



**BOARD WORK SESSION
February 17, 2021**

12:00 P.M. – Board Work Session.....Zoom
Registration: https://wvc.zoom.us/webinar/register/WN_YFrzxHCqTNe1dcCKKF4RwQ
3:00 P.M. – Board of Trustees Meeting.....Zoom
Registration: https://wvc.zoom.us/webinar/register/WN_txd-xgKzSpSHakOQ29Q77w

AGENDA

<u>TIME</u>		<u>PAGE #</u>
12:00	COMMUNICATIONS	
12:05	REPORT FROM TRUSTEES	
	<ul style="list-style-type: none"> • ACT Winter Conference • Trustee Tuesday • Congressional Meeting Report - Congressman Newhouse, Senator Cantwell & Congresswoman Schrier • Plans for April 15 Board Retreat 	
12:30	Review of Policy and Procedure	
	<ul style="list-style-type: none"> • 1000.270 Weapons On Campus 1 	
12:40	PRESIDENT’S REPORT	
	<ul style="list-style-type: none"> • Financial Report (Brett Riley) • Capital Projects Update (Brett Riley) • Pre-Tenure Information (Jim Richardson) • Enrollment (Jim Richardson) • President’s Update (Jim Richardson) 	
1:00	BOARD MEETING AGENDA REVIEW	
1:05	BOARD AGENDA ACTION ITEMS	
	<ul style="list-style-type: none"> • Title IX Code Revisions <li style="padding-left: 40px;">WAC 132W-112-060 Freedom from sexual misconduct 3 <li style="padding-left: 40px;">WAC 132W-115-080 Code of conduct 4 	
1:10	POST TENURE REPORT	
	<ul style="list-style-type: none"> • Shane Hendrickson 	
1:30	BOARD DEVELOPMENT	
	<ul style="list-style-type: none"> • MISSION FULFILLMENT/CORE THEME INDICATORS (Ty Jones) 	
2:30	EXECUTIVE SESSION (Personnel Issues)	
Adjourn		

000.270 WEAPONS ON CAMPUS POLICY

Wenatchee Valley College prohibits, on college property or in college facilities, the unauthorized possession or use of firearms, explosives, dangerous chemicals or other dangerous weapons or instruments. Legal defense sprays are not covered by this policy. Exceptions to this policy are permitted when the weapon is used in conjunction with an approved college instructional program or is carried by a duly commissioned law enforcement officer. Violators of this policy will be subject to appropriate disciplinary and/or legal action.

Originally adopted by the board of trustees: 5/10/00

Renumbered from 600.550 and revised

Approved by the president's cabinet: 8/5/08, 1/17/12

Adopted by the board of trustees: 10/15/08, 3/21/12

Last reviewed: __/__/__

Policy contact: Administrative Services

Related policies and procedures

None identified at this time

1000.0270 WEAPONS ON CAMPUS PROCEDURE

This procedure pertains to all employees and persons who visit the college, participate in classes, and/or programs, events or other activities on college property.

The possession, carrying or discharge of any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, explosive device or any other weapon capable of producing bodily harm (including but not limited to shot guns, pistols, air guns, pellet guns, and paint-ball guns), whether loaded or unloaded, is prohibited on Wenatchee Valley College (WVC) owned or controlled property, unless otherwise authorized in this provision. Any questions related to WVC's Weapons Policy or Procedure should be directed to WVC's Security Office.

A student who violates this policy will be required to immediately remove the weapon from campus and may be subject to disciplinary action pursuant to WVC's Student Rights & Responsibilities/Code of Student Conduct Policy, 400.100. Further, WVC may contact the appropriate law enforcement agency if the student has violated or is violating the policy or procedures.

An employee who violates this policy will be required to immediately remove the weapon from campus and may be subject to disciplinary action consistent with college and contractual disciplinary procedures. Further, WVC may contact the appropriate law enforcement agency if the individual employee has violated or is violating the policy or procedures.

All other persons or visitors who violates this policy will be required to immediately remove the weapon from campus. Further, WVC may contact the appropriate law enforcement agency if the person or visitor has violated or is violating the policy or procedures.

Any person may possess a personal protection spray device, as authorized by [RCW 9.91.160](#), while on property owned or controlled by WVC.

A simulated firearm, or weapon may be authorized and permitted for educational purposes in connection with WVC related research, teaching or theatrical production, (e.g., stage play or film production, or rehearsals).

Any person seeking to bring a firearm or other weapon onto campus for purposes directly related to a class or other educational activity must obtain prior written authorization from the president or designee. The president's designee shall review any such request and may establish conditions to the authorization. Any permission shall be in writing and subject to such terms or conditions incorporated into the written permission.

Approved by the president's cabinet: 2/1/21

Presented to the board of trustees: 2/17/21

Last reviewed: 2/1/21

Policy contact: Administrative Services

Related policies and procedures

000.270 [Weapons on Campus Policy](#)

400.100 [Student Rights & Responsibilities/Code of Conduct Policy](#)

WAC 132W-112-060 Freedom from sexual ((harassment)) misconduct.

~~It is the responsibility of Wenatchee Valley College to ((provide and maintain a work and academic community which is free from sexual harassment. Sexual harassment violates federal and state law and will not be tolerated by Wenatchee Valley College. Any student or employee in violation of this policy and who engages in unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, where such behavior offends the recipient, causes discomfort or humiliation, or interferes with job or academic performance, will be subject to disciplinary action up to and including expulsion from the school or dismissal from employment))~~ maintain an academic work environment free of sexual harassment, which includes sexual harassment, sexual intimidation and sexual violence. Sexual harassment of faculty, staff or students is against the law and will not be tolerated. Sexual harassment violates the dignity of individuals and impedes the realization of the college's educational mission. The college is committed to preventing and addressing sexual harassment of faculty, staff and students through education and by encouraging faculty, staff and students to report any concerns or complaints about sexual harassment. Prompt corrective measures will be taken to stop sexual harassment whenever and wherever it occurs.

WAC 132W-115-080 Code of conduct. Wenatchee Valley College expects that its students, both on and off campus, conduct themselves in a manner that maintains high standards of integrity, honesty and morality at all times. A student who does not follow college rules will be subject to such action as may be deemed appropriate by designated college authorities. Conduct, either on or off campus, should be of such nature as not to reflect adversely on the reputation of the individual or the college. Students arrested for violation of criminal law on or off campus may also be subject to disciplinary action by the college. The following misconduct on college facilities is subject to disciplinary action:

(1) Intentionally or recklessly endangering, threatening, or causing physical harm to any person or oneself, or intentionally or recklessly causing reasonable apprehension of such harm.

(2) Harassment, bullying, abuse: No student shall physically, sexually, or emotionally harass, bully, abuse, coerce, intimidate, seriously embarrass, assault, or recklessly endanger any other person.

(3) Students engaging in any activity which inhibits or interferes with the orderly operation of Wenatchee Valley College or the ability of students and/or college personnel to perform their functions in an orderly environment shall be subject to disciplinary action. No student shall intentionally or recklessly interfere with normal college or college-sponsored activities or any form of emergency services.

(4) Unauthorized entry or use of college facilities.

(5) Knowingly violating the term of any disciplinary sanction imposed in accordance with the code.

(6) Theft of property or services; knowing possession of stolen property.

(7) Violating college policies or procedures by any student or by the guest of any student.

(8) Using tobacco products on the college premises.

(9) The consumption of alcoholic beverages on college property, except in accordance with state of Washington liquor license procedures. The unlawful (as a matter of local, state or federal law) manufacture, distribution, dispensing, possession or use of alcohol, legend drugs, narcotic drugs, or controlled substances including marijuana, on college property or during college-sponsored events, whether on or off campus except when use or possession of a legend drug, narcotic drug, or controlled substance other than marijuana is specifically prescribed by an appropriately licensed health care provider.

(10) Academic dishonesty, including cheating, plagiarism, or knowingly furnishing false information to the college.

(11) Forgery, alteration, or misuse of college documents, records, funds, or instruments of identification.

(12) Refusal to comply with the direction of college officials acting in the legitimate performance of their duties.

(13) Possession or use of firearms (licensed or unlicensed), explosives, dangerous chemicals, or other dangerous weapons or instruments. Legal defense sprays are not covered by this rule. Exceptions to this rule are permitted when the weapon is used in conjunction with an approved college instructional program or is carried by a duly commissioned law enforcement officer.

(14) Failure to comply with the college's network acceptable use policy, WashingtonOnline (WAOL) memorandum of understanding and/or misuse of computing equipment services and facilities, including use of electronic mail and the internet.

(15) Ethics violation: The breach of any generally recognized and published code of ethics or standards of professional practice that governs the conduct of a particular trade, skill, craft or profession for which the student is taking courses or is pursuing as their educational goal or major. These ethics codes must be distributed to students as part of an educational program, course, or sequence of courses and the student must be informed that a violation of such ethics codes may subject the student to disciplinary action by the college.

(16) Hazing: Conspiracy to engage in hazing or participation in hazing another. Hazing shall include 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 attending Wenatchee Valley College. Consent is no defense to hazing. The term does not include customary athletic events or other similar contests or competitions. Hazing is also a misdemeanor, punishable under state law.

(17) Initiation violation: Conduct associated with initiation into a student organization, association, or living group, or any pastime or amusement engaged in with respect to an organization, association or living group not amounting to a violation under the definition of hazing. Conduct covered by this definition may include embarrassment, ridicule, sleep deprivation, verbal abuse, or personal humiliation. Consent is no defense to initiation violation.

(18) Animals, with the exception of service animals, are not allowed on or in college facilities. All service animals on campus shall be under direct physical control, leashed by their owner or custodian and registered with the special populations coordinator.

(19) Gambling: Any form of gambling is prohibited.

(20) 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 132W-115-110 (supplemental Title IX student conduct procedures).

(a) 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 conduct of a sexual or a gendered nature that is sufficiently severe, persistent, or pervasive as to:

(i) Deny or limit the ability of a student to participate in or benefit from the college's educational program;

(ii) Alter the terms or conditions of employment for a college employee(s); and/or

(iii) Create an intimidating, hostile, or offensive environment for other campus community members.

(b) 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.

(c) Sexual violence. "Sexual violence" is a type of sexual discrimination and harassment. Nonconsensual sexual intercourse, noncon-

sensual sexual contact, domestic violence, dating violence, and stalking are all types of sexual violence.

(i) Nonconsensual sexual intercourse. Any actual or attempted sexual intercourse (anal, oral, or vaginal), however slight, with any object or body part, by a person upon another person, that is without consent and/or by force. Sexual intercourse includes anal or vaginal penetration by a penis, tongue, finger, or object, or oral copulation by mouth to genital contact or genital to mouth contact.

(ii) Nonconsensual sexual contact. Any actual or attempted sexual touching, however slight, with any body part or object, by a person upon another person that is without consent and/or by force. Sexual touching includes any bodily contact with the breasts, groin, mouth, or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

(iii) Incest. Sexual intercourse or sexual contact with a person known to be related to them, either legitimately or illegitimately, as an ancestor, descendant, brother, or sister of either wholly or half related. Descendant includes stepchildren and adopted children under the age of eighteen.

(iv) Statutory rape. Consensual intercourse between a person who is eighteen years of age or older, and a person who is under the age of sixteen.

(v) Domestic violence. Physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state of Washington, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the state of Washington, RCW 26.50.010.

(vi) Dating violence. Physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person:

(A) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) 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.

(vii) Stalking. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

(A) Fear for their safety or the safety of others; or

(B) Suffer substantial emotional distress.

(d) 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.

AMENDATORY SECTION (Amending WSR 01-12-015, filed 5/25/01, effective 6/25/01)

WAC 132W-115-110 Procedures for resolving disciplinary violations. (1) The dean of student services is responsible for initiating disciplinary proceedings. The dean of student services may delegate this responsibility to members of his/her staff, and he/she may also establish committees or other hearing bodies to advise or act for him/her in disciplinary matters.

(2) In order that any informality in disciplinary proceedings not mislead a student as to the seriousness of the matter under consideration, the student involved shall be informed at the initial conference or hearing of the sanctions that may be involved.

(3) Upon initiation of formal disciplinary proceedings, the dean of student services or designee shall provide written notification to the student, either in person or by delivery via regular mail to the student's last known address, specifying the violations with which the student is charged. The dean of student services or designee shall set a time and place for meeting with the student to inform the student of the charges, the evidence supporting the charges, and to allow the student an opportunity to be heard regarding the charges and evidence.

(4) After considering the evidence in a case and interviewing the student or students involved, the dean of student services or designee may take any of the following actions:

(a) Terminate the proceeding, exonerating the student or students;

(b) Dismiss the case after whatever counseling and advice may be appropriate; not subject to the appeal rights provided in this code;

(c) Dismiss the case after verbally admonishing the student, not subject to the appeal rights provided in this code;

(d) Direct the parties to make a reasonable attempt to achieve a mediated settlement;

(e) Impose disciplinary sanctions directly, subject to the student's right of appeal as described in this chapter. The student shall be notified in writing of the action taken except that disciplinary warnings may be given verbally;

(f) Refer the matter to the academic regulations committee requesting their recommendation for appropriate action. The student shall be notified in writing that the matter has been referred to the academic regulations committee.

(5) This section shall not be construed as preventing the appropriate official from summarily suspending a student.

(6) If the dean of student services or his or her designee(s) has cause to believe that any student:

(a) Has committed a felony; or

(b) Has violated any provision of this chapter; and

(c) Presents an imminent danger either to himself or herself, other persons on the college campus or to the educational process; that student shall be summarily suspended and shall be notified by

certified and regular mail at the student's last known address, or shall be personally served.

Summary suspension is appropriate only where (c) of this subsection can be shown, either alone or in conjunction with (a) or (b) of this subsection.

(7) During the summary suspension period, the suspended student shall not enter campus other than to meet with the dean of student services or to attend the hearing. However, the dean of student services or the college president may grant the student special permission to enter a campus for the express purpose of meeting with faculty, staff, or students in preparation for a probable cause hearing.

(8) When the president or his/her designee exercises the authority to summarily suspend a student, he/she shall cause notice thereof to be served upon that student by registered or certified mail at the student's last known address, or by causing personal service of such notice upon that student. The notice shall be entitled "notice of summary suspension proceedings" and shall state:

(a) The charges against the student including reference to the provisions of the student code or the law involved; and

(b) That the student charged must appear before the designated disciplinary officer at a time specified in the notice for a hearing as to whether probable cause exists to continue the summary suspension. The hearing shall be held as soon as practicable after the summary suspension.

(9) The summary suspension hearing shall be considered an emergency adjudicative proceeding. The proceeding must be conducted as soon as practicable with the dean of student services or designee presiding. At the summary suspension hearing, the dean of student services shall determine whether there is probable cause to believe that continued suspension is necessary and/or whether some other disciplinary action is appropriate.

(10) If the dean of student services, following the conclusion of the summary suspension proceedings, finds that there is probable cause to believe that:

(a) The student against whom specific violations of law or of provisions of this chapter are alleged has committed one or more of such violations; and

(b) That summary suspension of said student is necessary for the protection of the student, other students or persons on college facilities, college property, the educational process, or to restore order to the campus; and

(c) Such violation or violations of the law or of provisions of this chapter constitute grounds for disciplinary action, then the dean of student services may, with the written approval of the president, continue to suspend such student from the college and may impose any other disciplinary action as appropriate.

(11) A student who is suspended or otherwise disciplined pursuant to the above rules shall be provided with a written copy of the dean of student services' findings of fact and conclusions, as expressly concurred in by the president, which constituted probable cause to believe that the conditions for summary suspension existed. The student suspended pursuant to the authority of this rule shall be served a copy of the notice of suspension by personal service or by registered mail to said student's last known address within three working days following the conclusion of the summary suspension hearing. The notice of suspension shall state the duration of the suspension or nature of

other disciplinary action and the conditions under which the suspension may be terminated.

(12) The dean of student services is authorized to enforce the suspension of the summarily suspended student in the event the student has been served pursuant to the notice requirement and fails to appear at the time designated for the summary suspension proceeding.

(13) Any student aggrieved by an order issued at the summary suspension proceeding may appeal to the academic regulations committee. No such appeal shall be entertained, however, unless:

(a) The student has first appeared at the student hearing in accordance with subsection (9) of this section;

(b) The student has been officially notified of the outcome of the hearing;

(c) Summary suspension or other disciplinary sanction has been upheld; and

(d) The appeal conforms to the standards set forth in chapter 132W-109 WAC. The academic regulations committee shall, within five working days, conduct a formal hearing in the manner described in chapter 132W-109 WAC.

(14) Sexual misconduct proceedings. 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.

(15) Order of precedence. 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. This 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. Part 106. To the extent these hearing procedures conflict with Wenatchee Valley College's standard disciplinary procedures in this section.

(16) Prohibited conduct under Title IX. Pursuant to RCW 28B.50.140(13) and Title IX of the Education Amendments Act of 1972, 20 U.S.C. Sec. 1681, the college 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 procedure, "sexual harassment" encompasses the following conduct:

(a) Quid pro quo harassment. A college employee conditioning the provision of an aid, benefit, or service of the college on an individual's participation in unwelcome sexual conduct.

(b) Hostile environment. Unwelcome conduct that a reasonable person would find to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the college's educational programs or activities, or employment.

(c) Sexual assault. Sexual assault includes the following conduct:

(i) Nonconsensual sexual intercourse. Any actual or attempted sexual intercourse (anal, oral, or vaginal), however slight, with any object or body part, by a person upon another person, that is without consent and/or by force. Sexual intercourse includes anal or vaginal

penetration by a penis, tongue, finger, or object, or oral copulation by mouth to genital contact or genital to mouth contact.

(ii) Nonconsensual sexual contact. Any actual or attempted sexual touching, however slight, with any body part or object, by a person upon another person that is without consent and/or by force. Sexual touching includes any bodily contact with the breasts, groin, mouth, or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

(iii) Incest. Sexual intercourse or sexual contact with a person known to be related to them, either legitimately or illegitimately, as an ancestor, descendant, brother, or sister of either wholly or half related. Descendant includes stepchildren and adopted children under the age of eighteen.

(iv) Statutory rape. Consensual sexual intercourse between someone who is eighteen years of age or older and someone who is under the age of sixteen.

(d) Domestic violence. Physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state of Washington, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the state of Washington, RCW 26.50.010.

(e) Dating violence. Physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person:

(i) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(ii) Where the existence of such a relationship shall be determined based on a consideration of the following factors:

(A) The length of the relationship;

(B) The type of relationship; and

(C) The frequency of interaction between the persons involved in the relationship.

(f) 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.

(17) Title IX jurisdiction.

(a) This procedure applies only if the alleged misconduct:

(i) Occurred in the United States;

(ii) Occurred during a college educational program or activity;
and

(iii) Meets the definition of sexual harassment as that term is defined in this procedure.

(b) For purposes of this procedure, an "educational program or activity" is defined as locations, events, or circumstances over which the college exercised substantial control over both the respondent and the context in which the alleged sexual harassment occurred. This definition includes any building owned or controlled by a student organization that is officially recognized by Wenatchee Valley College.

(c) Proceedings under this procedure must be dismissed if the decision maker determines that one or all of the requirements of subsection (1)(a) through (c) of this section have not been met. Dismissal under this procedure does not prohibit the college from pursuing other

disciplinary action based on allegations that the respondent violated other provisions of the college's student conduct code, WAC 132W-115-080.

(d) 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.

(18) Initiation of discipline.

(a) 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.

(b) If the student conduct officer determines that there are sufficient grounds to proceed under these procedures, the student conduct officer will initiate a Title IX disciplinary proceeding by filing a written disciplinary notice with the chair of the student conduct committee and serving the notice on the respondent and the complainant, and their respective advisors. The notice must:

(i) Set forth the basis for Title IX jurisdiction;

(ii) Identify the alleged Title IX violation(s);

(iii) Set forth the facts underlying the allegation(s);

(iv) Identify the range of possible sanctions that may be imposed if the respondent is found responsible for the alleged violation(s);

(v) Explain that the parties are entitled to be accompanied by their chosen advisors during the hearing and that:

(A) The advisors will be responsible for questioning all witnesses on the party's behalf;

(B) An advisor may be an attorney; and

(C) The college will appoint the party an advisor of the college's choosing at no cost to the party, if the party fails to do so.

(c) Explain that if a party fails to appear at the hearing, a decision of responsibility may be made in their absence.

(19) Prehearing procedure.

(a) Upon receiving the disciplinary notice, the chair of the student conduct committee will send a hearing notice to all parties, in compliance with WAC 132W-115-010. In no event will the hearing date be set less than ten days after the Title IX coordinator provided the final investigation report to the parties.

(b) 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 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.

(c) In preparation for the hearing, the parties will have equal access to all evidence gathered by the investigator during the investigation, regardless of whether the college intends to offer the evidence at the hearing.

(20) Rights of parties.

(a) The college's student conduct procedures, WAC 132W-115-110 and this procedure shall apply equally to all parties.

(b) The college bears the burden of offering and presenting sufficient testimony and evidence to establish that the respondent is responsible for a Title IX violation by a preponderance of the evidence.

(c) The respondent will be presumed not responsible until such time as the disciplinary process has been finally resolved.

(d) 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 the college's choosing on the party's behalf at no expense to the party.

(21) Evidence. The introduction and consideration of evidence during the hearing is subject to the following procedures and restrictions:

(a) Relevance: The committee chair shall review all questions for relevance and shall explain on the record their reasons for excluding any question based on lack of relevance.

(b) Relevance means that information elicited by the question makes facts in dispute more or less likely to be true.

(c) 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:

(i) Is asked or offered to prove someone other than the respondent committed the alleged misconduct; or

(ii) Concerns specific incidents of prior sexual behavior between the complainant and the respondent, which are asked or offered on the issue of consent.

(d) Cross-examination required: If a party or witness does not submit to cross-examination during the live hearing, the committee must not rely on any statement by that party or witness in reaching a determination of responsibility.

(e) No negative inference: The committee may not make an inference regarding responsibility solely on a witness's or party's absence from the hearing or refusal to answer questions.

(f) Privileged evidence: The committee shall not consider legally privileged information unless the holder has effectively waived the privilege. Privileged information includes, but is not limited to, information protected by the following:

(i) Spousal/domestic partner privilege;

(ii) Attorney-client and attorney work product privileges;

(iii) Privileges applicable to members of the clergy and priests;

(iv) Privileges applicable to medical providers, mental health therapists, and counselors;

(v) Privileges applicable to sexual assault and domestic violence advocates; and

(vi) Other legal privileges identified in RCW 5.60.060.

(22) Initial order.

(a) In addition to complying with this section, the student conduct committee will be responsible for conferring and drafting an initial order that:

(i) Identifies the allegations of sexual harassment;

(ii) 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;

(iii) Makes findings of fact supporting the determination of responsibility;

(iv) Reaches conclusions as to whether the facts establish whether the respondent is responsible for engaging in sexual harassment in violation of Title IX;

(v) Contains a statement of, and rationale for, the committee's determination of responsibility for each allegation;

(vi) Describes any disciplinary sanction or conditions imposed against the respondent, if any;

(vii) Describes to what extent, if any, complainant is entitled to remedies designed to restore or preserve complainant's equal access to the college's education programs or activities; and

(viii) Describes the process for appealing the initial order to the college president.

(b) The committee chair will serve the initial order on the parties simultaneously.

(23) Appeals.

(a) 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 time frames set forth in this section.

(b) 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).

(c) President's office shall serve the final decision on the parties simultaneously.