

WAC 132Q-10-502 Supplemental procedures for allegations of sexually violent conduct. (1) Reports of alleged sexually violent conduct by a student submitted pursuant to WAC 132Q-10-305(2) shall be referred to the Title IX coordinator for an initial assessment. If an investigation is deemed warranted it shall be completed in a timely manner as defined by administrative procedure 3.30.01.

(a) If after a review, the Title IX coordinator determines that the facts as alleged would not constitute a violation of Title IX, the Title IX coordinator may close the file.

(b) If after an initial review, the Title IX coordinator determines that the facts as alleged may constitute a violation of Title IX, the coordinator or his or her designee will order an investigation.

(c) If after an initial review, the Title IX coordinator determines that the facts as alleged would not constitute a violation of Title IX, but may constitute a violation of other provisions of the standards of conduct for students, the coordinator may refer the matter to the student conduct officer to review and process.

(d) If the Title IX coordinator determines an investigation is not warranted on a sexually violent conduct report, the student conduct officer will make reasonable efforts to meet with the complainant and accused student individually to discuss the outcome.

(e) If an investigation is conducted based on a sexually violent conduct report, the Title IX coordinator will make a reasonable effort to meet with the complainant and accused student separately to discuss the results of the investigation and possible protective restrictions or conditions that may be imposed on the accused student. Please refer to WAC 132Q-10-503 for the appeal rights of both parties.

(2) Respondents may have interim restrictions placed on them as outlined in WAC 132Q-10-320.

(3) If the Title IX coordinator or his/her designee determines that the investigative report contains facts that demonstrate a violation of the standards of conduct for students, but not a violation of the sexually violent conduct provisions, then he/she will refer the matter to the appropriate student conduct officer for disciplinary proceedings under these regulations.

(4) Informal dispute resolution shall not be used to resolve sexual misconduct complaints.

(5) College personnel will honor requests to keep sexual misconduct complaints confidential to the extent this can be done without unreasonably risking the health, safety and welfare of the complainant or other members of the college community or its legal duty to investigate and process sexual harassment and sexual violence complaints.

(6) The complainant and respondent have the same rights regarding advisors and witnesses as set forth in WAC 132Q-10-332. The complainant and respondent may choose to be represented at the hearing by an attorney at his or her own expense, but will be deemed to have waived that right unless, at least four business days before the hearing, he or she files a written notice of the attorney's identity and participation with the committee chair and copy the chief student services officer. The chief student services officer will provide a copy of the notice of hearing to the complainant.

(7) The complainant may arrange for witnesses to present pertinent information to the student conduct administrative panel. The complainant is responsible for informing his/her witnesses of the time and place of the hearing.

(8) The student conduct officer, upon request, shall provide reasonable assistance to the complainant in obtaining relevant and admissible evidence that is within the college's control.

(9) During the proceedings, complainant and accused student shall not directly question or cross examine one another. All questions shall be directed to the chair, who will act as an intermediary and pose questions on the parties' behalf. The student conduct administrative panel chair may overrule certain questions on the basis that they are irrelevant, immaterial or unduly repetitious; seek information that is protected on constitutional or statutory grounds or seek information that is subject to evidentiary privilege as recognized in the courts of this state. The record will reflect the questions that were submitted and the rationale for disallowing any questions.

(10) Hearings involving sexual misconduct allegations shall be closed to the public, unless accused student and complainant both waive this requirement in writing and request that the hearing be open to the public. Complainant, accused student and their respective attorney representatives may attend portions of the hearing where argument, testimony and/or evidence are presented to the student conduct administrative panel.

(11) The chair of the student conduct administrative panel will coordinate with the chief student services officer/Title IX coordinator or his/her designee to serve complainant a written notice indicating that the complaint has been resolved on the same date that the discipline order is served upon the accused student. This notice shall inform the complainant whether the sexual misconduct allegation was found to have merit and describe any restrictions and/or conditions imposed upon the accused student for the complainant's protection, including suspension or dismissal of the accused student. The notice shall also provide directions on how the complainant can appeal the decision.

(12) The complainant has the right to appeal an order of the student conduct administrative panel consistent with WAC 132Q-10-335. In the event of an appeal by the accused student or complainant, the chief student services officer shall provide a copy of the appeal to the nonappealing party. The complainant and accused student have the right to be assisted by an advisor of their choosing during the appeal process at their own expense.

[Statutory Authority: RCW 25B.50.140. WSR 17-11-076, § 132Q-10-502, filed 5/18/17, effective 6/18/17. Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-502, filed 7/21/15, effective 8/21/15.]