

WAC 148-120-935 Determination regarding responsibility. (1) At least 10 days prior to a determination regarding responsibility, the investigator must create an investigative report that fairly summarizes relevant evidence, and send the investigative report in an electronic or hard copy format to each party and each party's advisor for their review and written response.

(2) After transmitting the investigative report to the parties, but before reaching a final determination regarding responsibility, the decision maker must give each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party.

(3) The decision maker must issue a written determination of responsibility regarding the alleged sexual harassment. The decision maker will apply a preponderance of the evidence standard.

(4) The decision maker's written determination must be issued to the parties simultaneously and must include the following:

(a) Identification of the allegations potentially constituting sexual harassment under Title IX regulations;

(b) A description of the procedural steps taken from the time of the agency's receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and any hearings held;

(c) Findings supporting the determination;

(d) Conclusions regarding the application of the agency's student conduct code policies to the facts;

(e) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and whether remedies designed to restore or preserve equal access to the education program or activity will be provided to the complainant; and

(f) The procedures and bases for appealing the decision maker's determination.

[Statutory Authority: Chapter 34.05 RCW, RCW 72.42.041(2), 72.40.0191(12), 72.40.0191(17), and Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 25-22-092, s 148-120-935, filed 11/4/25, effective 12/5/25.]