

College procedures for investigation of alleged Title IX infractions, harassment, etc.

Investigations of alleged Title IX violations or other serious conduct issues that may result in disciplinary actions will be prompt, thorough, and impartial. Confidentiality and equity are also key components of the investigative process. In the event that an employee is involved, as complainant, respondent or witness, in an incident requiring investigation, the College will conduct such investigations in good faith adherence to these principles.

Prompt complainant intake and notification:

The College strongly encourages timely reporting of any incident(s) of discrimination or harassment since long or unnecessary delays in reporting incidents may be detrimental to the accuracy of reports, and to the investigative process.

- A. Taking of complainant statements and initiating the investigative process.
 1. Within two working days of receipt of a complaint, the Title IX Coordinator and/or the Designated Investigator will make every effort to schedule a timely, confidential interview with the complainant to begin the fact finding process from the complainant's perspective (assuming the complainant is willing to move forward with the investigation). This will include the identification of any potential witnesses to the alleged incident. The complainant will be assured that the college will make every effort to maintain confidentiality during the proceedings, and the college will also request that the complainant also maintain confidentiality.
 2. Any witnesses to the alleged incident will be interviewed by the Title IX Coordinator/and or the Designated investigator and their statements, and any other documented aspects of the investigation, will be produced in a timely manner and with all deliberate speed. Witnesses will also be reminded that this is a confidential investigation.
- B. Notification to the respondent that a complaint alleging violation of the College's Title IX Policy or other serious behavioral issues, has been filed against him/her.
 1. Within one working day of being notified of the initial report, the Title IX Coordinator and/or the Designated Investigator will notify the respondent of the complaint, and will provide the respondent a copy or transcription of the written or recorded complaint within two working days of receiving the complaint. The respondent will be informed that strict confidentiality of these proceedings is to be maintained, and that he/she is to have no contact with the complainant during this investigatory process.
 2. The Title IX Coordinator and/or the Designated Investigator will also notify the respondent's direct supervisor of the complaint within the same time frame.
 3. Copies or transcripts of witness statements and reports on other aspects of the investigation will be provided to the respondent within 2 working days of the report. When possible, such statements and reports will be provided to the respondent before any investigatory meeting.
- C. Investigatory meeting
 1. The Title IX Coordinator and/or the Designated Investigator will schedule an investigatory meeting with the respondent at the earliest possible opportunity, but

not less than 2 working days after providing the employee respondent with a copy or transcript of the written or recorded complaint. Represented employees have the right to request union representation in the investigatory meeting.

D. Subsequent meetings and reports

1. Additional interviews and meetings as deemed necessary by the Title IX Coordinator and/or the Designated Investigator will be held expeditiously, and transcripts or reports of such interviews and meetings will be provided to both the complainant and respondent, in a timely manner and with all deliberate speed, in no case longer than 2 working days after such meetings or interviews are held.
2. Both complainant and respondent will be provided with periodic updates on the status of the investigation.

E. Timely completion/resolution

1. The administration will strive for an expeditious investigative process of 30 days from notice to completion.
2. In the absence of criminal charges or other serious complications, the College will make every effort to come to a final resolution not less than 60 days from initial notice.
3. In any event, within ten working days of the completion of the investigation by the Title IX Coordinator and/or Designated Investigator, the complainant and respondent, will be individually scheduled to meet with the Title IX Coordinator and/or Designated Investigation to receive and review the written report of findings from the investigation, and based on those findings what, if any, additional actions are required for final resolution of the complaint.

Thorough investigation

- A. Only employees trained in investigations and trauma response (if applicable) should participate in the incident investigation. Only the Title IX Coordinator or Designee should assign investigative responsibilities.
- B. All employees at the college have a responsibility to inform the Title IX Coordinator or Designee immediately if they are aware of a possible Title IX or other incident; no other persons should be informed of or involved in initial reporting of such incidents.
- C. The taking of formal complaints from either complainant or respondent:
 1. The formal complaint will be a first person account, recorded or written, of the alleged incident(s) in the complainant's own words.
 2. Investigators should ask for the names and contact information, if available, of witnesses to the alleged incident(s) and request the complainant to provide any corroborating evidence, if such is appropriate to the case, as soon as convenient.
 3. Investigators should follow best practice in investigative techniques which include, but are not limited to:
 - a. Interviewing all critical witnesses and minimizing possibility of witness coordination
 - b. Asking open ended, non-leading questions
 - c. Asking for clarification as needed
 - d. Preserving and challenging contradictory information

- e. Using interpreters if English language skills are a barrier (in this situation a recorded statement is even more preferable)
 - f. Refraining from “speaking for” or “filling in the blanks” with the interviewee
 - g. Refraining from interrupting the interviewee.
4. Complainants, respondents, and witnesses should be encouraged to get back in touch with the investigator promptly with further information if applicable.

Impartial investigation

A reliable investigation is not possible if the complainant, respondent, or witnesses have influence over the investigator. To these ends the Title IX Coordinator or Designee will:

- A. Ensure the complainant, respondent, or witnesses do not supervise or report to the investigator.
- B. Only assign investigators who have no stake in the outcome of the investigation.
- C. Contract with an outside vendor to investigate the matter if needed to ensure an impartial investigation.

Confidentiality for all involved

Allegations of sexual harassment and other infractions subject to disciplinary procedures may jeopardize the reputations, family relationships, future employability and many other aspects of the lives of employees and students whether as complainant or respondent. Therefore, confidentiality is to be observed and defended in every respect.

- A. Investigations, complaints, responses, reports, witness statements and all other pertinent documents and evidence relative to allegations of Title IX and other serious violations in which employees are either complainant or respondent will be safeguarded as confidential materials.
- B. All access to the complaint and other materials will be permitted on the basis of “right to know,” as it applies to the complainant and respondent, and “need to know” as it applies to direct line supervisors and administrators.
- C. The College does not authorize access by other parties except as required by law, contract, CBA, or published policy.
- D. Providing or taking unauthorized access to confidential documents is prohibited and may be subject to disciplinary action.
- E. For employees, all records of investigations in which the respondent is found not to be in violation of Title IX or College policy will be stored separately from the employee’s personnel file and entirely purged after three (3) years, in the absence of any other similar allegations during that period.

Equity for all involved

Title IX and the Washington State Administrative Procedures Act, RCW 34.05, explicitly require investigations of alleged sexual harassment violations or other serious conduct issues to be conducted equitably. In all aspects of the investigation, complainant and respondent will have equal access to pertinent information, equal opportunities to address questions, allegations or other issues, equal opportunities to respond and equal time to prepare statements, evidence and/or responses.

- A. The investigation shall include but not be limited to

1. Interviewing the complainant and respondent
 2. Interviewing relevant witnesses and reviewing pertinent documents or other evidence as identified by either complainant or respondent
- B. The employee, whether as complainant or as respondent, will be afforded timely access to any and all information to be used in the investigatory hearing or other parts of the process and to all reports generated in the course of the investigation, similar to other parties to the investigation.
 - C. Questions posed to the respondent in an investigation will be limited in scope to those issues of which the respondent has been notified in the complaint and/or in other documents and materials which have been provided to the respondent.
 - D. Throughout the investigation, including at any investigatory meetings or hearings, all parties will have equal opportunity to present relevant witnesses and other evidence.
 - E. Employees as complainants or respondents will be given the opportunity to respond to witness statements and reports on other aspects of the investigation whenever they are generated. When appropriate responses should be submitted in writing or recorded for the protection of all concerned.
 - F. As complainant or respondent, the employee, if represented, is authorized to share details of the complaint and other pertinent information about the investigation with their respective union representatives, colleagues, or other individuals who may be helpful in addressing the issues of the investigation. Such authorization will be subject to the same expectation of confidentiality as previously described.
 - G. As provided by the College's Title IX Policy, either the respondent or complainant 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. If a request for reconsideration is received, the Title IX/EEO Coordinator shall respond within ten (10) business days.
 - H. Retaliation by, for or against any participant (including but not limited to complainant, respondent, witness, Title IX/EEO Coordinator, or designated investigator) is expressly prohibited. Any person who thinks he/she/they has/have been the victim of retaliation should contact the Title IX/EEO Coordinator immediately.