

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

April 21, 2021

BOARD OF TRUSTEES Meeting Agenda Wednesday, March 17, 2021 Regular Board Meeting -2:00 pm

Via Zoom

<https://us02web.zoom.us/j/82118160807?pwd=OFdJL0trVFh2UjkrclnqRkpaTzN5Zz09>

Meeting ID: 821 1816 0807

Passcode: 559639

- I. Call to Order & Approval of Agenda, and Notice of Public Comment Time
- II. Consent Agenda Tab 1
 - a. Minutes of February 17, 2021 Board of Trustees Meeting and March 2, 2021 Board of Trustees Retreat (Attachment A)
 - b. Proposed Fall 2020 Graduates (Attachment B)
- III. Public Comment
 - [Protocols for Public Comment](#)
- IV. Executive Session
 - ... to evaluate the qualifications of an applicant for public employment or to review the performance of a public employee...
- V. Action Items Tab 2
 - Tenure Considerations
 - Proposed Policy 616 and proposed revisions for Policy 620 and 615 (second reading) and Title IX Emergency Rules Extension – Luca Lewis, VP for Student Services
- VI. Executive Session
 - ... 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.
- VII. 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 February 17, 2021 Board of Trustees Meeting and March 2, 2021 Board of Trustees Retreat (Attachment A)
- b. Proposed Fall 2020 Graduates (Attachment B)

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, February 17, 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. It was seconded by Trustee Taylor 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. She announced a 15 minutes public comment period with 2 minutes allocated to each person.
- Gretchen Coulter, English faculty member, expressed the importance of diversifying our faculty and the importance of raising faculty salaries to attract potential applicants.
- Tran Phung, Physics Faculty, shared that she felt faculty were not being heard and excluded from board decisions.
- Anna Wolff, English Faculty, shared the negative impact her stress and her workload at Whatcom are taking on her personal life.
- James Spaich, Adjunct Faculty, expressed that additional preparation time required for online classes.
- Ines Poblet, faculty member and secretary of faculty union, felt that three minutes should be allocated to each individual who wishes to address the board during public comment period/

- Sue Lonac, faculty member, shared that the workload has consistently increased since she started at WCC 25 years ago and exacerbated by the pandemic; and not sustainable.

CONSENT AGENDA

- Consent Agenda

Minutes of the January 13, 2021 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.

- **Budget Update – Nate Langstraat, Vice President for Administrative Services**

Langstraat shared a PowerPoint presentation (attached) with an update of the college's budget and finances.

BOARD POLICIES

- **Proposed Policy 616 and 615 – Students Right and Responsibilities Policy (First reading) – Luca Lewis, VP for Student Services**

Lewis provided an overview of the proposed policy 616 and proposed revision to policies 615 and 620. He anticipating providing the final proposed policies to the Board for action at the March 17, 2021 Board of Trustees meeting.

DISCUSSION OF THE BOARD

- **Legislative Activities**

Chair Johnson shared that the Association of Community and Technical Colleges Trustees is working in collaboration with State Board and college presidents to advocate for COVID vaccination for the two-year system and fully fund operating budget and capital budget requests, and to oppose furloughs and elimination of COLAS. She shared a summary of legislative initiatives:

- Meet with local legislators to share college and system priorities (President, Trustees, students)
 - Representatives meetings to date: Shewmake, Rule, Lekanoff, Ramel
- Meet with House and Senate legislative leadership (Trustees, ACT and President, WACTC)
- Participate in weekly legislative updates, calls, and correspondence (President (WACTC)
- Meet with Rep. Pat Sullivan, House Majority Leader and member on the Ways and Means Committee (President, throughout the legislative session)

- Regular communication with legislative staff (state and federal)
- Participate in national legislative meetings (Trustees, President) with members of ACT
 - Meetings scheduled to date: Congressman Rick Larsen, Senator Maria Cantwell, Senator Patty Murray
- Legislative support and training for ASWCC student leaders

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 ninety 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 4:30 p.m. the Executive Session was extended for another 15 minutes.

At 4:45 p.m. the Executive Session was extended for another 10 minutes

The Executive Session adjourned at 4:55 p.m. and the Board reconvened into open session at 4:55 p.m.

ADJOURNMENT

- There being no further business, the meeting was adjourned at 4:55 p.m.

Budget and Finance Update

Board of Trustees Meeting | February 17, 2021

Presented by

Nate Langstraat, VP for Administrative Services



FY21 Assumptions vs. Actuals – State Allocation

State Alloc.	Budget	Actual	%	Notes
Allocation #5	\$15,151,822	\$16,493,029	109%	No state cut, GEER, HD, GP, or Fin. Aid pass thru

- Assumed 10% reduction to state allocation = \$1.5M
- No state budget cut realized (to date) for fiscal year 2020-21
- Governor's budget proposes a supplemental reduction to this fiscal year (\$6.8M for the CTC system)
 - If realized, reduction likely less than the budgeted cut
- Will help offset the enrollment picture



FY21 Assumptions vs. Actuals – Enrollment

Summer 2020	Fall 2020	Winter 2021	Spring 2021	Year-to-Date
↑ 6.9%	↓ 12.6%	↓ 12.6%	TBD	↓ 10.6%

- Assumed 10% enrollment decline
- Specific program area enrollments
 - State-support = ↓ 32.5%
 - Contract = ↓ 32.6%
 - Student (self-support) = ↑ 76.9%
- Class coding impacts
- Enrollment directly ties to revenue collections



FY21 Assumptions vs. Actuals – Revenues

Revenue Source	FY21 Forecast	FY Actual Y-T-D	% Year-to-Date
Operating Fee	\$5,527,037	\$2,754,220	50%
Running Start	\$6,656,670	\$2,311,388	35%
International	\$2,085,291	\$847,592	41%
eLearning	\$4,269,300	\$5,465,304	128%



FY21 Assumptions vs. Actuals – Expenses

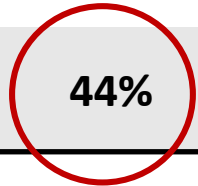
COST CENTERS	BUDGET AREAS	Jul-Dec YTD 2020-2021	Budget F/Y 2020-2021	% Expended of Budget 2020-2021
INSTRUCTION	Division 1 - Academic Resources and Health Professions	\$ 1,051,403	\$ 2,241,799	47%
	Division 2 - Arts and Humanities	603,966	2,212,944	27%
	Division 3 - Sciences, Technology, Engineering & Math	1,146,929	3,243,381	35%
	Division 4 - Social Sciences and Business	850,109	2,153,931	39%
	Instructional Administration	2,131,901	4,808,822	44%
	Stipends / Special Projects	77,757	84,209	92%
	Library Operations	310,206	662,459	47%
	Instructional Equipment	2,908	10,000	29%
	Learning Center and Intercultural Center	207,834	525,027	40%
		<u>\$ 6,383,014</u>	<u>\$ 15,942,572</u>	<u>40%</u>
STUDENT SERVICES				
	Students Services Administration	\$ 592,606	\$ 1,144,446	52%
	Registration / Records / Outreach	285,640	512,778	56%
	Counseling / Assessment / Advising	573,141	1,083,940	53%
	Financial Aid	239,833	629,226	38%
	Student Life	117,029	260,418	45%
		<u>\$ 1,808,249</u>	<u>\$ 3,630,808</u>	<u>50%</u>
INSTITUTIONAL MANAGEMENT				
	Institutional Administration / President's Office	\$ 519,679	\$ 956,977	54%
	Advancement / Foundation / Public Information	297,992	654,915	46%
	Institutional Research	102,013	258,356	39%
	Staff Development	82,515	76,073	108%
	Facilities / Equipment / Program Development	23,939	20,000	120%
		<u>\$ 1,026,138</u>	<u>\$ 1,966,321</u>	<u>52%</u>
ADMINISTRATIVE SERVICES				
	Administrative Services Administration	\$ 743,337	\$ 1,461,043	51%
	Human Resources	225,954	457,767	49%
	Business Office	203,410	406,207	50%
	Copy/Print and Mail Services	265,009	487,446	54%
	Information Technology	363,171	767,973	51%
	Facilities Management	1,604,871	3,583,377	44%
	Benefits / Insurance / Other Administrative Exp.	30,623	161,100	19%
		<u>\$ 3,436,375</u>	<u>\$ 7,324,913</u>	<u>47%</u>
TOTAL BUDGETED EXPENSES		<u>\$ 12,653,776</u>	<u>\$ 28,864,614</u>	<u>44%</u>



FY21 Assumptions vs. Actuals – Expenses

COST CENTERS	BUDGET AREAS	Jul-Dec YTD 2020-2021	Budget F/Y 2020-2021	% Expended of Budget 2020-2021
INSTRUCTION	Division 1 - Academic Resources and Health Professions	\$ 1,051,403	\$ 2,241,799	47%
	Division 2 - Arts and Humanities	603,966	2,212,944	27%
	Division 3 - Sciences, Technology,			
	Division 4 - Social Sciences and B			
	Instructional Administration			
	Stipends / Special Projects			
	Library Operations			
	Instructional Equipment			
	Learning Center and Intercultural			
STUDENT SERVICES	Students Services Administration			
	Registration / Records / Outreach			
	Counseling / Assessment / Advisin			
	Financial Aid			
	Student Life			
INSTITUTIONAL MANAGEMENT	Institutional Administration / Pres			
	Advancement / Foundation / Publ			
	Institutional Research			
	Staff Development			
	Facilities / Equipment / Program			
ADMINISTRATIVE SERVICES	Administrative Services Administr			
	Human Resources			
	Business Office			
	Copy/Print and Mail Services			
	Information Technology	363,171	767,973	51%
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		\$ 3,436,375	\$ 7,324,913	47%
TOTAL BUDGETED EXPENSES		\$ 12,653,776	\$ 28,864,614	44%

Cost Center	FY21 Budget	FY Actual Y-T-D	% Year-to-Date
Instruction	\$15,942,572	\$6,383,014	40%
Student Services	\$3,630,808	\$1,808,249	50%
Institutional Managements	\$1,966,321	\$1,026,138	52%
Administrative Services	\$7,324,913	\$3,436,375	47%
TOTAL	\$28,864,614	\$12,653,776	44%





FY21 Assumptions vs. Actuals – The Big Three

1	International Programs	FY21 Budget	FY Actual (1/14/21)	%	Note
	Tuition fee revenue	\$2,085,291	\$847,592	41%	<i>Fall and most of winter</i>
	Program expenses	\$1,905,563	\$601,856	32%	<i>Includes op budget support</i>
	Net total	\$179,728	\$245,736	137%	

2	Running Start	FY21 Budget	FY Actual (1/14/21)	%	Note
	Reimbursement Revenue	\$6,656,670	\$2,311,388	35%	<i>Fall reimbursements only</i>
	Program expenses	\$6,225,620	\$3,523,725	57%	<i>Includes op budget support</i>
	Net total	\$431,050	(\$1,212,337)	-281%	

3	eLearning (as self-support)	FY21 Budget	FY Actual (1/14/21)	%	Note
	Tuition fee revenue	\$4,269,300	\$5,465,304	128%	<i>Fall and most of winter</i>
	Program expenses	\$3,657,085	\$2,051,875	56%	<i>Includes op budget support</i>
	Net total	\$612,215	\$3,413,429	558%	



Federal Aid Awards

- CARES Act (HEERF I) @ \$2.5M
 - Student aid = \$1,196,310 → \$1,095,732 awarded through 12/31/2020
 - Institutional support = \$1,196,310 → \$1,039,150 drawn as of 12/31/2020
 - Title III portion (student aid) = \$119,387 → awarded winter quarter 2021
 - Winter quarter awards and draws will fully expend
- GEER @ \$656K
 - Lost tuition revenue, enrollment declines, support services for students of color, prof/tech programs support and restart
 - \$55K revenue distribution to S&A, institutional aid (financial assistance), etc.
- HEERF II – CRSSA @ \$4.8M
 - Waiting on awards and documented guidance from DOE



FY21 Key Points

- State budget cut for FY21 not (yet) realized
- Enrollment decline trending beyond forecast
- No or reduced state cut will help offset revenues related to enrollment decline
- Overall budget expenditures on-track holistically
- Federal aid can offset enrollment declines, revenue losses, increased expenses while provided financial assistance directly to students



FY22 Budget Development

- Kicks off this week with timeline geared towards 1st reading in May and 2nd reading in June with the Board
- Tracking key legislative bills/activities:
 - **SB 5323:** Freezing wage and salaries and providing for furlough days during the 2021-2023 fiscal biennium (tied to Governor's proposal)
 - **SB 5194:** Providing for equity and access in the community and technical colleges
 - Senate and House republican budget proposals include cuts to CTC system
- State cuts to be coupled with targeted investments
- Use of HEERF II federal aid

Questions?

Thank you





FY22 Budget Development Timeline

Activity	Date
Budget managers work with their departments	Now – March 25, 2021
Budget managers submit budget proposals	March 26, 2021
Cabinet review submitted budgets	April 5, 2021
Review budget summary with Cabinet and BRC	April 12 – April 30, 2021
First reading with Board of Trustees	May 12, 2021
Campus forums	Mid to late May 2021
Second reading with Board of Trustees	June 9, 2021
Begin fiscal year 2022	July 1, 2021

Whatcom

COMMUNITY COLLEGE

MINUTES

BOARD OF TRUSTEES RETREAT

Virtual Meeting via Zoom

Tuesday, March 2, 2021

9:00 a.m.

- **CALL TO ORDER** Chair Rebecca Johnson officially called the Board of Trustees meeting to order at 9:00 a.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; 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 Pedlow moved to accept the agenda. It was seconded by Trustee Taylor 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. She announced a 15 minutes public comment period with three minutes allocated to each individual. She also shared that the Board received a public comment from Selvi Zabihi prior to the meeting sharing her thoughts about Dr. Lasana Hotep's keynote on professional development day. Zabihi's public comment statement was forwarded to all members of the board.
- Tommaso Vannelli, faculty member and union president, asked the board to receive public comments with interest and compassion.

EXECUTIVE SESSION

- At 9:05 a.m. the meeting was adjourned for a closed Executive Session of the Board until 11:55 a.m. 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, Interim Director for College Equity, Terri Thayer, and Assistant Attorney General Kerena Higgins.

At 11:55 a.m. the Executive Session was extended for another 10 minutes

The Executive Session adjourned at 12:10 p.m. and the Board reconvened into open session at 12:10 p.m.

ADJOURNMENT

- There being no further business, the meeting was adjourned at 12:10 p.m.

WHATCOM COMMUNITY COLLEGE

FALL 2020 GRADUATES

December 11, 2020

HONORS PROGRAM

Shoshanah L. Johnson *

Maggie L. Thomas *

ASSOCIATE IN ARTS AND SCIENCES

Ben M. Aho *	Emma C. James *
Syed-Adeel* Amjad *	Matthew T. James *
Anthony T. Archie	Savanah L. Johnson
Isabel R. Bailey *	Shoshanah L. Johnson *
Juan C. Baldovinos	Julia R. Kotewa
Isabella E. Barlow *	Stanley C. Kuntz *
Courtney L. Begin	Weiting Li *
Lytic A. Berry	Joe C. Lindbeck
Ayla N. Bliss *	Josel M. Marcos
Cameron S. Brown	Karina Martinez
Thomas A. Burks	Tara N. May
Eve M. Campbell	Adrienne Marin Miller
Taylor A. Carlson *	Caleb A. Ness
Tyler I. Carroll	Mercedes J. Nunez
Kate N. Clarke *	Sean M. Odonnell
Aliza K. Coffey *	Breonna P. Peterson
Isabella R. Conover *	Anh Phuong Pham *
Mei-Lien J. Crandall *	Jalil S. Potter
Joseph M. Crawford	Maryna Punina *
Chase M. Davis *	Abdul Rahman
Leslie A. Deegan	Vanessa Reyes
Emma N. Denessen *	Tyler C. Reynolds *
Esmeralda Diaz	Kailee A. Richter *
Jon-Vinz M. Dublan	Ashley A. Riley
Logan C. Evans *	Seth A. Rogers *
Reed P. Hankins *	Brandon M. Rountree
Natasha Hannibal	David P. Scott
Jadyn A. Hawkinson *	Clea N. Sena *
Abby E. Hays	Christian A. Shirey
Juliann M. Hegeberg *	Damanbir Singh
Jackson D. Hoppis	Emmitt A. Snel
Jared C. Hoyt	Joseph L. Szwalla
Brett L. Huebner *	Jenna K. Tenkley *

*These students have achieved honors status.

Omar Ibrahim Thalib *
Maggie L. Thomas *
Jennifer L. Thompson *
Aubrie A. Todhunter *
Huong Thien Tran *
John H. Tucker

Heather B. Williams
Zach J. Wright *
Chloe E. Young *
Anya G. Zender *
Chloe R. Zender *

ASSOCIATE IN BUSINESS

Juan C. Alfonso-Durango *
Sahib Aujla
Ayla N. Bliss *
Xianqiu Li

Christian I. Mann
Nguyen-Gia-Bao Tran *
Esther Y. Walker *

ASSOCIATE IN MUSIC

Matthew J. Buethorn *

ASSOCIATE IN APPLIED SCIENCE- TRANSFER CYBERSECURITY

Jacob H. Danson
Joshua R. Danson
Andrew H. Gray
Saki Hasegawa *
Kylee A. Johnson

Richard S. Kaech *
Alex W. Larsen
Andrew D. Stone *
Reed M. Summerlin
Vadim S. Vinogradov

ASSOCIATE IN LIBERAL STUDIES

Derek C. Carroll *
Adriana D. Gonzalez *
Anna K. Harrison *
Gladys Aide Johnson *
Jesse W. Payne *
David P. Scott

ASSOCIATE IN ARTS EARLY CHILDHOOD EDUCATION

Amy R. Boyson
Hanna L. Davis *
Sue A. Henifin
Lilliam L. Loomis

ASSOCIATE IN SCIENCE ACCOUNTING

Brianna C. Lary-Kimmel *

*These students have achieved honors status.

ASSOCIATE IN SCIENCE CRIMINAL JUSTICE

Miroslava V. Golovach

ASSOCIATE IN SCIENCE BUSINESS ADMINISTRATION

Maria T. Domkoski
Madison A. Gates
Alison K. Latham
Jasneet K. Sangha

ASSOCIATE IN SCIENCE COMPUTER INFORMATION SYSTEMS

Evan J. Blankers
Lauren J. Boggie *
Nash F. Jaramillo
Alex A. Pakhnyuk
Dylan A. Russell
Eric C. Wolfe *

ASSOCIATE IN SCIENCE MEDICAL ASSISTING

Lisa Do *
Hilda E. Hooper
Helen V. Lukyanets *
Kimberly D. Rodriguez
Marlo-Ann M. Williams *

ASSOCIATE IN SCIENCE PHYSICAL THERAPIST ASSISTANT

Rebec Bookerdemonbreun *
Megan M. Bradley *
Jennifer A. Curtright *
Morgan E. Edminster *
Katherine M. Eltrich
Melanie A. Grew *
Hannah S. Hoffman *
Frank O. Kingman

Hanna Maccloud *
Aubrey N. Moore *
Hannah L. Morrow *
Elizabeth M. Ray *
Cristian A. Rivas-Parra *
Sabrina Tomasi-Lloyd *
Breanna M. Valencia *
Christoph A. Winter *

ASSOCIATE IN SCIENCE SUBSTANCE USE DISORDER PROFESSIONAL

Brittany S. Dobbs

**ASSOCIATE IN SCIENCE SUBSTANCE USE DISORDER PROFESSIONAL
BEHAVIORAL HEALTH**

Mariah Kehoe-Anderson *

CERTIFICATE ACCOUNTING

Kim Huynh Trinh

CERTIFICATE CRIMINAL JUSTICE

Jose A. Ramirez

CERTIFICATE EARLY CHILDHOOD EDUCATION

Lilliam L. Loomis

CERTIFICATE HOSPITALITY&TOURISM BUSINESS MANAGEMENT

Ruth S. Ross

CERTIFICATE MASSAGE THERAPIST

Victoria A. James

CERTIFICATE MEDICAL ASSISTING

Patrick J. Agnew
Karren E. Balmer
Reyna J. Ellis
Aracely Y. Garcia
Hilda E. Hooper
Raveena Kaur
Cheryl L. Logan
Micaela L. Phillips

CERTIFICATE SUBSTANCE USE DISORDER PROFESSIONAL

Ellen Barton

*These students have achieved honors status.

HIGH SCHOOL DIPLOMA

Alexus B. Brooklyn
Kate N. Clarke
Kylee A. Johnson
Shoshanah L. Johnson
Xianqiu Li
Kayla R. Moore
Anh Phuong Pham

Lori Michelle Reed
Joseph L. Szwalla
Omar Ibrahim Thalib
Huong Thien Tran
Nguyen-Gia-Bao Tran
Perla Vargas-Olivares

*These students have achieved honors status.

MEMORANDUM

Office of the President

TO: Board of Trustees
FROM: Kathi Hiyane-Brown
DATE: March 17, 2021
RE: Tenure Consideration

State law (RCW 28B.50.852) and the Negotiated Agreement require that full-time faculty members employed primarily with state funds be extended, awarded or denied tenure by the last day of winter quarter during their third year of employment .

In anticipation of the future consideration for tenure, each new full-time faculty member is assigned a Probationary Review Committee. The role of that committee is to:

- Assess and advise the probationary of his/her/their professional strengths and weaknesses and to make reasonable efforts to encourage and aid in overcoming any deficiencies.
- Conduct the probationary review process in accordance with the Negotiated Agreement between the Faculty Association and the Board of Trustees.
- Provide a written recommendation to the appointing authority for or against the awarding of tenure.

The Probationary Review Committees assigned to work with the probationary faculty members have submitted their final reports and recommendations for consideration by the Board of Trustees. The current members of those committees are as follows:

DISCIPLINE	FACULTY MEMBER & CHAIR
Medical Assisting	Karen Piette; Tran Phung
CIS	Chris Pasquini; Travis McEwen
Computer Science	Darrell Criss; Lee Singleton
Philosophy	Kirsten Egerstrom; Anita Harker
Biology	Lauren Maniatis; Tealia Slagle
Math	Leslie Glen; William Webber
Massage	Theron Eirish; Tresha Dutton
Transitional Learning	Dawn Kroontje; Guy Smith
Nursing	Veronica (Nikki) Gosch; Margaret Vlahos

Possible Actions for each probationary faculty member

- To award tenure: Move the award of tenure to
- To deny tenure: Move to deny tenure to
- To extend probationary period: By mutual consent of the committee, the probationer, and the Board, move to extend the probation period by

Memorandum

Office of Human Resources and Student Services

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: March 17, 2021

RE: Policy 615, 616 and 620 and Title IX Emergency Rules Extension

The United States Department of Education Office for Civil Rights released final rules under the Title IX Education Amendments of 1972 on May 6, 2020 that went into effect on August 14, 2020. These emergency rules were adopted in August 2020 and have remained in effect for 240 days which allowed time for a full preliminary review of current College policies 615 and 620, as well and development of policy 616, and ample time for input from campus stakeholders.

Proposed policy 616 and revisions to policies 615 and 620 were presented to the Board on February 17, 2021 as a first reading. The College would like to ask for approval of these policies.

In addition, the College seeks another extension of these rules to allow for the time required for the WAC process, as outlined in WAC 1-21.

Therefore, the Offices Human Resources and Student Services provides the suggested motion below:

Move to approve proposed Policy 616 and revision to policies 615 and 620; and extend the emergency rules for Title IX for an additional 120 days which allow the time required to complete the WAC process.

Attachments (1):
Policy 616, 615 and 620
Whatcom Community College Title IX Emergency Rules

TITLE: TITLE IX

NUMBER: 616

APPROVED BY THE BOARD OF TRUSTEES:

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.

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.

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.

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.

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 policy, “sexual harassment” 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.

- (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;
 - (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.

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 policy.
- (2) For purposes of this 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 policy must be dismissed if the 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 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

E. 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 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.

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.

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.

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.

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
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 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;
- may recommend specific corrective measures to stop, remediate, and prevent the recurrence of inappropriate conduct.

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.

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.
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.
3. **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 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.
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.
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.

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.

G. Initiation of Discipline

- (1) Upon receiving the Final Investigation Report from the investigator, the Title IX Coordinator/Designee will forward the report to the 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 Decision Maker determines that there are sufficient grounds to proceed under these supplement procedures, the Decision Maker will initiate a Title IX disciplinary proceeding by 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) Identify the range of possible sanctions that may be imposed if the Respondent is found responsible for the alleged violation(s); and
 - (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

H. Pre-Hearing Procedure

- (1) Upon sending the Final Investigation Report, the Decision Maker will send a hearing notice to all parties, in 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 Decision Maker. The Decision maker will then forward copies to all parties.
- (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.

I. Rights of Parties

- (1) The College's Student Conduct Procedures, WAC 132U-126, as well as College Policies, practices, Faculty Negotiated Agreements, and Collective Bargaining agreement and this 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 or designee will appoint an advisor of the College's choosing on the party's behalf at no expense to the party.

J. Evidence

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

- (1) Relevance: The 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 Decision Maker must not rely on any statement by that party or witness in reaching a determination of responsibility.
- (5) No negative inference: The 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 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.

K. Initial Order

In addition to complying with WAC 132U-126, the 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 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's education programs or activities; and
- (8) Describes the process for appealing the Initial Order to the College President.
- (9) The Decision Maker will serve the Initial Order on the Parties simultaneously.

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

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

- (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

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.

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

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

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

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 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
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

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/>

Lummi Nation Police Department

2665 Kwina Road, Bellingham, WA 98226

(360) 312 2000 <https://www.lummi-nsn.gov/Website.php?PageID=397>

Lynden Police Department

203 19th St, Lynden, WA 98264

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

Nooksack Tribal Police Department

5061 Deming Road, Deming, WA

(360) 592 5176 <https://nooksacktribe.org/departments/law-enforcement/>

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/>

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.

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

TABLE OF CONTENTS

- WAC 132U-126-001 AUTHORITY
- WAC 132U-126-003 PURPOSE
- WAC 132U-126-005 STATEMENT OF JURISDICTION
- WAC 132U-126-010 DEFINITIONS
- WAC 132U-126-015 STATEMENT OF STUDENT RIGHTS
- WAC 132U-126-020 STUDENT RESPONSIBILITY FOR GUESTS
- WAC 132U-126-025 AMNESTY
- WAC 132U-126-030 PROHIBITED STUDENT CONDUCT
- WAC 132U-126-035 CLASSROOM CONDUCT
- WAC 132U-126-040 SANCTIONS
- WAC 132U-126-045 INITIATION OF DISCIPLINARY ACTION
- WAC 132U-126-050 APPEAL FROM DISCIPLINARY ACTION
- WAC 132U-126-055 BRIEF ADJUDICATIVE PROCEEDINGS – INITIAL HEARING
- WAC 132U-126-060 BRIEF ADJUDICATIVE PROCEEDINGS – REVIEW OF AN INITIAL DECISION
- WAC 132U-126-070 STUDENT CONDUCT COMMITTEE
- WAC 132U-126-075 APPEAL – STUDENT CONDUCT COMMITTEE
- WAC 132U-126-080 STUDENT CONDUCT APPEALS COMMITTEE HEARINGS – PRESENTATIONS OF EVIDENCE
- WAC 132U-126-085 STUDENT CONDUCT COMMITTEE – INITIAL DECISION
- WAC 132U-126-090 APPEAL FROM STUDENT CONDUCT COMMITTEE INITIAL DECISION
- WAC 132U-126-095 SUMMARY SUSPENSION
- WAC 132U-126-100 SEXUAL MISCONDUCT PROCEDURES

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" 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.
- (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.
- (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.
- (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.
- (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.
- (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.

- (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.
- (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.
- (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.
- (13) "Reporting Party" is a student or another member of the college community who reports an alleged violation of this code has been committed.
- (14) "Respondent" is the student against whom disciplinary action is initiated.
- (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:
- Hand-delivery of the document to a person; or
 - Sending the document by certified or first class mail to the person's last known address; or
 - Emailing the document to the party's official college email address.
- (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."
- (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.
- (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:

- Academic freedom.**
 - 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.
 - 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).
 - 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.
 - Students have the right to a learning environment which is free from unlawful discrimination, inappropriate and disrespectful conduct, and harassment, including sexual harassment.
- Due process.**
 - The rights of students to be secure in their persons, quarters, papers, and effects against unreasonable searches and seizures is guaranteed.
 - 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 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 violation(s) of the code committed by their guest.

WAC 132U-126-025 AMNESTY

Students are encouraged to seek 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 determining 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.
 - 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) **Disruption or Obstruction.** 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. 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. 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:
 - i. Deny or limit the ability of a student to participate in or benefit from the college's educational program;
 - ii. Alter the term or conditions of employment for a college employee(s); and/or
 - iii. Create an intimidating, hostile, or offensive environment for other campus community members.
 - b) **Sexual Intimidation.** The term "Sexual intimidation" incorporates the definition of "sexual harassment" and means threatening or emotionally distressing conduct based on gender identity or perceived gender, including, but not limited to, nonconsensual recording of sexual activity or the distribution of such recording.

- c) **Sexual violence.** "Sexual violence" is a type of sexual discrimination and harassment. Nonconsensual sexual intercourse, nonconsensual sexual contact, domestic violence, dating violence, and stalking are all types of sexual violence.
- i. Nonconsensual sexual intercourse is any sexual intercourse (anal, oral, or vaginal), however slight, with any object or body part, by a person upon another person, that is without consent and/or by force. Sexual intercourse includes anal or vaginal penetration by a penis, tongue, finger, or object, or oral copulation by mouth to genital contact or genital to mouth contact.
 - ii. Nonconsensual sexual contact is any intentional sexual touching, however slight, with any object or body part, by a person upon another person that is without consent and/or by force. Sexual touching includes any bodily contact with the breast, groin, mouth, or other bodily orifice of another individual, or any other bodily contact in a sexual manner.
 - iii. Domestic violence includes physical violence, bodily injury, assault, the infliction of fear or imminent physical harm, sexual assault, or stalking committed by a person with whom the victim share a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Washington, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the state of Washington, RCW 26.50.010.
 - iv. Dating violence means physical violence, bodily injury, assault, the infliction of fear or imminent physical harm, sexual assault, or stalking committed 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.
 - v. 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.

(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.

- 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.** 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.

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 activity.** 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 privileges.** 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 evaluation.** Referral for drug, alcohol, psychological or medical evaluation by an appropriately certified or licensed professional may be required. The student may choose the professional within the scope of practice and with the professional credentials as defined by the college. The student will sign all necessary releases to allow the college access to any such evaluation. The student's return to college may be 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 no-contact order.** 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 housing relocation.** Students who are living in college-controlled or administered housing may be transferred to alternate college-controlled or administered housing.
- (12) **Termination of student housing contract.** 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.
- (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.

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) 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) 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) days of consideration of the appeal. The initial decision shall contain a brief written statement of the reasons for the decision and information about how to seek administrative review of the initial decision. If no request for review is filed within ten (10) days of service of the initial decision, the initial decision shall be deemed the final decision.
- (4) In cases 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) 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) 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) 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) 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.
- (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 EVIDENCE.

- (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) 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) 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) 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 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.

SUPPLEMENTAL TITLE IX PROCEDURES

WAC 132U-305-001 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 these supplemental procedures shall take precedence.

WAC 132U-305-002 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 who commits, attempts to commit, or aids, abets, incites, encourages, or assists another person to commit, an act(s) of "sexual harassment."

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

- (1) Quid Pro Quo Harassment. A college employee conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct.
- (2) Hostile Environment. Unwelcome conduct that a reasonable person would find to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's educational programs or activities, or employment.
- (3) Sexual Assault. Sexual assault includes the following conduct:
 - (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;
 - (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-305-003 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.
- (2) For purposes of this supplemental procedure, an "educational program or activity" is defined as locations, events, or circumstances over which the College exercised substantial control over both the respondent and the context in which the alleged sexual harassment occurred. This definition includes any building owned or controlled by a student organization that is officially recognized by the College.
- (3) Proceedings under this supplemental procedure must be dismissed if the decision maker determines that one or all of the requirements of Section (1)(a)-(c) have not been met. Dismissal under this supplemental procedure does not prohibit the College from pursuing other disciplinary action based on allegations that the Respondent violated other provisions of the College's student conduct code, WAC 132U-126.
- (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.

WAC 132U-305-004 Initiation of Discipline

- (1) Upon receiving the Title IX investigation report from the Title IX Coordinator, the Student Conduct Officer will independently review the report to determine whether there are sufficient grounds to pursue a disciplinary action against the Respondent for engaging in prohibited conduct under Title IX.
- (2) If the Student Conduct Officer determines that there are sufficient grounds to proceed under these supplement procedures, the Student Conduct Officer will initiate a Title IX disciplinary proceeding by filing a written disciplinary notice with the Chair of the Student Conduct Committee 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) Identify the range of possible sanctions that may be imposed if the Respondent is found responsible for the alleged violation(s); and
 - (e) Explain that the parties are entitled to be accompanied by their chosen advisors during the hearing and that:
 - (i) The advisors will be responsible for questioning all witnesses on the party's behalf;
 - (ii) An advisor may be an attorney; and
 - (iii) 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) Explain that if a party fails to appear at the hearing, a decision of responsibility may be made in their absence.

WAC 132U-305-005 Pre-Hearing Procedure

- (1) Upon receiving the disciplinary notice, the Chair of the Student Conduct Committee will send a hearing notice to all parties, in 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 provided the Final Investigation Report to the parties.
- (2) A party may choose to have an attorney serve as their advisor at the party's own expense. This right will be waived unless, at least five (5) days before the hearing, the attorney files a notice of appearance with the committee chair with copies to all parties and the student conduct officer.

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

WAC 132U-305-006 Rights of Parties

- (1) The College's Student Conduct Procedures, WAC 132U-126, and this supplemental procedure 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 will appoint an advisor of the College's choosing on the party's behalf at no expense to the party.

WAC 132U-305-007 Evidence

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

- (1) Relevance: The Committee Chair shall review all questions for relevance and shall explain on the record their reasons for excluding any question based on lack of relevance.
- (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 must not rely on any statement by that party or witness in reaching a determination of responsibility.
- (5) No negative inference: The Committee may not make an inference regarding responsibility solely on a witness's or party's absence from the hearing or refusal to answer questions.

- (6) Privileged evidence: The Committee shall not consider legally privileged information unless the holder has effectively waived the privilege. Privileged information includes, but is not limited to, information protected by the following:
- (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-305-008 Initial Order

In addition to complying with WAC 132U-126, the Student Conduct Committee 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 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]*'s education programs or activities; and
- (8) Describes the process for appealing the Initial Order to the *[College or University]* President.
- (9) The Committee Chair will serve the Initial Order on the Parties simultaneously.

WAC 132U-305-009 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

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

- (2) The President or their delegate will determine whether the grounds for appeal have merit, provide the rationale for this conclusion, and state whether the disciplinary sanction and condition(s) imposed in the Initial Order are affirmed, vacated, or amended, and, if amended, set forth any new disciplinary sanction and/or condition(s).
- (3) President's Office shall serve the Final Decision on the parties simultaneously.



Reports to the Board of Trustees March 17, 2021 Meeting

➤ ASWCC – Hannah Oliver, President

- February 1, 2021, ASWCC Programming and Diversity Board, the Simpson Intercultural Center, and Bellingham Public Schools partnered to host a Fireside Chat with Clyde Ford. Clyde Ford exploration about the slow change in race relations, compared with the lightning speed of change in technology (66 people attended).
- February 5, 2021, the Associated Students of Whatcom Community College hosted the 4th Annual Find Your Pod Conference. The conference focused on connecting students with similar interests, exploring different academic journeys, and how the sense of belonging to an area of study contributes to student academic success. Dr. Janis Farmer and Guy Smith served as the keynote speakers. 46 participants attended the event.
- February 12, 2021, the ASWCC Programming and Diversity Board and Simpson Intercultural Center partnered hosted a Fireside Chat for a celebration of the Lunar New Year! The event provided information on how China, Vietnam, and Tibet celebrate. 18 participants attended the event.
- February 26 – February 28, 2021, the ASWCC Programming and Diversity Board and Simpson Intercultural Center provided a virtual movie screening of Harriet! The film starring Cynthia Erivo, Leslie Odom Jr., Joe Alwyn, and Janelle Monae showed the extraordinary tale of Harriet Tubman’s escape from slavery and transformation into one of America’s greatest heroes, whose courage, ingenuity, and tenacity freed hundreds of slaves and changed the course of history.
- Feb 18, Mar 1, Mar 2, Mar 3. Winter Area of study Lounges: The Area of Study Lounges are meant to increase engagement among students that are in the same academic pathway as well as give a space where students can meet faculty that work in their academic pathway. This event also works to break down the stereotypes and myths of the Areas of Study (30 people attended)
- Daily events: Every week the PDB has 3 events, Motivation Mondays, Tuesday Talks, Philosophical Friday. These events are meant to increase engagement with students by having a recurring time. We have an average attendance of 3 people per event.
- Developing an “Orca Spotlight” which is a way to connect students while in an online environment, Highlighting students in the good they have done for the community.

- Wingles (a weekly opportunity to mingle with other students) happen every Thursday and includes games and activities. On Valentine's Day everyone who attended received orca swag and candy. The winners of games we played are also receiving prizes.

➔ **Advancing Equity – Terri Thayer, Interim College Equity Officer** (*Advancing equity is infused in all strategic goals.*)

Providing Equity support to Institutional Advancement

- WCC Foundation Board Equity Retreat
- Communications: Marketing and Social Media posts

Weekly Equity coaching, training and discussions

- 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.
- One on one coaching meetings with staff and faculty.

Equity Support, Building Connections, Cultural Recognition

- Black History Month: Campus messaging and community response
- Lunar New Year: Campus messaging and community response
- 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)
- Professional Development Day: Facilitated "Cabinet on the Couch", assist with response to feedback and evaluation survey
- College Council: facilitate discussion on Microaggressions

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

- **ctcLink** (*4.1 Offer programs, services, and facilities that support college needs and market*)
 - Key staff are preparing for the first data conversion validation period. Specific subject matter experts were selected to validate WCC legacy data in the ctcLink (PeopleSoft) environment.
 - ctcLink activities with high workload impact on WCC staff are being reviewed to determine mitigation strategies based on a finalized ctcLink schedule for the remainder of the project (due to colleges by early March).
 - ctcLink end-user self-paced trainings are now available for all employees. Information and training resources are available on the Compass [ctcLink Training](#) page.
- **Finance** (*4.1 Offer programs, services, and facilities that support college needs and market demands*)
 - The budget development process for the fiscal year (FY) 2021-2022 operating budget officially began on February 19. Emphases on FY22 budget development include supporting maintenance level items, identifying critical needs that must be funded, capturing fiscal changes in various budgets where funds may shift or be reallocated from one area to another, and tightening up budget allocations.

Budget managers were provided prompts to help with departmental budget development discussions and activities.

- Business office staff are comparing the accounting records from the legacy software system to the converted data in ctclink. This process will continue with multiple rounds of data validation cycles between now and the implementation date in October 2021.
- **Facilities and Operations** *(4.1 Offer programs, services, and facilities that support college needs and market demands)*
 - The Engineering remodel in Cascade Hall is substantially complete with only minor punch list items left. Furnishings and equipment will be installed through mid-April.
 - The Baker, Syre, and Kelly roof replacement projects will reach substantial completion by the end of March.
 - The building envelope and glazing project on Heiner has had schedule setbacks due to unforeseen conditions. The current schedule shows substantial completion in mid-April.
- **Emergency Preparedness, Safety & Security** *(5.3 Promote a safe environment for teaching, learning, and working)*
 - The Director for Safety and Security presented the State of the Pandemic and WCC's Collaborative Response on professional development day. The presentation was co-presented with the Executive Director for Human Resources and the Associate Dean for Health Professions. This session was well attended.
 - Reentry planning continues. The Director for Safety and Security is actively meeting with key departments to assist in their reentry planning efforts, and to directly address staff and faculty questions and concerns.
 - Staff provided de-escalation training for Cedar Hall staff on February 25, 2021.
 - The Office of Campus Safety and Security relocated to Laidlaw Center 104. This move assists in centralizing direct access to Campus Safety and Security resources.
- **Conference & Event Services (CES)** *(4.1 Offer programs, services, and facilities that support college needs and market demands)*
 - CES is working with Full Measure, a third-party vendor, and WCC's Commencement Committee to finalize steps towards delivering a 2021 virtual commencement ceremony.
- **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)*
 - Since March 2020, the Bookstore has extended \$21,000 in free course material shipping to students. Sales declines of \$269,000 during the COVID disruptions have translated to an approximate loss of \$81,000 in sales profits.
 - Website sales continue to show strong growth. So far, for fiscal year 2020-21, overall online sales have increased 540% over the previous year. During this period, online sales comprised 53% of overall sales, with in person cash register sales accounting for the other 47%. Course materials comprise the majority of these sales.

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

- **Academic Advising and Career Services:** *(Goal 3.1 Ensure all students have access to campus resources that support educational success. Kate Di Nitto, Associate Director, Academic Advising and Career Services)*
 - Hosted a virtual transfer workshop on February 11 in collaboration with Western Washington University and the WCC Writing Center for students to learn about the transfer application process and writing personal statements. Six students attended.
 - Advising staff collaborated with Outreach and Student Services staff to develop a network of contact points for students who are undocumented, and to ensure that there are staff in each of the crucial Student Services offices who are versed in resources for students who identify as undocumented.
- **Access and Disability Services:** *(Goal 3.1 Ensure all students have access to campus resources that support educational success; Goal 3.3 Increase services focused on supporting marginalized student populations to close the equity gap in student outcomes, Goal 4.3 Provide ongoing opportunities for faculty and staff professional growth. Kerri Holferty, Director, Access and Disability Services(ASD))*
 - Priority Registration for ADS students began February 17th. 9th day of enrollment, spring Quarter 2021 enrollment is consistent with winter quarter 2021 (54 and 52 students, respectively).
 - ADS Staff presented a PDD workshop addressing MyADS Faculty Portal. This session introduced faculty to an online system where they can access student accommodation letters and turn in video caption requests. The MyADS software allows ADS staff to effectively support students and faculty during remote working/learning environment. 5 faculty attended and the recorded session is available.
- **Athletics and Recreation:** *(Goal 1.3 and Promote student access through quality services and resources; Goal 2.5 Cultivate community awareness and support for the College. Danny Day, Director, Athletics and Recreation)*
 - Men's & Women's Cross Country were the first teams to compete during this academic year. Both teams won their first meet of the year, taking first place as teams and had the top individual finishers in the race.
 - Basketball, Volleyball, and Soccer teams are slated to begin competition in April with the season lasting until the first week of June.
 - Whatcom CC's first ever Athletics Hall of Fame class has been selected, and the inductees were notified. The public announcement will take place this September, with the goal and hope of having the ceremony in June 2022.
- **Community Standards and Residence Life:** *(Goal 1.2 Foster student learning through student-centered teaching and learning practices; Goal 1.3 Promote student access through quality services and resources; Goal 2.1 Increase collaboration and communication to serve collective needs across the College; Goal 2.2 Create teaching and learning communities; Goal 4.3 Provide ongoing opportunities for faculty and staff professional growth. Goal 4.4 Enhance the safety of the college environment. Terri Thayer, Director, Community Standards and Residence Life)*

- Hired Community Standards Manager to increase capacity in proactive advocacy and hold students accountable for conduct on campus, both physically and in our current virtual environment.
- Updated and revised the Student Rights and Responsibilities Policy to reflect Title IX updates and academic dishonesty.
- Reviewed, evaluated, and assessed COVID-19 response and safety procedures for Residence Life staff and students including virtual room checks and floor meetings.
- **K-12 Partnerships:** *(Goal 1.3 Promote student access through quality services and resources; Goal 3.1 Ensure all students have access to campus resources that support educational success; Goal 4.2 Increase college enrollment and secure resources for the continued viability of the College. Amy Anderson, Director, K-12 Partnerships)*
 - Since the beginning of winter quarter, Outreach hosted 12 Virtual events with a total of 243 participants (some repeats of prospective students), ranging from general WCC information, funding conversations, and scholarship application support.
 - Running Start is offering virtual information sessions for students interested in beginning fall 2021. Dates and times are listed at whatcom.edu/runningstart.
- **Student Life and Development:** *(1.3 Promote student access through quality services and resources, 1.4 Provide students with mentors, internships, and career preparation, 2.1 Increase collaboration and communication to serve collective needs across the College, 2.2 Create teaching and learning communities, 3.1 Ensure students have access to campus resources that support educational success, 4.1 Offer programs, services, and facilities that support college needs and market demands. Heidi Farani, Director for Student Life and Development)*
 - Collaborated with the Teaching and Learning Center and Simpson Intercultural Center to host a series of daily discussion, readings, and videos highlighting Black History and Black contributions. Topics included, History of anti-black racism, Black Athletes, Claudette Colvin and the Montgomery Bus Boycotts, Madame CJ Walker and the Legacy of Black inventors, Dolezalín', what's that all about, Black History Card, Black Panther – Cinema, Black Hair & History, Black Body Acknowledgement, Testimonials from time: civil rights, Star Trek and interracial representation in television, Black Finances-starting your own Business, Black Panthers history and legacy, and Juneteenth and why it's Important. Approximately 10 – 50 participants attended each event.
 - February 10, 2021, The Office of Student Life and Development, Teaching and Learning Center, Simpson Intercultural Center, and Bellingham Public Schools hosted a Fireside Chat with Grace Kungu discussing women in STEM. 17 participants attended the event.
 - February 16, 2021, The Office of Student Life and Development, Teaching and Learning Center, Simpson Intercultural Center, and Bellingham Public Schools hosted a Fireside Chat with Ibidunni Ojikutu, a frequent performer in the Pacific Northwest (and Bellingham High School alum), Soprano known for having a strong foundation in traditional and contemporary repertoire and has studied extensively in both areas. 51 participants attended the event.
 - February 18, 2021, the Office of Student Life and Development hosted an Arts and Communication Area of Study Virtual Lounge. Providing participants with

the opportunity to meet faculty, academic advisors, and other students to talk about their intended area of study (10 people attended).

- February 24, The Office of Student Life and Development, Teaching and Learning Center, Simpson Intercultural Center, and Bellingham Public Schools hosted a Fireside Chat: Vanguard in the Classroom: the Black Panther Party and Lessons on Liberatory Education with Dr. Akin Abioye. The talk examined the Black Panther Party Oakland Community School's attempt to offer a liberatory education for its students. 21 participants attended the event.
- February 26, 2021, The Office of Student Life and Development, Teaching and Learning Center, and Simpson Intercultural Center hosted a Fireside chat with Charles E. Berry III, the youngest and last grandson of the rock pioneer Chuck Berry. Charles shared his knowledge about his grandfather's experience, impact and legacy as a black musician. He also shared his path and experience following in his grandfather's footsteps as musician/guitar player. 38 participants attended the event.
- **Student Success and Retention:** *(Goal 1.1 Improve student success in retention, completion, transfer, and employment; Goal 1.3 Promote student access through quality services and resources. Nic Hostetter, Director, Student Success and Retention)*
 - Received 690 mid-quarter alerts (614 winter 2020). To date, 475 early alerts were successfully resolved by advisors, coaches, and Pod Leaders.
 - Served a total of 290 students at the Virtual Front Desk.
 - Pod Leaders called 1,000+ students eligible for the TRIO Student Support Services program to support recruitment efforts.
 - Formed an orientation workgroup to align orientation outcomes with Guided Pathways initiatives.
- **Veteran Services** *(Goal 1.1 Increase student achievement in transfer and career preparation; Goal 1.2 Increase academic support for students; Goal 1.3 Increase access for diverse and nontraditional student populations; Goal 4.3 Increase access for underrepresented populations. Jarid Corbitt, Assistant Director, Veterans Services)*
 - Veteran Services Office continues to staff weekly Zoom space for military connected students. 3 participants as of 03/02/2021. We will continue providing this space for military connected students to have weekly face-to-face contact with Veteran Services and their peers.
 - Military students were asked to provide feedback about Zoom, time preferences, and activities provided. Students overwhelmingly reported that they would indeed use a Zoom space when, and if, they had a specific question or problem. Military connected students were less inclined to require a specific time or suggest activities in Zoom open spaces.
 - Veteran's Services staff are awaiting for further information and training from the VA in preparation to implement additional requirements in line with the changes to the GI Bill following the enactment of Public Law 116-351.
 - Changes will impact Residency (section 1005), Verification of Certifications (Section 1010), Refunding Federal Money (section 1019),

Principles of Excellence (section 1018), VA Risk Based Assessment (section 1017), and Annual Program Approval (section 1015).

- At this time, Veterans Services is awaiting more information from the WA State Approving Agency.

➤ **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:**
 - NCyTE (the National Cybersecurity Training & Education Center) held a fifth full two-day online workshop on 11-12 February introducing 39 participants to 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 Director Corrinne Sande and CIS Faculty Travis McEwen provided an online workshop on Securing Your Digital Life to 63 WCC faculty and staff as part of WCC's Professional Development Day on 15 February.
 - NCyTE's online member webinar on 19 February reviewed how cybersecurity competitions can help students grow cybersecurity skills to eleven NCyTE members. There are now over 270 NCyTE member institutions.
 - On 25 February, Corrinne Sande and Stephen Troupe presented an online mentor and peer reviewer workshop to 49 participants on providing support to institutions for developing or enhancing cybersecurity education programs ("Program Development"), and towards earning the Center of Academic Excellence (CAE) designation from the National Security Agency. WCC's CAE National Resource Center contracts with numerous mentors from across the country to mentor colleges and universities.
 - NSA Cybersecurity Faculty Development Initiative: WCC/NCyTE have signed an agreement to be a sub-awardee on another National Security Agency grant with lead institution University of Colorado - Colorado Springs. The budget of \$72,651 will leverage NCyTE's existing program development workshop now to include universities, and will also update and expand its "MOS Pathways" document and process to accommodate universities that wish to grant credit in technical courses to veterans. The grant duration is 9/16/2020 – 9/17/2022 (2 years).
- **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.*)
 - International Programs advisors are working in conjunction with ESLA and the Engineering Department to create additional support for a growing cohort of international students from Saudi Arabia. With 25 students currently enrolled in the AST Engineering track, and with an additional 10-15 applicants in-bound for

Spring 2021, planning is underway to create new structures to support this group of students. (are they all in engineering?) hmmm

- **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*)
 - Hosted a series of events to celebrate Black History Month in partnership with ASWCC Programming and Diversity Board, Teaching and Learning Center and Bellingham Public School District.
 - Titled: Celebrating Black Excellence with Moments to Remember, the series of daily events included fireside chats with Clyde Ford on Race and Technology; Gracu Kungu on Women in STEM: Dare to Dream; Lunar New year celebration; Ibidunni Ojikutu on performing with the Seattle Opera; Black Educator Panel on reflections on Black History month in Curriculum; Dr. Akin Abioye on Black Panther Party
 - Hosted 3 Workshops About Politics in partnership with faculty members, Mary Haberman and Doug Robertson, to discuss topics including your rights: policing the police, history of relationship between law enforcement and minority communities, and true definition of defund the police. Da'Mea Birdsong, Daniela Gutierrez and Lizeth Ortiz, Intercultural Center Peer Navigators facilitated conversations.
- **Equity Project** (*3.6 Increase campus engagement in social justice education and leadership opportunities*)
 - The Equity Project podcast TEP Talk with co-host Carmen Green, Kunbi Ajiboye, and Justin Ericksen and continue important conversations about social justice. Episode: 3 “Changing Your Normative” is a special Black History Month episode showcases wise words and inspiration from Ijeoma Oluo, Terri Thayer, Martin Luther King Jr., and a featured conversation with Jackie Rumble.
- **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*)
 - Faculty and staff are planning for the 2021-22 annual schedule to have an early mix of hybrid and online courses, with increasing amounts of in-person instruction through the year. Guidance is being regularly provided to department and division chairs and the college community through a recently developed Q&A document available on Compass.

➔ **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 11th with a record-breaking 805 applications for support. The team prioritized applicants who had not received emergency funds in prior quarters and applicants requesting tuition support. Awards were granted to 457

students for a total of \$282,841. In total, the emergency funding team has distributed \$1,479,690 to more than 1,600 students. As part of that total, WCC Foundation has distributed \$62,320 to 100 students, otherwise not eligible for support.

- Scholarship application: the 2021-2022 WCC Foundation scholarship application opened January 20th and will close Sunday, March 7th. As of March 3rd, 322 students have started an application and 139 applications have been submitted. Raised four new scholarship funds for allocation this cycle. The Scholarship Review Committee is in the process of reviewing the scholarship rubric used by reviewers with the goal of increasing consistent and equitable scoring. Application reviews will begin later this month.
- Funds for Excellence proposals were received from WCC faculty/staff for the second cycle of grants this academic year. The proposals will be reviewed by College Leadership, and reviewed by a cross-campus committee. The Foundation Board of Directors will give final approval to funded projects.

Fundraising: Draft reports show the Foundation received 19 gifts and pledges totaling \$10,476 for the month of February. Fiscal year to date as of February 28, the Foundation received \$342,712 in gifts and pledges.

- Two new bequest gifts were received, the Clarence Zylstra Trust to the scholarship endowment and the Julian H. Hansen Estate to establish the Pioneer Scholarship for Nooksack High School graduates.
- WCC Foundation is in the final stages of hiring a Development Director to support fundraising programs.

Governance:

- The Finance and Audit Committee approved endowment spending at 5% for the 2021-22 academic, totaling \$321,640 for scholarships and program support.
- The Foundation Board of Directors participated in a second programs and equity retreat with invited WCC guests, Terri Thayer, Interim College Equity Officer; Amy Anderson, Director for K-12 Partnerships; and Dr. Kunbi Ajiboye, Associate Director for Student Life and Development.
- A new ad-hoc taskforce was established to raise funds for WCC faculty/staff recruitment led by Board members, Dr. Manny Eusebio and Justin Gill, DNP, ARNP.

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:

- The Communications & Marketing Department is working with Conference & Event Services and Entry Services to coordinate and streamline messaging for the spring commencement ceremony.
- The Foundation is working with Institutional Research to further engage and build a WCC alumni association.
- The Foundation and Combined Fund Drive (CFD) co-hosted a virtual lunch during Professional Development Day with strong attendance to promote giving to the student Empathy and Equity Fund and the employee A FRIEND fund (Adjunct Faculty Relief in Emergency with Dignity). The featured presentations included promotion of the CFD Comfort and Joy recipe book; former Board of Trustee, Robert Fong's cooking video in Cedar Hall, and a special announcement

from the Foundation chair and vice-chair, Tim Douglas and Carolyn Simpson Scott, and Dr. Luca Lewis, VP for Student Services, featuring his new endowed lecture series, Dismantling Racism and Advocating for Justice .

Profile-Raising: The WCC Foundation Board and its Arts & Humanities Orca Pod Project successfully completed the challenge grant match for the Skipping Stone Foundation, finalizing the \$30,000 term endowment, which supports two scholarships annually for at least ten years of \$1,500 each.

Relationship Building: The Foundation is facilitating presentations with Whatcom County civic organizations. In February, WCC was the featured presentation for the Sunrise Rotary, highlighting Health Professions and recent philanthropic support of health professions education during Covid-19 from the WCC Foundation and partners.

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

- An updated and expanded ctLink presence has been created on the Compass staff intranet. The webpages include information on timelines, training resources, and video tutorials.
- Website Refresh is completing the Graphic Design phase.
- The Communications & Marketing Department is coordinating with the Interim College Equity Officer, Terri Thayer to create an Equity, Diversity, and Inclusion events calendar.

Publications and Advertising

- The spring quarter newsletter will be delivered to all 85,000 households in Whatcom County the first week of March. The publication promotes virtual resources for students, Transitional Learning programs, and commencement ceremony opportunities.
- The spring enrollment advertising campaign has kicked off. It includes search engine marketing (Google AdWords), social media, video advertising and digital retargeting.

Press Releases and Resulting Media Coverage

- [Situating Ourselves in the Salish Sea \(Anna Booker event listing\)](#), GoSkagit.com, 2/28/2021
- [New Partner Network Created to Engage a Range of Organizations in Sharing Efforts to Prevent Sexual Harassment in Higher Education](#), National Academics of Science, Engineering, Medicine, 2/26/2021
- [The Whatcom Museum Reopens March 4 & Upcoming Programs](#) (Anna Booker / Salish Sea mention), Bellingham.org, 2/25/2021
- [Mass vaccination site planned at Bellingham Technical College](#), The Northern Light, 2/24/2021
- [Mass vaccination planned at BTC in March](#), Lynden Tribune, 2/24/2021
- [Paralegal Spotlight: Courtney Emmons \(alumni mention\)](#), NCBarBlog.com, 2/24/2021
- [Free tax assistance with VITA \(WWU/WCC mention\)](#), Western Front, 2/23/2021
- [WCC Community and Adult Classes](#), KGMI Radio, 2/22/2021

- [Health Department announces large-scale COVID-19 vaccination clinic](#), KGMI, 2/19/2021
- [Health Department announces large-scale COVID-19 vaccination clinic](#), KISM, 2/19/2021
- [Up to 5,000 people a week could get COVID-19 vaccine at this Bellingham site starting in March](#), MSN.com, 2/18/2021
- [Up to 5,000 people a week could get COVID-19 vaccine at this Bellingham site starting in March](#), Bellingham Herald, 2/18/2021
- [Large-Scale Community Vaccination Clinic Coming in March](#), Whatcom County Health Dept., 2/18/2021
- [Processing Through Painting \(art faculty mention\)](#), Bellingham Alive, 2/16/2021
- [Whatcom County woman starts job board aimed for diversity](#) (Community Ed class mention), The Northern Light, 2/10/2021
- [Western's Volunteer Income Tax Assistance \(VITA\) Program Running February 8 to April 15](#), Western Today, 2/1/2021
- [Community Voices / Understanding the importance of the Point Elliott Treaty](#), Salish Current, 1/28/2021
- Read more at whatcom.edu/news