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# ANNUAL SECURITY REPORT

Reporting Calendar Years 2019-2021

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## Quick Reference Resources

### EMS/Police/Emergency Phone Numbers

#### 911 (Campus phones) or 911 (Cell phones)

#### College/Building Phone Numbers

#### City and County Emergency Numbers

LWTech President 425-739-8200

Kirkland Fire/EMS.....911

Human Resources 425-739-8100x8458

Kirkland Police.....911

Employee Assistance 877-313-4455

Kirkland Police Non-Emergency...425-577-3400

Campus Public Safety 425-739-8224

King County Sheriff..... 911

Campus Facilities 425-739-8218

Washington State Patrol...911

**WA Child Protective Services** 1-866-363-4276 or 1-800-562-5624

**WA Poison Information Center** 1-800-222-1222

### HOSPITALS/UTILITIES

Evergreen (emergency) 425-899-1700 Northshore Utility District (afterhours) 425-398-4400

Redmond Medical Center, Kaiser Permanente 425-882-6100 PSE 888-225-5773

### WATER DISTRICT TELEPHONE NUMBERS

Kirkland Public Works .....425-587-3800

Redmond Public Works.....425-556-2800

(Emergencies 4:30pm-8:00am).....425-556-2800

**Kirkland Campus Address:** 11605 132<sup>nd</sup> Ave NE, Kirkland, WA., 98034

**Phone Number:** 425-739-8100

## Clery Crime Statistics

All colleges and universities must disclose crime statistics for their campuses, student residential facilities (if applicable), public areas immediately adjacent to or accessible from the campus, and certain non-campus facilities including Greek housing (if applicable), and remote classrooms. The statistics must be obtained from Campus Public Safety or Police, Campus Public Safety Authorities (CSA's, those campus officials who have significant responsibility for students and campus activities), and local law enforcement professional mental health and religious counselors are exempt from crime statistic reporting, but may refer clients to the campus confidential reporting system; the institution must indicate if a confidential reporting system exists or not. Clery Crime categories include:

- Murder/non-negligent manslaughter Negligent manslaughter
- Sex offenses
- Forcible sex offenses
- Non-forcible sex offenses
- Aggravated assault burglary
- Motor vehicle theft arson
- Liquor law violations \* (arrest or campus judicial referral) Drug law violations \* (arrest or campus judicial referral)
- Illegal weapons violations \* (arrest or campus judicial referral)

\*If both an arrest and referral are made for liquor, drug, or weapons law violations, only the arrest is counted.

Crime statistics are categorized geographically as: "On-campus," "Student residential facilities, on-campus," "Non-campus buildings," and/or "Public property;" these areas are identified on campus maps. The Annual Security Report (ASR) must indicate if any of the above reported crimes or incidents involved bodily injury and are thus reported as "hate crimes." Additionally, the crimes of larceny, vandalism, intimidation, and simple assault must be listed as hate (bias) crimes if the facts of the case indicate the offender was motivated to commit the offense because of his/her bias against the victim's race, gender, religion, sexual orientation, ethnicity/national origin, and/or disability.

### Hierarchy Rule

When incidents are examined to determine if they should be included in the annual report, a portion of the Clery Act called the Hierarchy Rule comes into effect. Occasionally, a person who is arrested may have committed more than a single offense. The Hierarchy Rule requires in this situation that we count the offense which is of the most serious nature and to count an offense of lesser significance. For example, if a person committed a burglary and a murder in the course of a single act then only the murder would be counted for the purposes of this report. An exception to this rule exists for hate crimes. If a person commits any reportable offense and while doing this, also commits a hate crime, then both incidents will be reported

## Excluded Crimes

- **Reported to the Proper Authorities** – Incidents must be reported to law enforcement or a person who, according to the Clery Act, is defined as a Campus Security Authority (CSA). A person designated as a CSA does not only mean a person employed by the Campus Public Safety department. The term is applied to any person who works for the college in a paid or volunteer status and has significant responsibility for student activities. If you are someone whom a student reasonably believes that he or she can report a crime to and expect that the matter will be addressed directly through that individual's intervention or that the individual will contact law enforcement for a response, then the individual is deemed a Campus Security Authority.
- **Listed Crimes** – The crime must be one of those listed in the Clery Act as a reportable crime
- **Reportable Area** – The crime must have occurred in one of the reportable areas Every reportable crime occurring within the boundaries of campus is in the reportable area. Perimeter streets are described in the following way: "sidewalk – Street Sidewalk." This means that a reportable crime occurring on the sidewalk on either side of a perimeter street is reportable, as are incidents occurring in the street. But an incident occurring in a building (a privately – owned store) on the distant side of a perimeter street would not be included. Unfortunately, most law enforcement agencies do not distinguish where a crime occurs with this degree of detail. Crimes are usually located by street and house numbers. With regard to Non-Campus Buildings, crimes occurring in those buildings or non the property of that location are reportable. Incidents occurring on the sidewalk or on streets in front of that building would not be included.
- **Made in Good Faith** - For an incident to be included there must be a determination that the report is made in good faith. Supporting evidence makes this determination easy, but such evidence is not always available. In such a case, the credibility of the person making the report is considered. When the incident is reported to LWTech through a law enforcement agency, the college assumes that this determination has already been made.
- **Unfounded** - If law enforcement determines that a particular reported incident could not have occurred or did not occur (i.e. false report), the crime is not included in the annual report. Only law enforcement can rule a case "unfounded."

## LWTech KIRKLAND CAMPUS CRIME STATISTICS: 2019-2021

CLERY OFFENSE	On-Campus			Non-Campus			Public Property		
	2019	2020	2021	2019	2020	2021	2019	2020	2021
Murder/non-negligent manslaughter	0	0	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	1
Arson	0	0	0	0	0	0	0	0	0
ARRESTS									
Liquor Law Violations	0	0	0	0	0	0	0	0	0
Drug Violations	0	0	0	0	0	0	0	0	0
Weapons Violations	0	0	0	0	0	0	0	0	0
HATE CRIMES									
Race	1	0	0	0	0	0	0	0	0
Gender/Gender Identity	1	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0
Sexual Orientation	0	0	0	0	0	0	0	0	0
Ethnicity/National Origin	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0
VAWA OFFENSES									
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
CAMPUS DISCIPLINARY REFERRALS									
Liquor Law Violations	0	0	0	0	0	0	0	0	0
Drug Violations	3	5	0	0	0	0	0	0	0
Weapon Violations	2	0	0	0	0	0	0	0	0
Unfounded Cases	0	0	0	0	0	0	0	0	0

## **Safety on the Lake Washington Institute of Technology Campus**

Welcome to Lake Washington Institute of Technology! The following information is designed to give you basic facts about Security concerns at Lake Washington Institute of Technology (LWTech) and the surrounding Kirkland community. It is our wish that your time on the LWTech Campus is safe and productive.

Historically, LWTech has been a relatively safe haven from the busy outside world; however, King County is one of the fastest growing areas in the State and it is prudent to be aware that we are no longer isolated from the pressure of an encroaching population. Please understand crime prevention is everyone's responsibility; with that in mind, LWTech takes many common-sense precautions to help ensure the safety of the campus community, and expects its faculty, staff, students, and guests, to do their part to help maintain a safe environment.

Crime does not stop at the campus property line. The key to preventing crime is awareness. While LWTech Campus Public Safety is the primary agency responsible for creating a safe and secure environment, all LWTech employees and students must work together to share this responsibility; LWTech Campus Public Safety is committed to community policing and collaborative problem solving. Many incidents can be avoided if people take basic precautions to prevent their own victimization. If you have any questions about Campus Public Safety at Lake Washington Institute of Technology, please visit our Department at: [LWTech Campus Public Safety](#). The LWTech Office of Campus Public Safety is located on the first floor of the East Building, Room E-145.

### **Compliance with the Clery Act**

Lake Washington Institute of Technology Policy Statement on Availability of the 2021 Annual Security Report:

The Lake Washington Institute of Technology (LWTech) 2021 edition of the Annual Security Report (ASR) is available at the Office of Campus Public Safety or on-line at the Campus Public Safety Department website. The ASR includes statistics for the three previous years on certain reported crimes that occurred: On-Campus; Off-Campus buildings/property owned or controlled by LWTech; and on Public property within/immediately adjacent to, and accessible from, the Kirkland Campus. The ASR also includes LWTech policies on: Campus Public Safety; Reporting a crime (including confidential reporting); Sexual assault and sex-offender registration; Timely warnings; Alcohol/substance abuse; Security awareness/crime prevention programs, and other matters.

LWTech's Campus Public Safety Department prepares this report to comply with the Jeanne Clery disclosure of campus Security Policy and Crime Statistics Act. The report is prepared in partnership with local law enforcement agencies.

Each year an e-mail notification is made to all enrolled students and employees that provides the website to access this report. In addition, copies of the ASR is available at the Campus Public Safety Office, East Building, Room E-145, 11605 132nd Avenue NE, Kirkland, WA 98034, or by accessing the following website: <http://www.lwtech.edu/security>.

## **What is Clery?**

As part of the Federal Higher Education Act of 1965 [and codified at 20 USC 1092 (f)], the Jeanne Clery Disclosure of Campus Public Safety Policy and Campus Crime Statistics Act ) now known as the Clery Act), requires colleges and universities to disclose certain timely and annual information about campus crime and security policies. Originally enacted by Congress and signed into law by President George Bush in 1990 as the Crime Awareness and Campus Public Security Act of 1990, the Clery Act was the result of the efforts of Howard and Connie Clery to honor the death of their daughter, Jeanne, who was murdered at Lehigh University in 1986. In 1987, Howard and Connie Clery founded the non-profit Security on Campus, Inc., to promote legislation regarding on going campus public safety issues. In 1997, Amendments to the Act were renamed in memory of Jeanne Clery.

## **Disclosure of Crime Statistics**

The Lake Washington Institute of Technology (LWTech) Office of Campus Public Safety prepares an Annual Security Report (ASR) to comply with the Jeanne Clery Disclosure of Campus Public Safety Policy and Crime Statistics Act and must be filed with the U.S. Department of Education in October of each year (October 1 this year).. The full text of the ASR can be located on our web site at [Campus Public Safety](#) . This report is prepared in cooperation with the local law enforcement agencies surrounding the main LWTech Kirkland Campus, the LWTech Offices of Administrative Services, Student Services, Judicial Affairs, and Campus Public Safety. Each entity provides updated information on their educational efforts and programs to comply with the Act; this information is compiled and listed in the ASR.

## **Availability of Annual Security Report (ASR)**

All institutions of higher education must publish an Annual Security Report (ASR) by October 1 of each year containing the last three calendar years' required campus crime statistics and certain security policy statements including the law enforcement authority of LWTech Campus Public Safety, where students should go to report a crime, and sexual assault policies that assure basic victims' rights. A notice of the report's availability will be sent to all current students and college/university employees; prospective students and employees will receive notice of the report's availability and their right to request a hard copy of the report.

The location and availability of the report will also be posted on the College web site at [Campus Public Safety](#) Required crime statistics are filed with the U.S. Department of Education in October of each calendar year (December 31, this year) and each year a notice is sent to current (enrolled) students and current (employed) faculty and staff informing them of the web address where they can access the ASR. Copies of the ASR may be obtained at the Lake Washington Institute of Technology Office of Campus Public Safety located in the East Building, Room E- 145; in the Office of the Registrar/Enrollment Services, West Building, Room W-201D; and, in the Human Resources Office, West Building, Room W-304-B. Prospective students and employees may obtain a copy of the ASR from the Registrar/Enrollment Services Office (425-739-8156) and/or the HR Office (425-739-8251). The web site address for the ASR will also be listed in LWTech Enrollment and Employment application packets and the College Class Schedule.

## Clery Act Crime Definitions

Definitions are established under the FBI's Uniform Crime Reports (UCR) a National Incident Based Reporting System (NIBRS) and Department of Education. Where there is an absence of definition or legal threshold, the Revised Codes of Washington become the default codes from which the Clery Act requires consideration.

- Murder/non-negligent manslaughter: The willful (non-negligent) killing of one human being by another.
- Negligent Manslaughter: The killing of another person through gross negligence.
- Forcible Sex Offense: Any sexual act directed against another person, forcible and/or against that person's will; or not forcibly or against that person's will where the victim is incapable of giving consent (Forcible rape, forcible sodomy, forcible assault with an object, fondling).
- Non-Forcible Sex Offense: Unlawful, non-forcible sexual intercourse (Incest and statutory rape).
- Robbery: The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
- Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.
- Burglary: The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: Unlawful entry with intent to commit a larceny or a felony; breaking or entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.
- Motor Vehicle Theft: The theft or attempted theft of a motor vehicle (SUV's, automobiles, trucks, buses, motorcycles, motor scooters, golf carts, motorized wheelchairs, ATV's, and snowmobiles).

- Arson: Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.
- Liquor Law Violations: The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, furnishing, transportation, possession, or use of alcoholic beverages or intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; underage possession; using a vehicle for transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the above.
- Drug Law Violations: The violation of laws prohibiting the production, distribution, and/or use of controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance... Relevant substances include: Opium or cocaine and their derivatives (morphine, heroin, codeine); Marijuana; synthetic narcotics-manufactured narcotics which can cause true addiction (Demerol, Methadone): and dangerous non-narcotic drugs (Barbiturates, Benzedrine).
- Weapons Possession: The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. Include possession of deadly weapons; carrying deadly weapons, concealed or open; using manufacturing, etc., of silencers; furnishing deadly weapons to minors; aliens possessing deadly weapons; and attempts to commit any of the above
- Hate Crimes: Crimes that manifests evidence that the victim was intentionally selected because of the perpetrator's bias. Hate crimes, by category of bias include: Race, gender, religion, sexual, orientation, ethnicity/national origin, and disability. Any of the non-required crimes, where it was determined by law enforcement that the motive was bias:
- Larceny/Theft: The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another.
- Simple Assault: An unlawful physical attack by one person upon another where neither the offender displays a weapon, but the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness
- Intimidation: To unlawfully place another person in reasonable fear of bodily harm through the use of threatening works and/or other conduct but without displaying a weapon or subjecting the victim to actual physical attack.
- Destruction/Damage/Vandalism of Property: To willfully or maliciously destroy, damage, deface or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.
- Domestic Violence: A felony or misdemeanor crime of violence committed by: a current

or former spouse, or intimate partner of the victim; 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 or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime or violence occurred or by any other person against an adult or youth victim under the domestic or family violence laws of the jurisdiction in which the crime or violence occurred.

- Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and the existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.

## Definitions of Geography

As specified in the Clery Act, the following property descriptions are used to identify the location of crimes on and around The LWTech campus.

### On-Campus Buildings or Property

1. Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution's educational purposes, including residence halls; and
2. Any building or property that is within or reasonably contiguous to the area identified in the above paragraph, that is owned by the institution, but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or retail vendor).

### Non-Campus Buildings or Property

1. Any building or property owned or controlled by a student organization that is officially recognized by the institution; or
2. Any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution. LWTech does not have other buildings that are owned by any student organization.

## Public Property

All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus.

## Campus Access Policy and Security of Campus Facilities

The LWTech campus does not have on campus student housing.

During normal business hours Lake Washington Institute of Technology will be open to faculty, staff, students, parents, contractors, guests, and invitees. During non-business hours LWTech facilities are locked; access is restricted to authorized students and employees through Campus Public Safety or other on-duty College staff. During an extended closure, only authorized personnel will be granted access to Campus property and facilities. Campus Public Safety officers carry keys to all LWTech Buildings and are available during business hours to access buildings and rooms for authorized entry. Remember: Service calls such as this are prioritized; criminal or medical emergency calls have a higher priority than do building and/or room access calls.

Campus facilities may have different hours of accessibility; in such cases, these areas will be secured and accessed by appropriate persons in accordance with operating schedules as developed by the Department responsible for that facility. Emergencies may necessitate changes and/or alterations from normal business hour access times; security assessments of campus facilities will be conducted, as needed. Administrators from Facilities, and Campus Public Safety will periodically review results of landscaping, lock, alarm, lighting, and communication assessments to determine appropriateness of access schedules and alter schedules, as needed.

## Maintenance of Campus Facilities

LWTech is committed to Campus safety, be it physical plant (buildings) or other College property (grounds, equipment, furniture, etc.). LWTech Custodial Services, Maintenance, and Campus Public Safety personnel conduct routine Campus safety surveys; deficiencies are corrected by LWTech Facilities staff. All community members are encouraged to report safety hazards, such as slip/trips/falls, broken locks on doors/windows to Facilities and Campus Public Safety. Work orders are initiated, and repairs are made in a timely manner. In addition, Campus Public Safety partners with local law enforcement to perform Crime Prevention Through Environmental Design (CPTED) identify overgrown shrubs and other obstacles that could be a safety concern.

## How to Report a Crime or Emergency

Faculty, staff, students, and guests are encouraged to report all crimes and public safety-related incidents on the LWTech campuses immediately. To report a crime or other emergency on the Kirkland Campus of Lake Washington Institute of Technology, call 911 (on campus 911), then, the Lake Washington Institute of Technology Campus Public Safety at: 425-739-8224.

Local Law Enforcement may be reached by calling the following numbers:

Kirkland Police: 911 (on campus 911) or 425-587-3400 (non-emergency)

King County Sheriff's Office: 911 (on campus 911) or 206-296-4155

LWTech Incident Reports are forwarded to the Student Conduct Officer for review regarding possible student conduct code violations. LWTech Campus Public Safety will investigate Incident Reports when appropriate; additional information obtained in such investigations will also be forwarded to the Student Conduct Officer.

If assistance is required of local Police agencies, Campus Public Safety will make that contact. If a sexual assault or rape should occur, staff on scene, including Campus Public Safety and local Police, will offer a wide variety of services to assist the victim including privacy, medical response, mental health counseling, and contact of significant others, should the victim so require. Crimes should be reported to Campus Public Safety to ensure the victim of appropriate services, to ensure inclusion in the annual crime statistics report, and to aid in providing timely warning notices to the community, when appropriate.

All crimes should be reported immediately. Please report any suspicious activity or person you see loitering in any campus building, common area, or parking lot. In addition, reports may be made to any LWTech Official at 425-739-8100.

A secondary means of reporting crimes is to contact an identified campus security authority (CSA). CSAs include but are not limited to:

President of Lake Washington Institute of Technology

Vice President of Administrative Services

Vice President of Student Services

Vice President of Instructional Services

Director of Student Development

Director of Campus Public Safety

Director of Nursing

Director of Early Learning Center

Principal/Dean, High School Programs

Director of Financial Aid

All Instructional Deans and Associate Deans

Director of Enrollment Services

Director of Facilities

Director of Physical Therapist Assistant Program

Director of TRIO

Director of Workforce Development

Director of the Office of Student Life

Title IX Coordinator

Manager of Bookstore

**FOR CRIMINAL ACTIVITY OR MEDICAL EMERGENIES CALL 911 FIRST (on campus 911), Then Call Campus Public Safety!**

## **Security Crime Log Information**

The Daily Crime Log is a public record of all crimes reported to Campus Public Safety. Institutions that maintain a Campus Police or Campus Public Safety Department are required to disclose, in the Daily Log, any crime that occurred on campus or within the patrol jurisdiction of the campus police or security department and is reported to the campus police or campus public safety department. The Daily Crime Log lists the date and type of crime, and the location and disposition of the crime, when known. Unlike the Timely Warning, restricted to listed Clery Crimes, the Daily Log includes all crimes reported to Security; State definitions may be used to define these crimes. Reports must be logged into the Daily Crime Log within two business days; however, certain listed information may be withheld to protect victim confidentiality, ensure the integrity of ongoing investigations, or to keep a suspect from fleeing. Only the most limited information necessary may be withheld; even then it must be released, "once the adverse effect... is no longer likely to occur."

The Daily Crime Log must be available during normal business hours to employees and students as well as the general public (parents, local press, etc.). The Daily Crime Log will remain open for 60 days; subsequent to that, the Log must be available within two business days of a request for Log information.

### **Crime Prevention Tips:**

- If you see something suspicious, or observe a criminal or medical emergency, call 911 (on campus 911), then LWTech Campus Public Safety at extension 8224 or dial 425-739-8224. Post these numbers where you can readily find them to use in the event of an emergency.
- **ALWAYS** lock offices and/or classrooms when leaving the room, even for a few minutes. Never leave personal property in plain view. How long does it take for a thief remove your property? Seconds. In just a short few seconds your day is ruined, you have become a victim.  
Take your wallet or purse with you when leaving the room or secure them in a cabinet or desk. Identity theft is America's fastest growing crime. It takes only a moment for a thief to ruin your credit by stealing a wallet or purse containing your driver's license, debit/credit card(s), checkbook, Passport, Social Security Card, etc.; it takes considerably more time to return your life to financial viability.
- If you should suffer such a loss, call the appropriate government departments (Licensing, Social Security, etc.) and financial institutions, THEN: Call Kirkland Police at 911 (on campus 911) and Campus Public Safety at #8224. With thousands of dollars of equipment in most offices and classrooms, it is imperative to lock these rooms when leaving, even for a brief moment. Record personal property information (make, model, serial number) with Campus Public Safety. Report all thefts of personal and or College

property, including home, auto, office, or classroom keys, to Kirkland Police at 911 (on campus, 9-911) and LWTech Campus Public Safety (X8224) immediately.

- **DON'T** leave your vehicle unlocked. Store valuables left in your vehicle in the glove box or trunk; keep your valuables out of sight. Valuables left in plain view are an open invitation for a thief to break out your window and relieve you of your property. Thefts such as these are crimes of opportunity; be smarter than the thieves, keep things out of sight and deny them the opportunity to steal from you and make you their victim. Report suspicious persons lurking about and/or thefts to Kirkland Police at 911 (on campus 911) and Campus Public Safety (#8224) immediately.
- **WHEN** walking at night, try to stay on well-lit walkways, and always, always walk with others. Remember, there's safety in numbers. Call Campus Public Safety at 425.739.8224 for a Personal Safety Escort if you have no one else to walk with. Report suspicious persons to Kirkland Police at 911 (on campus 911) and Campus Public Safety (X8224) promptly.
- **OBSERVE** all Washington State traffic laws when on campus. Come to a complete stop at all Stop signs. No speeding or otherwise driving too fast for conditions. Observe all right – of – way rules at intersections, and always use your turn signals. Be cognizant of pedestrians at all times and **REMEMBER:** Pedestrians have the right of way! **PLEASE DRIVE SAFELY!**

## Campus Safety & Security Operations

The LWTech Office of Campus Public Safety is the campus law enforcement division of the College and reports directly to the Vice President of Administrative Services. Campus Public Safety works closely and directly with all Departments of the College to ensure uniform application and clear understanding of LWTech campus public safety policies and procedures to all faculty, staff, and students. Currently our staff consists of a Campus Public Safety Director (un-armed), and three Campus Public Safety Officers (un-armed).

Our Campus Public Safety department is available from 6:00 am to 10:30 pm Monday through Friday, 12:00 pm to 8:30 pm on Saturday, and closed on Sundays.

Under the direction of the Campus Public Safety Director, full time College staff uphold applicable local, state, and federal laws and Lake Washington Institute of Technology policies and procedures. LWTech Campus Public Safety services include Haz-Mat management, criminal response and investigations, medical emergency response, fire emergency response, personal safety escorts, motor vehicle accident investigations, and traffic control, parking enforcement, and College policies including alcohol and drug use and abuse and weapons violations.

For criminal and/or medical emergencies, call 911 (on-campus phones call 911). For important campus incidents and other emergency situations dial extension 8224 or dial 425-739-8224.

It is our express goal to make Lake Washington Institute of Technology a safe place in which to work and learn. Welcome!

## Campus Law Enforcement Authority

Limited campus law enforcement authority is granted to LWTech Campus Public Safety by the Board of Trustees of the Lake Washington Institute of Technology and the Washington Administrative Codes. As such, Campus Public Safety Officers have the authority to ask persons for identification and to determine whether individuals have lawful business at Lake Washington Institute of Technology.

Under WAC 495D-116-170, Campus Public Safety Officers have the authority to issue Campus traffic and parking citations which are billed to financial accounts of students, faculty, and staff, or to the private residences of those persons not affiliated with the school. Campus Public Safety Officers do not have arrest powers; all criminal incidents are referred to local Police (Kirkland Police Department, Redmond Police Department, and the King County Sheriff's Department) who have jurisdiction on or adjacent to the Kirkland campus, respectively. The College has a written Memorandum of Understanding (MOU's) with the Kirkland Police Department. The purpose of the MOU is to meet the statutory requirements for institutions of higher education established by the Washington State legislature. It is further the purpose of the MOU is to promote collaboration between the college and KPD to enhance the reporting, investigation, and appropriate response to sexual assault and other covered crimes. Crime victims and witnesses are strongly encouraged to immediately report criminal activity to the appropriate Police Departments and LWTech Campus Public Safety. Prompt reporting will assure timely warning notices of Campus crime and assist in full disclosure of crime statistics.

Law enforcement arrests and incidents involving LWTech students and employees are forwarded to the Vice President of Student Services so the best interests of the community can be served. Ongoing training is afforded to Campus Public Safety. LWTech Campus Public Safety considers personal and property safety a priority; incident reports and safety concerns are reviewed and acted on accordingly.

Criminal incident reports generated by Campus Public Safety will be referred to Kirkland Police Department for criminal law considerations. Serial numbers of stolen property are recorded by Campus Public Safety and passed through local law enforcement to the National Crime Information Center (NCIC).

Students and employees are required to comply with directives of Campus Public Safety and Police Officers and any other College Officials; students are required to present valid ID when requested. Campus Public Safety enforces College policy, rules, and regulations as well as local, state, and federal laws, and reports criminal violations to local authorities. To report criminal or medical emergencies, call 911 (on campus 911); for other important campus incidents, call LWTech Campus Public Safety at 425-739-8224. Try to remain calm when calling in an emergency; when asked, calmly state your name, the nature of your emergency (criminal or medical), and the location of the emergency when prompted by 911 Operators.

## **Working Relationship with other agencies**

LWTech maintains relationships with local, county, and state law enforcement agencies. These agencies include police, fire and emergency management offices. Whenever possible, the LWTech campus will partner with local law enforcement for trainings. Campus Public Safety also attends seminars when available to develop and maintain relationships and cooperation with FBI and Homeland Security. When the opportunities present themselves, LWTech hosts training areas for local police and fire agencies on campus, or in buildings. For example, the Regional SWAT and Tactical team on occasion train inside clearing buildings, and the Fire Department occasionally use the parking lots to practice their driving skills and tour the buildings to remain familiar with the geography of the campus. The local police have included a tour of the LWTech campus in their training plan for new officers fresh out of the academy.

## **Campus Security Authorities (CSA's)**

Campus Public Safety authority is a term that encompasses four groups of individuals and organizations associated with an institution:

- A campus Police Department or Campus Public Safety Department of an institution.
- Any individual or individuals who have responsibility for Campus Public Safety but who do not constitute a campus police department or a Campus Public Safety department.
- Any individual or organization specified in an institution's statement of Campus Public Safety policy as an individual or organization to which students and employees should report criminal offenses.
- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings.

At LWTech the following employees fall into the category of Campus Security Authority because they have significant responsibility for student and campus activities:

President of Lake Washington Institute of Technology  
Vice President of Administrative Services  
Vice President of Student Services  
Vice President of Instructional Services  
Director of Student Development  
Director, Campus Public Safety  
Director of Nursing  
Director of Early Learning Center  
Principal/Dean, High School Programs  
Director of Financial Aid  
All Instructional Deans and Associate Deans  
Director of Enrollment Services  
Director of Facilities  
Director, Physical Therapist Assistant Program  
Director of TRIO  
Director of Workforce Development

Director of the Office of Student Life  
Title IX Coordinator  
Manager of Bookstore

## **Counseling**

Personal counseling is a chance to talk confidentially with an objective person who can help you learn new skills and look at situations in different ways. This can help you become more capable of solving new problems on your own in the future. Some students benefit from one or two sessions of problem-solving, while others may require more. Although counselors may differ in their approach to counseling, they all have one goal in common: to help you resolve your concerns. If you are experiencing a mental health-related emergency, please call 911, Campus Public Safety at (425) 739-8224, or the 24-hour crisis line at (866) 427-4747.

### **Personal and Pastoral Counselors**

There is an exemption of Clery CSA mandated reporting for two types of positions, college professional personal counselors and pastoral counselors. LWTech does not have any pastoral counselors, but does have a full-time faculty counselor, whose professional responsibilities include personal counseling.

Thus, when the counselor is acting with the scope of employment, they are not considered a CSA and are not required to report crimes for inclusion in the annual disclosure of crime statistics. However, our campus counselor is encouraged, if and when deemed appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion in the annual crim statistics.

## **Safety Awareness and Crime Prevention**

During orientation for each quarter, LWTech Campus Public Safety offers video and oral presentations on personal safety/personal property protection, Run/Hide/Fight, and general safety. Through informational Campus Public Safety seminars faculty, staff, and students are given information on personal safety and theft prevention, Floor Supervisor and fire drill/evacuation training, the state of Campus Public Safety, the Annual Security Report, and the safety of the surrounding community. Campus Public Safety disseminates important and emergency information to the Campus through flyers, posters, pamphlets, Campus e-mail, Campus Public Address, Alertus Mass Notification system, and the Campus News videoconference sites located throughout Campus. Faculty, staff, and students are encouraged to be aware of their responsibility for their own security and the security of others, in conjunction with Campus Public Safety. As part of the Security Department's personal safety program, faculty and students are urged to walk to their cars at night in groups or request a Campus Public Safety Department Personal Safety Escort at any time of the day or night, anywhere on Campus.

## Individual Responsibilities

Campus Public Safety works hard to promote and ensure the safety of all individuals within its community, which includes staff, students, and community members. However, everyone must also take responsibility for his or her own safety and that of their belongings. However, members of the LWTech community must assume some responsibility for their own personal safety and the security of their personal property. The following precautions are offered as a guidance:

- Report all suspicious activities to Campus Public Safety immediately
- Lock your vehicle and don't leave valuables in plain sight
- Avoid walking alone at night. Call Campus Public Safety for a personal escort
- Sign up for [Omnilert](#) emergency campus alerts
- Don't leave valuables (wallets, purses, books, phones, etc.) unattended
- Secure bicycles in bicycle racks and use good padlocks

## Voluntary Confidential Crime Reporting

Even if a victim of crime does not want to pursue action within the College judicial system or the local or state criminal justice system, the victim may still want to consider making a confidential report. With the victim's permission, the Director, Campus Public Safety, or other LWTech designee can file a report on the details of the incident without revealing the victim's identity.

The purpose of a confidential report is to comply with the victim's wish to keep the matter confidential, while taking steps to ensure the future safety of that victim, and others. Which such information, LWTech can keep accurate records of the number of incidents involving faculty, staff, students, and guests, and determine if there is a pattern of crime with regard to a particular location, day of the week, time of day/night, the assailant's method(s) of crime, and then alert the campus community to potential danger. Confidential reports are counted and disclosed in the annual crime statistics for the College (without victim identification).

## Limited Voluntary Confidential Reporting

Lake Washington Institute of Technology Campus Public Safety urges anyone who is the victim or witness of any crime to promptly report the incident to Campus Public Safety or local Police. Because Police reports are public records under state law, Campus Public Safety cannot hold reports of crime in confidence. Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can generally be made to other Campus Public Safety Authorities.

## Timely Warnings

Timely Warnings are initiated by Campus Public Safety or the office of the President when a crime constitutes an ongoing threat to students and employees; it may be activated by the Campus PA system, E-mails, Text messages, Alertus Mass Notification system, campus runners

(word of mouth) and information flyers. Timely Warning reports may be made by Campus Public Safety, other College Officials, and/or local Police agencies; Timely Warnings only cover listed Clery crimes. Contact LWTech Campus Public Safety with all criminal or other emergency information at 425-739-8224, or stop at the Campus Safety Office, East Building, Room E-145.

What circumstances require issuing a timely warning?

Timely warnings are issued on a case-by-case basis for Clery Act crimes or other serious incidents reported to campus security authorities or local police agencies and pose “serious and ongoing threats” to students and employees on campus or in the immediate campus community. In deciding whether to issue a timely warning, the College considers all of the facts surrounding the incident such as the nature of the crime, the continuing danger to the campus community and the possible risk of compromising law enforcement efforts. Incidents that may result in issuing a timely warning include the following Clery Act crimes:

- Murder
- Criminal Homicide
- Negligent Manslaughter
- Forcible sex offenses
- Non-forcible sex offenses
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson

When will a timely warning notification be issued?

The College will issue a timely warning as soon as it determines there is a serious and ongoing threat to students or employees on campus and / or in the immediate campus community. The determination will be made based on the information Campus Security or the Kirkland Police Department has available at the time.

How will this information help me?

Timely warnings are designed to empower the campus community members by being alert and aware when there are instances of Clery Act crimes on or nearby the campus. Timely warning notifications will help keep you informed of incidents that effect LWTech and include safety tips to help decrease chances of victimization.

How can I report a Clery Act crime or other crime on campus?

Report all instances of Clery Act crimes to Campus Public Security at 425-739-8224. If you are witnessing a crime in progress, call 911 and then Campus Public Safety. Be prepared to provide your location, a description of what is occurring, suspect and victim information (age, race, height, weight, and clothing), and vehicle information (make, model, color, year, license plate, or physical identifiers).

How can I stay aware of crimes occurring around LWTech or in my community?

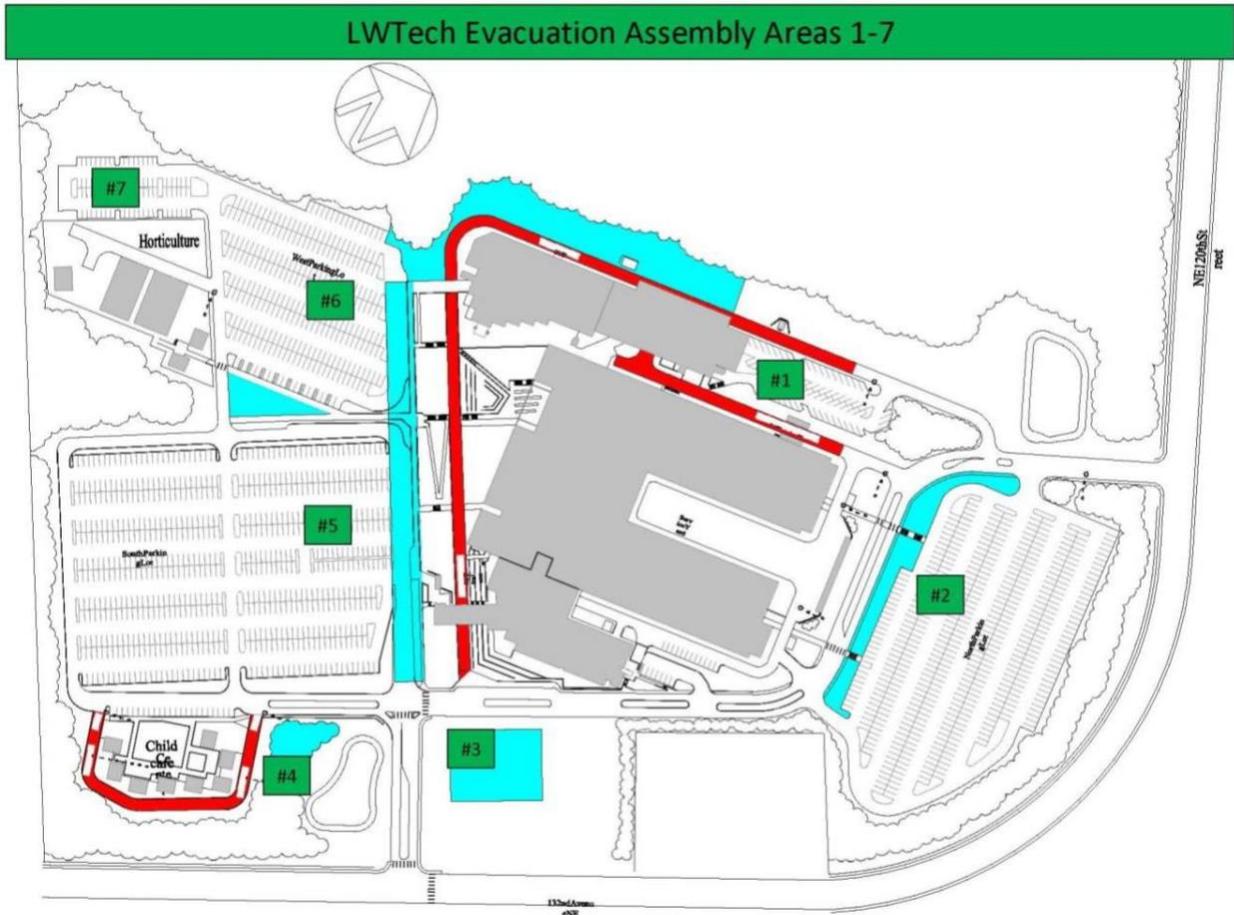
Kirkland Police utilize crime reports, which utilizes crime mapping to display reported crimes in the City of Kirkland. CrimeMapping.com is a web-based program which was developed to help law enforcement agencies provide the community with information about recent crime activity in their neighborhood. Through the use of this program, Kirkland specific crime data is extracted from the Police Department's records system, allowing citizens to view up to 180 days of crime data by various search parameters, to include a date range, crime type, or distance from a specific address.

## **Emergency Response & Evacuation Procedures**

LWTech's All Hazards Emergency Response Plan includes information about how LWTech employees and students should respond to emergencies on campus. In addition, emergency evacuation brochures are available at the Campus Public Safety office and during onboarding. When a serious incident occurs that causes an immediate threat to the campus, the first responders to the scene are usually Campus Public Safety officers, Facilities, and custodial staff, and they typically respond and work as a team to manage the incident. Depending on the nature of the incident, other local agencies could also possibly be involved in responding to the incident.

Emergency notifications will be made, via Omnilert/Alertus Mass Notification, Media Boards, and Public Announcement (PA). LWTech may also use other means of notification described above to notify the campus community. Campus Public Safety conducts an emergency communications system test at least quarterly. The test includes activation of the Omnilert/Alertus Mass Notification and media boards. In addition, a nightly test is performed of the Public Address (PA) system to inform staff/students the college is closing. In the event the campus community needs to be evacuated, staff, students, community members will be directed where to evacuate, by using one or all of the emergency notification systems above.

In the event of a building evacuation, all occupants should assemble at the nearest safe assembly area location below. All occupants should familiarize themselves with the Evacuation Assembly Areas 1-7 below. In addition, Floor Supervisors will help occupants evacuate to the buildings.



**Evacuation assembly areas:**

Building	Area Number	Location
Tech Center	1	Northwest parking lot
East Building	2	North parking lot
Allied Health Building	3	Grassy area adjacent to main entrance
Early Learning Center	4	Grassy area adjacent to ELC
Allied Health Building	5	South parking lot
West Building	6	West parking lot
Horticulture	7	Southwest parking lot

## Lockdown Procedures

A targeted violence incident can happen on Campus, or in the nearby, off campus community. Depending on the situation, the LWTech response may vary.

- If a Targeted Violence incident occurs on-campus, on the advice of Law Enforcement Officials, LWTech will lock-down exterior doors. Law Enforcement Officials have been provided with master keys, card access, and maps to the LWTech to quickly enter the buildings.
- If a Targeted Violence incident occurs in the adjacent community off campus, local Law Enforcement will likely advise LWTech of the situation. Should this happen, our response will deviate from that of an on- campus targeted violence situation. LWTech will initiate exterior Lockdown Procedures:

### ON CAMPUS

- Call 911 (Campus phones 911) and LWTech Campus Public Safety at 425-739-8224.
- LWTech will make announcements through the College Emergency Communications Systems.
- Designated Staff will notify Early Learning Center (ELC) and the Horticulture Complex to lockdown.
- Lock and close classroom doors, and windows, blinds and curtains. Turn off lights.
- Barricade doors if possible.
- Sit or lay against a wall out of the line of sight of doors and windows.
- Silence cell phone ringers; quietly call 911. If you cannot talk, leave the cellphone line open.
- Quietly await further instructions.
- REMAIN IN LOCKDOWN until released by LWTech or Police Officials, regardless of the type of weapon used.

### OFF CAMPUS

- Call 911 (Campus phones 911) and Campus Public Safety at 425-739-8224.
- LWTech will initiate external lockdown Procedures.
- LWTech will make announcements through the College Emergency Communications Systems.
- Designated Staff will notify Early Learning Center (ELC) and the Horticulture Complex to lock down.
- Lock and close classroom doors and windows, blinds and curtains.
- Silence cell phone ringers.
- Quietly await further instructions.
- REMAIN IN LOCKDOWN until released by LWTech Officials.

## **Testing and Exercises**

Each year, LWTech conducts at least an earthquake, evacuation, or a lockdown drill. The purpose of the drills is to prepare staff, students, and community members for an organized earthquake, evacuation, or lockdown drill. The drills are used to train occupants on issues related to the aforementioned situations. The tests are facilitated by the Campus Public Safety department with coordination from the Facilities department. After-action items are provided to the Vice President, Administrative Services. Also, information is shared with the college community, via Security Updates.

## **Record Keeping**

After each drill, a report is generated and information regarding the drill is disclosed to campus employees identifying positive feedback, as well as areas for improvement. The Director of Campus Public Safety maintains these records and the drills are logged on Rapid Responder.

## **Alcohol and Substance Abuse**

Students, faculty, staff and administration support the board policy and the law in having a drug and alcohol-free campus. Drugs and alcohol are not permitted anywhere on campus, including parking lots and cars.

Violation of this rule may result in immediate termination or suspension. Anyone consuming, distributing, possessing or under the influence of controlled or illicit substances on the campus is subject to suspension, probation, termination, arrest, and prosecution. Any involvement with drugs may also terminate eligibility for financial aid programs. Drug and alcohol prevention and assistance is available to students through Student Development & Retention, W207. There are also several community help line numbers: 24 crises clinic – (206) 461-3222, DCHS Mental Health, Chemical Abuse and Dependency Services – (206) 263-9000, Teen Link – (206) 461-4922, Drug and Alcohol hotline – 206 722-3700.

Lake Washington Institute of Technology provides a safe, supported, and engaging learning community where dedicated faculty and staff members have committed to student learning and success. As such, campus events for students were alcohol free and alcohol was prohibited at student events on or off campus. Cannabis or other illegal drugs are not permitted on campus or at any College sponsored activities regardless of location.

## **Alcohol and Other Drug Awareness**

Being aware of your health is an important part of life and a critical part of being a college student. Many things impact your health, including stress, lack of exercise, eating less than healthy foods on a regular basis and over-consumption of alcohol.

Below is information about the student code of conduct, alcohol awareness, other drug awareness and how alcohol and drug usage impacts communities of color. This information is adapted from various governmental resources. LWTech is invested in your health and hopes this information is helpful and informative.

For more information about the Drug-Free School and Communities Act, contact the Vice President of Student Services at (425) 739-8208, or visit West Building, W213C to make an appointment.

#### Student Code of Conduct – Drugs and Alcohol

Drugs and alcohol are not permitted anywhere on campus, including parking lots and cars. Violation of this rule may result in immediate action. Anyone consuming, distributing, possessing, or under the influence of controlled or illicit substances on the campus is subject to suspension, probation, termination, arrest, and prosecution. Any involvement with drugs may also terminate eligibility for financial aid programs.

Appropriate provisions regulate the possession, use, and sale of alcoholic beverages in Federal/State laws, Chapter 495D of the Washington Administrative Code and [campus policies](#). Illegal drug possession, use or sale is prohibited in accordance with federal and state laws, including Chapter 495D of the Washington Administrative Code.

Specifically, as outlined in the Student Handbook's Prohibited Student Conduct (WAC 495D-121-590) the following is prohibited:

- **Tobacco, Electronic Cigarettes, and Related Products:** The use of tobacco, electronic cigarettes, and related products in any building owned, leased, or operated by the college or in any location where such use is prohibited, including twenty-five (25) feet from entrances, exits, windows that open, and ventilation intakes of any building owned, leased or operated by the college. "Related products" include, but are not limited to, cigarettes, pipes, bidi, clove cigarettes, waterpipes, hookahs, chewing tobacco, and snuff.
- **Alcohol:** Being observably under the influence of any alcoholic beverage, or otherwise using, possessing, selling, or delivering any alcoholic beverage, except as permitted by law and authorized by the college president.
- **Marijuana:** The use, possession, delivery, sale, or being observably under the influence of marijuana or the psychoactive compounds found in marijuana and intended for human consumption, regardless of form. While state law permits the recreational use of marijuana, federal law prohibits such use on college premises or in connection with college activities.

- **Drugs:** The use, possession, delivery, sale, or being observably under the influence of any legend drug, including anabolic steroids, androgens, or human growth hormones as defined in RCW 69.41, or any other controlled substance under RCW 69.50, except as prescribed for a student's use by a licensed practitioner. Being observably under the influence of any lawfully prescribed drug when enrolled in classes that require operation of heavy equipment or other dangerous equipment.

### **LWTech's Responsibilities**

The Drug and Alcohol School and Communities Act require institutions receiving federal financial assistance to establish drug and alcohol abuse prevention programs for students and employees. Students and employees must receive materials annually that contain standards of conduct, a description of the various laws that apply in that jurisdiction regarding alcohol and drugs, a description of the various health risks of drug and alcohol abuse, a description of available counseling and treatment programs, and a statement on the sanctions the university will impose for a violation of the standards of conduct.

### **College Sanctions**

When a student's behavior interferes with their or others' ability to effectively and safely attend college classes the use of the student code of conduct might be used. Prohibited behavior is included in this handbook; which includes the use of alcohol on campus, or off-campus at college-sponsored functions or activities.

Primary sanctions (consequences when a student is found responsible for the behavior according to evidence presented during an investigation, based on the standard of proof) may include but are not limited to:

- disciplinary warning
- written reprimand
- disciplinary probation
- disciplinary suspension
- dismissal

Terms and conditions of primary sanction may include:

- restitution
  - professional evaluation
  - not in good standing
- Secondary Sanction may include:
- community or college service
  - educational requirements
  - restrictions of use
  - loss of parking privileges on campus

In the event students needed advice or referrals, the Student Services Department provided mental health information and self-care/wellness education on the college's website.

- <https://www.lwtech.edu/campus-life/counseling/>
- <https://www.lwtech.edu/campus-life/wellness-resources/>

In the event employees needed advice or referrals, Human Resources or individual supervisors referred individuals to the Employee Assistance Program provided at no cost to help Washington State Government employees and their family members resolve personal or work-related problems.

- <https://www.lwtech.edu/about/human-resources/benefits/living-well-at-lwtech/>

## **Annual Notification and Biennial Review Report**

Lake Washington Institute of Technology (LWTech) has committed to supporting the safety and health of its students and employees. As a part of that commitment, the College has implemented drug and alcohol abuse prevention programming. The Drug Free Schools and Communities Act (DFSCA) and Part 86 of the Department of Education General Administrative Regulations (EDGAR Part 86) require institutions of higher education to adopt and implement drug and alcohol abuse prevention programs (DAAPP) for students and employees. The College must have certified it has adopted and implemented a program to “prevent the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees” both on the College's premises and campuses and as part of any of its activities in order to comply with the Drug Free Schools and Campuses Regulations. At a minimum, each institution of higher education must annually distribute the following in writing to all students and employees:

### **Annual Notification – Drug and Alcohol Abuse Prevention Program (DAAP)**

- Standards of conduct that clearly prohibit the unlawful possession, use, or distribution
- of illicit drugs and alcohol by students and employees;
- A list of applicable legal sanctions under local, state, or federal law for the unlawful possession or distribution of illicit drugs and alcohol;
- A description of the health risks associated with abuse of alcohol or use of illicit drugs;
- A list of drug and alcohol counseling, treatment, rehabilitation and reentry programs that are available to employees or students; and
- A clear statement that the institution imposes sanctions on students and employees and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct.

All new employees (including student employees) receive the Annual Drug-Free Schools and Communities Act Notice upon the start of employment. Over the past two years it has also been sent electronically to all employees and students each December. Additionally, the Campus Public Safety Office sends a link to the required Clery Annual Safety Report each quarter. The Drug-Free Schools and Campuses regulations were also included with the Safety Report. The message also included multiple links to the Drug and Alcohol Abuse Prevention Program at Lake Washington Institute of Technology. This educational information was increased to quarterly over the past two years in order to ensure that all new students and new employees were informed as required.

In the event employees needed advice or referrals, Human Resources or individual supervisors referred individuals to the Employee Assistance Program provided at no cost to help Washington State Government employees and their family members resolve personal or work-related problems.

- <https://www.lwtech.edu/about/human-resources/benefits/living-well-at-lwtech/>

Kirkland Police Department officers have the authority to enforce laws concerning the possession, sale, or use of alcoholic beverages or illegal drugs through criminal arrest or civil citation. The [Lake Washington Institute of Technology Student Conduct Code](#) may also apply to infractions of these laws.

## **Alcohol and Drug Use 2.P.03**

### Policy

The College is committed to providing an environment that enhances learning and promotes the safety and well-being of students, employees, volunteers, and the general public; in particular, as many of the College's instructional programs involve the use of equipment and machinery.

To help achieve these goals, the College prohibits the following:

1. Consumption of alcohol on its premises or at college-sanctioned events, except in accordance with state of Washington liquor license procedures and applicable college procedures;
2. Unlawful possession, use, distribution, or manufacture of alcohol or controlled substances that are illegal under federal, state, or local law on college property or during college-sponsored activities;
3. Use, possession, delivery, sale, or being observably under the influence of marijuana or the psychoactive compounds found in marijuana and intended for human consumption, regardless of form. While state law permits the recreational use of marijuana, federal law prohibits such use on college premises or in connection with college activities; and

4. Operation of college vehicles, machinery, or equipment while using legally-prescribed drugs where such use is contra-indicated for driving or operating machinery or equipment.

Violation of the college's alcohol and drug prohibitions is cause for disciplinary or other appropriate action. College community members should be aware that:

- It can be dangerous to use and abuse alcohol and other drugs; and,
- Many illnesses and deaths have been medically-related to the use and abuse of illegal drugs and alcohol; and,
- The College has declared itself to be a drug-free work and educational environment; and,
- Employees, students, and volunteers who are found to be in violation of federal, state, or local law prohibiting the use or possession of illegal drugs may be subject to arrest and conviction under the applicable criminal laws of local municipalities, the state of Washington, or the United States. Conviction can result in sanctions including probation, fines, and imprisonment; and,
- Employees and volunteers who violate this policy are subject to disciplinary action, including termination, and referral for prosecution; and,
- Students who violate this policy are subject to disciplinary sanctions including: warning and reprimand, disciplinary probation, suspension, or dismissal in accordance with the Student Conduct Code; and,
- Assistance is available to employees, students, or volunteers who disclose that they have an alcohol or drug abuse problem as noted in the College's procedures; however, those individuals remain responsible for resolving any alcohol or drug abuse problems they may have.

## **Prohibited Conduct on College Facilities**

### **9.P.05**

#### Policy

The College intends to create a working and learning environment that promotes the safety, health, and well-being of College students and employees. The college bans and/or limits conduct and activities as follows:

1. Drugs.

Being observably under the influence of any legend drug, narcotic drug, or controlled substance as defined in chapters 69.41 and 69.50 RCW, or otherwise using, possessing, delivering, or selling any such drug or substance, except in accordance with a lawful prescription for that person by a licensed health care professional. Being observably under the influence of any lawfully prescribed drug when enrolled in classes that require operation of heavy equipment or other dangerous equipment.

2. Marijuana.  
The use, possession, delivery, sale, or being visibly under the influence of marijuana or the psychoactive compounds found in marijuana and intended for human consumption, regardless of form. While state law permits the recreational use of marijuana, federal law prohibits such use on college premises or in connection with college activities.
3. Alcohol.  
Being observably under the influence of any alcoholic beverage, or otherwise using, possessing, selling, or delivering any alcoholic beverage, except as permitted by law and authorized by the college president.
4. Tobacco, Electronic Cigarettes, and Related Products:  
The use of tobacco, electronic cigarettes, and related products in any building owned, leased, or operated by the college or in any location where such use is prohibited, including twenty-five feet from entrances, exits, windows that open, and ventilation intakes of any building owned, leased or operated by the college. "Related products" include, but are not limited to cigarettes, pipes, bidi, clove cigarettes, waterpipes, hookahs, chewing tobacco, and snuff.
5. Weapons.  
Possession, holding, wearing, transporting, storage or presence of any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, explosive device, or any other weapon apparently capable of producing bodily harm is prohibited on the college campus, subject to the following exceptions:
  - a. Commissioned law enforcement personnel or legally- authorized military personnel while in performance of their duties; or
  - b. A person with a valid concealed weapons permit may store a firearm in his or her vehicle parked on campus in accordance with RCW 9.41.050, provided the vehicle is locked and the weapon is concealed from view; or
  - c. The president or designee may authorize possession of a weapon on campus upon a showing that the weapon is reasonably related to a legitimate pedagogical purpose. Such permission shall be in advance to bringing weapons to the college, in writing, and shall be subject to such terms or conditions incorporated therein.
6. Property Violation: Attempted or actual damage to, or theft or misuse of, real or personal property or money of:
  - a. The college or state;
  - b. Any student or college officer, employee, or organization;
  - c. Any other person or organization; or
  - d. Possession of such property or money after it has been stolen.

## Domestic Violence in The Workplace

### 2.P.20

#### Policy

The College recognizes the impact of domestic violence in the workplace. The College does not tolerate domestic violence in the workplace. This includes abusive or harassing behavior that is physical, sexual, psychological or economic, and is intended to establish and maintain control by a family or household member over another current or former family or household member.

The College will comply with all provisions set forth in [RCW 49.76.030](#). An employee may take reasonable leave, intermittent leave, or leave on a reduced leave schedule from work to:

1. Seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or employee's family and/or household members;
2. Seek treatment by a health care provider for physical or mental injuries caused by domestic violence, sexual assault, or stalking, or to attend to health care treatment for a family and/or household member;
3. Obtain, or assist a family and/or household member in obtaining, services from a domestic violence shelter, rape crisis center, or other social services program for relief from domestic violence, sexual assault, or stalking;
4. Obtain, or assist a family and/or household member in obtaining, mental health counseling related to an incident of domestic violence, sexual assault, or stalking, in which the employee or the employee's family member was a victim of domestic violence, sexual assault, or stalking; or
5. Participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family and/or household members from future domestic violence, sexual assault, or stalking.

All employees are encouraged to report domestic violence, including elder abuse. Additionally, employees and and/or their family members are encouraged to use the [Washington State Employees Assistance Program \(EAP\)](#) to receive assistance and referrals.

Nothing in this policy prevents an employee from seeking civil action if he or she is injured by any act in violation of the Domestic Violence Leave Law.

### Employee Assistance Program

The Employee Assistance Program (EAP) helps Washington State government employees and their family members resolve personal and work-related problems. Using the EAP does not cost the employee anything. Employee visits to the Employee Assistance Program are confidential (with exceptions for certain state and federal laws regarding abuse of a minor child, elderly

person, disabled person, threats to self or others). Also, according to RCW 41.04.730 if the supervisor or HR directly refers the employee to EAP prior to their initial EAP contact regarding work performance issues, then EAP is required to let the supervisor know:

- Whether or not the referred employee made an appointment
- The date/time the employee arrived and departed
- Whether further appointments were scheduled

The College recognizes that employee participation or non-participation in the EAP is voluntary and cannot be used in any decision affecting an employee's job security, promotional opportunities, corrective or disciplinary action, or other employment rights.

## **Sexual Assault Prevention & Response**

If you are a victim of sexual assault at Lake Washington Institute of Technology, your first priority is to get to a place of safety; you should then obtain necessary medical treatment. Campus Public Safety strongly advocates that a victim of sexual assault reports the incident in a prompt manner; time is a critical factor for evidence collection and preservation. A sexual assault should be directly reported to Campus Public Safety or another Campus Public Safety Authority (CSA). Filing a Police report through Campus Public Safety will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from Officers. Filing a Police Report will:

- Ensure the victim of sexual assault receives the necessary medical treatment and tests at no expense to the victim
- Provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally, a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam)
- Ensure the victim has access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention

When a sexual assault victim contacts Campus Public Safety, local Police will be notified. The victim may choose to have the investigation pursued through the criminal justice system and the campus judicial system or limit the investigation to one of them only. Campus Public Safety, or other specially trained college authority, will guide the victim through available options, and support the victim in their decisions. Various counseling options are available through LWTech Counseling Services and the Employee Assistance Program (EAP); other support services are available through the local Rape Crisis Center and local support groups.

The College judicial system allows the victim, and the accused, each to be allowed to choose a person who has no formal legal training to accompany them throughout a judicial conduct hearing. Both the victim and the accused will be informed of the outcome of the hearing. A student found guilty of violating the College Sexual Misconduct policy may be suspended or

expelled from the College. The College will work with student victims to change their academic calendar after an alleged sexual assault, if such changes are reasonably available.

## **Title IX & Sexual Misconduct**

### **Title IX**

#### **2.P.14**

##### Policy

Lake Washington Institute of Technology (LWTech) 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, College has enacted 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 *the* College's Title IX policy is subject to disciplinary action up to and including dismissal from the College 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 the College'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 the College's code of student conduct, employment contracts, employee handbooks, and collective bargaining agreements.

Any employee, student, applicant, or visitor who believes that he, she or they have been the subject of discrimination or harassment should report the incident or incidents to the College's Title IX Coordinator identified below. If the complaint is against that Title IX Coordinator, the complainant should report the matter to the President's office for referral to an alternate designee.

- Meena Park, Vice President, Human Resources, Title IX/EEO Coordinator/Affirmative Action Officer/Ethics Officer  
Lake Washington Institute of Technology  
West Building, W304  
11605 132<sup>nd</sup> Avenue, NE Kirkland WA., 98034-8506  
T: 425.739.8212  
[Meena.Park@lwtech.edu](mailto:Meena.Park@lwtech.edu)
- Ruby Hayden, Vice President, Student Services, 425.739.8208  
Deputy Title IX Coordinator  
Lake Washington Institute of Technology  
West Building, W213C  
11605 132<sup>nd</sup> Avenue, NE Kirkland WA., 98034-8506  
T: 425.739.8208  
[Ruby.Hayden@lwtech.edu](mailto:Ruby.Hayden@lwtech.edu)

The College encourages the timely reporting of any incidents of discrimination or harassment. Long delays may be considered detrimental to the accuracy of the complaint. Complaints may be submitted in writing or orally. Hardcopies of the complaint form are available at the following locations on campus at Lake Washington Institute of Technology, 11605 132<sup>nd</sup> Ave. NE, Kirkland, WA 98034:

- Human Resources Office
- Campus Public Safety
- Student Services Administrator

## Title IX Compliance Committee

The Title IX Compliance committee works to ensure LWTech remains in compliance with federal, state, and local requirements related to Title IX legislation. Including but not limited to:

- Policy changes/implementation
- Trainings for staff and students
- Monitoring mandatory training compliance

## LWTech's Responsibilities to Address Sexual Harassment & Sexual Violence

The college's responsibility is to respond promptly and effectively. If the college knows or reasonably should know about sexual harassment or sexual violence that creates a hostile environment, the college must take immediate action to eliminate the sexual harassment or

sexual violence, prevent its recurrence, and address its effects. Even if a student's parent does not want to file a complaint or does not request that the college take any action on the student's behalf, if a college knows or reasonably should know about possible sexual harassment or sexual violence, it must promptly investigate to determine what occurred and then take appropriate steps to resolve the situation. A criminal investigation into allegations of sexual harassment or sexual violence does not relieve the college of its duty under Title IX to resolve complaints promptly and equitably.

## **What Is the Role of a Title IX Coordinator?**

The Title IX Coordinator's responsibilities include:

- Providing information and assistance to those who wish to raise a complaint or have concerns relating to the LWTech's compliance with Title IX
- Facilitating the college's compliance with Title IX, including responding effectively to each complaint
- Providing assistance and support to college programs responsible for responding to and investigating complaints
- Identifying and addressing any patterns or systemic issues relating to Title IX compliance
- Facilitating college-wide training and outreach
- Where appropriate, responding to or conducting an investigation of complaints. Participating in and providing support for committees and other programs dedicated to Title IX compliance Both a complainant and a respondent are given the opportunity to have support or advice through the process. During the investigation process, either the complainant or the respondent may have only one individual accompany them to any meetings and interviews – these individuals are collectively referred to as “Advisors” in this document. The individual may be a friend, victim advocate, lawyer, employee, family member, union representative, or other person chosen by the complainant or respondent. During the live hearing an advisor is mandatory. If an advisor is not chosen 10 days prior to the live hearing, an advisor will be appointed to the party.

## **Title IX Administrators**

Meena Park, Vice President, Human Resources

Ruby Hayden, Vice President, Student Services

Katie Stewart, Assistant Director, Human Resources

Katie Peacock, Director, Student Development

## Role of the Advisor in Title IX Investigations

Both a complainant and a respondent are given the opportunity to have support or advice through the process. During the investigation process, either the complainant or the respondent may have only one individual accompany them to any meetings and interviews – these individuals are collectively referred to as “Advisors” in this document. The individual may be a friend, victim advocate, lawyer, employee, family member, union representative, or other person chosen by the complainant or respondent. During the live hearing an advisor is mandatory. If an advisor is not chosen 10 days prior to the live hearing, an advisor will be appointed to the party.

Some rules and expectations regarding the role of the Advisor:

- The Advisor is someone who can provide emotional, logistical, legal (lawyers), or other support or advice to a complainant or respondent during the process.
- If a person serves as an advisor, they must participate in an orientation provided by Lake Washington Institute of Technology (the College). At the discretion of the College, orientation may be provided in-person, virtual / video conference, recording, and/or written format. The orientation will cover, including, but not limited to being trauma-informed, on and off campus resources, evidence evaluation, cross-examination of witnesses and parties, rules governing the live hearing, and appropriate & inappropriate behaviors of advisors.
- If a party chooses a witness as advisor, witness serves as an advisor has the potential of undermining the credibility of a party’s statements.
- An advisor must sign a [Family Educational Rights and Privacy Act \(FERPA\)](#) waiver and complete FERPA training. FERPA (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.
- It is up to the complainant and respondent to present their information in meetings, interviews, and the live hearing. Advisors cannot speak for their party and do not have an active role during any meetings, interviews, and live hearing. An Advisor, even if an attorney, does not provide active representation of a party the way that an attorney ordinarily would in a formal legal proceeding. Advisors are allowed to provide a reasonable amount of clarification during the meeting or interview. A party does have the right to take a break from a meeting or interview to speak with their advisor.
- Advisors should not be reaching out to the other party and their advisor.
- A complainant or respondent may use different Advisor(s) at various stages in the process, especially if their chosen individual cannot be available for a scheduled meeting, interview, or the live hearing. The College will work to reasonably accommodate the Advisors’ schedules, but will not unnecessarily delay the process due to the Advisors’ conflicts.

- This matter involves an alleged policy violation, not a criminal charge, and the process will follow College policies and procedures. An Advisor may be removed or replaced if they unreasonably delay the process, and/or their presence is disruptive, obstructive, or otherwise interferes with the College's handling of the matter. In such a case, the complainant or respondent may seek another Advisor.
- The College's policy prohibits retaliation against any individuals filing a complaint or participating in the investigation of the complaint. An Advisor is also protected by and subject to this retaliation prohibition. This means an Advisor may not retaliate against any person participating in this process, nor can anyone retaliate against an Advisor. To report possible retaliation, please contact Human Resources immediately.
- Advisors provide cross-examination during the live hearing.
- Advisors are not required, but can be present, if the party chooses, during the informal process.
- If an advisor is continuously behaving inappropriately, they can be dismissed as an advisor. This action will be documented in a letter and sent the former advisor and party.
- Conversations outside meetings and interviews can negatively impact the investigations process.

## **Complaint Reporting**

### **Who May File A Report**

Any employee, applicant, student or visitor of LWTech may file a complaint. Complaints may be submitted in writing or verbally. LWTech encourages the timely reporting of any incidents of discrimination or harassment.

### **Confidentiality & Right to Privacy**

LWTech will seek to protect the privacy of the complainant, respondent, and all other parties involved, 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 District policies and procedures.

#### **Note**

Although LWTech will attempt to honor complainants' requests for confidentiality, it cannot guarantee complete confidentiality.

## Rights & Responsibilities of the College to Complainants and Respondents

- They will be treated with sensitivity, dignity, respect, confidentiality, and in an unbiased manner by all involved administrators, investigators and adjudicators.
- They will be informed in writing that a complaint of sexual misconduct against them is being investigated, and of any other suspected policy violations being explored through this investigation.
- They will be advised of the college's sexual misconduct policy and procedures.
- The respondent will be afforded the same rights and opportunities as the complainant throughout the investigation and adjudication process.
- They will be given periodic status updates throughout the investigation and adjudication process.
- They may invite a student, faculty, union representative, or staff member from the college to accompany them at meetings regarding the investigation process.
- They will be informed in writing, concurrently of the finding issued by the designated officials, as well as the outcome of any appeal, to the extent permitted by the Code of Student Conduct.
- They will have the right to appeal the outcome based on the grounds designated in this policy, provided that they have participated in the investigation process.
- They may retain legal counsel at any time, although legal counsel is not permitted to participate in the college's investigation and adjudication process.

## Investigation

Upon receiving a Prohibited Conduct 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 his, her or their designee. 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** barring exigent circumstances. At the conclusion of the investigation the investigator shall set forth his, her or their findings and recommendations in writing.

## 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 the investigative findings and of actions taken or recommended to resolve the complaint, subject to the following limitations. The complainant shall be informed in writing of the findings and of actions taken or recommended to resolve the complaint, if any, only to the extent that such findings, actions or recommendations directly relate to the complainant, such as a finding that the complaint is or is not meritorious or a recommendation that the accused not contact the complainant.

## 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 business days.

## Reporting to the College

LWTech encourages anyone who has experienced Prohibited Conduct (sex/gender discrimination, sexual harassment, sexual assault, sexual exploitation, dating/intimate partner violence, domestic violence, or stalking) to report the incident to the college so that the college can investigate and respond to such reports. An individual may provide a report to the college by contacting any of the following people:

- Title IX Coordinator: Meena Park, Vice President, Human Resources
- Vice President for Student Services & Deputy Title IX Coordinator: Ruby Hayden, VP Student Services
- Campus Public Safety: Anthony Bowers, Director, Campus Public Safety
- Emergency Services: [Kirkland Police Department](#)

All Responsible Employees who witness or receive information regarding any Prohibited Conduct that occurs on campus, on any property owned or controlled by the college, or off campus (including online or electronic conduct occurring in the context of an employment or education program or activity of the college or has continuing adverse effect on campus) are required to promptly report all known details about the Prohibited Conduct to the Title IX Coordinator or Deputy Title IX Coordinator by telephone, email, in person, or through the [College's online Title IX Incident Report Form](#).

Reports are required to include, to the extent known:

1. Name of the alleged victim(s)
2. Name of the alleged perpetrator(s)
3. Name of any alleged witnesses
4. Any other relevant facts, including the date, time, and specific location of the alleged incident

All other individuals who become aware of an incident of Prohibited Conduct are highly encouraged to report all known details about the Prohibited Conduct to the Title IX Coordinator or Deputy Title IX Coordinator.

A Complainant may choose to make a report to the college to pursue resolution under these procedures and may also choose to make a report to law enforcement. A Complainant may pursue either or both options at the same time. A Complainant who wishes to pursue criminal action in addition to, or instead of, making a report under these Procedures should contact law enforcement directly.

The college may have an obligation to report to the police, keeping the name of the victim confidential, in circumstances where the incident includes an allegation that a crime has been committed.

## Responsible Employee

Who is a “responsible employee”? The Office for Civil Rights (OCR) provides that a responsible employee is any employee:

- a. Who has the authority to take action to redress sexual harassment/misconduct;
- b. Who has been given the duty of reporting incidents of sexual harassment/misconduct **or** any other misconduct by students to the Title IX coordinator or other appropriate designee; or
- c. Who a student reasonably believes has this authority or duty.

## Interim Measures

Parties involved in allegations of Prohibited Conduct are entitled to receive written information, assistance and a broad range of support and remedial measures regardless of whether they choose to pursue a resolution of Prohibited Conduct. Remedial measures may include a change in academic or living situations, transportation, working situations, prohibiting contact with the Respondent, or medical and/or mental health services, including counseling. Remedial measures may be requested by contacting the Title IX Coordinator. The college will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the college to provide the accommodations or protective measures.

## Expectations and Responsibilities

Through these Procedures, Complainants and Respondents can expect:

- Written notice of an investigation, including the potential Policy violation and nature of the alleged Prohibited Conduct;
- The opportunity to offer information, present evidence, and/or identify witnesses relevant to the determination of a Policy violation and any sanction(s) imposed;
- Timely notice of any meeting or proceeding contemplated by these Procedures where the party's presence may be requested;
- The opportunity to have an advisor of choice, including the right to have that advisor attend any meetings or proceedings contemplated by these Procedures where the party's presence may be requested;
- Timely and equal access to any information that will be used during Alternative or Formal Resolution proceedings and related meetings;
- A reasonable length of time to prepare any response contemplated by these Procedures;
- Prompt and equitable resolution under these Procedures;
- Written notice of any extension of time frames for good cause;
- Privacy in accordance with the Policy and any legal requirements;
- The opportunity to articulate concerns or issues about the process and to challenge the investigator for actual bias or conflict of interest;
- The opportunity to be heard, orally and/or in writing, as to the investigative finding, determination and any sanction(s) imposed;
- Written notice of the outcome, of any sanction(s), and the basis for each;
- Reasonably available interim remedial measures;
- Freedom from retaliation, harassment or intimidation;
- The responsibility to refrain from retaliation, harassment or intimidation; and,
- The responsibility to provide truthful information.

## Supplemental Title IX Procedures – Order of Precedence

### 5.P.120 (WAC 495D-121-680)

#### Policy

This supplemental 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. To the extent these supplemental hearing procedures conflict with Lake Washington Institute of Technology's standard disciplinary procedures, WAC 495D-121-320 through -670, these supplemental procedures shall take precedence. The college may, at its discretion, contract with an administrative law judge or other person to act as presiding

officer and assign such presiding officer to exercise any or all of the duties in lieu of the student conduct committee and committee chair.

## **Supplemental Title IX Procedures – Prohibited Conduct Under Title IX 5.P.122 (WAC 495D-121-690)**

### Policy

Pursuant to RCW 28B.50.140(13) and Title IX of the Education Act Amendments of 1972, 20 U.S.C. §1681, Lake Washington Institute of Technology may impose disciplinary sanctions against a student 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.** A Lake Washington Institute of Technology employee conditioning the provision of an aid, benefit, or service of Lake Washington Institute of Technology 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 Lake Washington Institute of Technology’s educational programs or activities, or employment.
3. **Sexual Assault.** Sexual assault includes the following conduct:
  - a. **Nonconsensual sexual intercourse.** An 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.
  - b. **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.
  - c. **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).
  - d. **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 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:
  - a. Occurred in the United States;
  - b. Occurred during a Lake Washington Institute of Technology educational program or activity; and
  - c. Meets the definition of Sexual Harassment as that term is defined in this supplemental procedure.
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.

## **Supplemental Title IX Procedures – Prohibited Conduct Under Title IX 5.P.124 (WAC 495D-121-700)**

### Policy

1. This supplemental procedure applies only if the alleged misconduct:
  - a. Occurred in the United States;
  - b. Occurred during a Lake Washington Institute of Technology educational program or activity; and
  - c. Meets the definition of Sexual Harassment as that term is defined in this supplemental procedure.
2. For purposes of this supplemental procedure an "educational program or activity" is defined as locations, events or circumstances over which Lake Washington Institute of Technology 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 Lake Washington Institute of Technology.
3. Proceedings under this supplemental procedure must be dismissed if the decision maker determines that one or all of the requirements of Section 1(a)-(c) have not been met. Dismissal under this supplemental procedure does not prohibit Lake Washington

Institute of Technology from pursuing other disciplinary action based on allegations that the Respondent violated other provisions of Lake Washington Institute of Technology's student conduct code, WAC 495D-121-320 through -670.

4. If the Student 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 Student 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.

## **Supplemental Title IX Procedures – Initiation of Discipline 5.P.126 (WAC 495D-121-710)**

### Policy

1. Upon receiving the Title IX investigation report from the Title IX Coordinator, the Student 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 Student Conduct Officer determines that there are sufficient grounds to proceed under these supplement procedures, the Student Conduct Officer will initiate a Title IX disciplinary proceeding by filing a written disciplinary notice with either the Chair of the Student Conduct Committee or the college's appointed Title IX Hearing Officer and serving the notice on the Respondent and the Complainant, and their respective advisors. The notice must:
  - a. Set forth the basis for Title IX jurisdiction;
  - b. Identify the alleged Title IX violation(s);
  - c. Set forth the facts underlying the allegations(s);
  - d. Identify the range of possible sanctions that may be imposed if the Respondent is found responsible for the alleged violations(s);
  - e. Explain that the parties are entitled to be accompanied by their chosen advisors during the hearing and that:
    - i. The advisors will be responsible for questioning all witnesses on the party's behalf;
    - ii. An advisor may be an attorney; and
    - iii. Lake Washington Institute of Technology will appoint the party an advisor of Lake Washington Institute of Technology's choosing at no cost to the party, if the party fails to do so; and
3. Explain that if a party fails to appear at the hearing, a decision of responsibility may be made in their absence.

## **Supplemental Title IX Procedures – Pre-Hearing Procedure 5.P.128 (WAC 495D-121-720)**

### Policy

1. Upon receiving the disciplinary notice, the chair of the Student Conduct Committee or the college's appointed Title IX Hearing Officer will send a hearing notice to all parties, in compliance with WAC 495D- 121-410. 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 may choose to have an attorney serve as their advisor at the party's own expense. This right will be waived unless, at least five (5) days before the hearing, the attorney files a notice of appearance with the committee chair with copies to all parties and the student conduct officer.
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 Lake Washington Institute of Technology intends to offer the evidence at the hearing.

## **Supplemental Title IX Procedures – Rights of Parties 5.P.130 (WAC 495D-121-730)**

### Policy

1. Lake Washington Institute of Technology's Student Conduct Procedures, WAC 495D-121-320 through – 670, and this supplemental procedure shall apply to all parties.
2. The Lake Washington Institute of Technologies 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. If a party does not choose an advisor, then the Title IX Coordinator will appoint an advisor of Lake Washington Institute of Technology's choosing on the party's behalf at no expense to the party.

## **Supplemental Title IX Procedures – Evidence**

### **5.P.132 (WAC 495D-121-740)**

#### Policy

The introduction and consideration of evidence during the hearing is subject to the following procedures and restrictions:

1. **Relevance:** The Committee Chair or the college’s appointed Title IX Hearing Officer 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 facts in 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:**
  - a. Is asked or offered to prove someone other than the Respondent committed the alleged misconduct; or
  - b. 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
5. **No negative inference:** The Committee or the college’s appointed Title IX Hearing Officer 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 Committee or the college’s appointed Title IX Hearing Officer 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 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.

## **Supplemental Title IX Procedures – Initial Order 5.P.134 (WAC 495D-121-750)**

### Policy

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 or the college's appointed Title IX Hearing Officer'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, Complainant is entitled to remedies designed to restore or preserve Complainant's equal access to Lake Washington Institute of Technology's education programs or activities; and
8. Describes the process for appealing the Initial Order to the Lake Washington Institute of Technology President.
9. The Committee Chair or the college's appointed Title IX Hearing Officer will serve the Initial Order on the Parties simultaneously.

## **Supplemental Title IX Procedures – Initial Order 5.P.136 (WAC 495D-121-760)**

### Policy

1. The Parties shall have the right to appeal from the Initial Order's determination of responsibility and/or dismissal of an allegation(s) of sexual harassment in a formal complaint. The right to appeal will be subject to the same procedures and timeframes set forth in WAC 495D-121-440.
2. The President or their delegate will determine whether the grounds for appeal have merit, provide the rationale for this conclusion, and state whether the disciplinary sanction and condition(s) imposed in the Initial Order are affirmed, vacated, or amended, and, if amended, set forth any new disciplinary sanction and/or condition(s).
3. President's Office shall serve the Final Decision on the parties simultaneously.

## **LWTech Education and Prevention Related to Sexual Misconduct**

LWTech provides education and prevention programs to:

- Students when first enrolled and on an ongoing basis throughout enrollment.
- Employees when first hired and on an ongoing basis throughout employment.
- LWTech’s education and prevention programs reflect comprehensive and intentional strategies intended to end dating violence, domestic violence, sexual assault, and stalking. These programs include:
  - Statements that LWTech prohibits Sexual Misconduct and the crimes of dating violence, domestic violence, sexual assault, and stalking;
  - The definitions of dating violence, domestic violence, sexual assault, stalking, and consent;
  - Primary and on-going prevention and awareness programs;
  - Ongoing prevention and awareness campaigns;
  - Safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking against a person other than that individual;
  - Information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks; and how to avoid potential attacks.

### **Primary Prevention and Awareness Programs**

Primary prevention programs consist of programming, initiatives, policies, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors which foster healthy, mutually respectful relationships and sexuality, encourage responsible and safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

Awareness programs consist of community-wide or audience-specific programming, initiatives, and strategies that increase knowledge and share information and resources to prevent violence, promote safety, reduce perpetration, and promote a healthy and responsible socialization. They also include contact information about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available both on-campus and in the community. To achieve the above goal, the college offers the following primary resources annually to students and employees to achieve our goal of prevention and awareness:

- Online training tailored specifically to students as well as version specific to employees that cover key components of the SaVE Act, Title IX, Harassment, and Ethics.

This also includes contact information about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available both on-campus and in the community.

## Ongoing Prevention and Awareness Campaigns

Ongoing prevention and awareness campaigns consist of programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to, and skills for addressing, dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout LWTech.

LWTech's provides the following ongoing prevention and awareness campaigns for students each year:

- 1-page flyer that all students receive each year at a Fall Kick-Off event and quarterly with Student Handbooks
- Sexual Assault Awareness Day during Sexual Assault Awareness Month-April
- Campus Clarity Awareness Program training – optional for students. Information will be on the 1- page flyer. Some special populations can make it mandatory for their students or will include as part of a course
- Continued student leadership training for all student employees
- LWTech provides the following ongoing prevention and awareness campaigns for employees each year:
  - Campus Clarity Awareness Program training – mandatory for employees' yearly
  - Sexual Assault Awareness Day during Sexual Assault Awareness moth – April

## Bystander Intervention

Bystander intervention consists of safe, and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. It also includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

LWTech provides the following bystander intervention programs each year:

- Intervention Workshops
- Campus programming during the national sexual assault awareness week
- Printed resources available in student areas
- Printed resources available to new students during new student welcome and hosted orientations

## Risk Reduction

Risk reduction consists of options designed to decrease perpetration and bystander inaction and to increase empowerment for victims to promote safety and responsibility and to help individuals, students, employees, and the college community address conditions that facilitate violence.

LWTech provides the following risk reduction programs for students each year:

- Provides standardized, required language in all course syllabi:
- IF YOU SEE SOMETHING, SAY SOMETHING: In support of the college safety plan, the Campus Assessment Response and Evaluation (CARE) team uses collaboration, information collection, risk assessment, and intervention to create a safe campus community. Based upon report so student behavior, the CARE plans preventative strategies and interventions to assist students, faculty, and staff in supporting students who may be at risk.
- Campus Security: Your safety and security are taken seriously at the college. The campus hires security personnel and off-duty police officers. All incidents of confirmed or suspected crimes are reported. If you require assistance or would like to report an incident, please call 425.739.8224.
- Provide monthly PSA on DigiSigns regarding provision of security escorts.
- Annual student leader training open to all LWTech student employees. LWTech provides the following risk reduction programs for students and employees each year:
- Maintain a web presence accessible by all. Kirkland Police Department is invited daily to walk through campus and identify areas on campus where student safety could be a concern.

## Statement of Purpose

### 5.P.45

#### Policy

1. The State of Washington operates Lake Washington Institute of Technologies to provide programs of instruction in higher education and related community services. Like any other institution that has its own special purposes, the college must maintain conditions conducive to the effective performance of its functions. Consequently, the college has special expectations regarding the conduct of the participants in the college community.

2. Admission to the college carries the expectation that students will conduct themselves as responsible college community members. This includes an expectation that students will:
  - a. obey appropriate laws.
  - b. Follow college and department rules.
  - c. Maintain a high standard of integrity and honesty.
3. The college will deal with violations of college rules or conduct that interferes with the operation of college affairs. The college may impose sanctions independently of any action taken by civil or criminal authorities. Provisions of this code are subject to change. The college may report misconduct of students enrolled through the high school programs office to the student's parents. The college may report misconduct to any parent who claims the student as a dependent or as otherwise provided by the Family Educational Rights and Privacy Act of 1972, as amended.
4. These definitions and policies apply, except in Title IX proceedings. Supplemental policies for Title IX proceedings begin in Policy 5.P.120 (WAC 495D-121-680).

## **Jurisdiction**

### **5.P.47 (WAC 495D-121-320)**

#### Policy

1. The student conduct code shall apply to student conduct that occurs:
  - a. On college premises.
  - b. At or in connection with college sponsored activities.
  - c. Off-campus when, in the judgment of the college, it adversely affects the college community or the pursuit of its objectives.
2. Jurisdiction extends to, but is not limited to, locations in which students engage in official college activities including, but not limited to:
  - a. Foreign or domestic travel
  - b. Activities funded by the associated students
  - c. Athletic events
  - d. Training internships
  - e. Cooperative and distance education
  - f. Online education
  - g. Practicums
  - h. Supervised work experiences
  - i. Any other college-sanctioned social or club activities

3. Students are responsible for their conduct from the time of application for admissions through the actual receipt of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment.
4. These standards shall apply to a student's conduct even if the student withdraws from college while a disciplinary matter is pending. The college has sole discretion, on a case by case basis, to determine whether the student conduct code will be applied to conduct that occurs off-campus.

## Definitions

### 5.P.49 (WAC 495D-121-330)

#### Policy

The following definitions apply for purpose of this student conduct code:

1. "Business day" means a weekday, excluding weekends and official college holidays.
2. "College premises" shall include all campuses of the college, wherever located, and includes all land, buildings, facilities, vehicles, equipment, and other property the college owns, uses, or controls.
3. "Complainant" means an alleged victim of sexual misconduct.
4. "Conduct review officer" means the vice-president of student services or other college administrator the president designates to have responsibility to receive and review or refer appeals of student disciplinary actions consistent with the procedures of this code. The president can reassign any and all of the conduct review officer's duties or responsibilities as set forth in this chapter as reasonably necessary.
5. "Disciplinary action" means the process by which the student conduct officer imposes discipline against a student for a violation of the student conduct code.
6. "Disciplinary appeal" means the process by which an aggrieved student can appeal the discipline imposed by the student conduct officer. The student conduct committee hears disciplinary appeals for a suspension in excess of ten(10) instructional days or a dismissal. The college will review appeals of all other appealable disciplinary action through brief adjudicative proceedings.
7. "Filing" means the process by which a document is officially delivered to a college official responsible to facilitate a disciplinary review. Unless otherwise provided, filing shall be accomplished by:
  - a. Hand delivery of the document to the specified college official or college official's assistant; or
  - b. Sending the document by e-mail or first-class mail to the specified college official's office and college e- mail address. Papers required for filing are

considered filed when the specified college official actually receives the papers during office hours.

8. "President means the president of the college. The president is authorized to:
  - a. Delegate any of their responsibilities as set forth in this chapter as may be reasonably necessary; and
  - b. Reassign any and all duties and responsibilities as set forth in this chapter as may be reasonably necessary.
9. "Respondent" means the student against whom the college initiates disciplinary action.
10. "Respondent" means the student against whom the college initiates disciplinary action.
11. "Service" means the process by which a document is officially delivered to a party. Unless otherwise provided, service upon a party shall be accomplished by:
  - a. Hand delivery of the document to the party; or
  - b. Sending the document by e-mail or by certified mail or first-class mail to the party's last known address. Service is deemed complete upon hand delivery of the document or upon the date the document is e-mailed and deposited in the mail.
12. Sexual misconduct has the meaning ascribed to this term in WAC 495D-121-590(18).
13. "Student" includes all persons who take classes at or through the college, whether on a full-time or part-time basis, and whether such classes are credit courses, noncredit courses, online courses, or otherwise. People who withdraw after allegedly violating the code, who are not officially enrolled for a particular term but who have a continuing relationship with the college, or who were notified of their acceptance for admission are considered students for purposes of this chapter.
14. "Student conduct committee" means a college committee as described in WAC 495D-121-400.
15. "Student conduct officer" means a college administrator to whom the president or vice-president of student services designates responsibility to implement and enforce the student conduct code. The president or vice-president can reassign any and all of the student conduct officer's duties or responsibilities as set forth in this chapter as reasonably necessary.
16. "Title IX Coordinator" means a college administrator to whom the president designates responsibility to implement and enforce the guidelines of federal Title IX legislation.

## Initiation of Discipline

### 5.P.51 (WAC 495D-121-340)

#### Policy

1. The student conduct officer initiates all disciplinary actions. If that officer is the subject of a complaint the respondent initiates, the president will, upon request and when feasible, designate another person to fulfill any such disciplinary responsibilities that relate to the complainant.
2. The student conduct officer initiates disciplinary action by personally informing the student of the allegations or serving the respondent with written notice directing him or her to attend a disciplinary meeting. The notice will briefly describe the:
  - a. Factual allegations.
  - b. Provision(s) of the conduct code the respondent allegedly violations(s).
  - c. Range of possible sanctions for the alleged violation(s).
  - d. Time and location of the meeting.

At the meeting, the student conduct officer will present the allegations to the respondent and the respondent will be afforded an opportunity to explain what took place, If the respondent student fails or refuses to attend the meeting, the student conduct officer may take disciplinary action based upon the available information.

3. The student conduct officer, prior to taking disciplinary action in a case involving allegations of sexual misconduct, will make a reasonable effort to contact the complainant to discuss the results of the respondent if the allegations of sexual misconduct are found to have merit.
4. Within ten (10) calendar days of the initial disciplinary meeting, and after considering the evidence in the case, including any facts or argument presented by the responded, the student conduct officer will give the respondent a written decision that states:
  - a. The facts and conclusions that supports the decision.
  - b. The specific student conduct code provisions that were violated.
  - c. The discipline imposed, if any.
  - d. A notice of any appeal rights with an explanation of the consequences of not filing a timely appeal.
5. The student conduct officer may take any of the following disciplinary actions:
  - a. Exonerate the respondent and terminate the proceedings.
  - b. Impose a disciplinary sanction(s), as described in (WAC 495D-121-290)
  - c. Refer the matter directly to the student conduct committee for such disciplinary action as the committee deems appropriate. The student conduct officer will make this referral in writing, to the attention of the student conduct committee's chair with a copy served on the respondent.

6. In cases involving allegations of sexual misconduct, the student conduct officer, on the same date that a disciplinary decision is served on the respondent, will serve a written notice informing the complainant whether the allegations of sexual misconduct were found to have merit and describing any disciplinary sanctions and/or conditions imposed upon the respondent for the complainant's protection, including disciplinary suspension or dismissal of the respondent. The notice will also inform the complainant of their appeal rights. If protective sanctions and/or conditions are imposed, the student conduct officer shall make a reasonable effort to contact the complainant to ensure that prompt notice of the protective disciplinary sanctions and/or conditions.

## **Appeal from Disciplinary Action**

### **5.P.53 (WAC 495D-121-350)**

#### Policy

1. The respondent may appeal a disciplinary action by filing a written notice of appeal with the conduct review officer within ten (10) days of service of the student conduct officer's decision. Failure to timely file a notice of appeal constitutes a waiver of the right to appeal and the student conduct officer's decision shall be deemed final.
2. The notice of appeal must include a brief statement explaining why the respondent is seeking review.
3. The parties to an appeal shall be the respondent and the conduct review officer.
4. A respondent, who timely appeals a disciplinary action or whose case is referred to the student conduct committee, has a right to a prompt, fair, and impartial hearing as provided for in these procedures.
5. On appeal, the college bears the burden of establishing the evidentiary facts underlying the imposition of a disciplinary sanction by a preponderance of the evidence.
6. Imposition of disciplinary action for violation of the student conduct code shall be stayed pending appeal, unless respondent has been summarily suspended.
7. The student conduct committee shall hear appeals from:
  - a. the imposition of disciplinary suspensions in excess of ten (10) instructional days;
  - b. dismissals; and
  - c. discipline cases referred to the committee by the student conduct officer, the conduct review officer, or the president.
8. Student conduct appeals from the imposition of the following disciplinary sanctions shall be reviewed through a brief adjudicative proceeding:
  - a. suspensions of ten instructional days or less;
  - b. disciplinary probation;
  - c. written reprimands and

- d. any conditions or terms imposed in conjunction with one of the foregoing disciplinary actions.
9. Except as provided elsewhere in these rules, disciplinary warnings and dismissals of disciplinary actions are final action and are not subject to appeal.
10. In cases involving allegations of sexual misconduct, the complainant has the right to appeal the following actions by the student conduct officer following the same procedures as set forth above for the respondent:
  - a. the dismissal of a sexual misconduct complaint; or
  - b. any disciplinary sanction(s) and conditions imposed against a respondent for a sexual misconduct violation, including a disciplinary warning.
11. If the respondent timely appeals a decision imposing discipline for a sexual misconduct violation, the college shall notify the complainant of the appeal and provide the complainant an opportunity to intervene as a party to the appeal.
12. Except as otherwise specified in this Chapter, a complainant who timely appeals a disciplinary decision or who intervenes as a party to respondent's appeal of a disciplinary decision shall be afforded the same procedural rights as are afforded the respondent.

## **Brief Adjudicative Proceedings (BAPs) Authorized**

### **5.P.55 (WAC 495D-121-360)**

#### Policy

This rule is adopted in accordance with RCW 34.05.482 through 34.05.494. Brief adjudicative proceedings shall be used, unless provided otherwise by another rule or determined otherwise in a particular case by the president, or a designee, in regard to:

1. Parking violations.
2. Outstanding debts owed by students or employees.
3. Use of college facilities.
4. Residency determinations.
5. Use of library—Fines.
6. Challenges to contents of education records.
7. Loss of eligibility for participation in institution sponsored athletic events.
8. Denials of requests for public records.
9. Student conduct appeals involving the following disciplinary actions:
  - a. suspensions of ten (10) instructional days or less;
  - b. disciplinary probation;
  - c. written reprimands;
  - d. any conditions or terms imposed in conjunction with one of the foregoing disciplinary actions; and

- e. appeals by a complainant in student disciplinary proceedings involving allegations of sexual misconduct in which the student conduct officer:
  - i. dismisses disciplinary proceedings based upon a finding that the allegations of sexual misconduct have no merit; or
  - ii. issues a verbal warning to respondent.

10. Appeals of decisions regarding mandatory tuition and fee waivers.

Brief adjudicative proceedings are informal hearings and shall be conducted in a manner which will bring about a prompt fair resolution of the matter.

## **Brief Adjudicative Proceedings—Agency Record**

### **5.P.57 (WAC 495D-121-370)**

Policy

The agency record for brief adjudicative proceedings shall consist of any documents regarding the matter that were considered or prepared by the presiding officer for the brief adjudicative proceeding or by the reviewing officer for any review. These records shall be maintained as the official record of the proceedings.

## **Brief Adjudicative Proceedings—Initial Hearing**

### **5.P.59 (WAC 495D-121-380)**

Policy

1. Brief adjudicative proceedings shall be conducted by a conduct review officer. The conduct review officer shall not participate in any case in which they are a complainant or witness, or in which they have direct or personal interest, prejudice, or bias, or in which they have acted previously in an advisory capacity.
2. Before taking action, the conduct review officer shall conduct an informal hearing and provide each party (a) an opportunity to be informed of the agency's view of the matter and (b) an opportunity to explain the party's view of the matter.
3. The conduct review Officer shall serve an initial decision upon both the parties within ten (10) days of consideration of the appeal. The initial decision shall contain a brief written statement of the reasons for the decision and information about how to seek administrative review of the initial decision. If no request for review is filed within ten (10) days of service of the initial decision, the initial decision shall be deemed the final decision.
4. In cases of involving allegations of sexual misconduct, the conduct review officer, on the same date as the initial decision is served on the respondent, will serve a written notice upon the complainant informing the complainant whether the allegations of sexual misconduct were found to have merit and describing any disciplinary sanctions and/or

conditions imposed upon the respondent for the complainant's protection. The notice will also inform the complainant of their appeal rights.

5. If the conduct review officer upon review determines that the respondent's conduct may warrant imposition of a disciplinary suspension of more than ten (10) instructional days or dismissal, the matter shall be referred to the student conduct committee for a disciplinary hearing.

## **Brief Adjudicative Proceedings—Review of an Initial Decision**

### **5.P.61 (WAC 495D-121-390)**

#### Policy

1. An initial decision is subject to review by the president, provided a party files a written request for review with the conduct review officer within ten (10) days of service of the initial decision.
2. The president shall not participate in any case in which they are a complainant or witness, or in which they have direct or personal interest, prejudice, or bias, or in which they have acted previously in an advisory capacity.
3. During the review, the president shall give all parties an opportunity to file written responses explaining their view of the matter and shall make any inquiries necessary to ascertain whether the sanctions should be modified or whether the proceedings should be referred to the student conduct committee for a formal adjudicative hearing.
4. The decision on review must be in writing and must include a brief statement of the reasons for the decision and must be served on the parties within twenty (20) days of the initial decision or of the request for review, whichever is later. The decision on review will contain a notice that judicial review may be available. A request for review may be deemed to have been denied if the president does not make a disposition of the matter within twenty (20) days after the request is submitted.
5. If the president upon review determines that the respondent's conduct may warrant imposition of a disciplinary suspension of more than ten (10) instructional days or dismissal, the matter shall be referred to the student conduct committee for a disciplinary hearing.
6. In cases involving allegations of sexual misconduct, the president, on the same date as the final decision is served on the respondent, will serve a written notice upon the complainant informing the complainant whether the allegations of sexual misconduct were found to have merit and describing any disciplinary sanctions and/or conditions imposed upon the respondent for the complainant's protection, including suspension or dismissal of the respondent. The notice will also inform the complainant of their appeal rights.

## **Student Conduct Committee**

### **5.P.63 (WAC 495D-121-400)**

#### Policy

1. The student conduct committee shall consist of five members:
  - a. Two full-time students appointed by the student government;
  - b. Two faculty members appointed by the president;
  - c. One administrative staff member (other than an administrator serving as a student conduct or conduct review officer) appointed by the president at the beginning of the academic year.
2. The administrative staff member shall serve as the chair of the committee and may take action on preliminary hearing matters prior to convening the committee. The chair shall receive annual training on protecting victims and promoting accountability in cases involving allegations of sexual misconduct.
3. Hearings may be heard by a quorum of three members of the committee so long as one faculty member and one student are included on the hearing panel. Committee action may be taken upon a majority vote of all committee members attending the hearing.
4. Members of the student conduct committee shall not participate in any case in which they are a party, complainant, or witness, in which they have direct or personal interest, prejudice, or bias, or in which they have acted previously in an advisory capacity. Any party may petition for disqualification of a committee member pursuant to RCW 34.05.425(4).

## **Appeal—Student Conduct Committee**

### **5.P.65 (WAC 495D-121-410)**

#### Policy

1. Proceedings of the student conduct committee shall be governed by the Administrative Procedures Act, Chapter 34.05 RCW.
2. The student conduct committee chair shall serve all parties with written notice of the hearing not less than seven (7) days in advance of the hearing date. The chair may shorten this notice period if both parties agree, and also may continue the hearing to a later time for good cause shown.
3. The committee chair is authorized to conduct prehearing conferences and/or to make prehearing decisions concerning the extent and form of any discovery, issuance of protective decisions, and similar procedural matters.
4. Upon request filed at least five (5) days before the hearing by any party or at the direction of the committee chair, the parties shall exchange, no later than the third (3rd) day prior to the hearing, lists of potential witnesses and copies of potential exhibits that

they reasonably expect to present to the committee. Failure to participate in good faith in such a requested exchange may be cause for exclusion from the hearing of any witness or exhibit not disclosed, absent a showing of good cause for such failure.

5. The committee chair may provide to the committee members in advance of the hearing copies of (a) the student conduct officer's notification of imposition of discipline (or referral to the committee) and (b) the notice of appeal (or any response to referral) by the respondent. If doing so, however, the chair should remind the members that these "pleadings" are not evidence of any facts they may allege.
6. The parties may agree before the hearing to designate specific exhibits as admissible without objection and, if they do so, whether the committee chair may provide copies of these admissible exhibits to the committee members before the hearing.
7. The student conduct officer, upon request, shall provide reasonable assistance to the respondent and complainant in obtaining relevant and admissible evidence that is within the college's control.
8. Communications between committee members and other hearing participants regarding any issue in the proceeding, other than procedural communications that are necessary to maintain an orderly process, are generally prohibited without notice and opportunity for all parties to participate, and any improper "ex parte" communication shall be placed on the record, as further provided in RCW 34.05.455.
9. In cases heard by the committee, each party may be accompanied at the hearing by a non-attorney assistant of their choice. The respondent in all appeals before the committee, or a complainant in an appeal involving allegations of sexual misconduct before the committee, may elect to be represented by an attorney at their own cost, but will be deemed to have waived that right unless, at least four (4) business days before the hearing, written notice of the attorney's identity and participation is filed with the committee chair with a copy to the student conduct officer. The committee will ordinarily be advised by an assistant attorney general. If the respondent and/or the complainant is represented by an attorney, the student conduct officer may also be represented by a second, appropriately screened assistant attorney general.

## **Student Conduct Appeals Committee Hearings—Presentation of Evidence**

### **5.P.67 (WAC 495D-121-420)**

#### Policy

1. Upon the failure of any party to attend or participate in a hearing, the student conduct committee may either;
  - a. proceed with the hearing and issuance of its decision or
  - b. serve a decision of default in accordance with RCW 34.05.440.

2. The hearing will ordinarily be closed to the public. However, if all parties agree on the record that some or all of the proceedings be open, the chair shall determine any extent to which the hearing will be open. If any person disrupts the proceedings, the chair may exclude that person from the hearing room.
3. The chair shall cause the hearing to be recorded by a method that they select, in accordance with RCW 34.05.449. That recording, or a copy, shall be made available to any party upon request. The chair shall assure maintenance of the record of the proceeding that is required by RCW 34.05.476, which shall also be available upon request for inspection and copying by any party. Other recording shall also be permitted, in accordance with WAC 10-08-190.
4. The chair shall preside at the hearing and decide procedural questions that arise during the hearing, except as overridden by majority vote of the committee.
5. The student conduct officer (unless represented by an assistant attorney general) shall present the case for imposing disciplinary sanctions.
6. All testimony shall be given under oath or affirmation. Evidence shall be admitted or excluded in accordance with RCW 34.05.452.
7. In cases involving allegations of sexual misconduct, no party shall directly question, or cross examine one another. Attorneys for the parties are also prohibited from questioning the opposing party absent express permission from the committee chair. Subject to this exception, all cross-examination questions shall be directed to the committee chair, who in their discretion shall pose the questions on the party's behalf.

## **Student Conduct Committee—Initial Decision**

### **5.P.69 (WAC 495D-121- 430)**

#### Policy

1. At the conclusion of the hearing, the student conduct committee shall permit the parties to make closing arguments in whatever form it wishes to receive them. The committee also may permit each party to propose findings, conclusions, and/or a proposed decision for its consideration.
2. Within twenty (20) days following the later of the conclusion of the hearing or the committee's receipt of closing arguments, the committee shall issue an initial decision in accordance with RCW 34.05.461 and WAC 10-08-210. The initial decision shall include findings on all material issues of fact and conclusions on all material issues of law, including which, if any, provisions of the student conduct code were violated. Any findings based substantially on the credibility of evidence or the demeanor of witnesses shall be so identified.
3. The committee's initial order shall also include a determination on appropriate discipline, if any. If the matter was referred to the committee by the student conduct officer, the committee shall identify and impose disciplinary sanction(s) or conditions (if

any) as authorized in the student code. If the matter is an appeal by a party, the committee may affirm, reverse, or modify the disciplinary sanction and/or conditions imposed by the student conduct officer and/or impose additional disciplinary sanction(s) or conditions as authorized herein.

4. The committee chair shall cause copies of the initial decision to be served on the parties and their legal counsel of record. The committee chair shall also promptly transmit a copy of the decision and the record of the committee's proceedings to the president.
5. In cases involving allegations of sexual misconduct, the chair of the student conduct committee, on the same date as the initial decision is served on the respondent, will serve a written notice upon the complainant informing the complainant whether the allegations of sexual misconduct were found to have merit and describing any disciplinary sanctions and/or conditions imposed upon the respondent for the complainant's protection, including suspension or dismissal of the respondent. Complainant may appeal the student conduct committee's initial decision to the president subject to the same procedures and deadlines applicable to other parties. The notice will also inform the complainant of their appeal rights.

## **Appeal from Student Conduct Committee**

### **Initial Decision**

#### **5.P.71 (WAC 495D-121-440)**

##### Policy

1. A respondent who is aggrieved by the findings or conclusions issued by the student conduct committee may appeal the committee's initial decision to the president by filing a notice of appeal with the president's office within ten (10) days of service of the committee's initial decision. Failure to file a timely appeal constitutes a waiver of the right and the initial decision shall be deemed final.
2. The notice of appeal must identify the specific findings of fact and/or conclusions of law in the initial decision that are challenged and must contain argument why the appeal should be granted. The president's review shall be restricted to the hearing record made before the student conduct committee and will normally be limited to a review of those issues and arguments raised in the notice of appeal.
3. The president shall provide a written decision to all parties within twenty (20) days after receipt of the notice of appeal. The president's decision shall be final and shall include a notice of any rights to request reconsideration and/or judicial review.
4. In cases involving allegations of sexual misconduct, the president, on the same date that the final decision is served upon the respondent, shall serve a written notice informing the complainant of the final decision. This notice shall inform the complainant whether the sexual misconduct allegation was found to have merit and describe any disciplinary sanctions and/or conditions imposed upon the respondent for the complainant's protection, including suspension or dismissal of the respondent.

5. The president shall not engage in an ex parte communication with any of the parties regarding an appeal.

## **Summary Suspension**

### **5.P.73 (WAC 495D-121-50)**

#### Policy

1. Summary suspension is a temporary exclusion from specified college premises or denial of access to all activities or privileges for which a respondent might otherwise be eligible, while an investigation and/or formal disciplinary procedures are pending.
2. The student conduct officer may impose a summary suspension if there is probable cause to believe that the respondent:
  - a. Has violated any provision of the code of conduct; and
  - b. Presents an immediate danger to the health, safety or welfare of members of the college community; or
  - c. Poses an ongoing threat of substantial disruption of, or interference with, the operations of the college.
3. Notice. Any respondent who has been summarily suspended shall be served with oral or written notice of the summary suspension. If oral notice is given, a written notification shall be served on the respondent within two (2) business days of the oral notice.
4. The written notification shall be entitled "Notice of Summary Suspension" and shall include:
  - a. The reasons for imposing the summary suspension, including a description of the conduct giving rise to the summary suspension and reference to the provisions of the student conduct code or the law allegedly violated;
  - b. The date, time, and location when the respondent must appear before the conduct review officer for a hearing on the summary suspension; and
  - c. The conditions, if any, under which the respondent may physically access the campus or communicate with members of the campus community. If the respondent has been trespassed from the campus, a notice against trespass shall be included that warns the student that their privilege to enter into or remain on college premises has been withdrawn, that the respondent shall be considered trespassing and subject to arrest for criminal trespass if the respondent enters the college campus other than to meet with the student conduct officer or conduct review officer, or to attend a disciplinary hearing.
5. Hearing procedures:
  - a. The conduct review officer shall conduct a hearing on the summary suspension as soon as practicable after imposition of the summary suspension.
  - b. During the summary suspension hearing, the issue before the conduct review officer is whether there is probable cause to believe that the summary

suspension should be continued pending the conclusion of disciplinary proceedings and/or whether the summary suspension should be less restrictive in scope.

- c. The respondent shall be afforded an opportunity to explain why summary suspension should not be continued while disciplinary proceedings are pending or why the summary suspension should be less restrictive in scope.
  - d. If the student fails to appear at the designated hearing time, the conduct review officer may order that the summary suspension remain in place pending the conclusion of the disciplinary proceedings.
  - e. As soon as practicable following the hearing, the conduct review officer shall issue a written decision which shall include a brief explanation for any decision continuing and/or modifying the summary suspension and notice of any right to appeal.
  - f. To the extent permissible under applicable law, the conduct review officer shall provide a copy of the decision to all persons or offices who may be bound or protected by it.
6. In cases involving allegations of sexual misconduct, the complainant shall be notified that a summary suspension has been imposed on the same day that the summary suspension notice is served on the respondent. The college will also provide the complainant with timely notice of any subsequent changes to the summary suspension order.

## **Discipline Procedures for Cases Involving Allegations of Sexual Misconduct 5.P.75 (WAC 495D-121-460)**

### **Policy**

Both the respondent and the complainant in cases involving allegations of sexual misconduct shall be provided the same procedural rights to participate in student discipline matters, including the right to participate in the initial disciplinary decision-making process and to appeal any disciplinary decision.

## **Prohibited Student Conduct 5.P.99 (WAC 495D-121-590)**

### **Policy**

The college may impose disciplinary sanctions against a student who commits, or aids, abets, incites, encourages, or assists another person to commit, an act(s) of misconduct, which include, but are not limited to the following:

1. Academic Dishonesty: Any act of academic dishonesty, including but not limited to cheating, plagiarism, and fabrication.
  - a. Cheating includes any attempt to give or obtain unauthorized assistance relating to the completion of an academic assignment.
  - b. Plagiarism includes taking and using as one's own, without proper attribution, the ideas, writings, or work of another person in completing an academic assignment. Prohibited conduct may also include the unauthorized submission for credit of academic work that has been submitted for credit in another course.
  - c. Fabrication includes falsifying data, information, or citations in completing an academic assignment and also includes providing false or deceptive information to an instructor concerning the completion of an assignment.
  - d. Academic consequences for academic dishonesty or abetting in academic dishonesty may be imposed at the discretion of a faculty member up to and including a failing grade for the course. Students should refer to each of their faculty's course syllabus. Further academic consequences may follow consistent with the provisions in any program handbook. Incidents of academic dishonesty may also be referred to the Student Conduct Officer for disciplinary action consistent with this chapter in addition to the academic consequences identified above.
2. Other Dishonesty: Any other acts of dishonesty. Such acts include, but are not limited to:
  - a. Forgery, alteration, submission of falsified documents or misuse of any college document, record, or instrument of identification;
  - b. Tampering with an election conducted by or for college students; or
  - c. Furnishing false information, or failing to furnish correct information, in response to the request or requirement of a college officer or employee.
3. Obstructive or Disruptive Conduct: Conduct, not otherwise protected by law, that interferes with, impedes, or otherwise unreasonably hinders:
  - a. Any instruction, research, administration, disciplinary proceeding, or other college activity;
  - b. The free flow of pedestrian or vehicular movement on college property or at a college activity;
  - c. Any student's ability to profit from the instructional program; or
  - d. Any activity that is authorized to occur on college property, whether or not actually conducted or sponsored by the college.
4. Assault, Intimidation, and/or Harassment: Unwanted touching, physical abuse, verbal abuse, threat(s), intimidation, harassment, bullying, or other conduct which harms, threatens, or is reasonably perceived as threatening the health or safety of another person or another person's property. For purposes of this code, "bullying" is defined as

repeated or aggressive unwanted behavior, not otherwise protected by law that intentionally humiliates, harms, or intimidates the victim.

5. Imminent Danger: Where the student presents an imminent danger to college property, or to themselves, or other students or persons in college facilities on or off campus, or to the education processes of the college.
6. Cyber Misconduct: Cyber-stalking, cyber-bullying or online harassment. Use of electronic communications, including, but not limited to, electronic mail, instant messaging, electronic bulletin boards, and social media sites, to harass, abuse, bully or engage in other conduct which harms, threatens, or is reasonably perceived as threatening the health or safety of another person. Prohibited activities include, but are not limited to, unauthorized monitoring of another's email communications directly or through spyware, sending threatening emails, disrupting electronic communications with spam or by sending a computer virus, sending false messages to third parties using another's email identity, non-consensual recording of sexual activity, and non-consensual distribution of a recording of sexual activity.
7. Property Violation: Damage to, misappropriation of, unauthorized use or possession of, vandalism, or other non-accidental damaging or destruction of college property or the property of another person. Property for purposes of this subsection includes computer passwords, access codes, identification cards, personal financial account numbers, other confidential personal information, intellectual property, and college trademarks.
8. Noncompliance: Failure to comply with:
  - a. The direction of a college officer or employee who is acting in the legitimate performance of their duties, including failure to properly identify oneself to such a person when requested to do so;
  - b. A college rule or policy as set forth in the Lake Washington Institute of Technology Policies and Procedures Manual which may be found in the library or online.
9. Weapons: Possession, holding, wearing, transporting, storage or presence of any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, martial arts weapons, explosive device, dangerous chemicals, or any other weapon apparently capable of producing bodily harm is prohibited on the college campus, subject to the following exceptions:
  - a. Commissioned law enforcement personnel or legally- authorized military personnel while in performance of their duties; or
  - b. A student with a valid concealed weapons permit may store a firearm in their vehicle parked on campus in accordance with RCW 9.41.050, provided the vehicle is locked and the weapon is concealed from view; or
  - c. The president or designee may authorize possession of a weapon on campus upon a showing that the weapon is reasonably related to a legitimate pedagogical purpose. Such permission shall be in advance to bringing weapons

to the college, in writing, and shall be subject to such terms or conditions incorporated therein.

10. Hazing: Hazing includes, but is not limited to, any initiation into a student organization or any pastime or amusement engaged in with respect to such an organization that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student.
11. Tobacco, Electronic Cigarettes, and Related Products: The use of tobacco, electronic cigarettes, and related products in any building owned, leased, or operated by the college or in any location where such use is prohibited, including twenty-five (25) feet from entrances, exits, windows that open, and ventilation intakes of any building owned, leased or operated by the college. "Related products" include, but are not limited to, cigarettes, pipes, bidi, clove cigarettes, water pipes, hookahs, chewing tobacco, and snuff.
12. Alcohol: Being observably under the influence of any alcoholic beverage, or otherwise using, possessing, selling, or delivering any alcoholic beverage, except as permitted by law and authorized by the college president.
13. Marijuana: The use, possession, delivery, sale, or being observably under the influence of marijuana or the psychoactive compounds found in marijuana and intended for human consumption, regardless of form. While state law permits the recreational use of marijuana, federal law prohibits such use on college premises or in connection with college activities.
14. Drugs: The use, possession, delivery, sale, or being observably under the influence of any legend drug, including anabolic steroids, androgens, or human growth hormones as defined in RCW 69.41, or any other controlled substance under RCW 69.50, except as prescribed for a student's use by a licensed practitioner. Being observably under the influence of any lawfully prescribed drug when enrolled in classes that require operation of heavy equipment or other dangerous equipment.
15. Disorderly Conduct: Conduct which is disorderly, lewd, obscene, or a breach of peace on college premises or at college sponsored activities that is not otherwise protected under the law.
16. Discriminatory Conduct: Conduct which harms or adversely affects any member of the college community because of her/his race; color; national origin; sensory, mental or physical disability; use of a service animal; gender, including pregnancy; marital status; age; religion; creed; sexual orientation; gender identity; veteran's status; or any other legally protected classification.
17. Sexual Misconduct. The term "sexual misconduct" includes sexual harassment, sexual intimidation, and sexual violence. Sexual harassment prohibited by Title IX is defined in the Supplemental Procedures to this Code. See WAC 495D-121-680 (Supplemental Title IX Student Conduct Procedures).

18. Sexual Harassment. The term “sexual harassment” means unwelcome sexual or gender-based conduct, including unwelcome sexual advances, requests for sexual favors, quid pro quo harassment, and other verbal, nonverbal, or physical
1. deny or limit the ability of a student to participate in or benefit from the college’s educational program;
  2. alter the terms or conditions of employment for a college employee(s); and/or
  3. create an intimidating, hostile, or offensive environment for other campus community members.
- a. Sexual Intimidation. The term “sexual intimidation” incorporates the definition of “sexual harassment” and means threatening or emotionally distressing conduct based on sex, including, but not limited to, nonconsensual recording of sexual activity or the distribution of such recording.
  - b. Sexual Violence. “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.
  - c. 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.
  - d. 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.
  - e. 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).
  - f. 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).
  - g. 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 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.

- h. Dating violence, Physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person.
    - 1. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
    - 2. where the existence of such a relationship shall be determined based on a consideration of the following factors:
      - i. The length of the relationship;
      - ii. The type of relationship; and
      - iii. 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:
    - 1. fear for their safety or the safety of others; or
    - 2. suffer substantial emotional distress.
  - j. For purposes of this code, "consent" 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. Intoxication is not a defense against allegations that an individual has engaged in nonconsensual sexual conduct
19. Harassment: Unwelcome and offensive conduct, including verbal, nonverbal, or physical conduct, that is directed at a person because of such person's protected status and that is sufficiently serious as to deny or limit, and that does deny or limit, the ability of a student to participate in or benefit from the college's educational program or that creates an intimidating, hostile, or offensive environment for other campus community members. Protected status includes a person's race; color; national origin; sensory, mental, or physical disability; age; religion; creed; genetic information; sexual orientation; gender identity; veteran's status; or any other legally protected classification. See "Sexual Misconduct" for the definition of "sexual harassment." Harassing conduct may include, but is not limited to, physical conduct, verbal, written, social media and electronic communications.

20. Retaliation: Harming, threatening, intimidating, coercing, or taking adverse action of any kind against a person because such person reported an alleged violation of this code or college policy, provided information about an alleged violation, or participated as a witness or in any other capacity in a college investigation or disciplinary proceeding.
21. Misuse of Information Resources: Theft or other misuse of computer time or other electronic information resources of the college. Such misuse includes but is not limited to:
- a. Unauthorized use of such resources or opening of a file, message, or other item
  - b. Unauthorized duplication, transfer, or distribution of a computer program, file, message, or other item.
  - c. Unauthorized use or distribution of someone else's password or other identification.
  - d. Use of such time or resources to interfere with someone else's work.
  - e. Use of such time or resources to send, display, or print an obscene or abusive message, text, or image.
  - f. Use of such time or resources to interfere with normal operation of the college's computing system or other electronic information resources.
  - g. Use of such time or resources in violation of applicable copyright or other law.
  - h. Adding to or otherwise altering the infrastructure of the college's electronic information resources without authorization.
  - i. Failure to comply with the college's acceptable use policy.
22. Breach of Campus Safety: Safety violation includes any non-accidental conduct that interferes with or otherwise compromises any college policy, equipment, or procedure relating to the safety and security of the campus community. Breaching campus safety or security, includes but is not limited to:
- a. Unauthorized access to college facilities; intentionally damaging door locks; unauthorized possession of college keys or access cards; duplicating college keys or access cards; propping open of exterior doors; or unauthorized entry onto or into college property.
  - b. Tampering with fire safety equipment such as fire extinguishers, smoke detectors, alarm pull stations or emergency exits or triggering false alarms or other emergency response systems.
  - c. Placement of equipment or vehicles including bicycles so as to obstruct the means of access to/from college buildings.
  - d. Entering or remaining in any closed college facility or entering after the closing time of the college facility without permission of a college official.
  - e. Operation of any motor vehicle on college property in an unsafe manner or in a manner which is reasonably perceived as threatening the health or safety of another person.

23. Abuse of Procedures: Abuse or misuse of any of the procedures relating to student complaints or misconduct, including but not limited to:
  - a. Failure to obey a subpoena.
  - b. Falsification or misrepresentation of information.
  - c. Disruption, or interference with the orderly conduct of a proceeding.
  - d. Interfering with someone else's proper participation in a proceeding.
  - e. Destroying or altering potential evidence, or attempting to intimidate or otherwise improperly pressure a witness or potential witness.
  - f. Attempting to influence the impartiality of, or harassing or intimidating, a student conduct committee member.
  - g. Failure to comply with any disciplinary sanction(s) imposed under this student conduct code.
24. Violation of Other Laws or Policies: Violation of any federal, state, or local law, rule, or regulation or other college rules or policies, including college traffic and parking rules.
25. Ethical Violation: The breach of any generally recognized and published code of ethics or standards of professional practice that governs the conduct of a particular profession for which the student is taking a course or is pursuing as an educational goal or major. In addition to initiating discipline proceedings for violation of the student conduct code, the college may refer any violations of federal, state or local laws to civil and criminal authorities for disposition. The college reserves the right to pursue student disciplinary proceedings regardless of whether the underlying conduct is subject to civil or criminal prosecution.

## **Disciplinary Sanctions**

### **5.P.101 (WAC 495D-121-600)**

#### Policy

1. The following primary disciplinary sanctions may be imposed upon students found to have violated the student conduct code.
  - a. Disciplinary Warning: A verbal statement to a student that there is a violation and that continued violation may be cause for further disciplinary action.
  - b. Written Reprimand: Notice in writing that the student has violated one or more terms of this code of conduct and that continuation of the same or similar behavior may result in more severe disciplinary action.
  - c. Disciplinary Probation: Formal action placing specific conditions and restrictions upon the student's continued attendance depending upon the seriousness of the violation and which may include a deferred disciplinary sanction. If the student subject to a deferred disciplinary sanction is found in violation of any college rule during the time of disciplinary probation, the deferred disciplinary sanction, which may include, but is not limited to, a suspension or a dismissal from the

college, shall take effect immediately without further review. Any such sanction shall be in addition to any sanction or conditions arising from the new violation. Probation may be for a limited period of time or may be for the duration of the student's attendance at the college.

- d. Disciplinary Suspension: Dismissal from the college and from the student status for a stated period of time. There will be no refund of tuition or fees for the quarter in which the action is taken. The student is not guaranteed readmission at the end of such period of time, but is guaranteed a review of the case and a decision regarding eligibility for readmission.
  - e. Dismissal: The revocation of all rights and privileges of membership in the college community and exclusion from the campus and college-owned or controlled facilities without any possibility of return. There will be no refund of tuition or fees for the quarter in which the action was taken.
2. Disciplinary terms and conditions that may be imposed in conjunction with the imposition of a disciplinary sanction include, but are not limited to, the following:
- a. Restitution: Reimbursement for damage to or misappropriation of property, or for injury to persons, or for reasonable costs incurred by the college in pursuing an investigation or disciplinary proceeding. This may take the form of monetary reimbursement, appropriate service, or other compensation.
  - b. Professional Evaluation: Referral for drug, alcohol, psychological, or medical evaluation by an appropriately certified or licensed professional may be required. The student may choose the professional within the scope of practice and with the professional credentials as defined by the college. The student will sign all necessary releases to allow the college access to any such evaluation. The student's return to college may be conditioned upon compliance with recommendations set forth in such a professional evaluation including but not limited to drug and alcohol education, anger management coursework, or ongoing treatment. If the evaluation indicates that the student is not capable of functioning within the college community, the student will remain suspended until future evaluation recommends that the student is capable of reentering the college and complying with the rules of conduct.
  - c. Not in Good Standing: A student may be deemed "not in good standing" with the college. If so the student shall be subject to the following restrictions:
    - 1. Ineligible to hold an office in any student organization recognized by the college or to hold any elected or appointed office of the college.
    - 2. Ineligible to represent the college to anyone outside the college community in any way, including representing the college at any official function, or any forms of intercollegiate competition or representation.
  - d. No Contact Orders and Other Summary Relief: The College may require a student to refrain from any form of contact with another student or college employee.

Other forms or relief include, but are not limited to: switching to alternate sections of individual classes or programs, delaying admission to an instructional program, assigned seating during a class, or behavioral contracts.

3. Secondary Sanctions: No order of severity is established for secondary sanctions
  - a. Community/College Service: A student may be offered an opportunity to complete a specified number of hours of Community/College Service in lieu of other sanctions. The type of Community/College Service must be approved by the hearing officer.
  - b. Educational Requirements: A provision to complete a specific educational requirement directly related to the violation committed. The provision will be clearly defined. Such educational requirements may include, but are not limited to, completion of an alcohol education workshop, a diversity awareness workshop, an anger management class, essays, or reports.
  - c. Restrictions: The withdrawal of specified privileges for a definite period of time, but without the additional stipulations contained in the imposition of conduct probation. The restrictions involved will be clearly defined.
  - d. Loss of Parking Privileges on Campus: Revocation of parking privileges.

## **Standard of Evidence**

LWTech’s standard of evidence is “preponderance of the evidence,” i.e., “more likely than not to have occurred” standard. In other words, the conduct process asks: “is it more likely than not that the accused student violated the college’s Student Rights and Responsibilities Policy?”

## **Prevention of Discrimination, Harassment, Bullying, and Retaliation**

### **2.P.17**

#### Policy

LWTech is committed to providing an environment that fosters respect for all members of the College community. This policy has the goal of promoting an environment that is free of discrimination, harassment, bullying, and retaliation. LWTech recognizes its responsibility for investigation, resolution, implementation of corrective measures, and monitoring the educational environment and workplace to stop, remediate, and prevent discrimination on the basis of a protected class, including age, sex, marital status, sexual orientation, gender identity, race, creed, color, national origin, citizenship or immigration status, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained guide dog or service animal by a person with a disability, unless based upon a bona fide occupational qualification, and status as

a mother breastfeeding her child. To this end, the College has enacted policies prohibiting discrimination against and/or harassment of any student, employee, visitor or any member of a legally protected class.

Further, the College is committed to ensure that all employees and students work and learn in an environment that fosters mutual respect and professionalism, free from all forms of “bullying” behaviors, including “cyber bullying”. All employees and students are responsible for contributing to such an environment and are expected to treat other employees, students, and visitors with courtesy and respect.

Additionally, LWTech prohibits retaliation against any individual who reports concerns regarding discrimination, harassment, and/or bullying or who cooperates with or participates in any investigation of allegations of discrimination, harassment, bullying, or retaliation under this policy, or any individual who is perceived to have engaged in any of these actions. Any individual found to be in violation of this policy will be subject to disciplinary action up to and including dismissal from the College or from employment.

Any employee, student, applicant, or visitor who believes that he or she has been the subject of discrimination, harassment, bullying, or retaliation should report the incident or incidents to the College’s Title IX/EEO Coordinator. If the complaint is against that Coordinator, the complainant should report the matter to the college President or alternate designee.

## **Employee Relationships Policy**

### **2.P.18**

#### Policy

The college recognizes there is an inherent inequality in relationships between students and those College employees with a professional responsibility to teach, advise, counsel or otherwise facilitate students in their academic careers. Consequently, the ability of students to genuinely consent to the romantic or sexual advances of such College personnel must be considered questionable. Such relationships may also create an appearance of favoritism in the eyes of third parties which may contribute to the creation of a hostile educational environment.

There is a similar inherent inequality between supervisors and administrators and those College employees whom they supervise when the supervisor or administrator has the ability to affect the employees’ career advancement, pay, job assignments, or other terms and conditions of employment. Such relationships may also create the appearance of favoritism in the eyes of third parties and contribute to the creation of a hostile work environment.

Therefore, College employees are prohibited from engaging in any romantic or sexual relationship with or from making any overt romantic or sexual advances upon students whom

they have professional responsibility to teach, advise, counsel or otherwise facilitate in their (the students') academic careers.

College employed administrators or supervisors at any level are prohibited from engaging in any romantic or sexual relationship with or from making any overt romantic or sexual advances upon any employee or member of the College community they supervise or the terms and conditions of whose employment or position at the College they have the ability to affect.

Complaints may be initiated by a student, employee or other member of the College community who is or has been in a romantic or sexual relationship or is or has been the subject of overt romantic or sexual advances, or by third parties who allege they have been specifically adversely affected by such a relationship.

The President may initiate formal proceedings on his or her own initiative.

Any complainant who files a complaint under this policy in willful disregard of the truth may be subject to appropriate disciplinary proceedings.

## **Grievances and Appeals of College Actions**

It is the general expectation at LWTech that an attempt should be made to resolve all complaints in an informal manner. The interests of all are best served when complaints are resolved at the lowest possible level of the administrative structure. Any employee of the College receiving a complaint concerning a faculty or staff member shall encourage the complainant to discuss the situation with the faculty or staff member involved before meeting with anyone else. If that step does not resolve the situation, the following procedure may be used by the student to file a formal complaint.

1. Students may appeal or grieve a college action (excluding area described by 7A-7C below) by filing a written formal complaint with the appropriate vice president or executive cabinet leader.
  - a. Formal complaints must be filed with twenty-one (21) days of notice of the college action. Documented extenuating circumstances (such as medical complications or recall to military duty) may extend this timeframe.
  - b. Failure to timely file a notice of appeal constitutes a waiver of the right to grieve or appeal and the college action shall be deemed final.
  - c. The formal complaint shall be filed with the Vice President of Instruction regarding academic actions, with the Vice President of Administrative Services for administrative and business service issues, and with the Vice President of Student Services for other student matters. Other executive cabinet leaders that may receive formal complaints include the Executive Director of Human Resources, the Director of Marketing and Communications, the Director of Institutional Research and

Grants, the Executive Director of Equity, Diversity, and Inclusion, the Chief Information Officer, and the Director of the Foundation.

2. The formal complaint must include a brief statement explaining why the student is seeking review of the college action.
3. The parties to a formal complaint shall be the student and the college employee who initiated the college action.
4. A student who timely files a formal complaint regarding a college action has a right to a prompt, fair, and impartial review of the matter.
5. Upon receipt of the formal complaint, the college bears the burden of establishing the evidentiary facts underlying the college action based on a preponderance of the evidence.
6. From the date of receipt of the formal complaint, the vice president or other executive cabinet leader has 15 business days to render a written decision to both parties. The brief written statement will minimally contain the reasons for the decision. This decision is final.
7. This procedure does not apply to:
  - a. Grade appeals
  - b. Student Conduct Decisions
  - c. Equal Opportunity and Title IX complaints
8. Please file your written formal complaint online.

## **Sex Offender Registry & Access to Related Information**

1. Any adult or juvenile residing whether or not the person has a fixed residence, or who is a student, is employed, or carries on a vocation in this state who has been found to have committed or has been convicted of any sex offense or kidnapping offense, or who has been found not guilty by reason of insanity under chapter 10.77 RCW of committing any sex offense or kidnapping offense, shall register with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation, or as otherwise specified in this section. Where a person required to register under this section is in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility as a result of a sex offense or kidnapping offense, the person shall also register at the time of release from custody with an official designated by the agency that has jurisdiction over the person. In addition, any such adult or juvenile who is admitted to a public or private institution of higher education shall, within ten days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's intent to attend the institution. Persons required to register under this section who are enrolled in a public or private institution

of higher education on June 11, 1998, must notify the county sheriff immediately. The sheriff shall notify the institution's department of public safety and shall provide that department with the same information provided to a county sheriff under subsection (3) of this section.

2. This section may not be construed to confer any powers pursuant to RCW 4.24.500 upon the public safety department of any public or private institution of higher education.
3. The person shall provide the following information when registering: (i) Name; (ii) address; (iii) date and place of birth; (iv) place of employment; (v) crime for which convicted; (vi) date and place of conviction; (vii) aliases used; (viii) social security number; (ix) photograph; and (x) fingerprints.
4. Any person who lacks a fixed residence shall provide the following information when registering: (i) Name; (ii) date and place of birth; (iii) place of employment; (iv) crime for which convicted; (v) date and place of conviction; (vi) aliases used; (vii) social security number; (viii) photograph; (ix) fingerprints; and (x) where he or she plans to stay.
5. For information about sex offenders in any county in the state of Washington, please contact the appropriate County Sheriff's Department. For information about registered sex offenders living in or attending college in King County, contact:  
The King County Sheriff's Office, Sex Offender Registration, 516 Third Avenue, Room W- 150, Seattle, WA 98104-2312. Information provided by law enforcement agencies concerning registered sex offenders attending LWTech may be obtained from the Office of the Vice President of Student Services.
6. Sex Offender Registration Information may also be obtained at the King County Sheriff's Dept. website at: [King County Sheriff's Office](#).

Information provided by law enforcement agencies concerning registered sex offenders attending LWTech may be obtained from the Office of the Vice President of Student Services.

**Sex Offenses- Forcible:** Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

- **Forcible Rape:** The carnal knowledge of a person, forcibly and/or against the person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth)
- **Forcible Sodomy:** Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

- **Sexual Assault with An Object:** The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
- **Forcible Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

**Sex Offenses- Nonforcible:** Unlawful, nonforcible sexual intercourse.

- **Incest:** Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** Nonforcible sexual intercourse with a person who is under the statutory age of consent. Sex Offenses definitions are from the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Program (NIBRS)

## Off-Campus Criminal Activity

Lake Washington Institute of Technology does not monitor off-campus criminal activity.

## Anti-Terrorism Policy

Any act of terrorism on an LWTech Campus will most assuredly have a negative impact on the psyches and the physical aspects of our every-day community life. Acts of terrorism include, but are not limited to chemical and biological threats, conventional and radiological explosive events, and nuclear blast events. While none of these situations are desirable, they are survivable. It should be noted here that in the event of a catastrophic terrorist event we may need to "shelter in place" for up to 72 hours to allow time for County, State, and Federal emergency officials to render aid. In the event of use of any weapon of mass destruction (WMD) on our campus, the Federal Bureau of Investigation (FBI) will have complete operational control of the situation. Upon transfer to the clean-up and recovery stage, the Federal Emergency Management Agency (FEMA) will assume operational control until the event is concluded and control is returned to LWTech.

The essence of any effective response to terrorist attack is to remain calm and as clear-headed as possible; such situations call for the utmost in common sense. With that in mind, prepare to survive should you be faced with a catastrophic event.

Of the events listed above, it is important to note that only chemical, conventional explosive, and nuclear blast events are readily detectable; it is abundantly clear when these events take place. What may not be clear is the difference between a conventional and a

radiological explosion as the external appearance is the same; a radiological explosion uses a conventional explosive event as a vehicle to disperse radiological agents (also known as a “dirty bomb”). Depending on the material used in a “dirty bomb,” the negative effects of radiation exposure may take hours or days to manifest themselves upon humans exposed to the event. The explosion itself is obvious; the unknown part is if it is a “conventional” or “dirty” event. It is best to treat conventional explosions as potential radiation threat.

The first responder to a terrorist act will:

- Call 911 (on campus 911) then Campus Public Safety at extension 8224 or 425-739-8224.
- Determine, if possible, the type of event at hand.
- Initiate the appropriate emergency response.
- Assist in establishing a quarantine perimeter.
- Assist responding police and fire personnel.

Contamination considerations preclude a first responder’s return to the general population until examined and released by health officials. Additional information may be obtained from the homeland security website to reach local, state, and federal agencies and other, valuable, anti-terrorism and emergency response information.

## **Hazing Prohibited**

### **5.P.93 (WAC 495D-121-550)**

#### Policy

1. The college strictly bans hazing.
2. Hazing: any method of initiation into a student organization or living group or any pastime or amusement engaged in with respect to such an organization or living group that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student or other person who attends any institution of higher education or post-secondary institution.
3. Penalties.
  - a. Any student organization, association or club that knowingly permits hazing is:
    - Liable for harm caused to people or property that result from hazing.
    - Denied recognition by the college as an official organization, association, or club on campus. If the organization, association, or club is a corporation (for profit or non-profit), the college may hold individual directors of the corporation individually liable for damages.
  - b. A person who takes part in hazing another gives up any entitlement to state-funded grants, scholarships, or awards for a period of one year.

- c. Forfeiture of state-funded grants, scholarships, or awards may include permanent forfeiture, based upon the seriousness of the violations.
- d. The student conduct code may apply to hazing violations.
- e. Hazing violations are also misdemeanors punishable under state criminal law according to RCW 9A.20.021.

#### Sanctions for Impermissible Conduct not amounting to Hazing

- a. Impermissible conduct associated with initiation into a student organization or club or any pastime or amusement engaged in, with respect to the organization or club, will not be tolerated.
- b. Impermissible conduct, which does not amount to hazing, may include conduct that causes embarrassment, sleep deprivation or personal humiliation, or may include ridicule or unprotected speech amounting to verbal abuse.
- c. Impermissible conduct not amounting to hazing is subject to any sanctions available under the student conduct code, depending upon the seriousness of the violation.