engaged in misconduct is in both a student and employment status, CCS retains the discretion to select one of the two procedures or to utilize both procedures.

## 6.0 Who Can File a Complaint and Where to Obtain the CCS Complaint Form

CCS has developed a Student Conduct Incident Form, on which any person may report complaints of discrimination, sexual harassment, sexual misconduct, domestic violence, dating violence, stalking and/or retaliation. A copy of the Student Conduct Incident Form is available online at <http://www.ccs.spokane.edu/Forms/SCC-Forms/Student-Svcs/ccs-5761.aspx>. It is also available from the Office of Student Conduct, the Office of the Title IX Coordinator, or the Security Office, on both the SCC and SFCC campuses.

### Student Conduct Officer SCC

Spokane Community College  
1810 N. Greene St., MS 2061  
Room 125  
Bldg. 6, Lair Student Center  
Phone: (509) 533-8657

### Title IX Coordinator SCC

Spokane Community College  
1810 N. Greene St., MS 2150  
Room 202A  
Lair, Building 6  
Fax: (509) 533-7321  
Phone: (509) 533-7015

### Security Office SCC

1810 N. Greene St., MS 2010  
Room 149A  
Main Building, Building 1  
Phone: (509) 533-7287

### Student Conduct Officer SFCC

Spokane Falls Community College  
3410 W. Fort George Wright Dr., MS 3010  
Room 140  
Bldg. 17, Student Union Building,  
Phone: (509) 533-3570

### Title IX Coordinator SFCC

Spokane Falls Community College  
3410 W. Fort George Wright Dr., MS 3010  
Administration Offices Room 225  
Falls Gateway Building, Building 30  
Fax: (509) 533-3225  
Phone: (509) 533-3514

### Security Office SFCC

3410 W. Fort George Wright Dr., MS 3174  
Room 127  
Student Union Building, Building 17  
Phone: (509) 533-3407

## 7.0 Completion and Submission of the CCS Complaint Form.

- 7.1 **Timely Reporting:** CCS encourages the timely reporting of any incident(s) of discrimination, sexual harassment, sexual misconduct, domestic violence, dating violence, stalking and/or retaliation.
- 7.2 **Completion of Form:** The form includes directions on how to complete it and how to file the complaint. If an individual has questions or needs assistance in regards to completing

the form, he/she should contact the appropriate Title IX Coordinator at one of the addresses or phone numbers listed in section 6.0. Written complaints should be signed, dated, include names, description and date of incident.

- 7.3 **Submission/filing of Form.** The complaint should be submitted to the appropriate Title IX Coordinator at one of the addresses listed below. If the complaint is against that official, the complainant should report the matter to the Spokane College President's office or to the Spokane Falls Community College President's office for referral to an alternate designee.

**President SCC**

Spokane Community College  
1810 N. Greene St., MS 2150  
Building 6, Room 218  
Fax: (509) 533-7321  
Phone: (509) 533-7042

**President SFCC**

Spokane Falls Community College  
3410 W. Fort George Wright Dr., MS 3010  
Building 30, Room 220  
Fax: (509) 533-3225  
Phone: (509) 533-3535

- 7.4 Any person submitting a complaint under this procedure will be provided a copy of CCS Policy 3.30.01 Non-Discrimination/Anti-Harassment Educational Programs and a copy of this Procedure.

## 8.0 Reporting Obligations for CCS Supervisors, Administrators, Faculty, and Responsible Employees Regarding Discrimination/Harassment

- 8.1 Supervisors, administrators, faculty, campus security, and other responsible employees perform a key role in preventing and responding to discriminatory conduct, including sexual harassment. When a supervisor, administrator, faculty or other responsible employee becomes aware of incidents of discrimination/harassment, he/she will report the incident to the Title IX Coordinator or his/her designee as soon as possible.
- 8.2 Supervisors, administrators, faculty, and other responsible employees must report such complaints regardless of the victim's desire for the matter to remain confidential and regardless of whether a report is made to campus security or local law enforcement. Individuals who fail to report such incidents based on a standard of reasonable care or who fail to cooperate fully with the complaint processes may be subject to disciplinary action.
- 8.3 If the complaint brought to the attention of the supervisor, administrator, faculty or other responsible employee was verbal or based on observations, rather than a written complaint, the supervisor, administrator, faculty or other responsible employee will prepare a written statement of the facts reported by the complainant using the Student Conduct Incident Form. All complaints, as defined in section 5.0, regardless of the perceived merit or basis, are to be forwarded to the Title IX Coordinator for review. The Title IX Coordinator or his/her designee will also make an effort to have the complainant review and confirm the accuracy of the written summary.

## 9.0 Criminal and Administrative Complaint Options for Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking

Any person who believes he/she has been the victim of sexual misconduct, domestic violence, dating violence, and/or stalking has the right to file a complaint with CCS as described in section 5.0 above. Additionally, the victim has the option to pursue a criminal complaint by contacting local law enforcement and/or to have the complaint filed consecutively or investigated concurrently by both CCS and law enforcement. Criminal complaints may be filed with the following law enforcement authorities:

City of Spokane Police Department and/or Spokane County Sheriff's Office  
Emergency 911; Crime Check 456-2233; Helpline 477-5980

**Rural Centers:**

Colville Center – 509-685-2120 or 1-800-276-8040

Inchelium Center – 509-722-3702

Ione Center – 509-442-4290

Newport Center – 509-447-3835 or 1-888-323-2399

Republic Center – 509-775-3675 or 1-800-276-8040, Ext. 6405

Pullman Campus – 509-332-2706 or 1-888-743-4767

**10.0 Confidentiality and the Right to Privacy**

10.1 **Right to Privacy.** CCS will seek to protect the privacy of all parties involved to the full extent possible, consistent with the legal obligation to investigate, take appropriate remedial and/or disciplinary action, and comply with federal and state law, as well as CCS policies and procedures. Anonymity and complete confidentiality cannot be guaranteed once a complaint is made or unlawful behavior is alleged. CCS will honor requests to keep sexual misconduct complaints confidential to the extent this can be done without risking the health, safety and welfare of the complainant or other members of the college community or CCS' duty to investigate and process sexual harassment and sexual violence complaints. Further, to the extent possible, proceedings will be conducted in a discreet and sensitive manner. Files pertaining to the complaint will be maintained in confidence to the extent provided by law and with the understanding that all files are considered public records and will be released as required by the Public Records Act, Chapter 42.56 RCW. Accordingly, CCS cannot guarantee complete confidentiality. Determinations regarding how to handle requests for confidentiality will be made by the Title IX Coordinator or his/her designee. Any CCS employee who maintains a professional license that requires confidentiality and who works at CCS in that capacity (e.g. mental health counselor), is not required to report, without a student or individual's consent, incidents of sexual violence to CCS in a way that identifies the student. If such individuals maintain reporting obligations pursuant to these procedures, they will report the incident to the Title IX Coordinator or his/her designee, but will not be required to disclose the identity of the individual.

10.2 **Confidentiality Requests and Sexual Violence Complaints.** The Title IX Coordinator or his/her designee will inform and obtain consent from the complainant before commencing an investigation into a sexual violence complaint. If a sexual violence complainant asks that his/her name not be revealed to the Respondent or that CCS not investigate the allegation, the Title IX Coordinator or his/her designee will inform the complainant that maintaining confidentiality may limit CCS's ability to fully respond to the allegations and that retaliation by the respondent and/or others is prohibited. If the complainant still insists that his or her name not be disclosed or that CCS not investigate, the Title IX Coordinator will determine whether CCS can honor the request and at the same time maintain a safe and non-discriminatory environment for all members of the CCS community, including the complainant. Factors to be weighed during this determination may include, but are not limited to:

- The seriousness of the alleged sexual violence;
- The age of the complainant;
- Whether the sexual violence was perpetrated with a weapon;
- Whether the respondent has a history of committing acts of sexual violence or violence or has been the subject of other sexual violence complaints;
- Whether the respondent threatened to commit additional acts of sexual violence against the complainant or others; and
- Whether relevant evidence can be obtained through other means (e.g., security cameras, other witnesses, physical evidence).

If CCS is unable to honor a complainant's request for confidentiality, the Title IX Coordinator or his/her designee will notify the complainant of the decision and ensure that complainant's identity is disclosed only to the extent reasonably necessary to effectively conduct and complete an investigation.

CCS is required to provide "timely warnings" to the campus community. Timely warnings are issued for crimes that are: 1) subject to reporting in the college's Annual Security Report; 2) considered to be a threat to other students and employees; and 3) occur on campus, in unobstructed public areas immediately adjacent to or running through the campus or in certain non-campus facilities including remote classrooms. When such reports are required, CCS will withhold the name of the victims in those "timely warnings" as confidential.

If CCS decides not to conduct an investigation or take disciplinary action because of a request for confidentiality, the Title IX Coordinator or his/her designee will evaluate whether other measures are available to limit the effects of the harassment and prevent its recurrence and implement such measures if reasonably feasible.

## 11.0 Complaint Investigation

11.1 **Complaints against Students.** The Title IX Coordinator and/or his/her designee(s) are solely authorized to consider and investigate complaints of discrimination, sexual harassment, sexual misconduct, domestic violence, dating violence, stalking and/or retaliation that involve a student of CCS. If the complaint involves a Title IX Coordinator, the complainant may file such complaint directly with the appropriate Presidents' offices.

11.1.1 Complaints alleging discrimination, harassment, retaliation, or sexual misconduct by an employee, contractor, guest or visitor of the District are investigated pursuant to Administrative Procedure 2.30.01-A.

11.1.2 Initial Review. The Title IX Coordinator, or his/her designee, will conduct an initial assessment of the complaint to determine whether it alleges conduct that may be prohibited by CCS policies, procedures and/or Standards of Conduct for Students. The Title IX Coordinator or his/her designee will also conduct an initial assessment to determine whether the complaint warrants interim measures. If it appears such measures are warranted pursuant to Section 14 of this procedure the Title IX Coordinator or his/her designee will coordinate with appropriate CCS personnel to implement such measures. If the Title IX Coordinator or his/her designee concludes that an investigation is not warranted under this procedure (i.e. the issues in the complaint do not support a finding of misconduct or a violation of applicable rules, regulations, or policies) the Title IX Coordinator or his/her designee will prepare a written summary which will explain why the matter will be closed without further action. The Title IX Coordinator or his/her designee will also provide notice that the matter is closed without further action and provide it to the complainant. If the Title IX Coordinator or his/her designee concludes that an investigation is not warranted under this procedure, but may be warranted under other CCS policies, procedures, and/or Standards of Conduct for Students he/she will refer it for further review pursuant to section 11.3. CCS has an independent duty to conduct an investigation regardless of whether law enforcement is conducting an investigation. The complainant shall also be apprised of additional rights including:

11.1.2.1 Options to avoid contact with respondent;

11.1.2.2 Procedures to follow to preserve evidence of the alleged incident and seek medical treatment;

11.1.2.3 Who will receive a report of the complaint;

- 11.1.2.4 Right to file a criminal complaint as detailed in section 9.0 above and notification that he/she is not required to file a criminal complaint with local law enforcement;
  - 11.1.2.5 A list of resources for obtaining protective, no contact, restraining, or similar orders, if applicable;
  - 11.1.2.6 A list of existing on and off campus counseling, mental health, victim advocacy legal assistance or other victim services that are available for victims on-campus and in the community;
  - 11.1.2.7 The procedures CCS will follow to determine if discipline is appropriate;
  - 11.1.2.8 Steps CCS will take to ensure confidentiality and the limits this may place on CCS's ability to investigate and respond, as set forth above; and
  - 11.1.2.9 A list of options and resources to assist the complainant regarding academic, living, transportation and working situations.
- 11.2. **Complaint Consideration.** Although alleged conduct may not violate federal or state law, such incidents may still qualify as violation of CCS policies, procedures or Standards of Conduct for Students. Such complaints will be remanded to the appropriate administrator for further consideration and investigation and/or investigated under separate procedure/contract provision.
- 11.3. **Informal Dispute Resolution.** Informal dispute resolution may be utilized where both the complainant and respondent agree to do so in writing. Informal dispute resolution will include the involvement of a CCS representative such as a counselor, a trained mediator, or an instructor or administrator if appropriate. If the parties elect to mediate a dispute, either party shall be free to discontinue mediation at any time. Informal dispute resolution shall not be used to resolve sexual discrimination complaints without written permission by both the complainant and respondent. In no event shall mediation be used to resolve complaints involving allegations of sexual misconduct.
- 11.4. **Appointment of Investigator.** The Title IX Coordinator or his/her designee may appoint an investigator and shall inform the complainant and respondent(s) of such an appointment.

## 12.0 Initial Notifications

- 12.1 **Sexual Misconduct, Domestic Violence, Dating Violence or Stalking Complaints**
- 12.1.1. **Notifications.** If a formal investigation is initiated, the investigator shall send an initial notification to both the complainant and respondent simultaneously that the matter is under investigation. Both the complainant and respondent will be provided copies of CCS Board Policy 3.30.01 Non-discrimination/Anti-harassment Educational Programs, copies of this procedure, and be informed of their rights during the investigative and disciplinary processes, as well as CCS's policy against retaliation. The complainant shall also be apprised of additional rights including:
- 12.1.1.1 Options to avoid contact with respondent;
  - 12.1.1.2 Procedures to follow to preserve evidence of the alleged incident and seek medical treatment;
  - 12.1.1.3 Who will receive a report of the complaint;
  - 12.1.1.4 Right to file a criminal complaint as detailed in section 9.0 above and notification that he/she is not required to file a criminal complaint with local law enforcement;

- 12.1.1.5 A list of resources for obtaining protective, no contact, restraining, or similar orders, if applicable;
- 12.1.1.6 A list of existing on and off campus counseling, and mental health services, legal assistance or other victim services that are available on-campus and in the community;
- 12.1.1.7 The procedures CCS will follow to determine if discipline is appropriate;
- 12.1.1.8 Steps CCS will take to ensure confidentiality and the limits this may place on CCS's ability to investigate and respond, as set forth above; and
- 12.1.1.9 A list of options and resources to assist the complainant regarding academic, living, transportation and working situations.

## 12.2 Discrimination or Harassment Complaints

**Notifications.** If a formal investigation is undertaken, the respondent and complainant will be alerted to the existence of a formal complaint, that an investigation of the complaint is underway and CCS's policy against retaliation. During the investigative process, the accused will be informed of his/her right to an advisor of his/her choice during any investigatory meeting or proceeding and will be informed of CCS's policy against retaliation.

## 13.0 Investigation

If it is determined after initial review that the matter warrants investigation pursuant to this procedure, the investigator will determine the appropriate process necessary to ensure relevant evidence is obtained and critical elements are addressed. The investigation will include, but is not limited to, interviewing the complainant, the respondent, and relevant witnesses, and reviewing relevant documents. The investigation shall be concluded within a reasonable time, normally sixty (60) days, barring exigent circumstances.

## 14.0 Interim Measures

Following receipt of a complaint, CCS may determine immediate interim measures are necessary to protect the complainant and/or respondent pending the completion of the investigation and resolution of the complaint. Interim measures may include, but are not limited to, providing complainant with options to avoid contact with respondent, adjusting work, academic and/or extracurricular activity schedules, placing an employee on administrative leave consistent with CCS employment policies and collective bargaining agreements, imposition of summary discipline on a student respondent consistent with CCS's Standards of Conduct for Students and/or referrals for or provision of counseling (if available on campus) and other available services.

## 15.0 Investigative Findings Report

At the conclusion of the investigation the investigator shall set forth his/her findings in writing, the investigator shall send a copy of the findings and recommendation to the Title IX Coordinator or his/her designee. All complaints and the records related to a subsequent formal investigation of those complaints conducted pursuant to this procedure, if any, shall be maintained confidentially to the extent allowed by law in the Title IX Coordinators' Offices. Investigative findings and any evidence gathered in the course of the investigation shall be maintained in accordance with CCS records retention policies.

## **16.0 Post Investigative Process**

Following review of the investigative report, the Title IX Coordinator or his/her designee will determine whether the facts demonstrate any potential violation of the Standards of Conduct for Students. If so, the Title IX Coordinator or his/her designee will send the investigative report to the appropriate CCS Student Conduct Officer, to facilitate and coordinate the applicable procedures under the Standards of Conduct for Students Chapter 132Q-10 of the Washington Administrative Code.

## **17.0 Written Notice of Findings**

Additionally, the Title IX Coordinator or his/her designee will prepare and provide each party and the appropriate CCS Student Conduct Officer with written notice of the investigative findings and of actions taken or recommended to resolve the complaint, subject to the following limitations. The complainant shall be informed in writing of the findings and of actions taken or recommended to resolve the complaint, if any, only to the extent that such findings, actions or recommendations directly relate to the complainant, such as a finding that the complaint is or is not meritorious or a recommendation that the accused 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 findings and of actions taken or recommended to resolve the complaint and shall be notified of referrals for disciplinary action consistent with applicable Standards of Conduct for Students, collective bargaining agreements, policies, or contracts. Both the complainant and the respondent are entitled to review any final findings, conclusions, and recommendations, subject to any FERPA confidentiality requirements.

## **18.0 Corrective Action**

CCS will take appropriate corrective and/or disciplinary action where it is proven or reasonable to believe that a violation of Standards of Conduct for Students took place. The appropriate CCS authority shall consider the findings and determine, based on the preponderance of evidence, whether a violation of Standards of Conduct for Students which incorporates the provisions of Board Policy 3.30.01 occurred and if so what if any disciplinary action is appropriate. The appropriate CCS authority shall also consider and determine what steps should be taken to resolve the complaint, remedy the effects on any victim(s), and prevent its recurrence. Possible remedial and disciplinary measures may include, but are not limited to, referral for education or assessment, probation, limited or no contact orders, interim suspension, formal disciplinary action, revocation of admission, and/or no trespass orders. Students who are found to have engaged in misconduct will be subject to disciplinary action up to and including suspension or expulsion.

## **19.0 Disclosure of Decision**

**19.1 Disclosure Regarding Employees and Students** Consistent with the requirements of 20 U.S.C. §1092(f)(8)(B)(iv), the Title IX Coordinator or his/her designee will simultaneously provide each party with written notice of the investigative findings and of actions taken or recommended to resolve complaints related to a crime of violence or sexual assault, including rape, dating violence, domestic violence or stalking, subject to the following limitations. The complainant shall be informed in writing of actions taken or recommended to resolve the complaint, if any, only to the extent that such findings, actions or recommendations directly relate to the complaint, such as finding that the complaint is or is not meritorious or an order that the accused 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 findings and of actions taken or recommended to resolve the complaint and shall be notified of any 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 and to notice of appeal procedures, if any. Both the complainant and respondent are also entitled to notice of any change to the results that occur prior to the results becoming final, and when such results become final.

- 19.2 **Disclosures Regarding Volunteers, Guests, and Contractors.** CCS will notify the complainant of any actions it takes which relate directly to the complainant, such as a No Trespass Order prohibiting the volunteer, guest or contractor from being on campus. Additionally, if the matter involves a crime of violence or sexual assault, including rape, dating violence, domestic violence or stalking, CCS may elect to terminate the contract or license for the individual to be on campus, or in any college or district facilities. CCS will provide the complainant and the respondent with simultaneous written notice of such decisions; advisement of appeal procedures, if any; any change to the results that occur prior to the results becoming final; and when such results become final.

## 20.0 Limits to Authority

Nothing in this procedure shall prevent the appointing authority or designee from taking, if he/she determines appropriate, immediate disciplinary action in accordance with CCS policies and procedures, Standards of Conduct for Students, and federal, state, and municipal rules and regulations.

## 21.0 External Complaint

State and federal agencies have their own processes for responding to and processing complaints, including their own prescribed timeframes for submission of complaints. Filing a complaint with a state or federal agency listed below may be done in lieu of or in addition to CCS's complaint procedure. Individuals may always file a complaint with:

- 21.1 Washington State Human Rights Commission at 800.233.3247 or TDD 800.300.7525, 905 Riverside, Suite 416, Spokane, WA 99201, [www.hum.wa.gov](http://www.hum.wa.gov)
- 21.2 US Department of Education Office for Civil Rights at 800.421.3481 or TDD 877.521.2172, 2910 3rd Avenue, Mail Stop 106, Seattle, WA 98174-1099, [OCR@ed.gov](mailto:OCR@ed.gov)
- 21.3 Equal Employment Opportunity Commission at 800.669.4000 or TDD 800.669.6820, 1321 2nd Avenue, 7th Floor, Seattle, WA 98101, [www.eeoc.gov](http://www.eeoc.gov)
- 21.4 Office of Federal Contract Compliance at (206) 398-8005, Room 3038, Regional Office, 909 First Avenue, Seattle, WA, 98104 <http://www.dol.gov/ofccp/index.htm>
- 21.5 U.S. Department of Labor at (206) 398-8039, Wages and Hour Division, 300 Fifth Avenue, Suite 1130, Seattle, WA , 98104, [www.dol.gov/WHD/index.htm](http://www.dol.gov/WHD/index.htm)

## 22.0 Related Information

- 22.1 Student Conduct Incident Report (SCIR) form, [CCS #5761](#)
- 22.2 [CCS Board Policy, 3.30.01](#) Non-Discrimination/Anti-Harassment Educational programs
- 22.3 [Chapter 42.56 RCW](#), Public Records Act
- 22.4 Chapter 132Q-10 WAC, Standards of Conduct for Students