## SUPPLEMENTAL TITLE IX EMPLOYEE DISCIPLINARY HEARING PROCEDURE

### I. ORDER OF PRECEDENCE

This supplemental employee disciplinary procedure applies to allegations of sexual harassment subject to Title IX jurisdiction pursuant to regulations promulgated by the United States Department of Education. See 34 C.F.R. § 106. Disciplinary proceedings against an employee respondent alleged to have engaged in sexual harassment in violation of Title IX shall be governed by the College’s administrative hearing practices and procedures, Chapter WAC 132Z-108, and this supplemental hearing procedure. To the extent the supplemental hearing procedure conflicts with WAC 132Z-108, and/or provisions set forth in employment contracts, collective bargaining agreements, employee handbooks, and other College employment policies and procedures, this supplemental hearing procedure will take precedence.

Notwithstanding the foregoing, if the respondent is a tenured or probationary faculty member and the Employee Conduct Officer determines that the allegations in the investigation, if true, would warrant respondent’s dismissal from the College, the Employee Conduct Officer will refer the matter to the Tenure Dismissal Committee for a hearing pursuant to RCW 28B.50.863 and applicable procedures set forth in the faculty union Collective Bargaining Agreement (CBA). To the extent the Tenure Dismissal Committee procedures are inconsistent or conflict with this supplemental procedure, the provisions of this supplemental procedure will prevail. At the end of the hearing, the Tenure Dismissal Committee will issue a recommendation consistent with the provisions set forth in Section IX of this supplemental procedure. A complainant shall have the same right to appear and participate in the proceedings as the respondent, including the right to present their position on the recommendation to the appointing authority before final action is taken.

### II. PROHIBITED CONDUCT UNDER TITLE IX

Pursuant to Title IX of the Education Act Amendments of 1972, 20 U.S.C. §1681, the College may impose disciplinary sanctions against an employee who commits, attempts to commit, or aids, abets, incites, encourages, or assists another person to commit, an act(s) of “sexual harassment.”

For purposes of this supplemental procedure, “sexual harassment” encompasses the following conduct:

1. **Quid pro quo harassment.** An employee of the College conditioning the provision of an aid, benefit, or service of the College on an individual’s participation in unwelcome sexual conduct.
2. **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 College’s educational programs or activities, or employment.
3. **Sexual assault. Sexual assault includes the following conduct:**
	1. **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.
	2. **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.
	3. **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).
	4. **Statutory rape.** Consensual sexual intercourse between someone who is eighteen (18) years of age or older and someone who is under the age of sixteen (16).
4. **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.
5. **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:
	1. The length of the relationship;
	2. The type of relationship; and
	3. The frequency of interaction between the persons involved in the relationship.
6. **Stalking.** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress.

**III. TITLE IX JURISDICTION**

1. This supplemental procedure applies only if the alleged misconduct:
	1. Occurred in the United States;
	2. Occurred during a College educational program or activity;
	3. Meets the definition of sexual harassment as that term is defined in this supplemental procedure; and
	4. At the time of filing a formal complaint, the complainant was participating or attempting to participate in the educational program or activity.
2. For purposes of this supplemental procedure, an “educational program or activity” is defined as locations, events, or circumstances over which the College exercised substantial control over both the respondent and the context in which the alleged sexual harassment occurred. This definition includes any building owned or controlled by a student organization that is officially recognized by the College.
3. Proceedings under this supplemental procedure must be dismissed if the decision maker determines that one or all of the requirements of Section A (1)-(4) have not been met. Dismissal under this supplemental procedure does not prohibit the College from pursuing disciplinary action against a respondent based on allegations that the respondent engaged in other misconduct prohibited by federal or state law, employment contracts or handbooks, or other College policies.
4. If the Employee Conduct Officer determines the facts in the investigation report are not sufficient to support Title IX jurisdiction and/or pursuit of a Title IX violation, the Conduct Officer will issue a notice of dismissal in whole or part to both parties explaining why some or all of the Title IX claims have been dismissed.

**IV. INITIATION OF DISCIPLINE**

1. Upon receiving the Title IX investigation report from the Title IX Coordinator, the Employee Conduct Officer will independently review the report to determine whether there are sufficient grounds to pursue a disciplinary action against the respondent for engaging in prohibited conduct under Title IX.
2. If the Employee Conduct Officer determines that there are sufficient grounds to proceed under these supplemental procedures, the Conduct Officer will initiate a Title IX disciplinary proceeding by filing a written disciplinary notice with the Employee Conduct Committee and by serving the notice on the respondent and the complainant, and their respective advisors. The notice must:
	1. Set forth the basis for Title IX jurisdiction;
	2. Identify the alleged Title IX violation(s);
	3. Set forth the facts underlying the allegation(s);
	4. Identify the range of possible sanctions that may be imposed if the respondent is found responsible for the alleged violation(s);
	5. Explain that each party is entitled to be accompanied by an advisor of their own choosing during the hearing and that:
		1. Advisors will be responsible for questioning all witnesses on the party’s behalf;
		2. An advisor may be an attorney and/or, if the party is a represented employee, a union representative;
		3. A represented employee who chooses an advisor who is not a union representative must submit a signed waiver of union representation that includes consent from the union; and
		4. The College will appoint the party an advisor of the College’s choosing at no cost to the party, if the party fails to choose an advisor; and
	6. Explain that if a party fails to appear at the hearing, a decision of responsibility may be made in the party’s absence
3. Service of the disciplinary notice or any other document required to be served under this supplemental procedure may be done personally or by first class, registered, or certified mail, or by electronic mail to the party’s College email address.

**V. EMPLOYEE CONDUCT COMMITTEE**

For purposes of this supplemental Title IX procedure, the Employee Conduct Committee shall consist of three College employees appointed by the College President (or designee). However, in any case involving alleged grounds for dismissal of a tenured or probationary faculty member, the Tenure Dismissal Committee shall have exclusive jurisdiction.

**VI. PRE-HEARING PROCEDURE**

1. Upon receiving the disciplinary notice, the Chair of the Employee Conduct Committee will send a hearing notice to all parties in compliance with WAC 10-08-040. In no event will the hearing date be set less than ten (10) days after the Title IX Coordinator provided the final investigation report to the parties.
2. A party is entitled to be accompanied by an advisor of their choice during the disciplinary process at the party’s own expense. The advisor may be an attorney and/or, if the party is a represented employee, a union representative.
	1. If the advisor is an attorney, the advisor must file a notice of appearance with the Chair of the Employee Conduct Committee with copies to all parties and the Employee Conduct Officer at least five (5) days before the hearing. If a notice of appearance is not filed within this timeframe, the party will be deemed to have waived the right to have an attorney as an advisor.
	2. If a party is a represented employee who chooses not to use a union-provided advisor, the party must provide the Chair of the Employee Conduct Committee with a signed waiver of union representation, including written consent from the union.
3. In preparation for the hearing, the parties will have equal access to all evidence gathered by the investigator during the investigation, regardless of whether the College intends to offer the evidence at the hearing.

**VII. RIGHTS OF PARTIES**

1. The provisions of this supplemental procedure shall apply equally to both parties.
2. The College bears the burden of offering and presenting sufficient testimony and evidence to establish that the respondent is responsible for a Title IX violation by a preponderance of the evidence.
3. The respondent will be presumed not responsible until such time as the disciplinary process has been finally resolved.
4. During the hearing, each party shall be represented by an advisor. The parties are entitled to an advisor of their own choosing and the advisor may be an attorney or, if the respondent holds a represented position, a union representative. If a party does not choose an advisor, then the Title IX Coordinator will appoint an advisor of the College’s choosing on the party’s behalf at no expense to the party.

**VIII. EVIDENCE**

1. Relevance: The Conduct Committee Chair shall review all questions for relevance and shall explain on the record their reasons for excluding any question based on lack of relevance.
2. Relevance means that information elicited by the question makes a fact is dispute more or less likely to be true.
3. Questions or evidence about a complainant’s sexual predisposition or prior sexual behavior are not relevant and must be excluded, unless such question or evidence:
	1. Is asked or offered to prove someone other than the respondent committed the alleged misconduct; or
	2. Concerns specific incidents of prior sexual behavior between the complainant and the respondent, which are asked or offered on the issue of consent.
4. Cross-examination required: If a party or witness does not submit to cross-examination during the live hearing, the Conduct Committee must not rely on any statement by that party or witness in reaching a determination of responsibility.
5. No negative inference: The Conduct Committee may not make an inference regarding responsibility solely on a witness’s or party’s absence from the hearing or refusal to answer questions.
6. Privileged evidence: The Conduct Committee shall not consider legally privileged information unless the holder has effectively waived the privilege. Privileged information includes, but is not limited to, information protected by the following:
	1. Spousal/domestic partner privilege;
	2. Attorney-Client and attorney work product privileges;
	3. Privileges applicable to members of the clergy and priests;
	4. Privileges applicable to medical providers, mental health therapists, and counsellors;
	5. Privileges applicable to sexual assault and domestic violence advocates; and
	6. Other legal privileges identified in RCW 5.60.060.

**IX. INITIAL ORDER**

1. The Employee Conduct Committee will be responsible for drafting an Initial Order that:
	1. Identifies the allegations of sexual harassment;
	2. Describes the grievance and disciplinary procedures, starting with filing of the formal complaint through the determination of responsibility, including notices to parties, interviews with witnesses and parties, site visits, methods used to gather evidence, and hearings held;
	3. Makes findings of fact supporting the determination of responsibility;
	4. Reaches conclusions as to whether the facts establish whether the respondent is responsible for engaging in sexual harassment in violation of Title IX;
	5. Contains a statement of, and rationale for, the Committee’s determination of responsibility for each allegation;
	6. Describes any disciplinary sanction or conditions imposed against the respondent, if any;
	7. Describes to what extent, if any, the complainant is entitled to remedies designed to restore or preserve complainant’s equal access to the College’s education programs or activities; and
	8. Describes the process for appealing the Initial Order to the College President.
2. The Conduct Committee Chair will serve the Initial Order on the parties simultaneously

**X. APPEALS**

1. The parties have the right to appeal from the determination of responsibility and/or from a Title IX dismissal, in whole or part, of a formal complaint, as set forth in the Initial Order. A party may appeal by filing a written notice of appeal with the President’s Office within twenty days of service of the Initial Order. A party's notice of appeal must explain why the party disagrees with the disciplinary decision and what relief or remedy the party is requesting. Copies of the appeal must be provided to the Employee Conduct Officer and to all parties and their advisors of record
2. The President or President’s designee will determine whether the grounds for appeal have merit, provide the rationale for this conclusion, and state whether the disciplinary sanctions and conditions imposed in the Initial Order are affirmed, vacated, or amended, and, if amended, set forth the new disciplinary sanctions and conditions.
3. The President’s Office shall serve the Final Decision on the parties simultaneously.
4. All decisions reached through this process are final. No decisions or recommendations arising from this disciplinary procedure will be subject to grievance pursuant to any collective bargaining agreement.

Discrimination Complaint Procedure

**A. INTRODUCTION**

Cascadia College recognizes its responsibility to investigate, implement interim and corrective measures, resolve complaints, and monitor the educational environment and workplace to stop, remediate, and prevent discrimination on the basis of race, color, national origin, age, perceived or actual physical or mental disability, pregnancy, genetic information, sex, sexual orientation, gender identity, marital status, creed, religion, honorably discharged veteran or military status, or use of a trained guide dog or service animal, as required by Title VI of the Civil Rights Act of 1964, Title VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, Sections 504 and 508 of the Rehabilitation Act of 1973, the Americans with Disabilities Act and ADA Amendment Act, the Age Discrimination Act of 1975, the Violence Against Women Reauthorization Act, and Washington State’s Law Against Discrimination, Chapter 49.60 RCW, and their implementing regulations.

To this end, Cascadia College has enacted policies prohibiting discrimination against and harassment of members of these protected classes.  Any individual found to be in violation of these policies will be subject to disciplinary action up to and including dismissal from the College or from employment. Any employees, students, applicants, or visitors who believe that they been the subject of discrimination, harassment, or retaliation should report the incident to the College’s Title IX / EEO Coordinator identified below.  If the complaint is against that Coordinator, the complainant should report the matter to the president’s office for referral to an alternate designee.

Name: Jason Rue
Title: Title IX/EEO Coordinator
Office: Human Resources: CC2-280
Contact Info: 425-352-8163
jrue@cascadia.edu

**The Title IX / EEO Coordinator or designee:**

* Will accept all complaints and referrals from College employees, applicants, students, and visitors.
* Will make determinations regarding how to handle requests by complainants for confidentiality.
* Will keep accurate records of all complaints and referrals for the required time period.
* May conduct investigations or delegate and oversee investigations conducted by a designee.
* May impose interim remedial measures to protect parties during investigations of discrimination or harassment.
* Will make findings of fact on investigations completed.
* May recommend specific corrective measures to stop, remediate, and prevent the recurrence of inappropriate conduct.

The College encourages the timely reporting of any incidents of discrimination or harassment. Complaints may be submitted in writing or orally.  For complainants who wish to submit a written complaint, a formal complaint form is available online on page 8 of this document.  The complaint form is available in the Human Resources Office at Cascadia College.

**B. DEFINITIONS**

1. **Complainant:** an employee, applicant, student, or visitor of Cascadia College who alleges that the individual has been subjected to discrimination or harassment based on membership in a protected class.
2. **Complaint:** a description of facts that allege a violation of the College’s policy against discrimination or harassment.
3. **Consent:** 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 the person is unable to understand what is happening or is 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.
Intoxication is not a defense against allegations that an individual has engaged in nonconsensual sexual conduct.
4. **Discrimination:** unfavorable treatment of a person based on that person’s membership or perceived membership in a protected class. Harassment is a form of discrimination.
5. **Harassment:**a form of discrimination consisting of unwelcome and offensive physical or verbal conduct directed toward an individual based on the individual’s membership or perceived membership in a protected class. Harassment occurs when the conduct is sufficiently severe, persistent, or pervasive and so objectively offensive that it has the effect of altering the terms or conditions of employment or substantially limiting the ability of a student to participate in or benefit from the College’s educational and/or social programs. Petty slights, annoyances, offensive utterances, and isolated incidents (unless extremely serious) typically do not qualify as harassment.**Examples of conduct that could rise to the level of discriminatory harassment include but are not limited to the following:**
	* Epithets, "jokes," ridicule, mockery, or other offensive or derogatory conduct focused upon an individual's membership in a protected class.
	* Verbal or physical threats of violence or physical contact directed towards an individual based upon their membership in a protected class.
	* Making, posting, emailing, texting, or otherwise circulating demeaning or offensive pictures, cartoons, graffiti, notes or other materials that relate to race, ethnic origin, gender, or any other protected class.
6. **Protected Class:**persons who are protected under state or federal civil rights laws, including laws that prohibit discrimination on the basis of race, color, national origin, age, perceived or actual physical or mental disability, pregnancy, genetic information, sex, sexual orientation, gender identity, marital status, creed, religion, honorably discharged veteran or military status, or use of a trained guide dog or service animal**.**
7. **Resolution:** the means by which the complaint is finally addressed.  This may be accomplished through informal or formal processes, including counseling, mediation, or the formal imposition of discipline.
8. **Respondent:**person or persons who are members of the campus community who allegedly discriminated against or harassed another person or persons.
9. **Retaliation:** taking an adverse action against an individual because of the individual’s participation in a protected activity, such as reporting concerns formally or informally regarding potential discrimination, harassment, or retaliation; filing a formal or informal complaint regarding discrimination, harassment, or retaliation; or participating in an investigation or a hearing involving allegations of discrimination, harassment, or retaliation.
10. **Sexual Harassment:**a form of discrimination consisting of unwelcome, gender-based verbal, 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 Sexual Harassment** occurs when the conduct is sufficiently severe and/or pervasive and so objectively offensive that it has the effect of altering the terms or conditions of employment or substantially limiting the ability of a student to participate in or benefit from the College’s educational and/or social programs.
	* **Quid Pro Quo Sexual Harassment** occurs when an individual in a position of real or perceived authority conditions the receipt of a benefit upon granting of sexual favors.

	**Examples of conduct that may qualify as sexual harassment include:**
	* Persistent comments or questions of a sexual nature.
	* A supervisor who gives an employee a raise in exchange for submitting to sexual advances.
	* An instructor who promises a student a better grade in exchange for sexual favors.
	* Sexually explicit statements, questions, jokes, or anecdotes.
	* Unwelcome touching, patting, hugging, kissing, or brushing against an individual's body.
	* Remarks of a sexual nature about an individual's clothing, body, or speculations about previous sexual experiences.
	* Persistent, unwanted attempts to change a professional relationship to an amorous relationship.
	* Direct or indirect propositions for sexual activity.
	* Unwelcome letters, emails, texts, telephone calls, or other communications referring to or depicting sexual activities.
11. **Sexual Violence:** is a type of sexual discrimination and harassment. Nonconsensual sexual intercourse, nonconsensual sexual contact, domestic violence, dating violence, and stalking are all types of sexual violence.
12. **Nonconsensual sexual intercourse** is any sexual intercourse (anal, oral, or vaginal), however slight, with any object, 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.
13. **Nonconsensual sexual contact**is any intentional sexual touching, however slight, with any 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.
14. **Domestic violence** includes asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.
15. **Dating violence** means violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gaged by its length, type, and frequency of interaction.
16. **Stalking** means intentional and repeated harassment or following of another person, which places that person in reasonable fear that the perpetrator intends to injure, intimidate, or harass that person.  Stalking also includes instances where the perpetrator knows or reasonably should know that the person is frightened, intimidated, or harassed, even if the perpetrator lacks such intent.

**C.  WHO MAY FILE A COMPLAINT**

Any employee, applicant, student, or visitor of the College may file a complaint.  Complaints may be submitted in writing or verbally. The College encourages the timely reporting of any incidents of discrimination or harassment.  For complainants who wish to submit a written complaint, a [formal complaint form](https://www.cascadia.edu/discover/governance/documents/Complaint%20Form.pdf) is available online. Hard copies of the complaint form are available at the Human Resources office in CC2-280.  Any person submitting a discrimination complaint shall be provided with a written copy of the College’s anti-discrimination policies and procedures.

**D.  CONFIDENTIALITY AND RIGHT TO PRIVACY**

Cascadia College will seek to protect the privacy of the complainant to the full 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 College policies and procedures.  Although Cascadia College 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 / EEO Coordinator.

**Confidentiality Requests and Sexual Violence Complaints**. The Title IX / EEO Coordinator will inform and obtain consent from the complainant before commencing an investigation into a sexual violence complaint.  If a sexual violence complainant asks that the complainant’s name not be revealed to the respondent or that the College not investigate the allegation, the Title IX /EEO Coordinator will inform the complainant that maintaining confidentiality may limit the college’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 the complainant’s name not be disclosed or that the College not investigate, the Title IX /EEO Coordinator will determine whether the College can honor the request and at the same time maintain a safe and non-discriminatory environment for all members of the college 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 forcibly or with a weapon;
* whether the respondent has a history of committing acts of sexual or other 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 the College is unable to honor a complainant’s request for confidentiality, the Title IX / EEO 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.

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

**E.  INVESTIGATION PROCEDURE**

Upon receiving a discrimination complaint, the College shall commence an impartial investigation.  The Title IX / EEO Coordinator shall be responsible for overseeing all investigations.  Investigations may be conducted by the Title IX / EEO Coordinator or designee.  Complaints against employees will be investigated by the Human Resources Office; complaints against students will be investigated by the Office of Student Support Services. If the investigation is assigned to someone other than the Title IX / EEO Coordinator, the Title IX /EEO Coordinator shall inform the complainant and respondent(s) of the appointment of an investigator.

**Interim Measures.**  The Title IX / EEO Coordinator may impose interim measures to protect the complainant and/or respondent pending the conclusion of the investigation.  Interim measures may include, but are not limited to, imposition of no contact orders, rescheduling classes, temporary work reassignments, referrals for counseling or medical assistance,  interim suspension of the respondent consistent with the College’s student conduct code or the College’s employment policies and collective bargaining agreements.

**Investigation.**  Complaints shall be thoroughly and impartially investigated.  The investigation shall include, but is not limited to, interviewing the complainant and the respondent, relevant witnesses, and reviewing relevant documents.  The investigation shall be concluded within a reasonable time, normally sixty days or sooner barring exigent circumstances.  At the conclusion of the investigation the investigator shall set forth findings and recommendations in writing.  If the investigator is a designee, the investigator shall send a copy of the findings and recommendations to the Title IX / EEO Coordinator.  The Title IX / EEO Coordinator shall consider the findings and recommendations and determine, based on a preponderance of the evidence, whether a violation of the discrimination and harassment policy occurred, and if so, what steps will be taken to resolve the complaint, remedy the effects on any victim(s), and prevent its recurrence.  Possible remedial steps may include, but are not limited to, referral for voluntary training/counseling, development of a remediation plan, limited contact orders, and referral and recommendation for formal disciplinary action.  Referrals for disciplinary action will be consistent with the student conduct code or college employment policies and collective bargaining agreements.

**Written Notice of Decision.**The Title IX / EEO Coordinator will provide each party and the appropriate student services administrator or appointing authority with written notice of 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.  Both the complainant and the respondent are entitled to review any final findings, conclusions, and recommendations, subject to any FERPA confidentiality requirements.

**Informal Dispute Resolution.**Informal dispute resolution processes, like mediation, may be used to resolve complaints when appropriate.  Informal dispute resolution shall not be used to resolve discrimination complaints without written permission from both the complainant and the respondent, as applicable.  If the parties elect to mediate a dispute, either party shall be free to discontinue mediation at any time.

**Final Decision/Reconsideration.**  Either the complainant or the respondent may seek reconsideration of the decision by the Title IX / EEO Coordinator.  Requests for reconsideration shall be submitted in writing to the Title IX / EEO Coordinator within seven days of receiving the decision.  Requests must specify which portion of the decision should be reconsidered and the basis for reconsideration.  If no request for reconsideration is received within seven days, the decision becomes final.   If a request for reconsideration is received, the Title IX / EEO Coordinator shall respond within ten (10) business days.  The Title IX / EEO Coordinator shall either deny the request or, if the Title IX / EEO Coordinator determines that the request for reconsideration has merit, issue an amended decision.  Any amended decision is final and no further reconsideration is available.

**F.  PUBLICATION OF ANTI-DISCRIMINATION POLICIES AND PROCEDURES**

The policies and procedures regarding complaints of discrimination and harassment shall be published and distributed as determined by the president or president's designee.  Any persons who believe they been subjected to discrimination in violation of College policy will be provided a copy of these policies and procedures.

**G.  LIMITS TO AUTHORITY**

Nothing in this procedure shall prevent the College President or designee from taking immediate disciplinary action in accordance with Cascadia College policies and procedures and other applicable law.

**H.  NON-RETALIATION, INTIMIDATION AND COERCION**

Retaliation by, for, or against any participant (including a complainant, respondent, witness, Title IX / EEO Coordinator, or investigator) is expressly prohibited.  Retaliatory action of any kind taken against individuals as a result of seeking redress under the applicable procedures or serving as a witness in a subsequent investigation or any resulting disciplinary proceedings is prohibited and such conduct is subject to discipline. Any persons who believe they have been the victim of retaliation should contact the Title IX / EEO Coordinator immediately.

**I.  CRIMINAL COMPLAINTS**

Discriminatory or harassing conduct may also be, or occur in conjunction with, criminal conduct.  Criminal complaints may be filed with the following law enforcement authorities:

**Bothell City Police Department**
**18410 101st Ave NE, Bothell, WA 98011
425-486-1254**

The College will proceed with an investigation of harassment and discrimination complaints regardless of whether the underlying conduct is subject to civil or criminal prosecution.

**J.  OTHER DISCRIMINATION COMPLAINT OPTIONS**

Discrimination complaints may also be filed with the following federal and state agencies:

* [Washington State Human Rights Commission](https://www.hum.wa.gov/)
* [US Dept of Education Office for Civil Rights](https://www2.ed.gov/about/offices/list/ocr/index.html)
* [Equal Employment Opportunity Commission](http://www.eeoc.gov/)

**This procedure was approved and adopted by the Cascadia College Board of Trustees
on October 18, 2017**

Cascadia's Title IX Coordinator

The following office has been designated to handle inquiries regarding Title IX policies. If you have a question, concern, or complaint related to sexual harassment, sexual assault and other actions that fall within the college’s obligations under Title IX, please contact:

Office of Human Resources
Cascadia College
18345 Campus Way NE, CC2-280
Bothell, WA 98011
425-352-8432
nondiscrimination@cascadia.edu

Other Complaint Options

An employee or student may always file a complaint with:

Washington State Human Rights Commission at 800.233.3247 or TDD 800.300-7525, or
U.S. Department of Education Office for Civil Rights at 800.421.3481 or TDD 877.521.2172, or
Equal Employment Opportunity Commission at 800.669.4000 or TDD 800.669.6820

Sexual Assault Resources

* **Emergency - 911**
* **Campus Safety Emergency** - 425.352.5222
* **Campus Safety Non-Emergency** - 425.352.5359
* Campus Safety Escort - 425.352.5359
* **Cascadia & UWB Student Counseling Services** - 425.352.3183 or [Counseling - UWB/Cascadia](https://www.cascadia.edu/advising/counseling.aspx)Counseling services are available to any student struggling with issues including family conflict, divorce, substance abuse, depression, grief and loss, and anxiety.
* **WellSpring Employee Assistance Program (EAP)** – [EAP for Cascadia College employees](https://www.wellspringeap.org/login)
* **King County 24-Hour Crisis Line** - 206.461-3222
* **King County 24-Hour Sexual Assault Resource Center (KSARC)** - 888.998.6423 or [King County Sexual Assault Resource Center](http://www.kcsarc.org/)KSARC's purpose is to help alleviate the trauma of sexual assault for victims and their families.
* **Evergreen Hospital 24-Hour Emergency Care and On-Call Sexual Assault Nurse Examiners** - 425.899.1711 or [Sexual Assault Nurse Examiners](https://www.evergreenhealth.com/emergency)ER with 24-hour on-call nurse examiners trained specifically to deal with sexual assault.
* **LifeWire 24-Hour Domestic Violence Program** - 800.827.8840 or [LifeWire](http://www.lifewire.org/%22%20%5Co%20%22link%20to%20LifeWire%20domestic%20violence%22%20%5Ct%20%22_blank)Provides domestic violence services and programs including a helpline for those in abusive relationships. Can provide services such as preparing safety plans and referrals.
* **Snohomish County Domestic Violence Resources** - [Snohomish County Resources](http://snohomishcountywa.gov/434/Helpful-Resources)Webpage with listing of various resources in Snohomish County.
* **Snohomish/Skagit County 24-Hour Crisis Line** - 800.584.3578
* **Snohomish County Sexual Assault Resource Center** - 425.252.2873

Training Materials

As required by Title IX Regulations. Note: These materials may not be accessible to those using assistive technologies. Fully accessible versions are coming.

* [Title IX Training Slides](https://www.cascadia.edu/discover/governance/policies/documents/2021%20Title%20IX%20Training%20Slides.pdf)
* [Title IX Training Materials](https://www.cascadia.edu/discover/governance/policies/documents/Title%20IX%20Training%20Materials.pdf)
* [Demystifying Sanctions](https://www.cascadia.edu/discover/governance/policies/documents/Demystifying%20Sanctions-%20Understanding%20Implementing%20%20Communicating%20Campus%20Disciplinary%20Actions.pdf)\*
* [Summary of 2022 Proposed Title IX Regulations](https://www.cascadia.edu/discover/governance/policies/documents/Summary%20of%202022%20Proposed%20Title%20IX%20Regulations.pdf)

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