



Board of Trustees Meeting

Virtual, Via Zoom: <https://zoom.us/j/95042850043?pwd=WkNaVVQzWHJ1a3ZMSVh6MFJWRUYxQT09>

AND in Bldg. 17, Room 260

Wednesday, August 12, 2020

Study Session: CANCELED

Regular Meeting: 4:00-5:40 p.m.

Regular Meeting Agenda

4:00	Call to Order, Introductions	Eli Taylor	
	Adoption of Agenda	Eli Taylor	
	<i>Action</i>		
	Approval of the Regular Meeting Minutes of	Eli Taylor	Tab 1
	July 8, 2020		
	<i>Action</i>		
4:05	President’s Report	Joyce Loveday	
	• Summer Quarter Update		
	• COVID-19 Update		
	• WACTC Annual Retreat		
	• Miscellaneous		
4:20	College Reports or Highlights		
	Budget Preparation Work	Lisa Wolcott	Tab 2
	Title IX Procedure Changes	Dean Kelly	Tab 3
4:45	Chair’s Report	Eli Taylor	
4:50	Board Reports and/or Remarks	All	
4:55	Public Comments	Eli Taylor	
5:00	New Business	Eli Taylor	
	New Tenure Track Faculty Introductions	Michelle Hillesland	Tab 4
	Irada Dadashova	Nursing LPN	3 rd Quarter

Title IX Grievance Procedures

Rescind Part 3 of CPTC Student Code of Conduct: Supplemental Procedures for Cases Involving Allegations of Sexual Misconduct

Approve New Model Title IX Grievance Procedures

Tab 5

5:05 Convene Executive Session for approximately 30 minutes for the purpose of discussing with legal counsel potential litigation.

Executive Session Eli Taylor

The Board may hold an executive session for purposes allowed under the Open Public Meetings Act. Legal purposes include, to consider acquisition or sale of real estate; to review negotiations of publicly bid contracts; to receive and evaluate complaints or charges brought against a public officer or employee; to evaluate the qualifications of an applicant for public employment; to review the performance of a public employee; and to discuss with legal counsel matters relating to agency enforcement actions, litigation, or potential litigation. Before convening in executive session, the Board Chair will publicly announce the purpose for executive session and the time when the executive session is expected to conclude.

5:35 Action Items as a Result of Executive Session..... Eli Taylor

5:40 Adjournment Eli Taylor



Virtual, Via Zoom: <https://zoom.us/j/95859404961>

AND in Bldg. 23, Room 118

Wednesday, July 8, 2020

Study Session: CANCELED

Regular Meeting: 4:00-5:35 p.m.

Minutes

Call to Order: Vice Chair Mitchell called the Board of Trustees Regular Meeting for Clover Park Technical College (CPTC) to order on July 8, 2020, at 4:00 p.m.

Board of Trustees Present:

Carol Mitchell, Vice Chair

Lua Pritchard

Mark Martinez

Wayne Withrow

College President: Dr. Joyce Loveday

Assistant Attorney General (AAG): Justin Kjolseth

Excused Absences: Eli Taylor, Trustee

Executive Team:

Larry Clark, VP, Finance & Administration

Scott Latiolais, VP, Student Success

Samantha Dana, Int. VP, Strategic

Shareka Fortier, Exec. Dir., EDI

Development

Michelle Hillesland, Dean

Adoption of the Agenda

MOTION:

Motion to adopt the agenda, as presented, was made by Trustee Withrow and seconded by Trustee Martinez. Motion was approved unanimously.

Approval of Minutes (Tab 1)

MOTION:

Motion to approve the minutes of the Regular Board meeting of June 10, 2020, as presented, was made by Trustee Martinez and seconded by Trustee Withrow. Motion was approved unanimously.

President's Report

Summer Quarter Update

- Classes:
 - There are many lab classes (available in varying degrees for 37 of our instructional programs) on campus. Opening required hiring, preparing, and placing signage; purchasing PPE/classroom disinfectant materials; training faculty/staff, and students; hiring building monitors; developing an attestation process; reporting expenses; arranging schedules; and a tremendous amount of oversight.

- Theory classes are still held primarily virtual.
- There are approximately 300-350 students on campus and 160-175 faculty/staff per day.
- Enrollment is down 30 percent from last year, partly due to:
 - Fewer credits offered in some programs, and limited new student starts due to social distancing.
 - In the health field, clinical sites are not yet taking students, so classes had to be canceled.
 - Some classes were canceled due to low enrollment.

Graduation Celebration

- On June 18, over 100 staff and faculty were on campus to cheer on CPTC's graduating students as over 400 of them drove on campus during a two-hour period to pick up their CPTC celebration boxes.
- Some came with families and friends, a few came alone. Some decorated their cars and others stood through the moon roofs of their vehicles.
- President Loveday appreciates all who attended and all who helped prepare for such a great celebration. There were two co-leaders of this event – Jenn Adrien and Cal Erwin-Svoboda.
- A short video can be found here: https://youtu.be/HD7OQV_YJDo

Miscellaneous

- Dr. Loveday said this is VP Clark's last Board meeting before his retirement from CPTC in early August. He has done a tremendous job of overseeing both the physical condition and the fiscal health of our institution. Under VP Clark's leadership, the John W. Walstrum Center for Advanced Manufacturing was built – on time, on budget, and Leed Silver; he caught CPTC up with a new accreditation decision that came out a few years ago requiring an audit by the State Auditor's Office within nine months of the end of the fiscal year; and the budget process has become more transparent and inclusive.

Lisa Wolcott, Lisa Beach, and Brian Lee will all assume additional responsibilities until a new VP for Finance and Administration is selected. The selection process will begin again in August.

- Three Policies are being brought forward today for your information and review/signature by Chair Taylor. They are:
 - Policy 5.9, Student Attendance
 - Policy 5.10, Grades & Grades Reporting
 - Policy 5.11, Credentials of Completion

Other College Reports or Highlights

Core Theme Report – Workforce Preparation (Tab 2)

Ms. Dana and Ms. Hillesland presented the attached Core Theme Report – Workforce Preparation. Trustee Martinez asked how CPTC's rate for "students placed in employment and/or further education" compares to other colleges. Ms. Dana replied that all technical colleges are in the mid to upper 70's percentile, and CPTC is in the lower portion. Trustee Mitchell asked how long students are tracked in that first employment placement. The SBCTC takes a snapshot six months after students graduate, and that is the only employment report on students.

Human Resources Report (Tab 3)

Mr. Walker offered the attached Human Resources Report. Trustee Mitchell asked if diversity data could be broken out by Faculty and Staff separately. Mr. Walker will provide that information to Ms. Steele, and she will forward it to Trustees.

Student Success Report (Tab 4)

Ms. Chartraw provided the attached report on International Programs. Questions followed. Trustee Martinez noted that the present federal administration announced they are not going to allow visas for international students to come to the United States if all their education is done online. How is that going to affect the students at CPTC? Ms. Chartraw responded that the programs CPTC international students are taking have some in-person component and/or lab classes. If there is a sudden spike in COVID-19 cases or all classes had to revert to all online, that would be a threat to CPTC international students. It would also affect students wanting to come to CPTC. It definitely causes anxiety for some students.

Trustee Pritchard asked if CPTC provides international students with housing and activities. Most international students live with host families who do provide activities. International students are also encouraged to participate in campus activities sponsored by Student Life. CPTC has partnered with Pierce College and CPTC's international students have access to their housing, if needed. Trustee Pritchard offered Asia Pacific Cultural Center (APCC) as a resource for students. Ms. Chartraw noted that some students have participated in APCC's New Year Celebration.

Chair's Report

On June 18, the Pierce County Council passed Resolution 20-20-43, asking all the Justice functions in the county as well as the Economic Development Department to review their best practices and to report on how well they are doing with respect to race and equity considerations in the way they do business. A copy can be found on the Pierce County Council website.

The Washington State Patrol is looking for community representation in Pierce County to sit on their independent investigation team as they investigate the death of Manuel Ellis.

Board Reports and/or Remarks

Trustee Martinez reported that the Washington College Grant is now funding apprenticeships for one program – Roofers. Finally, apprentices are going to be treated like college students and have access to grants that will help them with tuition, books, and other education costs. He asked that CPTC inform all their Apprentice Programs, to help students complete apprenticeships successfully and become educated Journey-level workers.

Public Comments

Several people asked to give Public Comments:

Kathryn Smith, Env. Sci. Instructor
 Diane Follett, English Inst. (speaking for the Union)
 Christopher Pearson, English Inst.
 Pam Munizza, ABE Instructor
 Jody Randall, Faculty Union Pres.
 Annemarie Solbrack, Counselor

Kevin Kildun, Running Start Counselor
 Taylor McGovern, Counselor
 Julie Lancour, Faculty Counselor
 Robert Welch, Human Services Inst.
 Peter Frisell, Eng. Lang. Acq. Inst. (wasn't on Zoom at time of comments)
 Rocky Sandoval, Eng. Lang. Acq./ABE Inst.

Summary of comments:

- CPTC faculty work more days than any college in the system.
- CPTC has the lowest pay/disparity between work and pay compared to other institutions.
- Incentivize instructors; pay parity should be a priority.
- Retention of instructors leads to better retention of students.
- CPTC has a smaller pool for hiring.
- A step system for adjuncts and increased pay, to have parity with other colleges.
- Faculty union appreciates administration for what has been improving – that faculty are valued and they look forward to being involved in decisions about budget cuts and in reinvigorating shared governance.
- There is increased fear due to constantly changing news at the state level.
- Non-monetary issues that would increase morale are addressing human dignity, anti-bullying, and anti-harassment policies.
- CPTC has four quarters, not three like other colleges. Adjuncts can't take time off in the summer to vacation with family, and they cannot earn benefits based on longevity.
- CPTC Faculty Union teamed up with other CPTC unions and created a joint MOU. Key points are:
 - Extra pay for extra work.
 - Course coding for adjuncts – like encouragement and incentive.
 - Hazard pay for instructors in close contact.
 - More PPE.
- Faculty counselors provide a vital service to our students. Counselors and librarians should not be singled out in union bargaining, and the number of days in their contracts should be consistent and equitable across all faculty, without being given additional duties.

New Business

Approval of Resolution 20-07-100, Condemning Xenophobia and Anti-Asian Bias in the Wake of the Covid-19 Pandemic (Tab 5)

Chair Mitchell asked President Loveday to read Resolution 20-07-100 into the record.

MOTION:

Motion to approve Resolution 20-07-100, Condemning Xenophobia and Anti-Asian Bias in the Wake of the Covid-19 Pandemic, was made by Trustee Martinez and seconded by Trustee Pritchard.

Approval of Resolution 20-07-101, Affirming the CPTC Board's Commitment to Black Communities (Tab 6)

Chair Mitchell asked President Loveday to read Resolution 20-07-101 into the record.

MOTION:

Motion to approve Resolution 20-07-101, Affirming the CPTC Board's Commitment to Black Communities, was made by Trustee Martinez and seconded by Trustee Pritchard.

Executive Session

At 5:47 p.m., Vice Chair Mitchell stated that, in accordance with RCW 42.30.110, the Board would recess to go into Executive Session for approximately 15 minutes for reviewing the performance of an individual public employee.

Vice Chair Mitchell reconvened the Regular Meeting at 6:18 p.m. and asked if there were any action items as a result of the Executive Session. There were none.

Next Meeting

August 12, 2020, held via Zoom and in Building 17, Room 260.

Adjournment

Vice Chair Mitchell adjourned the Regular Meeting at 6:18 p.m.

Dr. Joyce Loveday
President
College District Twenty-Nine

Carol Mitchell
Vice Chair, Board of Trustees
College District Twenty-Nine



BUDGET DEVELOPMENT TIMELINE

	January-20	February-20	March-20	April-20	May-20	June-20	July-20	August-20	September-20	October-20	November-20	December-20	January-21
SALARY CALCULATIONS													
BUDGET REQUEST	PERMANENT BUDGET INCREASES IDENTIFIED	COVID-19 IS DECLARED A PANDEMIC COURSE OFFERINGS ONLINE ONLY	STATE ALLOCATION MODEL SENT TO COLLEGES. INCLUDES CUT SCENARIO TOOL 10% = <2,030,268> 15% = <3,196,479>	COST SAVINGS STRATEGIES IMPLEMENTED 1. HIRING FREEZE 2. NO TRAVEL 3. ESSENTIAL PURCHASES		FY 20-21 INITIAL ALLOCATION TUITION LOSS YTD COVID-19 EXP \$696,773		BUDGET DECISIONS TO MITIGATE CURRENT AND PROJECTED BUDGET SHORTFALLS 1. SAVINGS 2. CUTS	APPROVED BUDGET DOCUMENT SUBMITTED TO THE BOARD OF TRUSTEES				SPECIAL LEGISLATIVE SESSION <i>ASSUMPTION</i> ALLOCATION CUTS IMPLEMENTED

* \$1.6 MILL CARES

* GEER - GOVERNORS EMERGENCY RELIEF FUND

*\$160K SUPPLEMENTAL (HEERF - HIGHER ED EMERGENCY RELIEF FUND)

Executive summary- New Title IX Grievance Procedures

Background: In May 2020, the U.S. Department of Education released new regulations governing campus sexual assault under Title IX. Title IX law prohibits sex discrimination at federally funded institutions. Colleges are required to comply with the new regulations by 8/14/2020. Over the summer, AAG's, in consultation with Washington colleges and the State Board, developed a model set of Title IX grievance procedures for college's to use. As part of the Board Packet you have been provided a copy of CPTC's new Title IX grievance procedures.

Major changes with new regulations:

- Requires colleges to provide live hearings and cross examination of parties/witnesses.
- Requires presumption of innocence throughout the process.
- Colleges can determine if they will move from "preponderance of evidence" standard to "clear and convincing," standard of proof.
- Narrows definition of sexual harassment.
- Can no longer use single investigator model. Three campus officials must work through a Title IX complaint.
- Training required of all campus personnel involved in Title IX investigations.

Board Action:

To comply with the new Title IX regulations, we are requesting that CPTC's Board of Trustees do the following:

- Rescind the old supplemental procedures for cases involving allegations of sexual misconduct as written in the Student Code of Conduct (Part 3)
- Adopt the new Title IX grievance procedures as a new college policy/procedure.

Next Steps:

In 2021, CPTC will review and update the current Student Code of Conduct. It was last updated in 2014. AAG's are reviewing the current codes and developing a model code for colleges to implement. The new Code will be WAC'd and will include the new Title IX regulations/procedures.

MODEL TITLE IX GRIEVANCE PROCEDURES

A. Purpose

Clover Park Technical College (CPTC) recognizes its responsibility to investigate, resolve, implement corrective measures, and monitor the educational environment and workplace to stop, remediate, and prevent discrimination on the basis of sex, as required by Title IX of the Educational Amendments of 1972, Title VII of the Civil Rights Act of 1964, the Violence Against Women Reauthorization Act, and Washington State’s Law Against Discrimination, and their implementing regulations. To this end, *CPTC* has enacted a Title IX policy and adopted the following Title IX Grievance Procedure for receiving and investigating Sexual Harassment allegations arising during education programs and activities. Any individual found responsible for violating *CPTC*’s Title IX policy is subject to disciplinary action up to and including dismissal from *CPTC*’s educational programs and activities and/or termination of employment.

Application of this Title IX Grievance Procedure is restricted to allegations of “Sexual Harassment,” as that term is defined in 34 C.F.R. §106.30. Nothing in this procedure limits or otherwise restricts *CPTC*’s ability to investigate and pursue discipline based on alleged violations of other federal, state, and local laws, their implementing regulations, and other college policies prohibiting gender discrimination through processes set forth in *CPTC*’s code of student conduct, employment contracts, employee handbooks, and collective bargaining agreements.

B. Definitions

For purposes of this Title IX Grievance Procedure, the following terms are defined as follows:

1. **“Consent”**¹ means knowing, voluntary, and clear permission by word or action, to engage in mutually agreed upon sexual activity. Each party has the responsibility to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be at the time of the act of sexual intercourse or sexual contact actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact.

A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has engaged in nonconsensual conduct.

¹ The new Title IX Rule does not include a definition for consent. Therefore, institutions have the option of continuing to use the definition currently in their grievance and student discipline procedures.

Intoxication is not a defense against allegations that an individual has engaged in nonconsensual sexual conduct.

2. **“Complainant”** means an individual who is alleged to be the victim of conduct that could constitute Sexual Harassment.
3. **“Respondent”** means an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.
4. **“Formal Complaint”** means a writing submitted by the Complainant or signed by the Title IX coordinator alleging Sexual Harassment against a Respondent and requesting that CPTC conduct an investigation.
5. **“Education Program or Activity”** includes locations, events, or circumstances over which CPTC exercised substantial control over both the Respondent and the context in which the alleged Sexual Harassment occurred. It also includes any building owned or controlled by a student organization officially recognized by CPTC.
6. **“Grievance Procedure”** is the process CPTC uses to initiate, informally resolve, and/or investigate allegations that an employee or student has violated Title IX provisions prohibiting sexual harassment.
7. **“Supportive Measures”** are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or Respondent regardless of whether the Complainant or the Title IX Coordinator has filed a Formal Complaint. Supportive Measures restore or preserve a party’s access to CPTC’s education programs and activities without unreasonably burdening the other party, as determined through an interactive process between the Title IX Coordinator and the party. Supportive Measures include measures designed to protect the safety of all parties and/or the CPTC’s educational environment and/or to deter Sexual Harassment or retaliation. Supportive measures may include, but are not limited to, (i) counseling and other medical assistance, (ii) extensions of deadlines or other course-related adjustments, (iii) modifications of work or class schedules, (iv) leaves of absence, (v) increased security or monitoring of certain areas of campus, and (vi) imposition of orders prohibiting the parties from contacting one another in housing or work situations.² Determinations about whether to impose a one-way no contact order must be made on a case-by-case basis. If supportive measures are not provided, the Title IX Coordinator must document in writing why this was clearly reasonable under the circumstances.

² This is a non-exclusive list, so an institution may add other examples that meet the definition.

8. **“Summary Suspension”** means an emergency suspension of a student Respondent pending investigation and resolution of disciplinary proceedings pursuant to the procedure and standards set forth in WAC 495C-121-190.³
9. **“Sexual Harassment,”** for purposes of these Title IX Grievance Procedures, Sexual Harassment occurs when a Respondent engages in the following discriminatory conduct on the basis of sex:
 - a. **Quid pro quo harassment.** A CPTC employee conditioning the provision of an aid, benefit, or service of CPTC on an individual’s participation in unwelcome sexual conduct.
 - b. **Hostile environment.** Unwelcome conduct that a reasonable person would find to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the CPTC’s educational programs or activities or CPTC employment.
 - c. **Sexual assault.** Sexual assault includes the following conduct:
 - (i) **Nonconsensual sexual intercourse.** Any actual or attempted sexual intercourse (anal, oral, or vaginal), however slight, with any object or body part, by a person upon another person, that is without Consent and/or by force. Sexual intercourse includes anal or vaginal penetration by a penis, tongue, finger, or object, or oral copulation by mouth to genital contact or genital to mouth contact.
 - (ii) **Nonconsensual sexual contact.** Any actual or attempted sexual touching, however slight, with any body part or object, by a person upon another person that is 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 other bodily contact in a sexual manner.
 - (iii) **Incest.** Sexual intercourse or sexual contact with a person known to be related to them, either legitimately or illegitimately, as an ancestor, descendant, brother, or sister of either wholly or half related. Descendant includes stepchildren, and adopted children under the age of eighteen (18).
 - (iv) **Statutory rape.** Consensual intercourse between a person who is eighteen (18) years of age or older, and a person who is under the age of sixteen (16).

³ WAC 495C-121-190.

- (v) **Domestic violence.** Physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Washington, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the State of Washington, RCW 26.50.010.
 - (vi) Dating violence, Physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person (i) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (ii) where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - (a) The length of the relationship;
 - (b) The type of relationship; and
 - (c) The frequency of interaction between the persons involved in the relationship.
 - (i) **Stalking.** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (i) fear for their safety or the safety of others; or (ii) suffer substantial emotional distress.
10. **“Title IX Administrators”**⁴ are the Title IX Coordinator, Title IX investigators, the Student Conduct Officer, Student Conduct Committee members, Conduct Review Officer,⁵ and CPTC provided advisors assigned to the parties by CPTC during Title IX disciplinary proceedings.
11. **“Title IX Coordinator”** is responsible for processing Title IX complaints and conducting and/or overseeing formal investigations and informal resolution processes under this Grievance Procedure. Among other things, the Title IX Coordinator is responsible for:

⁴ This definition was created as a means of identifying college or university personnel who must undergo training under the Rule.

⁵ This list should also include positions responsible for administering Title IX disciplinary proceedings for employees.

- a. Accepting and processing all Title IX reports, referrals, and Formal Complaints.
- b. Executing and submitting a Formal Complaint when appropriate and necessary.
- c. Handling requests for confidentiality.
- d. Determining during the Grievance Procedure (i) whether a Formal Complaint should be dismissed either in whole or in part, and if so, (ii) providing notice to both parties about why dismissal was necessary or desirable, and (iii) referring the complaint to the appropriate disciplinary authority for proceedings outside the jurisdiction of Title IX.
- e. Maintaining accurate records of all complaints, reports, and referrals, and retaining investigation files, complaints, reports, and referrals in compliance with the applicable records retention schedules or federal or state law, whichever is longer.
- f. Conducting investigations or assigning and overseeing investigations.
- g. Engaging in an interactive process with both parties to identify and provide supportive measures that ensure during the investigation and disciplinary processes that the parties have equitable access to education programs and activities and are protected from further discrimination or retaliation.
- h. Upon completion of an investigation, issuing or overseeing the issuance of a final investigation report to the parties and the appropriate disciplinary authority in compliance with this Grievance Procedure.
- i. Recommending non-disciplinary corrective measures to stop, remediate, and/or prevent recurrence of discriminatory conduct to disciplinary authorities and other *CPTC* administrators.

C. Principles for Title IX Grievance Procedure

1. Respondent shall be presumed not responsible for the alleged conduct unless or until a determination of responsibility is reached after completion of the grievance and disciplinary processes.
2. Before imposing discipline, *CPTC* is responsible for gathering and presenting evidence to a neutral and unbiased decision maker establishing responsibility for a Title IX violation by a preponderance of the evidence.
3. *CPTC* shall treat both the Complainant and Respondent equitably by providing Complainant with remedies against Respondent who has been found responsible for

Sexual Harassment through application of the institution’s Title IX grievance and applicable Title IX disciplinary procedures and by providing Respondent with Title IX procedural safeguards contained in this Title IX Grievance Procedures and in the applicable Title IX disciplinary procedures.

4. The investigator shall base investigation results on all relevant evidence, including both exculpatory and inculpatory evidence.
5. Formal and informal resolutions will be pursued within reasonably prompt timeframes⁶ with allowances for temporary delays and extensions for good cause shown. Grounds for temporary delay include, but are not limited to school breaks, illness/health concerns, timing in the quarter (finals, registration, etc...), and other reasonable scheduling issues.⁷ Good cause supporting a request for an extension includes, but is not limited to: a party, a party’s advisor, or a witness being unavailable, concurrent law enforcement activity, and the need for language assistance or accommodation of disabilities.⁸ Both parties will receive written notice of any temporary delay or extension for good cause with an explanation of why the action was necessary.
6. A Respondent found responsible for engaging in Sexual Harassment may receive discipline up to and including dismissal from CPTC. A description of other possible disciplinary sanctions and conditions that may be imposed against students can be found in WAC 495C-121-060.⁹

An employee found responsible for Sexual Harassment may receive discipline up to and including dismissal from employment. A description of possible disciplinary sanctions and conditions that may be imposed against employees can be found in the applicable Collective Bargaining Agreement, the applicable College policy, and/or the Employee Handbook.¹⁰

⁶ Institutions can insert timeframes in this section or create a separate guidelines regarding what constitutes a reasonably prompt timeframes.

⁷ Institutions should consider including school breaks and other frequently encountered scheduling issues that delay investigations.

⁸ These are examples contained in the Rule. An institution may want to consider other legitimate reasons that constitute good cause for delaying the investigation process.

⁹ 495C-121-060.

¹⁰ Faculty CBA Article 12, § 5; IUOE CBA Article 14, § 3; AFT-Prof CBA Article 17 § 1; Classified CBA Article 14, § 3; College Policy 2.2 § A; CPTC Unrepresented Exempt Handbook

7. In proceedings against a student Respondent, the parties may appeal the Student Conduct Committee’s ruling to the President pursuant to WAC 495C-121-110¹¹ and Supplement Title IX Student Conduct Code Procedures, WAC 495C-121-230.¹²

In proceedings against an employee Respondent, the parties may appeal the Employee Disciplinary Decision to the President within fourteen calendar days.¹³

8. Title IX Administrators may not require, allow, rely upon, or otherwise use questions or evidence that seeks disclosure of privileged communications, unless the privilege has been effectively waived by the holder. This provision applies, but is not limited to information subject to the following:
 - a. Spousal/domestic partner privilege;
 - b. Attorney-Client and attorney work product privileges;
 - c. Privileges applicable to members of the clergy and priests;
 - d. Privileges applicable to medical providers, mental health therapists, and counsellors;
 - e. Privileges applicable to sexual assault and domestic violence advocates; and
 - f. Other legal privileges identified in RCW 5.60.060.

D. Title IX Administrators – Free from bias – Training requirements

1. Title IX Administrators shall perform their duties free from bias or conflicts.
2. Title IX Administrators shall undergo training on the following topics:
 - a. The definition of Sexual Harassment under these procedures,
 - b. The scope of CPTC’s educational programs and activities,
 - c. How to conduct an investigation,
 - d. How to serve impartially without prejudgment of facts, conflicts of interest, or bias,
 - e. Use of technology used during an investigation or hearing,
 - f. The relevance of evidence and questions, and

¹¹ WAC 495C-121-110.

¹² WAC 495C-121-230.

¹³ College Policy 2.2 § E.

- g. Effective report writing.
3. All Title IX Administrator training materials shall be available on CPTC’s Title IX webpage.

E. Filing a Complaint

Any employee, student, applicant, or visitor who believes that they have been the subject of Sexual Harassment should report the incident or incidents to CPTC’s Title IX Coordinator identified below. If the complaint is against the Title IX Coordinator, the Complainant should report the matter to the President’s office for referral to an alternate designee.

Name: Kirk Walker

Title: Director HR, Title IX Coordinator

Office: 253-589-5533

F. Confidentiality

1. CPTC will seek to protect the privacy of the Complainant to the fullest extent possible, consistent with the legal obligation to investigate, take appropriate remedial and/or disciplinary action, and comply with the federal and state law, as well as *CPTC* policies and procedures. Although CPTC will attempt to honor Complainants' requests for confidentiality, it cannot guarantee complete confidentiality. Determinations regarding how to handle requests for confidentiality will be made by the Title IX Coordinator.
2. The Title IX Coordinator will inform and attempt to obtain consent from the Complainant before commencing an investigation of alleged Sexual Harassment. If a Complainant asks that their name not be revealed to the Respondent or that CPTC not investigate the allegation, the Title IX Coordinator will inform the Complainant that maintaining confidentiality may limit CPTC’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 their name not be disclosed or that CPTC not investigate, the Title IX Coordinator will determine whether CPTC can honor the request and at the same time maintain a safe and nondiscriminatory environment for all members of the CPTC community, including the Complainant. Factors to be weighed during this determination may include, but are not limited to:
 - a. The seriousness of the alleged Sexual Harassment;
 - b. The age of the Complainant;
 - c. Whether the Sexual Harassment was perpetrated with a weapon;

- d. Whether the Respondent has a history of committing acts of Sexual Harassment or violence or has been the subject of other Sexual Harassment or violence complaints or findings;
 - e. Whether the Respondent threatened to commit additional acts of Sexual Harassment or violence against the Complainant or others; and
 - f. Whether relevant evidence about the alleged incident can be obtained through other means (*e.g.*, security cameras, other witnesses, physical evidence).
3. If CPTC is unable to honor a Complainant’s request for confidentiality, the Title IX Coordinator 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 the investigation in compliance with this Grievance Procedure.
 4. If CPTC decides not to conduct an investigation or take disciplinary action because of a request for confidentiality, the Title IX Coordinator will evaluate whether other measures are available to address the circumstances giving rise to the complaint and prevent their recurrence, and implement such measures if reasonably feasible.

G. Complaint Resolution

The Title IX resolution processes are initiated when the Title IX Coordinator’s Office receives a written complaint alleging that a Respondent(s) sexually harassed a Complainant and requesting that CPTC initiate an investigation (a Formal Complaint). A Formal Complaint must be either submitted by the Complainant or signed by the Title IX Coordinator on behalf of the Complainant. Formal complaints submitted to the Title IX Coordinator may be resolved through either informal or formal resolution processes. CPTC will not proceed with either resolution process without a Formal Complaint.

For purposes of this Title IX Grievance Procedure, the Complainant must be participating in or attempting to participate in a CPTC education program or activity at the time the Formal Complaint is filed.

1. Informal Resolution:

Under appropriate circumstances and if the impacted and responding parties agree, they may voluntarily pursue informal resolution during the investigation of a concern. Informal resolution is not appropriate when the allegations involve a mandatory reporting situation, an immediate threat to the health, safety or welfare of a member of the CPTC community, or in cases where an employee is alleged to have sexually harassed a student.

If an informal resolution is appropriate, the impacted party and the responding party may explore remedies or resolution through:

- Guided conversations or communications conducted by the Title IX coordinator / HRO representative or a mutually agreed upon third party;
- Structured resolution process conducted by a trained mediator; or
- Voluntarily agreed on alterations to either or both of the parties' work or class schedules or student housing arrangements.

If the parties agree to an informal resolution process, CPTC will commence the process within fourteen (14) days after the parties agree to this option and conclude within twenty-one (21) days of beginning that process; subject to reasonable delays and extensions for good cause shown. The informal process is voluntary. Either the impacted or responding party may withdraw from the informal resolution process at any time, at which point the formal investigation process will resume.

If the impacted and responding party voluntarily resolve a report, CPTC will record the terms of the resolution in a written agreement signed by both parties and provide written notice to both parties that the report has been closed.

2. Formal Resolution

Formal resolution means that the Complainant's allegations of Sexual Harassment will be subjected to a formal investigation by an impartial and unbiased investigator. The investigator will issue a report of the investigation findings. Upon completion of the investigation, the investigator will submit the final investigation report to the appropriate disciplinary authority to determine whether disciplinary proceedings are warranted.

H. Emergency Removal

If a student Respondent poses an immediate threat to the health and safety of the College Community or an immediate threat of significant disruption to CPTC operations, CPTC's student conduct officer may summarily suspend a Respondent pursuant to WAC 495C-121-190,¹⁴ pending final resolution of the allegations. Nothing in this Grievance Procedure prohibits CPTC from placing non-student employees on administrative leave pending final resolution of the allegations.

I. Investigation Notices

Upon receiving a Formal Complaint and determining that allegations comport with Title IX claims, CPTC will provide the parties with the following notices containing the following information:

¹⁴ WAC 495C-121-190.

1. Notice of formal and informal resolution processes. A description of CPTC's grievance resolution procedures, including the informal resolution procedure.
2. The investigator will serve the Respondent and the Complainant with a Notice of Investigation in advance of the initial interview with the Respondent to allow the Respondent sufficient time to prepare a response to the allegations and to inform the Complainant that CPTC has commenced an investigation. The investigation notice will:
 - a. Include the identities of the parties (if known), a description of the conduct alleged constituting Title IX Sexual Harassment, and the time and location of the incident (if known).
 - b. Confirm that the Respondent is presumed not responsible for the alleged conduct and that CPTC will not make a final determination of responsibility until after the grievance and disciplinary processes have been completed.
 - c. Inform parties that they are both entitled to have an advisor of their own choosing, who may be an attorney.
 - d. Inform parties they have a right to review and inspect evidence.
 - e. Inform parties about student conduct code provisions and employment policies that prohibit students and employees from knowingly submitting false information during the grievance and disciplinary processes.
3. Amended investigation notice. If during the course of the investigation, CPTC decides to investigate Title IX Sexual Harassment allegations about the Complainant or Respondent that are not included in the investigation notice, CPTC will issue an amended notice of investigation to both parties that includes this additional information.
4. Interview and meeting notices. Before any interviewing or meeting with a party about Title IX allegations, CPTC shall provide the party with a written notice identifying the date, time, location, participants, and purpose of the interview or meeting with sufficient time for the party to prepare for the interview or meeting.¹⁵

J. Investigation Process - Dismissal

1. Mandatory dismissal. The Title IX Coordinator will dismiss the Title IX allegations, if during the course of a formal investigation under the Title IX Grievance Process, the investigator determines that the alleged misconduct in the Formal Complaint:

¹⁵ Institutions will want to designate a specific number of days that are presumed to be sufficient advance notice.

- a. Does not meet the definition of Sexual Harassment under Title IX, even if proved; or
 - b. Did not occur in the context of a College Education Program or Activity; or
 - c. Occurred outside the United States.
2. Discretionary dismissal. CPTC may dismiss a Title IX claim in whole or in part, if:
 - a. The Complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint in whole or in part;
 - b. Respondent is no longer enrolled with or employed by CPTC; or
 - c. Specific circumstances prevent CPTC from gathering evidence sufficient to complete the investigation of the Title IX allegations in whole or in part.
 3. The Title IX Coordinator will provide both parties written notice if Title IX allegations are dismissed with an explanation for the dismissal.
 4. Mandatory or discretionary dismissal of a Title IX claim does not preclude CPTC from investigating and pursuing discipline based on allegations that a Respondent violated other federal or state laws and regulations, CPTC conduct policies, and/or other codes and contractual provisions governing student and employee conduct.

K. Investigation Process – Consolidation of Formal Complaints

When multiple Sexual Harassment allegations by or against different parties arise out of the same facts or circumstances, CPTC may consolidate the investigation of Formal Complaints, provided consolidation can be accomplished in compliance with confidentiality protections imposed by the Family Educational Records and Privacy Act (FERPA). This includes instances in which Complainant and Respondent have lodged Formal Complaints against one another or when allegations of sexual assault are lodged by a single Complainant against multiple Respondents, or when multiple Complainants lodge sexual assault complaints against single or multiple Respondents.

L. Investigation Process – Required Procedures

During the investigation, the Investigator:

1. Will provide the parties with equal opportunity to present relevant statements, and other evidence in the form of fact or expert witnesses and inculpatory or exculpatory evidence.
2. Will not restrict the ability of either party to discuss the allegations under investigation or gather and present relevant evidence, except when a no contact order has been imposed based on an individualized and fact specific determination that a party poses a threat to the health, safety, or welfare of another party and/or

witnesses or when contact with a party and/or witness is prohibited by court order. A CPTC imposed no contact shall be no broader than is necessary to protect the threatened party or witness and must provide the impacted party or their advisor with alternative means of gathering and presenting relevant evidence from the protected witness and/or party.¹⁶

3. Will allow each party to be accompanied by an advisor of their choosing, who may be an attorney, to any grievance related meeting or interview. Advisors' roles during the investigation meetings or interviews will be limited to providing support and advice to the party. Advisors will not represent or otherwise advocate on behalf of the parties during the investigation process. An attorney representing a party must enter a notice of appearance with the Title IX Coordinator and the Investigator at least five (5) days before the initial interview or meeting they plan to attend, so that CPTC can secure its own legal representation, if necessary.
4. The investigator will provide both parties and their respective advisors with an equal opportunity to review the draft investigation report and to inspect and review any evidence obtained during the investigation that is directly related to the allegations raised in the Formal Complaint, including inculpatory or exculpatory evidence, regardless of its source, as well as evidence upon which the investigator does not intend to rely in the final investigation report. After disclosure, each party will receive ten (10) days in which to submit a written response, which the investigator will consider prior to completion of the investigation report. If a party fails to submit a written response within ten (10) days, the party will be deemed to have waived their right to submit comments and the investigator will finalize the report without this information.
5. The investigator will forward the final report to the Title IX Coordinator, who will distribute the report and evidence to the parties, as well as the disciplinary authority responsible for determining whether pursuing disciplinary action is warranted.

¹⁶ The Rule does not provide any exceptions on prohibition against imposing a gag order. The Rule does recognize the use of summary suspension proceedings to address situations where a respondent poses a threat to the health, welfare, and safety of members of the campus community.



Irada Dadashova Biography

Nursing Faculty

I meet many people in my profession and regularly get asked where I am from because of my accent. Originally, I am from Azerbaijan, a small independent country with a population of about two million people. I completed high school and was accepted in the National Academy of Aviation (I was fascinated with airplanes back then) where I received my Master's Degree in Economics. During that time, in 2003, I met my future husband online. We were in opposite parts of the world; I was in Baku, Azerbaijan and he lived in Bangalore. My dream was to travel and see other countries and cultures. After meeting my husband in Bangalore, I was able to see the rest of India. I was fascinated how different and culturally unique it was. I lived and worked in India for about two years.

A few years later we moved to Denmark because of my husband's job and there we had our first child. While in Denmark, we were able to explore the Nordic culture and visit other countries nearby (Germany, Sweden, and Austria). Sometime later, work opportunity brought our family to the United States. Thus far, I had been a stay-at-home mom for almost three years and I was ready to learn and work. Until this point in my life, I worked in different areas – airlines, oilfields, construction, and software – but my dream was to study medicine. My husband was very supportive and I decided to go back to school. I called one of the local technical colleges and asked, "Do you have any available spots in your Nursing program?" Looking back, I was so naïve; wait lists were long and I had to do my prerequisites. A few years later, I applied to the Practical Nursing (LPN) program, was not selected, and had to wait few months for CPTC to answer and that is when I got into LPN program. After completion of the program, I worked in Urgent Care for two years and really enjoyed it.

Later, I applied to RN program in RTC and was accepted into their LPN to RN Bridge. A year later, I was a Registered Nurse. I was very proud of my achievement and worked on the next step, which was to find a job. I really wanted to work in Emergency Department (ED) because I love the excitement of a fast-paced environment. However, I got an offer for the residency program in a progressive care unit before I interviewed in ED, so I had to choose between accepting already exiting offer or take a chance and wait for the interview in ED. With disappointment, I accepted the position on Progressive Care Unit. I worked as RN in Progressive

Care Unit for about 2 years and that is where I got my first student. I found myself enjoying teaching younger nurses a lot and at that time I made the decision to teach nursing.

Later, I received my Bachelor's Degree in Nursing from University of Washington in Tacoma and decided that it was a good time to apply again in Emergency Department. I was able to get a position in Emergency Department. I love being Emergency Department nurse, as every day is different and saving someone's loved one is truly rewarding. Even though I was disappointed in my first nursing RN position on Progressive Care Unit, it helped me to learn the fundamentals of nursing and make many lasting friendships along the way. It helped me to be a stronger nurse for Emergency Department. After working for about 7 years, I decided to apply in CPTC as a nursing instructor. This fall I started a full-time job as a teacher and I enjoy this role. Being able to share my knowledge and experience and see my students' successes, gives me feeling of fulfillment and pride. I am planning to continue with my education in Masters in Nursing Education.

MODEL TITLE IX GRIEVANCE PROCEDURES

A. Purpose

Clover Park Technical College (CPTC) recognizes its responsibility to investigate, resolve, implement corrective measures, and monitor the educational environment and workplace to stop, remediate, and prevent discrimination on the basis of sex, as required by Title IX of the Educational Amendments of 1972, Title VII of the Civil Rights Act of 1964, the Violence Against Women Reauthorization Act, and Washington State’s Law Against Discrimination, and their implementing regulations. To this end, *CPTC* has enacted a Title IX policy and adopted the following Title IX Grievance Procedure for receiving and investigating Sexual Harassment allegations arising during education programs and activities. Any individual found responsible for violating *CPTC*’s Title IX policy is subject to disciplinary action up to and including dismissal from *CPTC*’s educational programs and activities and/or termination of employment.

Application of this Title IX Grievance Procedure is restricted to allegations of “Sexual Harassment,” as that term is defined in 34 C.F.R. §106.30. Nothing in this procedure limits or otherwise restricts *CPTC*’s ability to investigate and pursue discipline based on alleged violations of other federal, state, and local laws, their implementing regulations, and other college policies prohibiting gender discrimination through processes set forth in *CPTC*’s code of student conduct, employment contracts, employee handbooks, and collective bargaining agreements.

B. Definitions

For purposes of this Title IX Grievance Procedure, the following terms are defined as follows:

1. **“Consent”**¹ means knowing, voluntary, and clear permission by word or action, to engage in mutually agreed upon sexual activity. Each party has the responsibility to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be at the time of the act of sexual intercourse or sexual contact actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact.

A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has engaged in nonconsensual conduct.

¹ The new Title IX Rule does not include a definition for consent. Therefore, institutions have the option of continuing to use the definition currently in their grievance and student discipline procedures.

Intoxication is not a defense against allegations that an individual has engaged in nonconsensual sexual conduct.

2. **“Complainant”** means an individual who is alleged to be the victim of conduct that could constitute Sexual Harassment.
3. **“Respondent”** means an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.
4. **“Formal Complaint”** means a writing submitted by the Complainant or signed by the Title IX coordinator alleging Sexual Harassment against a Respondent and requesting that CPTC conduct an investigation.
5. **“Education Program or Activity”** includes locations, events, or circumstances over which CPTC exercised substantial control over both the Respondent and the context in which the alleged Sexual Harassment occurred. It also includes any building owned or controlled by a student organization officially recognized by CPTC.
6. **“Grievance Procedure”** is the process CPTC uses to initiate, informally resolve, and/or investigate allegations that an employee or student has violated Title IX provisions prohibiting sexual harassment.
7. **“Supportive Measures”** are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or Respondent regardless of whether the Complainant or the Title IX Coordinator has filed a Formal Complaint. Supportive Measures restore or preserve a party’s access to CPTC’s education programs and activities without unreasonably burdening the other party, as determined through an interactive process between the Title IX Coordinator and the party. Supportive Measures include measures designed to protect the safety of all parties and/or the CPTC’s educational environment and/or to deter Sexual Harassment or retaliation. Supportive measures may include, but are not limited to, (i) counseling and other medical assistance, (ii) extensions of deadlines or other course-related adjustments, (iii) modifications of work or class schedules, (iv) leaves of absence, (v) increased security or monitoring of certain areas of campus, and (vi) imposition of orders prohibiting the parties from contacting one another in housing or work situations.² Determinations about whether to impose a one-way no contact order must be made on a case-by-case basis. If supportive measures are not provided, the Title IX Coordinator must document in writing why this was clearly reasonable under the circumstances.

² This is a non-exclusive list, so an institution may add other examples that meet the definition.

8. **“Summary Suspension”** means an emergency suspension of a student Respondent pending investigation and resolution of disciplinary proceedings pursuant to the procedure and standards set forth in WAC 495C-121-190.³
9. **“Sexual Harassment,”** for purposes of these Title IX Grievance Procedures, Sexual Harassment occurs when a Respondent engages in the following discriminatory conduct on the basis of sex:
 - a. **Quid pro quo harassment.** A CPTC employee conditioning the provision of an aid, benefit, or service of CPTC on an individual’s participation in unwelcome sexual conduct.
 - b. **Hostile environment.** Unwelcome conduct that a reasonable person would find to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the CPTC’s educational programs or activities or CPTC employment.
 - c. **Sexual assault.** Sexual assault includes the following conduct:
 - (i) **Nonconsensual sexual intercourse.** Any actual or attempted sexual intercourse (anal, oral, or vaginal), however slight, with any object or body part, by a person upon another person, that is without Consent and/or by force. Sexual intercourse includes anal or vaginal penetration by a penis, tongue, finger, or object, or oral copulation by mouth to genital contact or genital to mouth contact.
 - (ii) **Nonconsensual sexual contact.** Any actual or attempted sexual touching, however slight, with any body part or object, by a person upon another person that is 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 other bodily contact in a sexual manner.
 - (iii) **Incest.** Sexual intercourse or sexual contact with a person known to be related to them, either legitimately or illegitimately, as an ancestor, descendant, brother, or sister of either wholly or half related. Descendant includes stepchildren, and adopted children under the age of eighteen (18).
 - (iv) **Statutory rape.** Consensual intercourse between a person who is eighteen (18) years of age or older, and a person who is under the age of sixteen (16).

³ WAC 495C-121-190.

- (v) **Domestic violence.** Physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Washington, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the State of Washington, RCW 26.50.010.
 - (vi) Dating violence, Physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person (i) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (ii) where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - (a) The length of the relationship;
 - (b) The type of relationship; and
 - (c) The frequency of interaction between the persons involved in the relationship.
 - (i) **Stalking.** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (i) fear for their safety or the safety of others; or (ii) suffer substantial emotional distress.
10. **“Title IX Administrators”**⁴ are the Title IX Coordinator, Title IX investigators, the Student Conduct Officer, Student Conduct Committee members, Conduct Review Officer,⁵ and CPTC provided advisors assigned to the parties by CPTC during Title IX disciplinary proceedings.
11. **“Title IX Coordinator”** is responsible for processing Title IX complaints and conducting and/or overseeing formal investigations and informal resolution processes under this Grievance Procedure. Among other things, the Title IX Coordinator is responsible for:

⁴ This definition was created as a means of identifying college or university personnel who must undergo training under the Rule.

⁵ This list should also include positions responsible for administering Title IX disciplinary proceedings for employees.

- a. Accepting and processing all Title IX reports, referrals, and Formal Complaints.
- b. Executing and submitting a Formal Complaint when appropriate and necessary.
- c. Handling requests for confidentiality.
- d. Determining during the Grievance Procedure (i) whether a Formal Complaint should be dismissed either in whole or in part, and if so, (ii) providing notice to both parties about why dismissal was necessary or desirable, and (iii) referring the complaint to the appropriate disciplinary authority for proceedings outside the jurisdiction of Title IX.
- e. Maintaining accurate records of all complaints, reports, and referrals, and retaining investigation files, complaints, reports, and referrals in compliance with the applicable records retention schedules or federal or state law, whichever is longer.
- f. Conducting investigations or assigning and overseeing investigations.
- g. Engaging in an interactive process with both parties to identify and provide supportive measures that ensure during the investigation and disciplinary processes that the parties have equitable access to education programs and activities and are protected from further discrimination or retaliation.
- h. Upon completion of an investigation, issuing or overseeing the issuance of a final investigation report to the parties and the appropriate disciplinary authority in compliance with this Grievance Procedure.
- i. Recommending non-disciplinary corrective measures to stop, remediate, and/or prevent recurrence of discriminatory conduct to disciplinary authorities and other *CPTC* administrators.

C. Principles for Title IX Grievance Procedure

1. Respondent shall be presumed not responsible for the alleged conduct unless or until a determination of responsibility is reached after completion of the grievance and disciplinary processes.
2. Before imposing discipline, *CPTC* is responsible for gathering and presenting evidence to a neutral and unbiased decision maker establishing responsibility for a Title IX violation by a preponderance of the evidence.
3. *CPTC* shall treat both the Complainant and Respondent equitably by providing Complainant with remedies against Respondent who has been found responsible for

Sexual Harassment through application of the institution’s Title IX grievance and applicable Title IX disciplinary procedures and by providing Respondent with Title IX procedural safeguards contained in this Title IX Grievance Procedures and in the applicable Title IX disciplinary procedures.

4. The investigator shall base investigation results on all relevant evidence, including both exculpatory and inculpatory evidence.
5. Formal and informal resolutions will be pursued within reasonably prompt timeframes⁶ with allowances for temporary delays and extensions for good cause shown. Grounds for temporary delay include, but are not limited to school breaks, illness/health concerns, timing in the quarter (finals, registration, etc...), and other reasonable scheduling issues.⁷ Good cause supporting a request for an extension includes, but is not limited to: a party, a party’s advisor, or a witness being unavailable, concurrent law enforcement activity, and the need for language assistance or accommodation of disabilities.⁸ Both parties will receive written notice of any temporary delay or extension for good cause with an explanation of why the action was necessary.
6. A Respondent found responsible for engaging in Sexual Harassment may receive discipline up to and including dismissal from CPTC. A description of other possible disciplinary sanctions and conditions that may be imposed against students can be found in WAC 495C-121-060.⁹

An employee found responsible for Sexual Harassment may receive discipline up to and including dismissal from employment. A description of possible disciplinary sanctions and conditions that may be imposed against employees can be found in the applicable Collective Bargaining Agreement, the applicable College policy, and/or the Employee Handbook.¹⁰

⁶ Institutions can insert timeframes in this section or create a separate guidelines regarding what constitutes a reasonably prompt timeframes.

⁷ Institutions should consider including school breaks and other frequently encountered scheduling issues that delay investigations.

⁸ These are examples contained in the Rule. An institution may want to consider other legitimate reasons that constitute good cause for delaying the investigation process.

⁹ 495C-121-060.

¹⁰ Faculty CBA Article 12, § 5; IUOE CBA Article 14, § 3; AFT-Prof CBA Article 17 § 1; Classified CBA Article 14, § 3; College Policy 2.2 § A; CPTC Unrepresented Exempt Handbook

7. In proceedings against a student Respondent, the parties may appeal the Student Conduct Committee’s ruling to the President pursuant to WAC 495C-121-110¹¹ and Supplement Title IX Student Conduct Code Procedures, WAC 495C-121-230.¹²

In proceedings against an employee Respondent, the parties may appeal the Employee Disciplinary Decision to the President within fourteen calendar days.¹³

8. Title IX Administrators may not require, allow, rely upon, or otherwise use questions or evidence that seeks disclosure of privileged communications, unless the privilege has been effectively waived by the holder. This provision applies, but is not limited to information subject to the following:
 - a. Spousal/domestic partner privilege;
 - b. Attorney-Client and attorney work product privileges;
 - c. Privileges applicable to members of the clergy and priests;
 - d. Privileges applicable to medical providers, mental health therapists, and counsellors;
 - e. Privileges applicable to sexual assault and domestic violence advocates; and
 - f. Other legal privileges identified in RCW 5.60.060.

D. Title IX Administrators – Free from bias – Training requirements

1. Title IX Administrators shall perform their duties free from bias or conflicts.
2. Title IX Administrators shall undergo training on the following topics:
 - a. The definition of Sexual Harassment under these procedures,
 - b. The scope of CPTC’s educational programs and activities,
 - c. How to conduct an investigation,
 - d. How to serve impartially without prejudgment of facts, conflicts of interest, or bias,
 - e. Use of technology used during an investigation or hearing,
 - f. The relevance of evidence and questions, and

¹¹ WAC 495C-121-110.

¹² WAC 495C-121-230.

¹³ College Policy 2.2 § E.

- g. Effective report writing.
- 3. All Title IX Administrator training materials shall be available on CPTC’s Title IX webpage.

E. Filing a Complaint

Any employee, student, applicant, or visitor who believes that they have been the subject of Sexual Harassment should report the incident or incidents to CPTC’s Title IX Coordinator identified below. If the complaint is against the Title IX Coordinator, the Complainant should report the matter to the President’s office for referral to an alternate designee.

Name: Kirk Walker

Title: Director HR, Title IX Coordinator

Office: 253-589-5533

F. Confidentiality

1. CPTC will seek to protect the privacy of the Complainant to the fullest extent possible, consistent with the legal obligation to investigate, take appropriate remedial and/or disciplinary action, and comply with the federal and state law, as well as *CPTC* policies and procedures. Although CPTC will attempt to honor Complainants' requests for confidentiality, it cannot guarantee complete confidentiality. Determinations regarding how to handle requests for confidentiality will be made by the Title IX Coordinator.
2. The Title IX Coordinator will inform and attempt to obtain consent from the Complainant before commencing an investigation of alleged Sexual Harassment. If a Complainant asks that their name not be revealed to the Respondent or that CPTC not investigate the allegation, the Title IX Coordinator will inform the Complainant that maintaining confidentiality may limit CPTC’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 their name not be disclosed or that CPTC not investigate, the Title IX Coordinator will determine whether CPTC can honor the request and at the same time maintain a safe and nondiscriminatory environment for all members of the CPTC community, including the Complainant. Factors to be weighed during this determination may include, but are not limited to:
 - a. The seriousness of the alleged Sexual Harassment;
 - b. The age of the Complainant;
 - c. Whether the Sexual Harassment was perpetrated with a weapon;

- d. Whether the Respondent has a history of committing acts of Sexual Harassment or violence or has been the subject of other Sexual Harassment or violence complaints or findings;
 - e. Whether the Respondent threatened to commit additional acts of Sexual Harassment or violence against the Complainant or others; and
 - f. Whether relevant evidence about the alleged incident can be obtained through other means (*e.g.*, security cameras, other witnesses, physical evidence).
3. If CPTC is unable to honor a Complainant’s request for confidentiality, the Title IX Coordinator 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 the investigation in compliance with this Grievance Procedure.
 4. If CPTC decides not to conduct an investigation or take disciplinary action because of a request for confidentiality, the Title IX Coordinator will evaluate whether other measures are available to address the circumstances giving rise to the complaint and prevent their recurrence, and implement such measures if reasonably feasible.

G. Complaint Resolution

The Title IX resolution processes are initiated when the Title IX Coordinator’s Office receives a written complaint alleging that a Respondent(s) sexually harassed a Complainant and requesting that CPTC initiate an investigation (a Formal Complaint). A Formal Complaint must be either submitted by the Complainant or signed by the Title IX Coordinator on behalf of the Complainant. Formal complaints submitted to the Title IX Coordinator may be resolved through either informal or formal resolution processes. CPTC will not proceed with either resolution process without a Formal Complaint.

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If an informal resolution is appropriate, the impacted party and the responding party may explore remedies or resolution through:

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- Structured resolution process conducted by a trained mediator; or
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If a student Respondent poses an immediate threat to the health and safety of the College Community or an immediate threat of significant disruption to CPTC operations, CPTC's student conduct officer may summarily suspend a Respondent pursuant to WAC 495C-121-190,¹⁴ pending final resolution of the allegations. Nothing in this Grievance Procedure prohibits CPTC from placing non-student employees on administrative leave pending final resolution of the allegations.

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¹⁴ WAC 495C-121-190.

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 - a. Include the identities of the parties (if known), a description of the conduct alleged constituting Title IX Sexual Harassment, and the time and location of the incident (if known).
 - b. Confirm that the Respondent is presumed not responsible for the alleged conduct and that CPTC will not make a final determination of responsibility until after the grievance and disciplinary processes have been completed.
 - c. Inform parties that they are both entitled to have an advisor of their own choosing, who may be an attorney.
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4. Interview and meeting notices. Before any interviewing or meeting with a party about Title IX allegations, CPTC shall provide the party with a written notice identifying the date, time, location, participants, and purpose of the interview or meeting with sufficient time for the party to prepare for the interview or meeting.¹⁵

J. Investigation Process - Dismissal

1. Mandatory dismissal. The Title IX Coordinator will dismiss the Title IX allegations, if during the course of a formal investigation under the Title IX Grievance Process, the investigator determines that the alleged misconduct in the Formal Complaint:

¹⁵ Institutions will want to designate a specific number of days that are presumed to be sufficient advance notice.

- a. Does not meet the definition of Sexual Harassment under Title IX, even if proved; or
 - b. Did not occur in the context of a College Education Program or Activity; or
 - c. Occurred outside the United States.
2. Discretionary dismissal. CPTC may dismiss a Title IX claim in whole or in part, if:
 - a. The Complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint in whole or in part;
 - b. Respondent is no longer enrolled with or employed by CPTC; or
 - c. Specific circumstances prevent CPTC from gathering evidence sufficient to complete the investigation of the Title IX allegations in whole or in part.
 3. The Title IX Coordinator will provide both parties written notice if Title IX allegations are dismissed with an explanation for the dismissal.
 4. Mandatory or discretionary dismissal of a Title IX claim does not preclude CPTC from investigating and pursuing discipline based on allegations that a Respondent violated other federal or state laws and regulations, CPTC conduct policies, and/or other codes and contractual provisions governing student and employee conduct.

K. Investigation Process – Consolidation of Formal Complaints

When multiple Sexual Harassment allegations by or against different parties arise out of the same facts or circumstances, CPTC may consolidate the investigation of Formal Complaints, provided consolidation can be accomplished in compliance with confidentiality protections imposed by the Family Educational Records and Privacy Act (FERPA). This includes instances in which Complainant and Respondent have lodged Formal Complaints against one another or when allegations of sexual assault are lodged by a single Complainant against multiple Respondents, or when multiple Complainants lodge sexual assault complaints against single or multiple Respondents.

L. Investigation Process – Required Procedures

During the investigation, the Investigator:

1. Will provide the parties with equal opportunity to present relevant statements, and other evidence in the form of fact or expert witnesses and inculpatory or exculpatory evidence.
2. Will not restrict the ability of either party to discuss the allegations under investigation or gather and present relevant evidence, except when a no contact order has been imposed based on an individualized and fact specific determination that a party poses a threat to the health, safety, or welfare of another party and/or

- witnesses or when contact with a party and/or witness is prohibited by court order. A CPTC imposed no contact shall be no broader than is necessary to protect the threatened party or witness and must provide the impacted party or their advisor with alternative means of gathering and presenting relevant evidence from the protected witness and/or party.¹⁶
3. Will allow each party to be accompanied by an advisor of their choosing, who may be an attorney, to any grievance related meeting or interview. Advisors' roles during the investigation meetings or interviews will be limited to providing support and advice to the party. Advisors will not represent or otherwise advocate on behalf of the parties during the investigation process. An attorney representing a party must enter a notice of appearance with the Title IX Coordinator and the Investigator at least five (5) days before the initial interview or meeting they plan to attend, so that CPTC can secure its own legal representation, if necessary.
 4. The investigator will provide both parties and their respective advisors with an equal opportunity to review the draft investigation report and to inspect and review any evidence obtained during the investigation that is directly related to the allegations raised in the Formal Complaint, including inculpatory or exculpatory evidence, regardless of its source, as well as evidence upon which the investigator does not intend to rely in the final investigation report. After disclosure, each party will receive ten (10) days in which to submit a written response, which the investigator will consider prior to completion of the investigation report. If a party fails to submit a written response within ten (10) days, the party will be deemed to have waived their right to submit comments and the investigator will finalize the report without this information.
 5. The investigator will forward the final report to the Title IX Coordinator, who will distribute the report and evidence to the parties, as well as the disciplinary authority responsible for determining whether pursuing disciplinary action is warranted.

¹⁶ The Rule does not provide any exceptions on prohibition against imposing a gag order. The Rule does recognize the use of summary suspension proceedings to address situations where a respondent poses a threat to the health, welfare, and safety of members of the campus community.