

# Edmonds College Title IX Employee Training

## Welcome

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Edmonds College recognizes its responsibility to investigate, resolve, implement corrective measures, and monitor the educational environment and workplace to stop, remediate, and prevent discrimination on the basis of sex, as required by Title IX of the Educational Amendments of 1972, Title VII of the Civil Rights Act of 1964, the Violence Against Women Reauthorization Act, and Washington State's Law Against Discrimination, and their implementing regulations.

To this end, Edmonds College has adopted the Title IX Procedure for receiving and investigating Sexual Harassment allegations arising during education programs and activities. Any individual found responsible for violating Edmonds College's Title IX policy is subject to disciplinary action up to and including dismissal from the college educational programs and activities and/or termination of employment.

## Definitions

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

- **“Respondent”** means an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.
- **“Formal Complaint”** means a writing submitted by the Complainant or signed by the Title IX coordinator alleging Sexual Harassment against a Respondent and requesting that the college conduct an investigation.
- **“Education Program or Activity”** includes 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. It also includes any building owned or controlled by a student organization officially recognized by the college.
- **“Sexual Harassment,”** for purposes of these Title IX Grievance Procedures, Sexual Harassment occurs when a Respondent engages in the following discriminatory conduct on the basis of sex:
  - **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.
  - **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 college employment.
- **“Sexual assault”** includes the following conduct:
  - **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.
  - **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.
  - **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).

- **Statutory rape.** Consensual intercourse between a person who is eighteen (18) years of age or older, and a person who is under the age of sixteen (16).
- **Domestic violence.** Physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Washington, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State of Washington, RCW 26.50.010.
- **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:
  - The length of the relationship;
  - The type of relationship; and
  - The frequency of interaction between the persons involved in the relationship.
- **Stalking.** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to
  - fear for their safety or the safety of others; or
  - suffer substantial emotional distress.

## Filing a Complaint

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Any employee, student, applicant, or visitor who believes that they have been the subject of Sexual Harassment should report the incident or incidents to the college's Title IX Coordinator identified on the Edmond's College website at [edmonds.edu/titleix](http://edmonds.edu/titleix). If the complaint is against the Title IX Coordinator, the Complainant should report the matter to the President's office for referral to an alternate designee.

## Title IX Coordinator Responsibilities

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Title IX Coordinator is responsible for processing Title IX complaints and conducting and/or overseeing formal investigations and informal resolution processes under this Grievance Procedure. Among other things, the Title IX Coordinator is responsible for:

- Accepting and processing all Title IX reports, referrals, and Formal Complaints.
- Executing and submitting a Formal Complaint when appropriate and necessary.
- Handling requests for confidentiality.
- Determining during the Grievance Procedure (i) whether a Formal Complaint should be dismissed either in whole or in part, and if so, (ii) providing notice to both parties about why dismissal was necessary or desirable, and (iii) referring the complaint to the appropriate disciplinary authority for proceedings outside the jurisdiction of Title IX.
- Maintaining accurate records of all complaints, reports, and referrals, and retaining investigation files, complaints, reports, and referrals in compliance with the applicable records retention schedules or federal or state law, whichever is longer.
- Conducting investigations or assigning and overseeing investigations.
- Engaging in an interactive process with both parties to identify and provide supportive measures that ensure during the investigation and disciplinary processes that the parties have equitable access to education programs and activities and are protected from further discrimination or retaliation.
- Upon completion of an investigation, issuing or overseeing the issuance of a final investigation report to the parties and the appropriate disciplinary authority in compliance with this Grievance Procedure.
- Recommending non-disciplinary corrective measures to stop, remediate, and/or prevent recurrence of discriminatory conduct to disciplinary authorities and other college administrators.

## Principles for Title IX Grievance Procedure

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1. Respondents shall be presumed not responsible for the alleged conduct unless or until a determination of responsibility is reached after completion of the grievance and disciplinary processes.
2. Before imposing discipline, the college is responsible for gathering and presenting evidence to a neutral and unbiased decision maker establishing responsibility for a Title IX violation by a preponderance of the evidence.
3. The college shall treat both the Complainant and Respondent equitably by providing Complainant with remedies against Respondent who has been found

responsible for Sexual Harassment through application of the institution's Title IX grievance and applicable Title IX disciplinary procedures and by providing Respondent with Title IX procedural safeguards contained in this Title IX Grievance Procedures and in the applicable Title IX disciplinary procedures.

4. The investigator shall base investigation results on all relevant evidence, including both exculpatory and inculpatory evidence.
5. Formal and informal resolutions will be pursued within reasonably prompt timeframes with allowances for temporary delays and extensions for good cause shown. Grounds for temporary delay include, but are not limited to Winter, Spring and Summer breaks and other scheduled breaks in the school schedule. Good cause supporting a request for an extension includes, but is not limited to: a party, a party's advisor, or a witness being unavailable, concurrent law enforcement activity, and the need for language assistance or accommodation of disabilities. Both parties will receive written notice of any temporary delay or extension for good cause with an explanation of why the action was necessary.
6. A Respondent found responsible for engaging in Sexual Harassment may receive discipline up to and including dismissal from the college. An employee found responsible for Sexual Harassment may receive discipline up to and including dismissal from employment. In proceedings against a student Respondent, the parties may appeal the Student Conduct Committee's ruling to the President pursuant to WAC 132Y-125-020 and Supplement Title IX Student Conduct Code Procedures, WAC 132Y-125-115.
7. In proceedings against an employee Respondent, the parties may appeal the Employee Disciplinary Decision to the President or designee.
8. Title IX Administrators may not require, allow, rely upon, or otherwise use questions or evidence that seeks disclosure of privileged communications, unless the privilege has been effectively waived by the holder. This provision applies, but is not limited to information subject to the following:
  1. Spousal/domestic partner privilege;
  2. Attorney-Client and attorney work product privileges;
  3. Privileges applicable to members of the clergy and priests;
  4. Privileges applicable to medical providers, mental health therapists, and counsellors;
  5. Privileges applicable to sexual assault and domestic violence advocates; and
  6. Other legal privileges identified in [RCW 5.60.060](#)
  7. [Links to an external site.](#)

## Confidentiality

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1. The college will seek to protect the privacy of the Complainant to the fullest 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 college policies and procedures. Although the 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 Coordinator.
2. The Title IX Coordinator will inform and attempt to obtain consent from the Complainant before commencing an investigation of alleged Sexual Harassment. If a Complainant asks that their name not be revealed to the Respondent or that the college not investigate the allegation, the Title IX Coordinator will inform the Complainant that maintaining confidentiality may limit the college's ability to fully respond to the allegations and that retaliation by the Respondent and/or others is prohibited. If the Complainant still insists that their name not be disclosed or that the college not investigate, the Title IX Coordinator will determine whether the college can honor the request and at the same time maintain a safe and nondiscriminatory 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:
  1. The seriousness of the alleged Sexual Harassment;
  2. The age of the Complainant;
  3. Whether the Sexual Harassment was perpetrated with a weapon;
  4. Whether the Respondent has a history of committing acts of Sexual Harassment or violence or has been the subject of other Sexual Harassment or violence complaints or findings;
  5. Whether the Respondent threatened to commit additional acts of Sexual Harassment or violence against the Complainant or others; and
  6. Whether relevant evidence about the alleged incident can be obtained through other means (e.g., security cameras, other witnesses, physical evidence).
3. If the college is unable to honor a Complainant's request for confidentiality, the Title IX Coordinator 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 in compliance with this Grievance Procedure.

4. If the college decides not to conduct an investigation or take disciplinary action because of a request for confidentiality, the Title IX Coordinator will evaluate whether other measures are available to address the circumstances giving rise to the complaint and prevent their recurrence, and implement such measures if reasonably feasible.

## Required Procedures

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During the investigation, the Investigator:

1. Will provide the parties with equal opportunity to present relevant statements, and other evidence in the form of fact or expert witnesses and inculpatory or exculpatory evidence.
2. Will not restrict the ability of either party to discuss the allegations under investigation or gather and present relevant evidence, except when a no contact order has been imposed based on an individualized and fact specific determination that a party poses a threat to the health, safety, or welfare of another party and/or witnesses or when contact with a party and/or witness is prohibited by court order. A college-imposed no contact shall be no broader than is necessary to protect the threatened party or witness and must provide the impacted party or their advisor with alternative means of gathering and presenting relevant evidence from the protected witness and/or party.
3. Will allow each party to be accompanied by an advisor of their choosing, who may be an attorney, to any grievance related meeting or interview. Advisors' roles during the investigation meetings or interviews will be limited to providing support and advice to the party. Advisors will not represent or otherwise advocate on behalf of the parties during the investigation process. An attorney representing a party must enter a notice of appearance with the Title IX Coordinator and the Investigator at least five (5) days before the initial interview or meeting they plan to attend, so that the college can secure its own legal representation, if necessary.
4. The investigator will provide both parties and their respective advisors with an equal opportunity to review the draft investigation report and to inspect and review any evidence obtained during the investigation that is directly related to the allegations raised in the Formal Complaint, including inculpatory or exculpatory evidence, regardless of its source, as well as evidence upon which the investigator does not intend to rely in the final investigation report. After

disclosure, each party will receive ten (10) days in which to submit a written response, which the investigator will consider prior to completion of the investigation report. If a party fails to submit a written response within ten (10) days, the party will be deemed to have waived their right to submit comments and the investigator will finalize the report without this information.

5. The investigator will forward the final report to the Title IX Coordinator, who will distribute the report and evidence to the parties, as well as the disciplinary authority responsible for determining whether pursuing disciplinary action is warranted.

## Title IX Jurisdiction

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1. This Title IX applies only if the alleged misconduct:
  1. Occurred in the United States;
  2. Occurred during a college educational program or activity; and
  3. Meets the definition of Sexual Harassment as that term is defined in this supplemental procedure.
2. For purposes of the Title IX 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.

## Complaint Resolution

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The Title IX resolution processes are initiated when the Title IX Coordinator’s Office receives a written complaint alleging that a Respondent(s) sexually harassed a Complainant and requesting that the college initiate an investigation (a Formal Complaint). A Formal Complaint must be either submitted by the Complainant or signed by the Title IX Coordinator on behalf of the Complainant. Formal complaints submitted to the Title IX Coordinator may be resolved through either informal or formal resolution processes. The college will not proceed with either resolution process without a Formal Complaint.



For purposes of this Title IX Grievance Procedure, the Complainant must be participating in or attempting to participate in a college education program or activity at the time the Formal Complaint is filed.

## Informal Resolution

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Under appropriate circumstances and if the impacted and responding parties agree, they may voluntarily pursue informal resolution during the investigation of a concern. Informal resolution is not appropriate when the allegations involve a mandatory reporting situation, an immediate threat to the health, safety or welfare of a member of the college community, or in cases where an employee is alleged to have sexually harassed a student.

If an informal resolution is appropriate, the impacted party and the responding party may explore remedies or resolution through:

- Guided conversations or communications conducted by the Title IX coordinator / HRO representative or a mutually agreed upon third party;
- Structured resolution process conducted by a trained mediator; or
- Voluntarily agreed on alterations to either or both of the parties' work or class schedules or student housing arrangements.

If the parties agree to an informal resolution process, the college will commence the process within 14 days after the parties agree to this option and conclude within 30 days of beginning that process; subject to reasonable delays and extensions for good cause shown. The informal process is voluntary. Either the impacted or responding party may withdraw from the informal resolution process at any time, at which point the formal investigation process will resume.

If the impacted and responding party voluntarily resolves a report, the college will record the terms of the resolution in a written agreement signed by both parties and provide written notice to both parties that the report has been closed.

## Formal Resolution

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Formal resolution means that the Complainant's allegations of Sexual Harassment will be subjected to a formal investigation by an impartial and unbiased investigator. The investigator will issue a report of the investigation findings. Upon completion of the investigation, the investigator will submit the final investigation report to the appropriate disciplinary authority to determine whether disciplinary proceedings are warranted.

## Rights of Parties

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The Title IX procedure shall apply equally to both parties.

1. 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.
2. The Respondent will be presumed not responsible until such time as the disciplinary process has been finally resolved.
3. 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 or, if the Respondent holds a represented position, a union representative. 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.

## Determination on Complaint

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1. The decision maker will be responsible for 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's education programs or activities; and
  8. Describes the process for appealing the Initial Order to the college President.
2. The decision maker will serve the Initial Order on the Parties simultaneously.

## Appeals

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1. The Parties have the right to appeal from the determination of responsibility and/or from a Title IX dismissal, in whole or part, of a formal complaint, as set forth in the Initial Order. Parties have 21 days to appeal. The right to appeal is subject to the same procedures forth in WAC 132Y-125-015.
2. Within 30 days, the President or the President's delegate will determine whether the grounds for appeal have merit, provide the rationale for this conclusion, and state whether the disciplinary sanctions and conditions imposed in the Initial Order are affirmed, vacated, or amended, and, if amended, set forth the new disciplinary sanctions and conditions.
3. The President's Office shall serve the Final Decision on the parties simultaneously.
4. All decisions reached through this process are final. No decisions or recommendations arising from this disciplinary procedure will be subject to grievance pursuant to any Collective Bargaining Agreement.

## Edmonds College Policies

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Edmonds College has a Harassment and Discrimination Policy, codified in [Washington Administrative Code \(WAC\) 132Y-300](#)

[Links to an external site.](#)

. The WAC describes the college policies, procedures and investigative process for discrimination and harassment claims. The WAC also defines important terms related to harassment and discrimination and lists protected classes, which are enumerated in Washington statute, as well.

The college also has a [Title IX webpage](#). This page has contact information for the Title IX coordinator and investigator, as well as numerous links to additional information sources, definitions and community resources.

Every Edmonds College employee, with the exception of those employees who have client privileges protected by law, is a Responsible Official. A Responsible Official is required to notify the college any time they witness or receive a report of gender discrimination, harassment, or misconduct. Employees should file a report via the [Sexual Misconduct Reporting Form](#), which can be found at the bottom of the college Title IX webpage.

Edmonds College employees or students who are victims of gender discrimination, harassment or sexual misconduct have several reporting options:

- Option One- report the incident(s) to your manager or supervisor. You can also talk with a human resource representative or other college official. Seeking assistance from someone trained to deal with these issues can provide needed support and options for action.
- Option Two - Submit a [Sexual Misconduct Reporting Form](#)
- . This form goes directly to the Title IX coordinator, who will contact the complainant (person who was harassed) and initiate an investigation, as necessary.
- Option Three - contact the Vice President for Human Resources, at 425.640.1647.
- Option Four - employees have a right to report situations directly, or in addition, to the following agencies:
  - **Equal Employment Opportunity Commission (employee complaints)**  
206.220.6883 or 1.800.669.4000  
TDD 206.220.6882
  - **Office of Civil Rights (students complaints)**  
206.220.7900  
TDD 206.220.7907
  - **Washington State Human Rights Commission (employees and students)**  
360.753.6770  
TDD 1.800.300.7525