

## MEMBERS:

- ➔ **Rebecca Johnson,**  
Chair
- ➔ **Wendy Bohlke,**  
Vice Chair
- ➔ **Steve Adelstein**
- ➔ **John Pedlow**
- ➔ **Teresa Taylor**

*If you are a person with a disability and require an accommodation while attending the meeting, please contact the President's Office at 383-3330 (or TDD 647-3279) as soon as possible to allow sufficient time to make arrangements.*

## NEXT MEETING REMINDER

**March 17, 2021**

## BOARD OF TRUSTEES

### Meeting Agenda

Wednesday, February 17, 2021

Regular Board Meeting -2:00 pm

Via Zoom

<https://us02web.zoom.us/j/87273302710?pwd=ekpSK01TRVA3V2JDK1pBY>

[TgrQjNPdz09](#)

Meeting ID: 872 7330 2710

Passcode: 683727

- I. Call to Order & Approval of Agenda, and Notice of Public Comment Time
- II. Consent Agenda Tab 1
  - a. Minutes of January 13, 2021 Board of Trustees Meeting (Attachment A)
- III. Public Comment
  - ➔ [Protocols for Public Comment](#)
- IV. Budget Update – Nate Langstraat, VP for Administration
- V. Board Policies Tab 2
  - ➔ Proposed Policy 616 and 615 – Students Right and Responsibilities Policy (First reading) – Luca Lewis, VP for Student Services
- VI. Discussion of the Board
  - ➔ Legislative activities
- VII. Executive Session
  - ➔ to discuss collective bargaining...
  - ➔ to review the performance of a public employee...
  - ➔ to discuss with legal counsel representing the agency matters relating to Litigation or legal risks of a proposed action or current practice that the agency has identified when public discussion of the litigation
- VIII. Adjournment

**\*The Board of Trustees may adjourn to an Executive Session to discuss items provided for in RCW 42.30.110 (1):**

- (b) to consider the selection of a site or the acquisition of real estate by lease or purchase...;
- (c) to consider the minimum price at which real estate will be offered for sale or lease...;
- (d) to review negotiations on the performance of a publicly bid contract...;
- (f) to receive and evaluate complaints or charges brought against a public officer or employee...;
- (g) to evaluate the qualifications of an applicant for public employment or to review the performance of a public employee...; or as provided in RCW 42.30.140 (4)(a), to discuss collective bargaining
- (h) to evaluate the qualifications of a candidate for appointment to elective office...;
- (i) to discuss with legal counsel representing the agency matters relating to agency enforcement actions... or... litigation or potential litigation...



## CONSENT AGENDA

- a. Minutes of January 13, 2021 Board of Trustees Meeting (Attachment A)

### SUGGESTED RESPONSE

*The chair reads out the letters of the consent items. Then the chair states: "If there are no objections, these items will be adopted". After pausing for any objections, the chair states, "As there are no objections, these items are adopted."*

# Whatcom

## COMMUNITY COLLEGE

### MINUTES

#### BOARD OF TRUSTEES MEETING

Virtual Meeting via Zoom

Wednesday, January 13, 2021

2:00 p.m.

- **CALL TO ORDER** Chair Rebecca Johnson officially called the Board of Trustees meeting to order at 2:00 p.m. Present in addition to the chair were trustees Wendy Bohlke, Steve Adelstein, John Pedlow, and Teresa Taylor, constituting a quorum. Others present included President Hiyane-Brown; Nate Langstraat, Vice President for Administrative Services; Ed Harri, Vice President for Instruction; Luca Lewis, Vice President for Student Services; Eva Schulte, Executive Director for Institutional Advancement; Terri Thayer, Interim College Equity Officer; Kerena Higgins, Assistant Attorney General; and Rafeeka Kloke, Special Assistant to the President.

#### **ACTION TO ACCEPT AGENDA**

- Trustee Bohlke moved to accept the agenda with one additional agenda item, “Discussion of the Board”. It was seconded by Trustee Pedlow and the **motion was approved**.
- Chair Johnson announced that there is a designated time for public comment on the agenda.

#### **PUBLIC COMMENT**

- Chair Johnson called for public comment.
- Kim Reeves, faculty member, shared she has held different union leadership positions during her tenure at WCC. She expressed her disappointment of the board’s response to the union letter shared during public comment at the November 2020 Board of Trustees meeting. She emphasized the critical need to increase faculty salaries, noting that WCC faculty base salaries were below those of Bellingham Technical College and Skagit Valley College.
- Anna Wolff, faculty member and member of union executive committee, shared her concern with the Governor’s proposed budget which included mandated furlough days and elimination of COLAs. She requested that Board/college legislative strategies be shared.
- Tommaso Vannelli, faculty member and union president, acknowledged receipt of the Board’s letter dated December 31, 2020. He shared that the change in meeting procedure due to shift to virtual meetings does not allow for union representative to report to the board during the meeting. He offered clarification of the faculty union letter and comments to the board. “It was not a critique of the President’s performance but a response to the process and timing of

the decision.” He shared that the board response to the faculty union letter did not address their questions.

- Amy Anderson, Director for K-12 Partnership, stated she stands in solidarity with the faculty.
- Ines Poblet, faculty member and secretary of faculty union, shared that many faculty present at the meeting might not feel comfortable speaking and she was there to represent them.

## **CONSENT AGENDA**

- Consent Agenda

Minutes of the December 16, 2020 Board of Trustees meeting.

Chair Johnson stated: “If there are no objections, this will be adopted.” As there were no objections, this item was adopted.

- **Enrollment Update – Carla Gelwicks, Dean for Instruction, David Knapp, Director for Academic Advising and Career Services, and Nic Hostsetter, Director for Student Success and Retention**

Gelwicks shared a PowerPoint presentation with data highlights and two strategic enrollment management strategies: assigning specific advisors to students and new virtual front desk services. Knapp provided an overview of building advising capacity to serve students and Hostsetter provided an overview of the new virtual front desk.

## **DISCUSSION OF THE BOARD**

- ACCT Legislative Summit 2021

Board members were asked to inform Rafeeka Kloke if they would like to register for the conference.

- Chair Johnson asked that the letter dated December 31, 2020 sent by the Board to the faculty union be included in the minutes for today’s meeting as the letter was referenced during public comment.

**BREAK**

- The meeting was adjourned for a five-minute break at 2:55 p.m.
- The meeting reconvened into open session at 3:00 p.m.

### **EXECUTIVE SESSION**

- At 3:00 p.m. the meeting was adjourned for a closed Executive Session of the Board for approximately thirty minutes to review the performance of a public employee..., and as provided in RCW 42.30.140 (4)(a), to discuss collective bargaining...and ...to discuss with legal counsel representing the agency matters relating to Litigation or legal risks of a proposed action or current practice that the agency has identified when public discussion of the litigation.

Chair Johnson announced that action was not anticipated. Guests included President Kathi Hiyane-Brown, vice presidents Ed Harri and Nate Langstraat, and Assistant Attorney General Kerena Higgins.

At 3:30 p.m. the Executive Session was extended for another 30 minutes.

At 4:05 p.m. the Executive Session was extended for another 10 minutes

The Executive Session adjourned at 4:15 p.m. and the Board reconvened into open session at 4:15 p.m.

### **ADJOURNMENT**

- There being no further business, the meeting was adjourned at 4:15 p.m.



December 31, 2020

To the WCC Federation of Teachers,

We would like to begin by acknowledging that the trustees heard you, and share your commitment to the college, and the dedication you have for our students and community.

We take our role and responsibilities as trustees seriously, bringing our professional experiences, expertise, as well as knowledge of the community to lead and serve the college. The current board members have collectively provided twenty-seven years of service as trustees. We take pride in the achievements of our students, and value the contributions of faculty and staff.

One of the primary responsibilities of community and technical college trustees is hiring, supporting, and evaluating the college president. The reasons for a college's success are numerous and include the work of many. Central to every great institution, every great team, every strong culture, is the heart of a great leader. The board firmly believes Dr. Hiyane-Brown's vision, steadfast commitment, strong delegation, high expectations, and collaborative culture are significant factors in leading continued success at Whatcom. Our assessment of Dr. Hiyane-Brown's performance merited extension of her contract.

Consideration was given to the positive impact and tremendous growth WCC has seen under her leadership. Over her 13-year tenure as president of WCC, she has led and supported the steady growth of academic programs addressing workforce and economic needs. She has been a champion of professional development that encourages instructional innovation, teaching excellence, and undergraduate research. The construction of new facilities to support instruction and student life is evidence of her vision for the college. The college's steadily growing national reputation has resulted in its ability to successfully compete for federal, state and private foundation grants. Perhaps most significant is WCC's strong fiscal position despite a history of difficult budget times during her tenure.

Dr. Hiyane-Brown has led the college with resilience through the Governor's Stay Home, Stay Healthy order in response to a global pandemic, supporting the transition of instruction and services to an online format while continuing to focus on students and the college's mission. She strongly encouraged, with the trustees' full support, granting COLAS and not mandating furloughs, honoring commitments to our employees and acknowledging their hard work. The WCC Foundation successfully completed its first fundraising campaign exceeding its target goal, providing much needed resources to support student needs and college initiatives with a strong focus on closing equity gaps. Supporting employee learning and development through a lens

focused on centering and enhancing equity, diversity, and inclusion remains a priority and focus. Few college presidents are as committed to this challenge as Dr. Hiyane-Brown.

It is the board's, and the college's as well, commitment to integrate principles of diversity, access, and inclusion throughout policy, practice, and the curriculum to close equity gaps in student outcomes and to create an equitable work environment. The board recognized that many of Dr. Hiyane-Brown's white colleagues in the two-year college system are compensated at a much higher level despite her more extensive knowledge, national reputation, and experience. It is important for the board to integrate equity practices throughout the institution, including the negotiation of the president's contract.

Lastly, the board considered the financial implications of the contract extension and feel strongly that our assessment of her performance merited extension of her contract. We trust Dr. Hiyane-Brown administering her professional leave should she be able to take it, and we are confident that she will continue providing the leadership we believe is in the best interest for the college and the community.

We look forward to moving forward together in 2021 through these tumultuous and challenging times with shared values of respect, caring for one another, for students, and for our college community.

Sincerely,

A handwritten signature in black ink, appearing to read "Rebecca M. Johnson". The signature is fluid and cursive, with a prominent initial "R" and "M".

Rebecca M. Johnson, Chair  
Board of Trustees

## Memorandum

Office of Human Resources and Student Services

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To: Whatcom Community College Board of Trustees

From: Benjamin Reed, Title IX & ADA Coordinator  
Becky Rawlings, Executive Director for Human Resources  
Dr. Luca E. Lewis, Vice President for Student Services

Date: February 17, 2021

RE: First Reading of WCC Policies 615, 616, and 620

The Board approved the extension of the Title IX Emergency Rules at the December 2020 meeting to allow time for staff to make changes to existing policies and/or propose new policy to comply with new federal rules. The College is presenting to the Board with the attached three policies which include changes to existing policies (Policy 615 and 620), and the development of a new policy (Policy 616) that align with the new federal Title IX rules. A first reading will allow for additional input and feedback from employees, students, union leadership, community stakeholder groups, and the Board of Trustees.

- **Policy 615.** Revisions and updates needed to the College's discrimination and harassment policy to ensure compliance with the Title IX federal emergency rules.
- **Policy 616.** Under the guidance and direction of Washington State's Office of the Attorney General, Policy 616 is a new college policy which ensures full compliance with the new Title IX federal emergency rules. The creation of this new policy also positions the Colleges to remove this policy, should the federal emergency rules become rescinded or revoked, thereby minimizing disruption and re-drafting of existing college policies and procedures.
- **Policy 620.** Revisions and updates needed to the College's student rights and responsibilities policy to ensure compliance with the Title IX federal emergency rules.

As a reminder to the Board, the College anticipates the following changes and impacts to College policies, procedures, and practices.

- **Hostile environment.** Unwelcome conduct that a reasonable person would find to be so severe, pervasive, and (changed from or) objectively offensive that it effectively denies a person equal access to the College's educational programs or activities, or employment.
- **Narrowed jurisdiction.** In order to consider a Title IX investigation incident must happen during an "educational program or activity" in the United States. Student off campus or studying abroad are no longer covered.
- **Formalized support for respondent.** Requires schools give equitable support for claimant and respondent. Previously, there were only standards for the claimant.
- **Live hearings.** A new requirement, in which all investigations that are within jurisdiction must conclude in a live hearing where claimants and respondents can be cross-examined by the others' advisors.
- **The decision maker.** A new role (must not be Title IX coordinator) who determines responsibility, and sanctions at the end of an investigation. Can be a hearing board of people, or a single person.



- **Informal resolution.** Schools must allow for informal resolution to take place if all parties agree.

Attachments:

Whatcom Community College Policy 615

Whatcom Community College Policy 616

Whatcom Community College Policy 620

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TITLE:	Discrimination and Harassment
NUMBER:	615
APPROVED BY THE BOARD OF TRUSTEES:	6/14/88
AMENDED BY THE BOARD OF TRUSTEES:	11/8/17; 11/21/13; 7/11/07

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## A. Introduction

Whatcom Community College 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 race, color, national origin, age, perceived or actual physical or mental disability, pregnancy, genetic information, sex, sexual orientation, gender identity, marital status, creed, religion, or honorably discharged veteran or military status, or the use of trained guide dog or service animal, as required by Title VI of the Civil Rights Act of 1964, Title VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, Sections 504 and 508 of the Rehabilitation Act of 1973, the Americans with Disabilities Act and ADA Amendment Act, the Age Discrimination Act of 1975, the Violence Against Women Reauthorization Act and Washington State's Law Against Discrimination, Chapter 49.60 RCW and their implementing regulations. Employees are also protected from discrimination for filing a whistleblower complaint with the Washington State Auditor.

Note: Complaints involving sexual misconduct and sex-based discrimination the Title IX Coordinator or designee will evaluate the complaint according to Policy 616, WAC132U-305. Complaints that fit the jurisdictional requirements of Policy 616 will follow the investigative and discipline procedures outlined in that policy, which follows the requirements spelled out in the 2020 federal regulations under Title IX, which went into effect August 14, 2020. All complaints that do not fit the jurisdictional requirements of Policy 616 will use the procedures outlined in this policy.

## B. Definitions

**Complainant:** employee(s), applicant(s), student(s), or visitors(s) of Whatcom Community College who alleges that she or he has been subjected to discrimination or harassment due to his or her membership in a protected class.

**Complaint:** a description of facts that allege violation of the College's policy against discrimination or harassment.

**Consent:** knowing, voluntary and clear permission by word or action, to engage in mutually agreed upon sexual activity. Each party has the responsibility to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be at the time of the act of sexual intercourse or sexual contact actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact. A person cannot consent if he or she is unable to understand what is happening or is disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has engaged in

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

**Discrimination:** unfavorable treatment of a person based on that person's membership or perceived membership in a protected class. Harassment is a form of discrimination.

**Harassment:** a form of discrimination consisting of physical or verbal conduct that denigrates or shows hostility toward individuals because of their membership in a protected class or their perceived membership in a protected class. Harassment occurs when the conduct is sufficiently severe and/or pervasive and so objectively offensive that it has the effect of altering the terms or conditions of employment or substantially limiting the ability of a student to participate in or benefit from the College's educational and/or social programs and/or student housing. Petty slights, annoyances, offensive utterances, and isolated incidents (unless extremely serious) typically do not qualify as harassment. Examples of conduct that could rise to the level of discriminatory harassment include but are not limited to the following:

- Epithets, "jokes," ridicule, mockery or other offensive or derogatory conduct focused upon an individual's membership in a protected class.
- Verbal or physical threats of violence or physical contact directed towards an individual based upon their membership in a protected class.
- Making, posting, emailing, texting, or otherwise circulating demeaning or offensive pictures, cartoons, graffiti, notes or other materials that relate to race, ethnic origin, gender or any other protected class.

**Protected Class:** persons who are protected under state or federal civil rights laws, including laws that prohibit discrimination on the basis of race, color, national origin, age, perceived or actual physical or mental disability, pregnancy, genetic information, sex, sexual orientation, gender identity, marital status, creed, religion, honorably discharged veteran or military status, or the use of a trained guide dog or service animal.

**Resolution:** the means by which the complaint is finally addressed. This may be accomplished through informal or formal processes, including counseling, mediation, or the formal imposition of discipline.

**Respondent:** person or persons who are members of the campus community who allegedly discriminated against or harassed another person or persons.

**Retaliation:** Harming, threatening, intimidating, coercing, or taking adverse action of any kind against a person because person reported an alleged violation of this policy or other college policy, provided information about an alleged violation, or participated as a witness or in any other capacity in an investigation or disciplinary proceeding.

**Sexual Harassment:** a form of discrimination consisting of unwelcome, gender-based verbal, written, electronic, and/or physical conduct. Sexual harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's gender. There are two types of sexual harassment:

**Hostile Environment Sexual Harassment** occurs when the conduct is sufficiently severe and/or pervasive and so objectively offensive that it has the effect of altering the terms or conditions of

employment or substantially limiting the ability of a student to participate in or benefit from the College's educational and/or social programs and/or student housing.

**Quid Pro Quo Sexual Harassment** occurs when an individual in a position of real or perceived authority, conditions the receipt of a benefit upon granting of sexual favors.

Examples of conduct that may qualify as sexual harassment include:

- Persistent comments or questions of a sexual nature.
- A supervisor who gives an employee a raise in exchange for submitting to sexual advances.
- An instructor who promises a student a better grade in exchange for sexual favors.
- Sexually explicit statements, questions, jokes, or anecdotes.
- Unwelcome touching, patting, hugging, kissing, or brushing against an individual's body.
- Remarks of a sexual nature about an individual's clothing, body, or speculations about previous sexual experiences.
- Persistent, unwanted attempts to change a professional relationship to an amorous relationship.
- Direct or indirect propositions for sexual activity.
- Unwelcome letters, emails, texts, telephone calls, or other communications referring to or depicting sexual activities.

**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.

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

**Nonconsensual sexual contact** is any intentional sexual touching, however slight, with any object, by a person upon another person that is without consent and/or by force. Sexual touching includes any bodily contact with the breasts, groin, mouth, or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

**Domestic violence** includes asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

**Dating violence** means violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.

**Stalking** means intentional and repeated harassment or following of another person, which places that person in reasonable fear that the perpetrator intends to injure, intimidate, or harass that person. Stalking also includes instances where the perpetrator knows or reasonably should know that the person is frightened, intimidated, or harassed, even if the perpetrator lacks such intent.

## Complaint Procedure

Whatcom Community College has enacted policies prohibiting discrimination against, and harassment of members of protected classes. 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 or harassment should report the incident or incidents to the College's Title IX / EEO Coordinator identified below. If the complaint is against that Coordinator, the complainant should report the matter to the president's office for referral to an alternate designee.

The College encourages the timely reporting of any incidents of discrimination or harassment. Complaints may be submitted in writing or verbally. For complainants who wish to submit a written complaint, a formal complaint

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form is available online at <http://www.whatcom.edu/home/showdocument?id=360>. Hardcopies of the complaint form are available in the Human Resource Office, Laidlaw Center (LDC) 235.

The following College official s areis designated to handle inquiries regarding this policy:

**Name:** Becky Rawlings Benjamin Reed  
**Title:** Executive Director for Human Resources, Title IX / EEO Coordinator Title IX & ADA Coordinator  
**Office:** Laidlaw Center (LDC) 20835  
**Contact:** brawlings@whatcom.edu breed@whatcom.edu  
**Address:** 237 W. Kellogg Rd., Bellingham, WA 98226

**Name:** Becky Rawlings  
**Title:** Executive Director for Human Resources, Deputy Title IX Coordinator, EEO Coordinator  
**Office:** Laidlaw Center (LDC) 235  
**Contact:** brawlings@whatcom.edu  
**Address:** 237 W. Kellogg Rd., Bellingham, WA 98226

### The Title IX / EEO Coordinator(s) or designee:

- will accept all complaints and referrals from College employees, applicants, students, and visitors;
- will make determinations regarding how to handle requests by complainants for confidentiality;
- will keep accurate records of all complaints and referrals for the required time period;
- may conduct investigations or delegate and oversee investigations conducted by a designee;
- may impose interim remedial measures to protect parties during investigations of discrimination or harassment;
- will issue written findings and recommendations upon completion of an investigation; and
- may recommend specific corrective measures to stop, remediate, and prevent the recurrence of inappropriate conduct.

### C. Who May File a Complaint

Any employee, applicant, student, or visitor of Whatcom Community College may file a complaint. Complaints may be submitted in writing or verbally. The College encourages the timely reporting of any incidents of discrimination or harassment. For complainants who wish to submit a written complaint, a formal complaint form is available online at <http://www.whatcom.edu/home/showdocument?id=360>. Hardcopies of the complaint form are available at the Human Resource Office, Laidlaw Center (LDC) 235. Any person submitting a discrimination complaint shall be provided with a written copy of the College's anti-discrimination policies and procedures.

## D. Confidentiality and Right to Privacy

Whatcom Community College will seek to protect the privacy of the complainant to the full extent possible, consistent with the legal obligation to investigate, take appropriate remedial and/or disciplinary action, and comply with the federal and state law, as well as Whatcom Community College policies and procedures. Although Whatcom Community College will attempt to honor complainants' requests for confidentiality, it cannot guarantee complete confidentiality. Determinations regarding how to handle requests for confidentiality will be made by the Title IX / EEO Coordinator/designee.

1. **Confidentiality Requests and Sexual Violence Complaints:** The Title IX / EEO Coordinator/Designee will inform and obtain consent from the complainant before commencing an investigation into a sexual violence complaint. If a sexual violence complainant asks that his or her name not be revealed to the respondent or that the College not investigate the allegation, the Title IX / EEO Coordinator/Designee will inform the complainant that maintaining confidentiality may limit the College's ability to respond fully to the allegations and that retaliation by the respondent and/or others is prohibited. If the complainant still insists that his or her name not be disclosed or that the College not investigate, the Title IX /EEO Coordinator/designee will determine whether the College can honor the request and at the same time maintain a safe and non-discriminatory environment for all members of the College community, including the complainant. Factors to be weighed during this determination may include, but are not limited to:
  - a. the seriousness of the alleged sexual violence;
  - b. the age of the complainant;
  - c. whether the sexual violence was perpetrated with a weapon;
  - d. whether the respondent has a history of committing acts of sexual violence or violence or has been the subject of other sexual violence complaints;
  - e. whether the respondent threatened to commit additional acts of sexual violence against the complainant or others; and
  - f. whether relevant evidence can be obtained through other means (e.g., security cameras, other witnesses, physical evidence).

If the College is unable to honor a complainant's request for confidentiality, the Title IX / EEO Coordinator/Designee will notify the complainant of the decision and ensure that complainant's identity is disclosed only to the extent reasonably necessary to effectively conduct and complete the investigation.

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

## E. Investigation Procedure

Upon receiving a discrimination complaint, the College shall commence an impartial investigation. The Title IX / EEO Coordinator/Designee shall be responsible for overseeing all investigations. Investigations may be conducted by the Title IX / EEO Coordinator or his or her designee. If the investigation is assigned to someone other than the Title IX /EEO Coordinator, the Title IX / EEO Coordinator/Designee shall inform the complainant and respondent(s) of the appointment of an investigator.



1. **Interim Measures:** The Title IX / EEO Coordinator/Designee may impose interim measures to protect the complainant and/or respondent pending the conclusion of the investigation. Interim measures may include, but are not limited to, imposition of no contact orders, rescheduling classes, temporary work reassignments, referrals for counseling or medical assistance, and imposition of summary discipline on the respondent consistent with the College's student conduct code or the College's employment policies and collective bargaining agreements.
2. **Investigation:** Complaints shall be thoroughly and impartially investigated. The investigation shall include, but is not limited to, interviewing the complainant and the respondent, relevant witnesses, and reviewing relevant documents. The investigation shall be concluded within a reasonable time, normally sixty days barring exigent circumstances. At the conclusion of the investigation, the investigator shall set forth his or her findings and recommendations in writing. If the investigator is a designee, the investigator shall send a copy of the findings and recommendations to the Title IX / EEO Coordinator/designee. The Title IX / EEO Coordinator/Designee shall consider the findings and recommendations and determine, based on a preponderance of the evidence, whether a violation of the discrimination and harassment policy occurred, and if so, what steps will be taken to resolve the complaint, remedy the effects on any victim(s), and prevent its recurrence. Possible remedial steps may include, but are not limited to, referral for voluntary training/counseling, development of a remediation plan, limited contact orders, and referral and recommendation for formal disciplinary action. Referrals for disciplinary action will be consistent with the Student Rights and Responsibilities Policy (WAC 132U-125) or college employment policies and collective bargaining agreements.
3. **Written Notice of Decision:** The Title IX / EEO Coordinator/Designee 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 respondent not contact the complainant. The complainant may be notified generally that the matter has been referred for disciplinary action. The respondent shall be informed in writing of the findings and of actions taken or recommended to resolve the complaint and shall be notified of referrals for disciplinary action. Both the complainant and the respondent are entitled to review any final findings, conclusions, and recommendations, subject to confidentiality requirements.
4. **Informal Dispute Resolution:** Informal dispute resolution processes, like mediation, may be used to resolve complaints, when appropriate. Informal dispute resolution shall not be used to resolve sexual discrimination complaints without written permission from both the complainant and the respondent. If the parties elect to mediate a dispute, either party shall be free to discontinue mediation at any time. In no event shall mediation be used to resolve complaints involving allegations of sexual violence.
5. **Final Decision and/or Reconsideration:** Either the complainant or the respondent may seek reconsideration of the decision by the Title IX / EEO Coordinator/Designee. Requests for reconsideration shall be submitted in writing to the Title IX / EEO Coordinator/Designee within seven business 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 business days, the



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decision becomes final. If a request for reconsideration is received, the College President or designee shall respond within fourteen business days. The President or designee shall either deny the request or, if the President or designee determines that the request for reconsideration has merit, issue an amended decision. Any amended decision is final and no further reconsideration is available.

## **F. Publication of Anti-Discrimination Policies and Procedures**

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

## **G. Limits to Authority**

Nothing in this procedure shall prevent the College President or designee from taking immediate disciplinary action in accordance with Whatcom Community College policies and procedures, and federal, state, and municipal rules and regulations.

## **H. Non-Retaliation, Intimidation, and Coercion**

Retaliation by, for, or against any participant (including complainant, respondent, witness, Title IX / EEO Coordinator/designee, or investigator) is expressly prohibited. Retaliatory action of any kind taken against individual(s) as a result of seeking redress under the applicable procedures or serving as a witness in a subsequent investigation or any resulting disciplinary proceedings is prohibited and is conduct subject to discipline. Any person who thinks he/she has been the victim of retaliation should contact the Title IX / EEO Coordinator/Designee immediately.

## **I. Criminal Complaints**

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

### **Bellingham Police Department**

505 Grand Ave, Bellingham, WA 98225

(360) 778-8800 <https://www.cob.org/gov/dept/police>

### **Blaine Public Safety Department**

322 H St, Blaine, WA 98230

(360) 332-6769 <http://www.ci.blaine.wa.us/171/Public-Safety>

### **Everson Police Department**

111 W Main St, Everson, WA 98247

(360) 966 4212 <http://www.ci.everson.wa.us/police-department.html>

**Ferndale Police Department**

2220 Main St, Ferndale, WA 98248

(360) 384 3390 <http://www.ferndalepd.org/>

**Lynden Police Department**

203 19th St, Lynden, WA 98264

(360) 354 2828 <http://www.lyndenwa.org/departments/police/>

**Sumas Police Department**

433 Cherry St, Sumas, WA 98295

(360) 988 5711 <http://www.sumaspolice.com/>

**Western Washington University**

Department of Public Safety

516 High Street, Bellingham, WA 98225

(360) 650 3911 <http://www.wvu.edu/ps/police/index.shtml>

**Whatcom County Sheriff's Office**

Public Safety Building

311 Grand Avenue, Bellingham, WA 98225

(360) 676 6650 <http://www.whatcomcounty.us/200/Sheriff>

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

**J. Other Discrimination Complaint Options**

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

**Washington State Human Rights Commission** at <http://www.hum.wa.gov/>

**U.S. Dept. of Education Office for Civil Rights** at <http://www2.ed.gov/about/offices/list/ocr/index.html>

**Equal Employment Opportunity Commission** at <http://www.eeoc.gov/>

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## Discrimination/Harassment Complaint Form

This form is designed to assist you with filing a discrimination and/or harassment complaint. Please write clearly and focus on the alleged discriminatory and/or harassing conduct. The complaint should include as much information regarding the incident giving rise to the complaint as possible, including the location, date and time of the alleged incident(s); the name of the individual or group whom the complaint is against, if known; a description of the incident(s); and the remedy sought.

Name of filing the complaint: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

You may use the base side of this sheet if needed. Please return this form to the Title IX/EEO Coordinator, LDC 235.

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TITLE: STUDENT RIGHTS AND RESPONSIBILITIES POLICY (STUDENT CONDUCT CODE)

NUMBER: 616

APPROVED BY THE BOARD OF TRUSTEES: 2/17/21

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## MODEL SUPPLEMENTAL TITLE IX PROCEDURES

### **WAC 132U \_\_\_ 001—Order of Precedence**

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 the College’s standard disciplinary procedures, WAC 132U-300-030 through -140, and WAC 132U-126-001 through -100<sup>1</sup>, these supplemental procedures shall take precedence.<sup>2</sup>

#### **A. Introduction**

Whatcom Community College recognizes its responsibility for investigation, resolution, implementation of corrective measures, and monitoring the educational environment and workplace to stop, remediate, and prevent sexual misconduct and harassment as outlined in the Title IX of the Educational Amendments of 1972. This policy reflects the Department of Education’s Final Rule, which went into effect August 14, 2020. Whatcom Community College is committed to addressing all allegations of misconduct and harassment, and as such the Title IX Coordinator will evaluate each allegation to determine if it fits under the jurisdiction of this Policy, Policy 615, or Policy 620.

#### **B. Definitions**

**Actual Knowledge:** notice of sexual harassment or allegations of sexual harassment to a recipient’s Title IX Coordinator or any official of the recipient who has authority to institute corrective measures on behalf of the recipient.

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<sup>1</sup> Cite to existing student conduct code and procedure.

<sup>2</sup> To comply with these procedures, College officials must read these supplemental procedures in conjunction with the regular procedures. The regular procedures still apply, even if they are not expressly mentioned in the supplemental procedures. The only time one won’t comply with the regular procedures is when they conflict with the supplemental procedures, in which case, the supplemental procedures control.

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**Complainant:** employee(s), applicant(s), student(s), or visitors(s) of Whatcom Community College who alleges that she or he has been subjected to discrimination or harassment due to his or her membership in a protected class.

**Complaint:** a description of facts filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the recipient investigate the allegation of sexual harassment. In complaints where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party and must otherwise comply with their regulatory duties.

**Consent:** knowing, voluntary and clear permission by word or action, to engage in mutually agreed upon sexual activity. Each party has the responsibility to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be at the time of the act of sexual intercourse or sexual contact actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact. A person cannot consent if he or she is unable to understand what is happening or is disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has engaged in nonconsensual conduct. Intoxication is not a defense against allegations that an individual has engaged in nonconsensual sexual conduct.

**Decision Maker:** the individual that leads and coordinates the disciplinary phase of these procedures, following a full investigation as outlined below. In cases involving only students as complainants and respondents the Decision Maker will be the Director for Student Conduct or designee. In cases involving employees as either complainants, respondents, or both the Decision maker will be the Executive Director for Human Resources or designee. The Decision Maker cannot be the Title IX Coordinator involved in the case, or the investigator.

**Resolution:** the means by which the complaint is finally addressed. This may be accomplished through informal or formal processes, including counseling, mediation, or the formal imposition of discipline.

**Respondent:** person or persons who are members of the campus community who allegedly discriminated against or harassed another person or persons. Any person alleged to have violated this policy is presumed not responsible until the resolution of the formal or informal process.

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Retaliation: harming, threatening, intimidating, coercing, or taking adverse action of any kind against a person because person reported an alleged violation of this policy or other college policy, provided information about an alleged violation, or participated as a witness or in any other capacity in an investigation or disciplinary proceeding.

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Supportive Measures: non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. The Title IX Coordinator is responsible for coordinating these measures. Supportive measures may include: counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus safety escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures (See VAWA Section 304 for additional measures that may be required). These measures are available to complainants without the filing of a formal complaint.

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### **WAC 132U—002—C. Prohibited Conduct Under Title IX**

Pursuant to RCW 28B.50.140(13) and Title IX of the Education Act Amendments of 1972, 20 U.S.C. §1681, the College may impose disciplinary sanctions against a student or employee who commits, attempts to commit, or aids, abets, incites, encourages, or assists another person to commit, an act(s) of “sexual harassment.”

For purposes of this supplemental procedure policy, “sexual harassment”<sup>3</sup> encompasses the following conduct:

- (1) 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.

<sup>3</sup> Washington’s Law Against Discrimination (WLAD), RCW 49.60, and Gender Equality in Higher Education Act, RCW 28B.110, provide broader protection from sexual misconduct than the narrow definitions of “sexual harassment” prohibited under Title IX. Accordingly, institutions will want to retain broader definitions of sexual misconduct that are in their regular student conduct code, as this conduct is still subject to regulation under state law and institutional policies prohibiting gender discrimination.

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- (2) Hostile Environment. Unwelcome conduct that a reasonable person would find to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College’s educational programs or activities, or employment.
- (3) Sexual Assault. Sexual assault includes the following conduct:
  - (a) 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.
  - (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) The length of the relationship;

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- (b) The type of relationship; and
  - (c) The frequency of interaction between the persons involved in the relationship.
- (6) Stalking. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress.

**WAC 132U—003—D. Title IX Jurisdiction**

- (1) This supplemental procedure applies only if the alleged misconduct:
  - (a) Occurred in the United States;
  - (b) Occurred during a College educational program or activity; and
  - (c) Meets the definition of Sexual Harassment as that term is defined in this [supplemental procedure policy](#).
- (2) For purposes of this [supplemental procedure policy](#), an “educational program or activity” is defined as locations, events, or circumstances over which the College exercised substantial control over both the respondent and the context in which the alleged sexual harassment occurred. This definition includes any building owned or controlled by a student organization that is officially recognized by the College.
- (3) Proceedings under this [supplemental procedure policy](#) must be dismissed if the ~~decision maker~~ [Title IX Coordinator or designee](#) determines that one or all of the requirements of Section (1)(a)-(c) have not been met. Dismissal under this [supplemental procedure policy](#) 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 132U-126 [or the college’s Discrimination and Harassment Policy WAC 132U-300](#).<sup>4</sup>
- ~~(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.~~

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**E. Confidentiality and Right to Privacy**

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<sup>4</sup> Insert citation to the institution’s student conduct code.

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Whatcom Community College will seek to protect the privacy of the complainant to the full extent possible, consistent with the legal obligation to investigate, take appropriate remedial and/or disciplinary action, and comply with the federal and state law, as well as Whatcom Community College policies and procedures. Although Whatcom Community College will attempt to honor requests for confidentiality, it cannot guarantee complete confidentiality. Determinations regarding how to handle requests for confidentiality will be made by the Title IX Coordinator/designee.

1. Confidentiality Requests and Sexual Violence Complaints: The Title IX Coordinator/Designee will inform and obtain consent from the complainant before commencing an investigation into a sexual violence complaint. If a sexual violence complainant asks that his or her name not be revealed to the respondent or that the College not investigate the allegation, the Title IX Coordinator/Designee will inform the complainant that maintaining confidentiality may limit the College's ability to respond fully to the allegations and that retaliation by the respondent and/or others is prohibited. If the complainant still insists that his or her name not be disclosed or that the College not investigate, the Title IX Coordinator/designee will determine whether the College can honor the request and at the same time maintain a safe and non-discriminatory environment for all members of the College community, including the complainant. Factors to be weighed during this determination may include, but are not limited to:

- a. the seriousness of the alleged sexual violence;
- b. the age of the complainant;
- c. whether the sexual violence was perpetrated with a weapon;
- d. whether the respondent has a history of committing acts of sexual violence or violence or has been the subject of other sexual violence complaints;
- e. whether the respondent threatened to commit additional acts of sexual violence against the complainant or others; and
- f. whether relevant evidence can be obtained through other means (e.g., security cameras, other witnesses, physical evidence).

If the College is unable to honor a complainant's request for confidentiality, the Title IX Coordinator/Designee will notify the complainant of the decision and ensure that complainant's identity is disclosed only to the extent reasonably necessary to effectively conduct and complete the investigation.

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

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### **F. Initiation of Investigation**

Any employee, student, applicant, or visitor who believes that he or she has 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 Coordinator, the complainant should report the matter to the president's office for referral to an alternate designee.

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The College encourages the timely reporting of any incidents of discrimination or harassment. Complaints may be submitted in writing or verbally. For complainants who wish to submit a written complaint, a formal complaint form is available online at <http://www.whatcom.edu/home/showdocument?id=360>. Hardcopies of the complaint form are available in the Human Resource Office, Laidlaw Center (LDC) 235.

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The following College officials are designated to handle inquiries regarding this policy:

Name: Benjamin Reed  
Title: Title IX & ADA Coordinator  
Office: Laidlaw Center (LDC) 208  
Contact: [breed@whatcom.edu](mailto:breed@whatcom.edu)  
Address: 237 W. Kellogg Rd., Bellingham, WA 98226

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Name: Becky Rawlings  
Title: Executive Director for Human Resources, Deputy Title IX Coordinator, EEO Coordinator  
Office: Laidlaw Center (LDC) 235  
Contact: [brawlings@whatcom.edu](mailto:brawlings@whatcom.edu)  
Address: 237 W. Kellogg Rd., Bellingham, WA 98226

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The Title IX Coordinator(s) or designee:

- will accept all complaints and referrals from College employees, applicants, students, and visitors;
- will make determinations regarding how to handle requests by complainants for confidentiality;
- will keep accurate records of all complaints and referrals for the required time period;

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- may conduct investigations or delegate and oversee investigations conducted by a designee;
- may impose interim remedial measures to protect parties during investigations of discrimination or harassment;
- may recommend specific corrective measures to stop, remediate, and prevent the recurrence of inappropriate conduct.

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Any employee, applicant, student, or visitor of Whatcom Community College may file a complaint. Complaints may be submitted in writing or verbally. The College encourages the timely reporting of any incidents of discrimination or harassment. For complainants who wish to submit a written complaint, a formal complaint form is available online at <http://www.whatcom.edu/home/showdocument?id=360>. Hardcopies of the complaint form are available at the Human Resource Office, Laidlaw Center (LDC) 235. Any person submitting a discrimination complaint shall be provided with a written copy of the College's anti-discrimination policies and procedures, as well as a copy of this policy.

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Upon receiving a discrimination complaint, and determining that the requirements of Section (1)(a)-(c) have been met, the College shall commence an impartial investigation. The Title IX Coordinator/Designee shall be responsible for overseeing all investigations. Investigations may not be conducted by the Title IX Coordinator, and the college may contract with a third-party as investigator. Once the investigation is assigned to someone other than the Title IX Coordinator, the Title IX Coordinator shall inform the complainant and respondent(s) of the appointment of an investigator.

1. **Supportive Measures:** The Title IX Coordinator/Designee will promptly contact all necessary parties to coordinate supportive measures.

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

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3. **Investigation:** Complaints shall be thoroughly and impartially investigated. The investigation shall include, but is not limited to, interviewing the complainant and the

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respondent, relevant witnesses, and reviewing relevant documents. The investigation shall be concluded within a reasonable time, normally ninety days barring exigent circumstances. At the conclusion of the investigation, the investigator shall set forth his or her findings and recommendations in writing. The investigator shall send a copy of the findings and recommendations to the Title IX Coordinator/designee. The Title IX Coordinator/Designee shall send that Final Investigation Report to the Decision Maker.

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**4. Written Notice of Conclusion:** The Title IX Coordinator/Designee will provide each party and the appropriate student services administrator or appointing authority with written notice of the investigative findings, along with access to the report. All parties will have up to 10 days to submit, in writing, a meaningful response to the findings of fact in the report.

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**5. Final Investigation Report:** 10 days after the Written Notice of Conclusion the investigator will submit the Final Investigation Report, with findings of fact using a preponderance of evidence standard, to the the Title IX Coordinator.

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

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**WAC 132U—004—G. Initiation of Discipline**

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(1) Upon receiving the ~~Title IX investigation report~~Final Investigation Report from the investigator, the Title IX Coordinator/Designee, ~~will forward the report to the Student Conduct Officer~~Decision Maker, who 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~~Decision Maker determines that there are sufficient grounds to proceed under these supplement procedures, the ~~Student Conduct Officer~~Decision Maker will initiate a Title IX disciplinary proceeding by ~~filing a written~~

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~~disciplinary notice with the Chair of the Student Conduct Committee<sup>5</sup> 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 allegation(s);~~

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

~~(e)~~

~~(d)(e) Identify the range of possible sanctions that may be imposed if the Respondent is found responsible for the alleged violation(s); and~~

~~(e)(f) 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) 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; and

~~(3)(1) Explain that if a party fails to appear at the hearing, a decision of responsibility may be made in their absence.~~

**WAC 132U—005—H. Pre-Hearing Procedure**

- (1) Upon ~~receiving~~ ~~sending~~ the ~~disciplinary notice~~ **Final Investigation Report**, the ~~Chair of the Student Conduct Committee~~ **Decision Maker** will send a hearing notice to all parties, in

<sup>5</sup> ~~Given the sensitivity and complexity of Title IX matters, institutions may want to consider having hearings heard by a smaller panel of college employees (e.g., two faculty and an administrator) or even a single hearing officer. There is no legal requirement that a student conduct committee hear these cases. Institutions may also want to consider utilizing the same panel or hearing officer to hear both employee and student Title IX discipline cases. Finally, institutions may want to combine resources by retaining and training one hearing officer or committee chair to handle cases at multiple institutions. Any school pursuing these options will want to carefully review and revise the supplemental procedures to reflect these decisions.~~

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compliance with WAC 132U-300-090. In no event will the hearing date be set less than ten (10) days after the Title IX Coordinator or designee 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~~ Decision Maker. ~~The Decion maker will then forward~~ 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 the College intends to offer the evidence at the hearing.

**WAC 132U—006—I. Rights of Parties**

- (1) The College's Student Conduct Procedures, WAC 132U-126,<sup>6</sup> as well as College Policies, practices, Faculty Negotiated Agreements, and Collective Bargaining agreement and this ~~supplemental procedure~~ policy shall apply equally to all parties.
- (2) The College bears the burden of offering and presenting sufficient testimony and evidence to establish that the Respondent is responsible for a Title IX violation by a preponderance of the evidence.
- (3) The Respondent will be presumed not responsible until such time as the disciplinary process has been finally resolved.
- (4) During the hearing, each party shall be represented by an advisor. The parties are entitled to an advisor of their own choosing and the advisor may be an attorney. If a party does not choose an advisor, then the Title IX Coordinator<sup>7</sup> or designee will appoint an advisor of the ~~[College or University]~~ College's choosing on the party's behalf at no expense to the party.

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**WAC 132U—007—J. Evidence**

<sup>6</sup> ~~Citation to the institution's student conduct procedures.~~

<sup>7</sup> ~~This responsibility could also be assigned to the Chair of the Student Conduct Committee. This may invite allegations of bias or conflict of interest. The Title IX Coordinator does not have any part in the determination of responsibility, so may be a better choice.~~

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

- (1) Relevance: The ~~Committee Chair~~ Decision Maker or designee 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 during the live hearing, the Committee Decision Maker must not rely on any statement by that party or witness in reaching a determination of responsibility.
- (5) No negative inference: The Committee Decision Maker 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 Decision Maker 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:
  - (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.

**~~WAC 132U—008—K.~~ Initial Order**

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In addition to complying with WAC 132U-126, the ~~Student Conduct Committee~~ Decision Maker will be responsible for conferring and drafting an Initial Order that:

- (1) Identifies the allegations of sexual harassment;
- (2) Describes the grievance and disciplinary procedures, starting with filing of the formal complaint through the determination of responsibility, including notices to parties, interviews with witnesses and parties, site visits, methods used to gather evidence, and hearings held;
- (3) Makes findings of fact supporting the determination of responsibility;
- (4) Reaches conclusions as to whether the facts establish whether the Respondent is responsible for engaging in Sexual Harassment in violation of Title IX;
- (5) Contains a statement of, and rationale for, the ~~Committee's~~ Decision Maker'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 the ~~{College or University}~~ College's education programs or activities; and
- (8) Describes the process for appealing the Initial Order to the ~~{College or University}~~ College President.
- (9) The ~~Committee Chair~~ Decision Maker will serve the Initial Order on the Parties simultaneously.

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**WAC 132U—009—L. Appeals**

- (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

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Revised—July 7, 2020

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complaint. The right to appeal will be subject to the same procedures and timeframes set forth in WAC 132U-126-090.<sup>8</sup>

- (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 or designee shall serve the Final Decision on the parties simultaneously.

**M. Non-Retaliation, Intimidation, and Coercion**

(3) Retaliation by, for, or against any participant (including complainant, respondent, witness, Title IX Coordinator/designee, or investigator) is expressly prohibited. Retaliatory action of any kind taken against individual(s) as a result of seeking redress under the applicable procedures or serving as a witness in a subsequent investigation or any resulting disciplinary proceedings is prohibited and is conduct subject to discipline. Any person who thinks he/she has been the victim of retaliation should contact the Title IX Coordinator/Designee immediately.

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<sup>8</sup> Citation to the procedure for appealing an Initial Order to the President under the institution’s student conduct procedure.

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TITLE:	<b>STUDENT RIGHTS AND RESPONSIBILITIES POLICY (STUDENT CONDUCT CODE)</b>
NUMBER:	620
APPROVED BY THE BOARD OF TRUSTEES	6/14/88
AMENDED BY THE BOARD OF TRUSTEES	10/11/17; 01/14/14; 09/23/09; 07/11/07; 12/10/02

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**WAC 132U-126-001 AUTHORITY.** The board of trustees, acting pursuant to RCW 28B.50.140(14), delegates to the president of the college the authority to administer the disciplinary procedure. Administration of the disciplinary procedures is the responsibility of the vice president for student services or designee. Unless otherwise specified, the student conduct officer or designee shall serve as the principal investigator and administrator for alleged violations of this code.

**WAC 132U-126-003 PURPOSE.** Whatcom Community College, as a state supported institution of higher education, has a primary mission to contribute to the vitality of its communities by providing quality education and preparing students for active citizenship in a global society. Students and college personnel share the responsibility of contributing to a learning environment that promotes academic integrity, social justice, civility, and nonviolence within a safe and supportive college community.

Enrollment in Whatcom Community College carries with it the obligation to be a responsible citizen of the college community and to treat others with respect and dignity. All students are responsible for understanding and complying with college policies and regulations along with local, state, and federal laws. The student conduct code and disciplinary procedures are implemented to assist in the protection of the rights and freedoms of all members of the college community. The purpose of the student code is to hold students accountable while upholding their rights and responsibilities.

**WAC 132U-126-005 STATEMENT OF JURISDICTION.**

- A. The student conduct code shall apply to student conduct that occurs

1. on college premises;
  2. at or in connection with college sponsored activities; or
  3. to off-campus conduct that, in the judgment of the college, adversely affects the college community or the pursuit of its objectives.
- B. Jurisdiction extends to locations in which students are engaged in official college activities including, but not limited to, foreign or domestic travel, activities funded by the associated students, athletic events, training, internships, cooperative and distance education, on-line education, practicums, supervised work experiences, study abroad, or any other college-sanctioned social or club activities.
- C. Students are responsible for their conduct from the time of admissions to the college 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. The student conduct officer 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.
- D. These standards shall apply to a student's conduct even if the student withdraws from college while a disciplinary matter is pending.

**WAC 132U-126-010 DEFINITIONS.** The following definitions shall apply for purpose of this student conduct code:

- (1) "Business day" any day, Monday through Friday (excluding holidays), during which college offices are open.
- (2) "College community" shall include any person or entity with a connection or relationship with pursuit of the college mission.
- (3) "College premises" shall include the college campus and includes all land, buildings, facilities, vehicles, equipment, and other property owned, used, leased, or controlled by the college.
- (4) "Complainant" is an alleged victim of sexual misconduct-employee(s), applicant(s), student(s), or visitor(s) of Whatcom Community College who alleges that they have been subjected to behavior that is a violation of this policy.
- (4)(5) "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 is disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has engaged in nonconsensual conduct. Intoxication is not a defense against allegations that an individual has engaged in nonconsensual sexual conduct.
- (5)(6) "Conduct review officer" is the vice president for student services or other college administrator designated by the president to be responsible for receiving and for reviewing or referring appeals of student disciplinary cases in accordance with the procedures of this code.
- (6)(7) "Disciplinary action" is the process by which the student conduct officer imposes discipline against a student for a violation of the student conduct code.
- (7)(8) "Disciplinary appeal" is the process by which an aggrieved student can appeal the discipline imposed by the student conduct officer. Disciplinary appeals from a suspension in excess of ten (10) business days or an expulsion are heard by the student conduct appeals board. Appeals of all other appealable disciplinary action shall be reviewed through brief adjudicative proceedings.
- (8)(9) "Filing" is the process by which a document is received by a college official responsible for facilitating a disciplinary process. Documents required to be filed shall be deemed filed upon actual receipt during office hours at the office of the specified college official. Unless otherwise provided, filing shall be accomplished by:
  - a) Hand delivery of the document to the specified college official or college officials' assistant; or
  - b) Sending the document by first class mail to the specified college official's office; or

c) Emailing the document to specified college official's colleges email address.

~~(9)~~(10) "Guest" any person who is not a member of the college community, who is on institutional property or attending an institutional function that the invitation of and/or hosted by a member of the college community.

~~(10)~~(11) "Preponderance of evidence" is defined as "more likely than not" and is the standard of responsibility that is used when determining whether a violation of the student rights and responsibilities has occurred.

~~(11)~~(12) "President" is the president of the college. The president is authorized to delegate or reassign any and all of their responsibilities as may be reasonably necessary.

~~(12)~~(13) "Reporting Party" is a student or another member of the college community who reports an alleged violation of this code has been committed.

~~(13)~~(14) "Respondent" is the student against whom disciplinary action is initiated.

~~(14)~~(15) "Service" is the process by which a document is officially delivered to a party. Service is deemed complete upon the hand delivery of the document, or upon the date the document is emailed or post marked by the mail service. Unless otherwise provided, service upon a person shall be accomplished by:

- a) Hand-delivery of the document to a person; or
- b) Sending the document by certified or first class mail to the person's last known address; or
- c) Emailing the document to the party's official college email address.

~~(15)~~(16) "Student" includes all person taking courses at or through the college, whether on a full-time or a part-time basis, and whether such courses are credit courses, non-credit courses, on-line courses, or otherwise.

Persons 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 have been notified of their acceptance for admissions are considered "students."

~~(16)~~(17) "Student conduct officer" is a college administrator designated by the president or vice president for student services to be responsible for implementing and enforcing the student conduct code.

~~(17)~~(18) "Student Conduct Code" or "Code" is the student rights and responsibilities policy WAC 132U-126

**WAC 132U-126-015 STATEMENT OF STUDENT RIGHTS.** As members of the academic community, students are encouraged to develop the capacity for critical judgment and to engage in an independent search for truth. Freedom to teach and freedom to learn are inseparable facets of academic freedom. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community. Students should exercise their freedom with responsibility. The responsibility to secure and to respect general conditions conducive to the freedom to learn is shared by all members of the college community.

The following enumerated rights are guaranteed to each student within the limitations of statutory law and college policy, which are deemed necessary to achieve the education goals of the college:

**(1) Academic freedom.**

- a) Students are guaranteed the rights of free inquiry, expression, and assembly upon and within college facilities that are generally open and available to the public.
- b) Students are free to pursue appropriate educational objectives from among the college's curricula, programs, and services, subject to the limitations of RCW 28B.50.090(3)(b).
- c) Students shall be protected from academic evaluation which is arbitrary, prejudiced, or capricious but are responsible for meeting the standards of academic performance established by each of their instructors.
- d) Students have the right to a learning environment which is free from unlawful discrimination, inappropriate and disrespectful conduct, and ~~any and all~~ harassment, including sexual harassment.

**(2) Due process.**

- a) The rights of students to be secure in their persons, quarters, papers, and effects against unreasonable searches and seizures is guaranteed.

- b) No sanction may be imposed on any student without notice to the accused of the nature of the charges.
  - c) A student accused of violating this code of student conduct is entitled, upon request, to procedural due process as set forth in this chapter.
- (3) **Sexual Misconduct Complainant.** In any case involving an allegation of sexual misconduct as defined in this code, a complainant is and respondents are afforded certain rights under this code including, but not limited to:
- a) The right to be informed of all orders issued in the disciplinary case in which they are a complainant;
  - b) The right to appeal to the student conduct committee an initial order issued by a conduct officer;
  - c) The right to request presidential review of an initial order issued by the student conduct committee; and
  - d) The right to be accompanied to all hearings by an advisor and/or an attorney at the student's expense.

#### **WAC 132U-126-020 STUDENT RESPONSIBILITY FOR GUESTS.**

Guests and visitors on college property or at official college functions are expected to comply with all college policies and procedures, as well as all applicable local, state, and federal laws and regulations.

1. Guests who willfully refuse to comply with an order of a college official or other law enforcement officer to desist from prohibited conduct may be ejected from the premises by legal trespass order.
2. Students who invite guests into their college controlled residence, or to official college functions are responsible for the behavior of their guests. As a result, a student may be held responsible for any alleged violations(s) of the code committed by their guest.

#### **WAC 132U-126-025 AMNESTY**

Students are encouraged to see swift medical assistance for themselves and others without fear of penalty in situations involving use of, or medical-issues related to, alcohol or drugs. Students requesting and receiving medical assistance in these situations will not typically be subject to the formal student conduct process. While disciplinary action may not be taken, the college reserves the right to take steps necessary to address health and safety concerns for the individual and the community. This policy refers to isolated incidents and does not excuse students who repeatedly or knowingly violate the alcohol or drug policy, nor does it preclude action arising from other violations of the code. The student conduct officer will consider the positive impact of reporting a situation when determine any course of action.

Complainants and witnesses who, in good faith, report sexual misconduct will not be subject to alcohol or drug violations of the code occurring at or near the time of the sexual misconduct unless their own conduct placed another person's health or safety at risk.

#### **WAC 132U-126-030 PROHIBITED STUDENT CONDUCT.**

The college may impose sanctions against a student found responsible for committing, attempting to commit, aiding, abetting, inciting, encouraging, or assisting 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 collaboration 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.

~~c)d~~ The decision to bring a student conduct proceeding under this Code for academic dishonesty is at the sole discretion of the student conduct officer. Nothing in this Code prohibits instructors and/or academic divisions or departments from imposing academic sanctions, up to and including a failing grade in an academic course or dismissal from an academic program, in response to academic dishonesty. Policies and procedures governing the imposition of academic sanctions from academic dishonesty can be found in the course syllabus, and any applicable program handbook.

- (2) **Other dishonesty.** Any other act of dishonesty, including, 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;
  - c) Furnishing false information, or failing to furnish correct information, in response to the request or requirement of a college officer or employee.
- (3) **~~Disruptive behavior~~Disruption or Obstruction. ~~Behavior~~Conduct** not otherwise protected by law, that interferes with, impedes, or otherwise unreasonably hinders the following:
  - a) Instruction, services, research, administration, disciplinary proceedings, or other college activities, including the obstruction of the free flow of pedestrian or vehicular movement on college property or at a college activity; or
  - b) Any activity that is authorized to occur on college property or under college jurisdiction, whether or not actually conducted or sponsored by the college.
- (4) **Assault or intimidation.** 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. Bullying is physical or verbal abuse, repeated over time, and involves a power imbalance between the aggressor and victim. 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) **Cyber misconduct.** Cyber-stalking, cyber-bullying, or online harassment. Use of electronic communication, 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, correspondence using another's identity, non-consensual recording of sexual activity, and nonconsensual distribution of a recording of sexual activity.
- (6) **Property violation.** Damage to, misappropriation of, unauthorized use or possession of, vandalism, or other non-accidental damaging or destruction of college property or property of another person. Property for the purposes of this subsection includes, but is not limited to, computer passwords, access codes, identification cards, personal financial account numbers, other confidential personal information, intellectual property, and college copyrights and trademarks.
- (7) **Failure to comply.** Failure to comply with a directive 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.
- (8) **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;

- b) A student with a valid concealed weapons permit may store a pistol in their vehicle parked on campus in accordance with RCW 9.41.050(2) or (3), provided the vehicle is locked and the weapon is concealed from view; or
  - c) The president may grant permission to bring a weapon on campus upon a determination that the weapon is reasonably related to a legitimate pedagogical purpose. Such permission shall be in writing and shall be subject to such terms or conditions incorporated in the written permission.
  - d) This policy does not apply to the possession and/or use of legal disabling chemical sprays when possessed and/or used for self defense.
- (9) **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.
- (10) **Alcohol, drug, and tobacco violations.**
- a) **Alcohol.** The use, possession, sale, or being observably under the influence of any alcoholic beverage, except as permitted by law and applicable college policies.
  - b) **Marijuana.** The use, possession, delivery, or sale of marijuana or the psychoactive compounds found in marijuana and intended for human consumption, regardless of form, or being under the influence of marijuana or the psychoactive compounds found in marijuana and intended for human consumption, regardless of form or the possession of drug paraphernalia. While state law permits the recreational use of marijuana, federal law prohibits such use on college premises or in connection with college activities.
  - c) **Drugs.** The use, possession, delivery, sale, or the appearance of being 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.
  - d) **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. The use of tobacco, electronic cigarettes, and related products on the college campus is restricted to designated smoking areas. "Related products" include, but are not limited to cigarettes, pipes, bidi, clove cigarettes, water pipes, hookahs, chewing tobacco, vaporizers, and snuff.
- (11) **Lewd conduct.** Conduct which is obscene, indecent, pornographic and/or lascivious that is not otherwise protected under the law.
- (12) **Discriminatory conduct.** Conduct which harms or adversely affects any member of the college community because of race; color; national origin; sensory, mental, or physical disability; use of a service animal; age; religion; creed; gender, including pregnancy; marital status; genetic information; sexual orientation; gender identity; veteran's status; or any other legally protected classification.
- (13) **Sexual misconduct.** The term "sexual misconduct" includes sexual harassment, sexual intimidation, and sexual violence.
- 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: ~~conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, and/or other verbal, nonverbal, or physical conduct of a sexual nature that is sufficiently serious as to deny or limit, and does deny or limit, based on sex, 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.~~
    - i. Deny or limit the ability of a student to participate in or benefit from the college's educational program;





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

**(14) 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; use of a service animal; age; religion; genetic information; gender, including pregnancy, marital status; 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.

~~(14)a) 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.~~

**(15) 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.

**(16) Misuse of electronic 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 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 electronic use policy.

**(17) Unauthorized access.** Unauthorized possession, duplication, or other use of a key, keycard, or other restricted means of access to college property, or unauthorized entry onto or into college property.

**(18) Safety violation.** ~~Safety violation includes a~~ Any non-accidental or negligent conduct that interferes with or otherwise compromises any college policy, equipment, or procedure relating to the safety and security of self or the campus community, including tampering with fire safety equipment and triggering false alarms or other emergency response systems. A safety violation may include the 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.

**(19) Violation of other laws and policies.** Violation of any federal, state, or local law, rule, or regulation or other college rules or policies.

**(20) 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 shall proceed with student disciplinary proceedings regardless of whether the underlying conduct is subject to civil or criminal prosecution.

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**WAC 132U-126-025 CLASSROOM CONDUCT.** Faculty have the authority to take appropriate action to maintain order and proper conduct in the classroom and to maintain the effective cooperation of the class in fulfilling the objectives of the course.

Any instructor has the authority to exclude a student from any single class session during which the student is disruptive to the learning environment. The instructor shall report any such exclusion from the class to the vice president for student services, or designee, who may summarily suspend the student or initiate conduct proceedings as provided in this procedure. The vice president for student services, or designee, may impose a disciplinary probation that restricts the student from the classroom until the student has met with the student conduct officer and the student agrees to comply with the specific conditions outlined by the student conduct officer for behavior in the classroom. The student may appeal the disciplinary sanction according to the disciplinary appeal procedures.

**WAC 132U-126-040 SANCTIONS.** In keeping with the educational mission of Whatcom Community College, sanctions serve the purpose of educating students about their rights and responsibilities, reinforcing the high standards of scholarship expected of Whatcom students, promoting student development, and maintaining safety and well-being of members of the college community. When appropriate, the college may attempt to resolve issues without formal disciplinary action and may give verbal warnings. When a student takes responsibility for a violation or is determined to have violated the code, the student conduct officer may impose one or more of the following sanctions. This list is not meant to be exhaustive and other sanctions may be applied at the discretion of the student conduct officer.

- (1) **Disciplinary warning.** A verbal statement to a student that there is a violation and that continued violation may be cause for further disciplinary action.
- (2) **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.
- (3) **Disciplinary probation.** Formal action placing specific conditions and restrictions upon the student's continued attendance depending upon the seriousness of the violation. Probation may be for a specific period of time or for the duration of the student's enrollment at the college.
- (4) **Disciplinary suspension.** Dismissal from the college and from the student status for a stated period of time. There may be no refund of tuition or fees for the quarter in which the action is taken.
- (5) **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 is taken.
- (6) **Educational aActivity.** A student may be required to engage in educational activities related to violation(s). Such activities may include, but are not limited to, attendance at educational programs, community services, project or written assignments, and/or meeting with campus officials.
- (7) **Loss of pPrivileges.** A student may be denied specific privileges on a temporary or permanent basis such as participating in specific activities or restriction from specific areas of campus.
- (8) **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 proceedings.
- (9) **Professional eEvaluation.** 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 conditional upon compliance with the recommendations set forth in such a professional evaluation. If the evaluation indicates that the student is not capable of functioning within the college community, the student will remain suspended until further evaluation recommends that the student is capable of reentering the college and complying with the rules of conduct.
- (10) **Administrative nNo-cContact oOrder.** An order directing a student to have no contact with a specified student, college employee, a member of the college community, or a particular college facility.

- (11) **Student hHousing rRelocation.** Students who are living in college-controlled or administered housing may be transferred to alternate college-controlled or administered housing.
- (12) **Termination of sStudent hHousing cContract.** A student may be removed from their college-controlled housing and their housing contract terminated.
- (13) **Disqualification from athletics:** Any student found by the college to have violated this code related to the use, possession, sale, or delivery of legend drugs is subject to additional sanctions, including disqualification from college-sponsored athletic events.
- ~~(12)~~(14) **College or community service:** Assignment of labor or responsibilities to any student or student organization with the college or local community. May also include mandatory attendance to educational programs or courses or other assignments.

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#### **WAC 132U-126-045 INITIATION OF DISCIPLINARY ACTION.**

- (1) All disciplinary actions will be initiated by the student conduct officer in response to a report filed by any college community member. A complaint should be made in writing to the Office of Student Conduct. Additionally, information received from any source (police report, third party, electronic, etc.) may be considered as a complaint. If that officer is the subject of a complaint initiated by the respondent, the president shall, upon request and when feasible, designate another person to fulfill any such disciplinary responsibilities relative to the complaint. All complaints of sexual misconduct will be reviewed by the Title IX Coordinator or designee to determine whether the complaint is a violation of WAC 132U-305 or the Student Code of Conduct.
- (2) The student conduct officer or designee shall initiate disciplinary action by serving the respondent with written notice directing them to attend a disciplinary meeting. The notice shall briefly describe the factual allegations, the provision(s) of the conduct code the respondent is alleged to have violated, the range of possible sanctions for the alleged violation(s), and specify the time and location of the meeting. At the meeting, the student conduct officer will present the allegations to the respondent and the respondent shall be afforded an opportunity to explain what took place. If the respondent fails to attend the meeting after proper service of notice the student conduct officer may take disciplinary action based upon the available information.
- (3) The student conduct officer or designee, 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 investigation and possible sanctions and/or conditions (if any) that may be imposed upon the respondent if the allegations of sexual misconduct are found to have merit.
- (4) Within ten (10) business days of the initial disciplinary meeting, and after considering the evidence in the case, including any facts or argument presented by the respondent, the student conduct officer shall serve the respondent with a written decision setting forth the facts and conclusions supporting their decision, the specific student conduct code provisions found to have been violated, the sanction imposed (if any), and a notice of any appeal rights with an explanation of the consequences of failing to file 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 132U-126-035
  - c) Refer the matter directly to the student conduct committee for such disciplinary action, as the committee deems appropriate. Such referral shall be in writing, to the attention of the chair of the student conduct committee, with a copy served on the respondent.
- (6) In cases involving allegations of sexual misconduct, the student conduct officer or designee, 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 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 sanctions and/or conditions.

## **WAC 132U-126-060 APPEAL FROM DISCIPLINARY ACTION.**

- (1) The respondent may appeal a disciplinary action by submitting a written appeal with the conduct review officer within ten (10) business days of service. Failure to appeal on or before the deadline constitutes a waiver of the right to appeal and the initial decision shall be deemed final.
- (2) The written 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 sanction by a preponderance of the evidence.
- (6) Disciplinary action imposed for violation will not begin while an appeal is pending, except summary suspension and any conditions included in a summary suspension.
- (7) The student conduct committee shall hear appeals from:
  - a) Disciplinary suspensions in excess of ten (10) business-instructional days;
  - b) Dismissals; and
  - c) Discipline cases referred to the committee by the student conduct officer, the conduct review officer, the president or designee.
- (8) Appeals to the following sanctions shall be reviewed through a brief adjudicative proceedings:
  - a) Suspension of ten (10) business-instructional days or less;
  - b) Disciplinary probation;
  - c) Written reprimands; and
  - d) Any conditions or terms imposed in conjunction with one of the three sanctions listed above.
- (9) In cases involving allegations of sexual misconduct, the complainant has the right to appeal the following actions by the student conduct officer or designee following the same procedures as set forth above for the respondent:
  - a) The dismissal of a sexual misconduct complaint; or
  - b) Any sanctions and/or conditions imposed against a respondent for a sexual misconduct violation, including a disciplinary warning.
- (10) If the respondent files an appeal to a decision imposing sanctions for a sexual misconduct violation, the college shall notify the complainant of the appeal and provide the complainant an opportunity to participate as a party to the appeal.
- (11) Except as otherwise specified in this Chapter, a complainant who files an appeal to sanctions or who participates as a party to a respondent's appeal of a disciplinary decision shall be afforded the same procedural rights as are afforded the respondent.

## **WAC 132U-126-055 BRIEF ADJUDICATIVE PROCEEDINGS – INITIAL HEARING.**

- (1) Brief adjudicative proceedings shall be conducted by a conduct review officer or designee. The conduct review officer shall not participate in any case in which the conduct officer is 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) The parties to a brief adjudicative proceeding are the respondent, the student conduct officer, and the complainant in cases involving sexual misconduct. The conduct review officer shall conduct an informal hearing and provide each party an opportunity to be informed of the facts as viewed by the college and the initial disciplinary findings. Each party will also have an opportunity to explain their view of the matter.
- (3) The conduct review officer shall serve an initial decision to both the respondent and the student conduct officer within ten (10) business 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) business days of service of the initial decision, the initial decision shall be deemed the final decision.

- (4) In cases 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 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) Upon review, if the conduct review officer determines that the respondent's conduct may warrant imposition of a disciplinary suspension of more than ten (10) business days or dismissal, the matter shall be referred to the student conduct committee for a disciplinary hearing.

#### **WAC 132U-126-060 BRIEF ADJUDICATIVE PROCEEDINGS – REVIEW OF AN INITIAL DECISION.**

- (1) An initial decision is subject to review by the president or designee, provided a party files a written request for review with the conduct review officer within ten (10) business days of service of the initial decision.
- (2) The president or designee shall not participate in any case in which they are a complainant or witness; has direct or personal interest, prejudice, or bias; or have acted previously in an advisory capacity.
- (3) During the review, the president or designee shall give each party 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. The decision must be served on the parties within twenty (20) business 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 or designee does not make a disposition of the matter within twenty (20) business days after the request is submitted.
- (5) If, upon review, the president or designee determines that the respondent's conduct may warrant disciplinary suspension of more than ten (10) business-instructional days or expulsion, the matter shall be referred to the student conduct committee for a disciplinary hearing.
- (6) In cases involving sexual misconduct, the president will, on the same date as the final decision is served to the respondent, serve a written notice to 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.

#### **WAC 132U-126-070 STUDENT CONDUCT COMMITTEE STRUCTURE.**

- (1) The student conduct committee shall consist of five members appointed each year:
  - a) Two full-time students appointed by the student government;
  - b) Two faculty members appointed by the faculty union;
  - c) One administrative staff member (other than an administrator serving as a student conduct or conduct review officer) appointed by the president or designee.
- (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 in 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 involved party may petition the committee for disqualification of a committee member pursuant to RCW 34.05.425(4).

## WAC 132U-126-075 APPEAL – STUDENT CONDUCT COMMITTEE.

- (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) business days in advance of the hearing date. The chair may shorten this notice period if both parties agree, and 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) Any involved party, including the committee chair, may submit a request to submit and exchange lists of potential witnesses and copies of potential exhibits that reasonably expect to be presented to the committee. This request must be submitted to the committee chair at least five (5) business days prior to the hearing. The parties shall exchange the items no later than the third business day prior to the hearing. 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 hearings copies of
  - a) The 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 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 34.05.445.
- (9) Each party may be accompanied at the hearing by a non-attorney assistant of their choice. A respondent, or complainant in a case involving allegations of sexual misconduct, 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 identify 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 or complainant is represented by an attorney, the student conduct officer may also be represented by a second, appropriately screened assistant attorney general.
- ~~(9)~~(10) At the option of the College President, the College may appoint an Administrative Law Judge to serve as a hearing officer responsible for handling procedural matters otherwise assigned to the Chair and to conduct the hearing on behalf of the student conduct committee.

## WAC 132U-126-080 STUDENT CONDUCT COMMITTEE HEARINGS – PRESENTATIONS OF EVIDIENCE.

- (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 selects, 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, neither party shall directly question or cross-examine one another. Attorneys from 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.

#### **WAC 132U-126-085 STUDENT CONDUCT COMMITTEE – INITIAL DECISION.**

- (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, conclusion, and/or a proposed decision for its consideration.
- (2) Within twenty (20) ~~business~~ 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 conclusion on all material issues of law. The decision shall state the related section(s) of the conduct code the respondent is alleged to have violated and if the allegations are sustained. 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 the respondent, 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 or designee.
- (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. A 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.

#### **WAC 132U-126-090 APPEAL FROM STUDENT CONDUCT COMMITTEE INITIAL DECISION.**

- (1) A respondent, or complainant in a case involving allegations of sexual misconduct, who is aggrieved by the findings or conclusions issued by the student conduct committee may appeal the student conduct committee's initial decision to the president or designee by filing a written notice of appeal with the president's office within

- ten (10) ~~business~~ 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 president or designee shall not participate in any case in which the president or designee is a complainant or witness; has direct or personal interest, prejudice, or bias has or has acted previously in an advisory capacity.
  - (3) 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. If necessary to aid review, the president or designee's may ask for additional briefing from the parties on issues raised on appeal. The 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.
  - (4) The president or designee shall provide a written decision to all parties within twenty (20) ~~business~~ days after receipt of the notice of appeal. The president or designee's decision shall be final and shall include a notice of any rights to request reconsideration and/or judicial review.
  - (5) 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.
  - (6) The president or designee shall not engage in an "ex parte" communication with any of the parties regarding any appeal.

#### **WAC 132U-126-095 SUMMARY SUSPENSION.**

- (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 probably 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 business days of the oral notice.
- (4) The written notification shall be entitled "Notice of Summary Suspension" and shall include:
  - a) The reason 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 as scheduled with the student conduct officer or conduct review officer or to attend a scheduled disciplinary hearing.
- (5) The conduct review officer shall conduct a hearing on the summary suspension as soon as practicable after imposition of the summary suspension.



- a) During the summary suspension hearing, the issue before the conduct review officer is whether there is ~~probably 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.
- b) 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.
- c) 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.
- d) 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.
- e) To the extent permissible under applicable law, the conduct review officer shall provide a copy of the decision to all person or offices who may be bound or protected by it.
- f) 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.

~~WAC 132U 126 100 SEXUAL MISCONDUCT PROCEEDINGS. Both the respondent and the complainant in cases involving sexual 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 decisions.~~

# Whatcom

## COMMUNITY COLLEGE

### Reports to the Board of Trustees February 17, 2021 Meeting

#### ➤ ASWCC – Hannah Oliver, President

- **Student Engagement (Goal 1.3 and Promote student access through quality services and resources)**
  - From January 11-15, ASWCC hosted five Virtual Welcome Back Lounges for students during the second week of the quarter. Seventeen student support services representatives and three faculty members attended the events to share information and tips for success at WCC.
  - On January 25, the ASWCC Programming and Diversity Board kicked off daily opportunities for engagement with Motivation Mondays, Tuesday Talks, Thursday Wingles, and Fitness Fridays.
  - On January 27, ASWCC hosted a Club Fair. There were 22 attendees and participation from 10 clubs.
  - On January 27, the ASWCC Programming and Diversity Board partnered with the Substance Use Disorder Program and WCC Counselors to host Drug and Alcohol week event, "No Thanks, I'm Good". The program featured information about drugs and alcohol, addiction trivia game and presentation "From Addiction to Recovery", by Brian Bononi, Substance Use Disorder Program (SUDP) where he shared his personal journey. 20 participants attended the event.
  - On January 30, the ASWCC Civic leadership team and Student Life and Development leadership submitted a 2020 Voter Action Plan Report to NASPA and Voter Friendly Campus.
  - On February 1, ASWCC partnered with the Simpson Intercultural Center and Bellingham Public Schools to host a Fireside Chat with author Clyde W. Ford. Approximately 55 people attended this event.
  - On February 2, the ASWCC Executive Board and Programming and Diversity board attended their first legislative meetings of the year with Sharon Shewmake of the 42<sup>nd</sup> legislative district. Seven students attended these meetings.
  - Starting February 2, S&A Budget Request Packet is open and the committee will start to review packets once they are in. Packets are due February 17 and presentations start Friday February 26.

#### ➤ Advancing Equity – Terri Thayer, Interim College Equity Officer

- **Weekly Equity training and discussions at President's Cabinet** (*Goal 2.1 Increase collaboration and communication to serve collective needs across the College, 3.6 Increase campus engagement in social justice education and leadership opportunities*)

- Provide equity training and facilitate equity discussions weekly with the President's Cabinet to increase knowledge, understanding and application of equity within our day to day practices.
- **Collaboration with Instruction to support equity and anti-bias workshops** (*Goal 1.1 Improve student success in retention, completion, transfer, and employment, 1.3 Promote student access through quality services and resources, 2.1 Increase collaboration and communication to serve collective needs across the College, 3.1 Ensure all students have access to campus resources that support educational success, 3.2 Apply culturally responsive pedagogy in all teaching and learning environments*)
  - Collaboration on workshops to recognize and assess bias language in course materials.
- **Review, assess and shift hiring practices for a more inclusive process and increased applicant pool** (*Goal 3.5 Improve recruitment and retention of diverse students, faculty, staff, and administrators.*)
  - Collaboration with Human Resources and Search Advocacy Team to review and improve hiring practices with an equity lens
  - Reviewed Diversity Statement and created a subcommittee to assess, change and improve the Diversity Statement process in hiring practices
  - Review and assess job announcements to create inclusive language and increase potential applicant pool
- **Equity Support, Building Connections, Cultural Recognition and Activities** (*Goal 1.1 Improve student success in retention, completion, transfer, and employment, 1.3 Promote student access through quality services and resources, 2.1 Increase collaboration and communication to serve collective needs across the College, 3.1 Ensure all students have access to campus resources that support educational success, 3.2 Apply culturally responsive pedagogy in all teaching and learning environments, 3.3 Increase services focused on supporting marginalized student populations to close the equity gap in student outcomes*)
  - Salish Current, local community publication, requested to share WCC Equity messages
  - Calendar development with Marketing, College Diversity Committee subgroup and HR to be inclusive of cultural celebrations, awareness and appreciation
  - Attending a number of college committees and sub committees to address equity and interweaving equity into the work –College Diversity Committee, Professional Development Committee, Tenure Review Committee, and College Council)
    - Sustainability Committee: Attended and facilitated a conversation about Equity and Sustainability.

#### ➔ **Administrative Services—Nate Langstraat, Vice President**

- **ctcLink** (*4.1 Offer programs, services, and facilities that support college needs and market*)
  - The College is about to embark on another intensive period as part of the ctcLink implementation process between now and the stabilization period after the October 2021 go-live. Immense training activities, data validation, and

testing of the system involve key staff. Project implementation needs are robust and the Implementation Team is working to identify surge staff support, staffing backfill, and/or areas of existing work that may need to be shelved until the College has transitioned. A comprehensive master checklist will help ensure WCC's readiness for ctclink go-live in October 2021.

- ctclink training team is creating a training plan to deploy end user training for all faculty and staff. In addition, ctclink training leads are developing specific end-user training assets (i.e. how to submit time and leave reporting, how to initiate a purchase, etc.).
- WCC's project manager is working with Compass (intranet) and public website administrators to develop a stronger internal and external web presence to provide the campus community with up-to-date information and resources in preparation of October 2021 launch.
- **Finance** *(4.1 Offer programs, services, and facilities that support college needs and market demands)*
  - Since the start of winter quarter 2021, the Business Office has dispersed approximately \$2 million in financial aid refunds to 1,185 students and has enrolled 230 students into the Nelnet tuition payment plan. Comparatively, winter quarter 2020, the Business Office dispersed approximately \$1.9 million in financial aid refunds to 1,222 students and enrolled 253 students into the Nelnet tuition payment plan.
  - The Business Office completed an analysis of budgets in preparation for mid-year budget reviews. Mid-year budget review meetings and notifications will target learning opportunities with budget managers.
  - Budget Review Committee met to review and discuss current federal and state updates (including federal aid packages and state legislative interests), current fiscal year status, fiscal year 2021-22 (FY22) budget development schedule, FY22 guiding principles, state- versus self-support class coding, and campus messaging. The official kick-off to FY22 budget development and accompanying communications will initiate mid-February.
- **Facilities and Operations** *(4.1 Offer programs, services, and facilities that support college needs and market demands)*
  - Campus Planning Advisory Committee met to review and discuss several space requests recently submitted, as well as former committee recommendations related to earlier requests.
  - Roofing repair projects and the Engineering renovation project in Cascade Hall continue to progress with projects concluding by spring quarter.
- **Emergency Preparedness, Safety & Security** *(5.3 Promote a safe environment for teaching, learning, and working)*
  - Safety Committee met to review and discuss several items, including an update on the development and use of the COVID-19 Planning Guide for In-Person Instruction, which augments WCC's Pandemic Re-entry Plan with specific information for instructional divisions.
  - The Associate Dean for Health Professions shared with the Safety Committee an update on vaccination information, processes, and Whatcom County rollout plans. The update particularly focused on how faculty, staff and students in WCC's health professions programs are involved with vaccination-related activities.

- **Conference & Event Services (CES)** *(4.1 Offer programs, services, and facilities that support college needs and market demands)*
  - CES is working with the Commencement Committee to identify and put forward a recommendation to Cabinet to support a 2021 virtual commencement.
  - CES is actively working with a select group of external Orca Field clients and the WCC Athletic Department to reserve field times/space for the spring quarter schedule and for potential NWAC competition.
  - CES is working with the SEIU Home Care Aide Group to identify best practices to provide rental space during spring quarter, in alignment with and adherence to guidelines set forth by the Whatcom County Health Department and the Governor's Office.
- **Bookstore** *(4.1 Offer programs, services, and facilities that support college needs and market demands, 3.1 Ensure all students have access to campus resources that support educational success)*
  - Results from Winter quarter's Inclusive Access (IA) pilot program are revealing several successful key points:
    - Through the Canvas LMS (learning management system), all students registered in the four IA sections were able to access their required course materials digitally beginning a week before classes began.
    - 100% of students enrolled in the four pilot course sections chose to remain "opted in" for the Inclusive Access materials.
    - Students in the four sections saved a combined total of \$3,473 using IA materials over purchasing the substitute traditional access code direct from the publisher or from the Bookstore.
    - The college realized an approximate 85% increase in net profits from IA material sales versus from projected sales of traditional access codes.
  - WCC's pilot IA program required careful coordination and dedicated efforts from several faculty as well as the general departments of Instruction, Course Design, IT, Registration and the Business Office. The IA program is currently under study for further future promotion and expansion.
- **Information Technology** *(4.1 Offer programs, services and facilities that support college needs and market demands)*
  - Information Technology Advisory Committee (ITAC) has progressed on several IT-related discussions and project recommendations, including:
    - Cloud-based computing solutions subcommittee (CCSS) met to discuss potential solutions for supplementing existing systems with cloud-based applications that support the current work environment, such as shard document collaboration. The subcommittee will be meeting with vendors to identify scope of work, implementation timeline, and potential impacts to end-users and workload for those involved in implementation.
    - A subcommittee of ITAC has been focusing on the development of an institutional survey to garner feedback from employees of the College in order to assess technology resources and services. The subcommittee is working with institutional research staff to finalize the survey and administer it early in winter quarter.
    - State requirements for state institutions of higher education must administer security awareness training for all employees. For compliance reasons and, more importantly to reduce cyber risk, WCC initiated online

IT security awareness training at the start of winter quarter. Current employees have one quarter to complete training. New employees have 45 days from their date of hire to complete.

- An IT security remote work procedure was drafted, which solidifies expectations, guidance, and resources related to working remotely. The draft was reviewed by the ITAC, College Council, and President's Cabinet. With feedback from these groups, the draft procedure will be posted on Compass for broader campus dissemination.

### ➤ **Student Services—Luca Lewis, Vice President**

- **Student Life and Development:** *(Goal 1.3 Promote student access through quality services and resources, 2.1 Increase collaboration and communication to serve collective needs across the College, 4.1 Offer programs, services, and facilities that support college needs and market demands)*
  - Partnered with Whatcom Human Rights Task Force to host the 23<sup>rd</sup> Annual Rev. Dr. Martin Luther King, Jr. Human Rights Conference which provides a space for the community to come together and renew commitment to the ideals that Dr. King held dear. The Conference offered an opportunity for people of all ages and walks of life to share stories, lift voices to call out injustice, and take actions that will help make Dr. King's ideals reality.
  - Partnered with Western Washington University, Northwest Indian College, and Bellingham Technical College for virtual Rev. Dr. Martin Luther King Jr. Day of Service featuring New York Times bestselling author and WWU alumna Ijeoma Oluo ('07), as the keynote speaker. Over 800 people attended this event.
- **Athletics:** *(Goal)*
  - Whatcom Athletics selected its first-ever Hall of Fame Class for Orca Athletics, honoring our incredible alumni and illustrious athletic programs over the years. Details will be announced later this year with an anticipated Hall of Fame Ceremony in June 2022.
- **Academic Advising and Career Services:** *(Goal 3.1 Ensure all students have access to campus resources that support educational success, 3.4 Revise policies, practices, services, and curricula from an equity-based lens)*
  - Transfer advisors collaborated to host a virtual transfer workshop for students to learn about the transfer application process and personal statement/essay tips. Tina Castillo, from WWU Admissions, attended to answer student questions. Low attendance was due to an internet outage. Advising will be hosting this event again in February.
  - Advising staff participated in Advisor Training Day focused on practices to improve equity for students including antiracism, Transparency in Learning and Teaching (TILT), and Inside Track training.
- **Veteran Services:** *(Goal 1.1 Increase student achievement in transfer and career preparation, 1.2 Increase academic support for students 1.3 Increase access for diverse and nontraditional student populations, 4.3 Increase access for underrepresented populations)*

- Veteran Services enrolled 88 military connected students for winter 2021, including 11 students new to WCC. Compared to 106 military connected students winter 2019 and 127 military connected students in winter 2018.
- Fall 2020 saw 95 military connected students with 15 graduating at the end of the quarter.
- Veteran Services offer weekly Zoom spaces for military connected students for recruitment and retention. This time includes connected students with their peers already enrolled at WCC. One to two students have participated each week.
- Veteran Services staff have completed mandatory Veterans Administration GI Bill School Certifying Officials training for the fiscal year 2020-21. This will allow Whatcom to continue offering GI Bill benefits throughout the 2021-22 academic year.
- Veteran Services staff continue to participate in equity events focused on bias, gender, racial equity, Whiteness, and White supremacy. Veteran Services staff will review and apply Transparency in Learning and Teaching (TILT) strategies to processes and documents that will impact military connected students, focusing specifically on the onboarding process.
- **Entry Services:** *(Goal 3.1 Ensure all students have access to campus resources that support educational success, 3.4 Revise policies, practices, services, and curricula from an equity-based lens)*
  - Entry Services staff created two new email addresses; [graduation@whatcom.edu](mailto:graduation@whatcom.edu) and [records@whatcom.edu](mailto:records@whatcom.edu) to supplement the general registration email ([registration@whatcom.edu](mailto:registration@whatcom.edu)). This has resulted in more effectively directing students, faculty, and staff to the most appropriate contact and resources for a specific need. Previously, most emails were going to one registration account which then required reviewing to determine who should reply. This change has already resulted in staff members reporting noticeable improvement in students contacting them directly.
  - Entry Services staff streamlined the 'blue slip' process for both faculty and students by moving the process fully online and improving access. This new process allows faculty to contact students directly about 'blue slipping' into their course, or to inform student there may be another section of the same course with space available. A 'blue slip' is used when students request instructor permissions when seeking to override a prerequisite, request to enroll in a full class, or register after the third day of the quarter.
- **Student Success and Retention:** *(Goal 1.1 Improve student access in retention, completion, transfer, and employment, 1.3 Propose student access through quality services and resources)*
  - Received 678 early alerts (compared to 683 winter 2020). Pod Leaders and advisors/coaches are actively reaching out to these students with 167 outstanding 'flags'.
  - Service was provided to over 280 students at the Virtual Front Desk by answering questions and providing timely support.

- **TRiO and Support Services: (Goal)**
  - TRiO and Support Services, a newly established departmental unit in the Student Services Division, houses TRiO Student Support Services (SSS), TRiO Upward Bound, and AIM. Student Support Services is excited to welcome Nadine Alvarado Hensley as the new Director for TRiO and Support Services, Alan Alatorre-Barrajas as the new Program Specialist for Financial Aid, and Hannah Bennett TRiO SSS Completion Coach. As of February 8, 43 students were enrolled in the program.
- **Access and Disabilities Services: (Goal 3.1 Ensure all students have access to campus resources that support educational success, 3.3 Increase services focused on supporting marginalized student populations to close the equity gap in student outcomes)**
  - The College now has access to Zoom live auto generated transcription. These captions are available to use for access to maintain compliant with disability legislation.

#### ➤ **Instruction— Ed Harri, Vice President**

- **Grants (1.1 Improve student success in retention, completion, transfer, and employment; 4.2 Increase college enrollment and secure resources for the continued viability of the College)**

**Cybersecurity grants activity:**

  - Mike Singletary, formerly WCC's registrar, joined the cybersecurity grants staff on January 25th as the new associate director of national cybersecurity education centers. Mike's responsibilities include contributing to the leadership, advancement and operations oversight of the NSF-funded NCyTE--National Cybersecurity Education & Training Center and the NSA-funded CAE National Resource Center (CNRC) at WCC.
  - NCyTE added three new industry advisory committee members to help strengthen and diversify Center industry outreach and collaboration efforts. New members include Melina Scotto, Federal Health Chief Information & Privacy Officer for General Dynamics Information Technology; Jules Nguyen, Tech Recruiter for Cruise; and Melissa Elza, Principal Partner, HoneyBee HR.
  - Karen Wetzel, Manager of the NICE Framework, gave a presentation at the January 15th NCyTE member webinar. The presentation introduced the changes that have been made to the Framework following a year-long effort to review and update it. The NICE Workforce Framework for Cybersecurity serves as a common, consistent lexicon that categorizes and describes cybersecurity work, improving communication about how organizations can identify, recruit, develop and retain cybersecurity talent, and improving faculty's ability to align curriculum to industry work roles.
  - NCyTE Co-Principal Investigator Philip Craiger, associate professor of cybersecurity at Embry-Riddle University, completed and posted to NCyTE's new YouTube channel the last in a series of three video curriculum modules on Maritime Transportation System Cybersecurity. While focused as a resource for college and university cybersecurity faculty and students, these modules are also available to



help maritime industry personnel understand their cybersecurity vulnerabilities and threats.

- 30 attendees participated in a fourth two-day workshop on January 17-18 introducing new Cybersecurity Maturity Model Certification (CMMC) requirements to college faculty and business personnel. These workshops provide an overview of how to prepare for CMMC certification, including its requirements, impact and importance for contractors working with the Department of Defense.
- NCyTE sponsored the virtual TAG Predictions 2021 with Mark Anderson event on January 29th. NCyTE has been a long term financial sponsor, supporter and collaborator with TAG—the Technology Alliance Group for NW Washington to support professional development and networking opportunities for CIS and cybersecurity faculty, students and industry personnel in our community.
- **International Programs** (*1.3 Promote student access through quality services and resources; 3.5 Improve recruitment and retention of diverse students, faculty, staff, and administrators; 4.2 Increase college enrollment and secure resources for the continued viability of the College.*)
  - Six international students entered the US in January to begin their studies at Whatcom. These are the first new Whatcom international students to enter the US in January 2020, and five of the six students are residing in Cedar Hall.
  - Final preparations are underway for the annual International Week activities which will happen from FEB 22 – 26. The theme of the week is Borders: Real and Imaginary and the keystone event for the week will be a presentation from UW – Jackson School of International Programs Professor, David Fenner, on the border conflict between India and China. A presentation from Whatcom English faculty member, James Spaich, on his faculty-led study abroad trip for Whatcom students will also be a part of the week’s events. A panel discussing the future of study abroad in the context of a post-pandemic world will also be conducted.
- **Intercultural Services** (*Goal 1.1 Improve student success in retention, completion, transfer, and employment, 1.3 Promote student access through quality services and resources, 3.3 Increase services focused on supporting marginalized student populations to close the equity gap in student outcomes, 3.5 Improve recruitment and retention of diverse students, faculty, staff, and administrators, 4.3 Provide ongoing opportunities for faculty and staff professional growth*)
  - Strengthened partnership with Athletics via peer mentoring support, hosted a Mixer Event on January 12 to invite students Athletes of color to Virtual IC space and meet the Intercultural Center Peer Navigators.
  - Hosted Talkin’ Stories on New Year Traditions on January 6 to help WCC community to learn about the different New Year Traditions around the world. Altynay Bekbossyn, Alex Vega, Daniela Gutierrez Intercultural Center Peer Navigators and Support Staff shared their stories and facilitated a discussion.
  - Hosted Talkin’ Stories on Rev. Dr. Martin Luther King on January 13 to help WCC community to learn about his life and legacy. Annette Foy, Office Support Assistant for Intercultural Services, facilitated discussion.
  - Hosted Talkin’ Stories on the Presidential Inauguration and related events on January 20 to help WCC community learn about the process. Altynay Bekbossyn, Alex Vega, Daniela Gutierrez and Annette Foy, Intercultural Center Peer Navigators and Support Staff for Intercultural Services facilitated the discussion.

- Hosted Talkin' Stories on Native Representation on Video Games on January 27 to help WCC community learn about Civilization VI a strategy game that uses many nations throughout world history as the players. Danielle Kennedy-Jefferson and Bre Garcia, Intercultural Center Support Staff, facilitated conversation.
- Hosted 4 Workshops About Politics in partnership with faculty members, Mary Haberman and Doug Robertson to discuss topics including COVID 19 Updates, Presidential Inauguration, Riot and Impeachment. Da'Mea Birdsong, Daniela Gutierrez and Lizeth Ortiz, Intercultural Center Peer Navigators facilitated conversations.
- **Instructional modality and planning** (*4.1 Offer programs, services, and facilities that support college needs and market demands; 4.4 Enhance the safety of the college environment*)
  - Instructional planning for a return to in-person instruction still continues, with the development of the *COVID-19 Planning Guide for In-Person Instruction*, which provides processes and guidance for programs planning to offer courses with in-person components.
- **Equity Project** (*3.6 Increase campus engagement in social justice education and leadership opportunities*)
  - The Equity Project onebook program, Antiracism: Our Call to Action, is having a strong year with campus-wide engagement. The Equity Project is offering multi-model texts for faculty and staff, including articles, videos, and podcasts. The Equity Project team created a reading group structure for employees to opt into. We have seen a substantial rise in participation, from the 8-10 book groups that we saw last year to 25 "equity pods" this year. Another highlight is that the team has produced their very own podcast called TEP Talks. Listenership for the podcast is great with 223 listens for the first episode, 115 for the second one, and listeners from 10 other countries. The Equity Project is proud to be part of the work happening on this campus that helps set us apart as Equity leaders in the CTC system.

#### ➤ **Foundation and College Advancement—Eva Schulte, Executive Director**

**Foundation** (*2.5 Cultivate community awareness and support for the College; 3.3 Increase services focused on supporting marginalized student populations to close the equity gap in student outcomes*)

- **Student and Mission-Based Support:**
  - **Student emergency funds:** the winter quarter emergency fund application closed January 11<sup>th</sup> with a record-breaking 805 applications for support. Students who had not received emergency funds in prior quarters and/or students requesting tuition assistance were prioritized. Awards were approved for 542 applicants and the remaining 262 applicants were added to the waitlist. WCC Foundation has allocated \$40,000 towards emergency grants winter quarter.
  - **Scholarship application:** the 2021-2022 WCC Foundation scholarship application opened January 20<sup>th</sup>. As of February 3<sup>rd</sup>, 153 students have started an application. Additional named and endowed scholarships will be available for students in the areas of gender equity, cybersecurity, arts, and sustainability.
  - **Funds for Excellence application:** The second cycle of request proposals launched January 19<sup>th</sup>. Up to \$65,500 will be awarded for faculty and staff projects that work to address racial inequities and improve the current student experience. Awards

will be made in March for spring through fall quarter projects and a new mid grant progress check in will be integrated into the process.

- **Fundraising:** the Foundation received 10 gifts and pledges totaling \$9,850 for the month of January. Fiscal year to date as of January 31<sup>st</sup>, the Foundation received \$243,243 in gifts and pledges.
  - **Chuckanut Health Foundation** awarded a \$4,900 grant to support student counseling services.
  - **Industrial Credit Union** is sponsoring Parenting Education student tuition for 10 county cooperative preschool parents.
  - **Haggen Food & Pharmacy** invited WCC Foundation to partner with the Fairhaven branch store on Haggen's *Building Brighter Futures* campaign. Donations made at the Fairhaven store between January 6 and March 3 will benefit WCC student and employee emergency funds.
- **Governance:** Five Orca Pod Projects led by Foundation board directors officially launched in January; Arts & Humanities, Excellence in STEM, Athletics, and Business, Law and Environment. Each Pod has a goal to raise funding and community support for its area of focus. Board members are also working to build and formalize the Orca Alumni Association.

**Community Affairs** (*2.1 Increase collaboration and communication to serve collective needs across the College; 2.5 Cultivate community awareness and support for the College*)

- **Cross Divisional Collaboration:**
  - A new SEM (strategic enrollment management) sub-committee has been formed with representation from Communications & Marketing, Outreach, Entry Services, Advising and Student Success & Retention to more effectively and efficiently communicate to students, employees and the public.
  - Communications & Marketing and Assessment & Institutional Research compiled data findings from the fall quarter survey on students' media, website, communication, social media, and online learning preferences. Survey findings were presented to President's cabinet and will be presented to division leadership groups.
- **Awareness and Support for the College**
  - Members of the President's Cabinet and WCC Foundation engaged with the Port of Bellingham and Regional Economic Partnership team around alignment opportunities and WCC integration within the long range planning document and work plan for economic development.

**Communications, Marketing and Publications** (*1.3 Promote student access through quality services and resources; 2.1 Increase collaboration and communication to serve collective needs across the College; 2.6 Engage with business and industry to strengthen regional economic development*)

- **Web and Social Media**
  - The website refresh workgroup is wrapping up the consultation phase and will soon begin work on the graphic design phase. Several surveys asking for feedback on current website and future needs have been distributed to campus. Virtual Town Hall meetings will be held to inform others of progress throughout the project.
  - Communications and Marketing is working with Terri Thayer on the Equity, Diversity, and Inclusion social media plan.
- **Publications, Graphic Design and Advertising**

- A digital and social advertising campaign for spring enrollment will focus on funding options, virtual support services, career preparation and sense of belonging at WCC.
- A postcard to high school students and parents in Whatcom County will be mailed in February promoting Running Start benefits and learning options.
- An ad targeting parents and promoting the Running Start, Upward Bound and bilingual support services will be included in Community & Continuing Education's Discover Schedule, mailed to 4,975 households on March 20.
- **WCC in the News: Press Releases and Resulting Media Coverage**
  - [Community Voices / Understanding the importance of the Point Elliott Treaty](#), Salish Current, 1/28/2021
  - [WCC Awarded More than \\$130,000 to Enhance Computer Information System's Program](#), The Chamber, 1/25/2021
  - [Interview on STEM with Michael Gann and Tonya Wagner](#), KGMI Radio / Whatcom Report, 1/24/2021
  - [WCC Awarded More Than \\$130,000 To Enhance Computer Information System's Program](#), Newsbreak.com, 1/22/2021
  - [WCC Awarded More Than \\$130,000 To Enhance Computer Information System's Program](#), Whatcom Talk, 1/22/2021
  - [Whatcom Reads theme programs kicking off](#), Lynden Tribune, 1/22/2021
  - [Recapturing the revolutionary spirit \(MLK event mention\)](#), Cascadia Weekly, 1/13/2021
  - [The Whatcom County Historical Society Brings History Back To Life](#), WhatcomTalk, 1/11/2021
  - [Whatcom READS Invites Public To Join Online Events and Book Discussions](#), WhatcomTalk, 1/5/2021