

# 2022 ANNUAL SECURITY AND FIRE REPORT



## TABLE OF CONTENTS

THE CLERY ACT, THE VIOLENCE AGAINST WOMEN ACT AND THE DRUG FREE SCHOOLS AND COMMUNITIES ACT .....	<b>7</b>
CRIME/EMERGENCY REPORTING AND COLLEGE RESPONSE.....	<b>9</b>
RESPONSIBILITIES OF THE COLLEGE COMMUNITY FOR THEIR OWN PERSONAL SAFTY.	<b>10</b>
CAMPUS SECURITY AUTHORITIES.....	<b>10</b>
TRAINING OF CAMPUS SECURITY AUTHORITIES .....	11
REPORTING DEFINED.....	12
VOLUNTARY CONFIDENTIAL REPORTING.....	12
ANONYMOUS REPORTING.....	12
COLLECTING CLERY ACT CRIME DATA FROM CSAs .....	12
STATISTICAL DISCLOSURE OF REPORTED INCIDENTS.....	<b>12</b>
CLERY ACT CRIMES.....	12
REPORTING A CRIME TO THE WENATCHEE POLICE DEPARTMENT.....	13
OFF-CAMPUS CRIME.....	13
CAMPUS SAFETY, Security and emergency management .....	<b>13</b>
ENFORCEMENT AUTHORITY .....	13
ARREST AUTHORITY.....	14
JURISDICTION.....	14
TRAINING.....	14
WORKING RELATIONSHIPS WITH OTHER LAW ENFORCEMENT AGENCIES.....	14
WRITTEN MEMORANDUMS OF UNDERSTANDING WITH LOCAL LAW ENFORCEMENT.....	15
CRIMINAL BACKGROUND CHECKS.....	15
SECURITY OF AND ACCESS TO CAMPUS FACILITIES .....	<b>15</b>
ACADEMIC AND ADMINISTRATIVE BUILDINGS .....	15
RESIDENCE HALLS.....	15
MAINTENANCE OF CAMPUS FACILITIES .....	<b>15</b>
NOTIFYING THE WVC COMMUNITY ABOUT CRIMES AND EMERGENCIES .....	<b>17</b>
CAMPUS ALERT SYSTEM .....	17
DAILY CRIME AND FIRE LOG.....	22
PREPARATION OF ANNUAL DISCLOSURE OF CRIME STATISTICS AND CLERY COMPLIANCE.....	23
REPORTED CRIME CATEGORIES.....	24
GEOGRAPHY DEFINITIONS FROM THE CLERY ACT .....	25
CRIME STATISTICS.....	28
UNFOUNDED CRIMES.....	29
EVACUATION PROCEDURES.....	<b>30</b>
EXERCISE OF JUDGMENT AND CONTINGENCIES .....	30
BUILDING EVACUATION.....	30
LARGE-SCALE CAMPUS EVACUATION.....	31
WEAPONS POLICY.....	<b>32</b>
EMERGENCY MANAGEMENT AT Wenatchee Valley COLLEGE .....	<b>33</b>
OVERVIEW.....	33
MULTI HAZARD PLAN .....	33
CRISIS MANAGEMENT TEAM.....	34
TESTING, EMERGENCY PREPAREDNESS DRILLS AND TABLETOP EXERCISES.....	35
AFTER-ACTION REPORTS OF TESTS/EXERCISES .....	35
DRUG AND ALCOHOL ABUSE PREVENTION PROGRAM.....	<b>36</b>

POLICIES..... 36

OTHER REQUIREMENTS ..... 37

TREATMENT/ASSISTANCE..... 37

ENFORCEMENT AND COMPLIANCE..... 38

PETITIONS AND REMEDIAL ACTIONS..... 38

FEDERALLY FUNDED ACTIVITIES..... 39

NOTIFICATIONS..... 39

BIENNIAL REVIEW..... 40

DRUG/ALCOHOL ABUSE PREVENTION..... 40

LEGAL SANCTIONS ..... 40

HEALTH RISKS ASSOCIATED WITH THE ABUSE OF ALCOHOL AND USE OF ILLICIT DRUGS..... 41

INFORMATION, EDUCATION, AND COUNSELING..... 42

AVAILABLE COUNSELING, TREATMENT OR REHABILITATION..... 42

DISCIPLINARY ACTIONS FOR EMPLOYEE DRUG AND ALCOHOL VIOLATIONS..... 42

ALCOHOL AND OTHER DRUGS (AOD) EDUCATION AND OUTREACH..... 43

**Wenatchee Valley College STUDENT CODE OF CONDUCT..... 43**

CIVIL DISTURBANCES..... 44

STUDENT BEHAVIORAL DISCIPLINARY PROCEDURES ..... 44

*PURPOSE OF THE DISCIPLINARY SYSTEM*..... 44

*JURISDICTION AND AUTHORITY FOR STUDENT DISCIPLINE*..... 45

*DISCIPLINARY PROCESS*..... 45

PROCEDURES FOR RESOLVING DISCIPLINARY VIOLATIONS ..... 46

SUMMARY SUSPENSION..... 47

VIOLATIONS OF LAW AND COLLEGE REGULATIONS..... 48

STUDENT PARTICIPATION..... 49

DEMAND FOR IDENTIFICATION..... 49

FREE MOVEMENT ON CAMPUS..... 49

THE DISCIPLINE REVIEW BOARD (DRB) AND SERIOUS DISCIPLINARY VIOLATIONS ..... 49

PROCEDURAL GUIDELINES FOR HEARINGS INVOLVING SERIOUS DISCIPLINARY VIOLATIONS ..... 50

DISCIPLINARY TERMS ..... 51

LOSS OF ELIGIBILITY IN COLLEGE ACTIVITIES AND ATHLETICS..... 52

STUDENT GROUPS AND ORGANIZATIONS..... 52

APPEALS..... 53

TRANSCRIPT NOTATIONS ..... 53

REFUNDS AND ACCESS ..... 53

READMISSION AFTER SUSPENSION OR DISMISSAL ..... 53

REESTABLISHMENT OF ACADEMIC STANDING..... 53

REPORTING, RECORDING AND MAINTAINING RECORDS ..... 54

**SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, STALKING AND THE CLERY ACT..... 54**

    OVERVIEW..... 54

    SEXUAL MISCONDUCT POLICIES, PROCEDURES AND RESOURCES ..... 54

    FEDERAL CLERY ACT DEFINITIONS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING..... 54

    WASHINGTON STATE DEFINITIONS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING ..... 56

    WVC DEFINITIONS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING ..... 60

    HOW TO BE AN ACTIVE BYSTANDER ..... 61

    RISK REDUCTION ..... 61

    PROGRAMS TO PREVENT DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING..... 62

    PRIMARY PREVENTION AND AWARENESS PROGRAMS ..... 62

CLEARLY ARTICULATED STATEMENTS THAT THE COLLEGE PROHIBITS THE CRIMES OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING..... 63

ONGOING PREVENTION AND AWARENESS CAMPAIGNS..... 63

PROCEDURES VICTIMS SHOULD FOLLOW IF A CRIME OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING OCCURS..... 63

INVOLVEMENT OF LAW ENFORCEMENT AND SAFETY, SECURITY AUTHORITIES..... 63

REPORTING INCIDENTS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING ..... 64

PROCEDURES THE COLLEGE WILL FOLLOW WHEN A CRIME OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING IS REPORTED ..... 64

ANONYMOUS REPORTING THROUGH THE COUNSELING CENTER/PASTORAL COUNSELORS:..... 65

EMPLOYEE ASSISTANCE PROGRAM ..... 66

DOMESTIC VIOLENCE LEAVE FOR EMPLOYEES..... 66

ASSISTANCE FOR VICTIMS - RIGHTS & OPTIONS ..... 68

RIGHTS OF VICTIMS AND THE INSTITUTION’S RESPONSIBILITIES FOR ORDERS OF PROTECTION, “NO CONTACT” ORDERS, RESTRAINING ORDERS, OR SIMILAR LAWFUL ORDERS ISSUED BY A CRIMINAL, CIVIL, OR TRIBAL COURT OR BY THE INSTITUTION..... 68

ACCOMMODATIONS AND PROTECTIVE MEASURES AVAILABLE FOR VICTIMS ..... 68

CONFIDENTIALITY ..... 72

ON- AND OFF-CAMPUS SERVICES FOR VICTIMS ..... 73

ADJUDICATION OF VIOLATIONS ..... 73

IF THE VICTIM DOES NOT WISH TO PURSUE RESOLUTION..... 73

**STUDENT DISCIPLINARY PROCEEDINGS UTILIZED IN CASES OF ALLEGED DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING ..... 75**

ORGANIZATIONAL BEHAVIOR ..... 75

STATEMENT ON PRIVACY ..... 75

INVESTIGATION OF REPORTS..... 75

INITIAL NOTIFICATIONS FOR DISCRIMINATION, HARASSMENT AND/OR RETALIATION COMPLAINTS..... 77

INTERIM MEASURES ..... 77

*Summary suspension* ..... 78

INFORMAL RESOLUTION ..... 82

OUTCOMES OF INFORMAL RESOLUTION..... 82

ELECTION OF FORMAL RESOLUTION ..... 83

**Wenatchee Valley College STUDENT CODE OF CONDUCT..... 84**

CIVIL DISTURBANCES..... 85

STUDENT BEHAVIORAL DISCIPLINARY PROCEDURES ..... 85

*PURPOSE OF THE DISCIPLINARY SYSTEM*..... 85

*JURISDICTION AND AUTHORITY FOR STUDENT DISCIPLINE*..... 86

*DISCIPLINARY PROCESS*..... 86

PROCEDURES FOR RESOLVING DISCIPLINARY VIOLATIONS ..... 87

SUMMARY SUSPENSION..... 88

VIOLATIONS OF LAW AND COLLEGE REGULATIONS..... 89

STUDENT PARTICIPATION..... 90

DEMAND FOR IDENTIFICATION..... 90

FREE MOVEMENT ON CAMPUS..... 90

THE DISCIPLINE REVIEW BOARD (DRB) AND SERIOUS DISCIPLINARY VIOLATIONS ..... 90

PROCEDURAL GUIDELINES FOR HEARINGS INVOLVING SERIOUS DISCIPLINARY VIOLATIONS ..... 92

DISCIPLINARY TERMS ..... 92

LOSS OF ELIGIBILITY IN COLLEGE ACTIVITIES AND ATHLETICS..... 93

STUDENT GROUPS AND ORGANIZATIONS..... 93

4. APPEALS .....	94
TRANSCRIPT NOTATIONS .....	94
REFUNDS AND ACCESS .....	94
READMISSION AFTER SUSPENSION OR DISMISSAL .....	94
REESTABLISHMENT OF ACADEMIC STANDING.....	95
REPORTING, RECORDING AND MAINTAINING RECORDS .....	95
FORMAL RESOLUTION, PRE-HEARING PROCESS.....	95
STANDARD OF EVIDENCE.....	95
HEARING PROCEDURES .....	95
<i>Brief adjudicative proceedings</i> .....	95
STUDENT DISCIPLINARY COMMITTEE .....	97
STUDENT DISCIPLINARY COMMITTEE—HEARING .....	97
STUDENT DISCIPLINARY COMMITTEE HEARING—PRESENTATION OF EVIDENCE .....	98
STUDENT DISCIPLINARY COMMITTEE—INITIAL DECISION .....	99
APPEAL PROCESS.....	100
CRIMINAL PROSECUTION.....	101
<i>Supplemental sexual misconduct procedures</i> .....	101
NOTICE OF OUTCOME AND SANCTION.....	101
APPEAL FROM DISCIPLINARY ACTION.....	102
<b>FACULTY DISCIPLINARY PROCEEDINGS UTILIZED IN CASES OF ALLEGED DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING .....</b>	<b>103</b>
ORGANIZATIONAL BEHAVIOR .....	103
STATEMENT ON PRIVACY .....	103
INVESTIGATION OF REPORTS.....	103
<i>Investigation procedures for complaints against employees, guests, and visitors</i> .....	103
<i>Initial notifications for discrimination, harassment and/or retaliation complaints</i> .....	105
FACULTY GRIEVANCE PROCEDURE IN ALLEGED CASES OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING.....	105
<i>Faculty Negotiated Agreement Article XXVII</i> .....	105
FACULTY DISCIPLINARY PROCEEDINGS UTILIZED IN CASES OF ALLEGED DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING .....	107
<i>Discipline/Dismissal for Cause; Interim Measures, Disciplinary Proceedings; Sanctions</i> .....	107
CORRECTIVE ACTION FOR COMPLAINTS INVOLVING EMPLOYEES, CONTRACTORS, GUESTS AND VISITORS .....	109
REPORTING OF PROHIBITED CONDUCT, HARASSMENT AND DISCRIMINATION VIOLATIONS .....	109
INTERIM MEASURES .....	110
TYPES OF INTERIM MEASURES .....	110
NOTIFICATION TO VICTIMS OF CRIMES OF VIOLENCE .....	113
CORRECTIVE ACTION.....	113
<b>DISCIPLINARY ACTIONS FOR EMPLOYEE DRUG AND ALCOHOL VIOLATIONS</b> .....	114
<b>ALCOHOL AND OTHER DRUGS (AOD) EDUCATION AND OUTREACH</b> .....	115
<b>EMERGENCY MEDICAL RESPONSE PROCEDURES .....</b>	<b>115</b>
<b>CRIME PREVENTION, FIRE SAFETY, AND SAFETY AWARENESS PROGRAMMING.....</b>	<b>115</b>
<b>ANNUAL FIRE SAFETY REPORT .....</b>	<b>115</b>
GENERAL RESIDENCE HALL FIRE SAFETY .....	115
PROCEDURES FOR STUDENTS AND EMPLOYEES IN THE EVENT OF A FIRE .....	116
FIRE SAFETY EDUCATION AND TRAINING .....	116
STUDENT RESIDENCE HALL FIRE EVACUATION PROCEDURES .....	117
PLANS FOR FUTURE IMPROVEMENTS IN FIRE SAFETY.....	117

LIFE SAFETY INSPECTIONS AND VIOLATIONS – RESIDENCE HALLS.....117  
PROHIBITED ITEMS AND PROHIBITED CONDUCT .....118  
PROHIBITED ITEMS .....118  
PROHIBITED CONDUCT .....119  
**DAILY CRIME AND FIRE LOG.....121**  
**EMERGENCY EVACUATION DRILLS .....121**  
**FIRE INVESTIGATIONS/ARSON.....121**  
**FIRE DEFINED.....121**  
**CLASSIFICATIONS OF FIRES AND EXAMPLES.....122**  
**FIRE SAFETY SYSTEMS IN WVC ON-CAMPUS RESIDENTIAL FACILITIES .....123**  
**ANNUAL FIRE SAFETY REPORT/FIRE STATISTICS .....123**  
**CLERY-DESIGNATED CRIME DEFINITIONS.....124**  
    HATE CRIMES .....125  
    HATE CRIME DEFINITIONS .....126  
**UNIFORM CRIME REPORTING (UCR)/NATIONAL INCIDENT-BASED REPORTING SYSTEM  
(NIBRS) DEFINITIONS.....127**

## **ABOUT WENATCHEE VALLEY COLLEGE**

Wenatchee Valley College (WVC) is a small rural community college located in the sunny, central part of Washington State, and is accredited by the Northwest Commission on Colleges and Universities. Wenatchee Valley College serves over 6000-students annually, with an annualized FTE of approximately 3000-3500, in a 10,000-square-mile service district including 30 communities in Chelan, Douglas and Okanogan counties with on-site, online instruction, and interactive classrooms.

Wenatchee Valley College strives for excellence in teaching and learning. We are a student-centered and innovative college that is committed to fostering a community that supports and recognizes the value of diversity; 40% of our student-body is Hispanic. Recognized as a Leader College by Achieving the Dream, Wenatchee Valley College is a designated Hispanic Serving Institution (HSI).

Our student body consists of 26% first generation college students and 30% of our students receive some form of financial assistance. In 2022 there were about 274 full-time equivalent (FTE) employees (faculty and staff combined) and 140 part-time employees at the college.

## **THE CLERY ACT, THE VIOLENCE AGAINST WOMEN ACT AND THE DRUG FREE SCHOOLS AND COMMUNITIES ACT**

*“The Clery Act is first and foremost a consumer protection law based on the premise that students, employees, and other stakeholders are entitled to accurate and complete campus safety and crime prevention information. The transparent communication of this information empowers campus community members to be well-informed and to play an active role in their own safety and security. Any failure to provide this information deprives the campus community of vital campus safety information to which they are entitled and effectively negates the law's intent. This information is vitally important to the safety of students and employees at all institutions regardless of a school's size, location, or organizational structure.”*

*— A statement from the 2017 Campus Crime Final Program Review Determination issued by the U.S. Department of Education to the University of Saint Thomas after detailing six non-compliance findings*

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), 20 U.S.C. § 1092(f), is a Federal consumer protection statute that provides students, parents, employees, prospective students and employees, and the public with important information about public safety issues on America's college campuses. Each domestic institution that participates in the Federal student financial aid programs under Title IV of the HEA must comply with the Clery Act. The institution must certify that it will comply with the Clery Act as part of its Program Participation Agreement to participate in the Title IV, Federal student financial aid programs.

The Clery Act is based on the premise that students and employees are entitled to accurate and honest information about the realities of crime and other threats to their personal safety and the security of their property. This is accomplished by primarily requiring institutions to disclose accurate and complete crime statistics and campus safety and crime prevention policies and procedures to campus community members and other stakeholders. With this knowledge, members of the campus community can make informed decisions about their educational and employment choices and can take an active role in their own personal safety and to secure and protect their personal property. For that reason, the office of Federal Student Aid (FSA) must ensure that the information disclosed in each Annual Security Report and Annual Fire Safety Report (AFSR) is accurate and complete. FSA uses a multi-faceted approach to ensure that institutions comply with the Clery Act, which includes providing technical assistance and training programs and materials as well as monitoring and enforcement through Program Reviews.

The Clery Act requires institutions to produce and distribute an Annual Security Report (ASR) containing its campus crime statistics. Statistics must be included for the most serious crimes against persons and property that occur in buildings or on grounds that are owned or controlled by the institution or recognized student organizations as well as on adjacent and accessible public property. These crimes are deemed to

have been reported anytime such an offense is brought to the attention of an institution's campus police or security department, a local or state law enforcement agency of jurisdiction, or another campus security authority (CSA). A CSA is any institutional official who is: 1) designated to receive reports of crime and/or student or employee disciplinary infractions, such as Student Conduct professionals; and/or 2) an official that has significant responsibilities for student life or activities, such as residential life staff and athletic department officials and coaches.

The ASR also must include several statements of policy, procedures, and programmatic information regarding issues of student safety and crime prevention. The Clery Act also requires institutions to maintain a Daily Crime Log that is available for public inspection, and to issue Timely Warnings and Emergency Notifications to provide up-to-date information about ongoing threats to the health and safety of the campus community. In addition, the Clery Act requires institutions to develop emergency response and evacuation plans.

Institutions that maintain student residential facilities must develop missing student notification procedures and produce and distribute an Annual Fire Safety Report (AFSR) containing fire statistics and important policy information about safety procedures, fire safety and suppression equipment, and what to do in the case of a fire. The Clery Act amendments that were included in Section 304 of the Violence Against Women Reauthorization Act of 2013 went into effect on July 1, 2015. These provisions are aimed at preventing campus sexual assaults and improving the response to these crimes when they do occur.

FSA may initiate a campus crime Program Review as a result of a complaint or on public reports about crimes and crime reporting and prevention at a particular institution. FSA has also conducted Quality Assurance Reviews in cooperation with the FBI's Criminal Justice Information Service (CJIS) Audit Unit. Program Reviews entail in-depth analysis of campus police and security records and interviews with institutional officials, crime victims, and witnesses. During a program review, an institution's policies and procedures related to campus security matters are also examined to determine if they are accurate and meet the needs of the campus community.

Because more than 90% of campus crimes are alcohol and drug-related, the Secretary of Education has delegated oversight and enforcement responsibilities for the Drug-Free Schools and Communities Act (DFSCA), in §120 of the HEA, 20 U.S.C. §101 I(i) to FSA. The DFSCA requires all institutions of higher education that receive Federal funding to develop and implement a comprehensive drug and alcohol abuse prevention program (DAAPP) and certify to the Secretary that the program is in place. The program must be designed to prevent the unlawful possession, use, and distribution of drugs and alcohol on campus and at recognized events and activities.

On an annual basis, each institution must provide a DAAPP disclosure to all current students (including all students enrolled for any type of academic credit except for continuing education units) and all current employees that explains the educational, disciplinary, health, and legal consequences of illegal drug use and alcohol abuse as well as information about available counseling, treatment, and rehabilitations programs, including those that may permit former students or employees to return following expulsion or firing. The distribution plan must make provisions for providing the DAAPP disclosure annually to students who enroll after the initial distribution and for employees who are hired at different points throughout the year.

Finally, the DFSCA requires institutions to conduct a biennial review to determine the effectiveness of its DAAPP to identify areas requiring improvement or modification and to assess the consistency of enforcement actions imposed on students and employees that are found to be in violation of applicable Federal, state, and local drug and alcohol-related statutes or ordinances and/or institutional policies and codes of conduct.

Proper implementation of the DFSCA provides students and employees with important information about the detrimental consequences of illicit drug use and alcohol abuse. The conduct of a meaningful biennial review provides the institution with quality information about the effectiveness of its drug and alcohol programs.



Any failure to implement these requirements may contribute to increased drug and alcohol abuse on-campus as well as an increase in drug and alcohol-related violent crime. The DFSCA is monitored and enforced by the Department.

## **CRIME/EMERGENCY REPORTING AND COLLEGE RESPONSE**

Campus community members — students, faculty, staff, and guests — are encouraged to report all criminal actions, emergencies, or other public safety related incidents occurring within the College's Clery geography to the WVC Safety, Security and Emergency Manager (SSEM) of Campus in an accurate, prompt, and timely manner. The College's Clery geography includes:

- on campus property including campus residence halls, buildings, and/or facilities.
- designated non-campus properties and facilities.
- public property adjacent to and immediately accessible from on campus property, and leased, rented, or otherwise recognized and/or controlled buildings, spaces, and/or facilities.

The SSEM has been designated by WVC as the official office for campus crime reporting. Campus Safety and Security strongly encourages the accurate and prompt reporting of crimes. Accurate and prompt reporting ensures Campus Safety and Security is able to evaluate, consider and send timely warning reports, disclose crimes through ongoing disclosure processes such as the posting of crimes in the Daily Crime Log and accurately documenting reportable crimes in its annual statistical disclosure.

WVC further encourages accurate and prompt reporting to Campus Safety and Security and/or the local police when the victim of a crime elects to, or is unable to, make such a report. This publication focuses on Campus Safety and Security because it has primary responsibility for patrolling the WVC campus and it has been designated as the institution's primary reporting structure for crimes and emergencies. However, criminal incidents or incidents off campus can be reported to the Wenatchee Police Department.

Campus Safety is staffed 24/7/365 days a year.

To report a crime or emergency, members of the community should:

- Call Campus Safety and Security at 509-682-6911 (if no answer, dial 9-1-1)
- Report in person to the Campus Safety and Security office located in Bajter Hall Room 8023 (please call 682-6911, if no answer, dial 9-1-1).
- Crimes or emergency situations can be reported to the Wenatchee Police Department or local emergency services by dialing 9-1-1.
- Sex Offenses and other incidents of sexual or relationship violence can also be reported to the college's Title IX Officer, Joe Eubanks at X6716, email [jeubanks@wvc.edu](mailto:jeubanks@wvc.edu) or Title IX Investigator, Maria Agnew at X6659, email [magnew@wvc.edu](mailto:magnew@wvc.edu), or in person at the Human Resources Office, located on the third floor of Wenatchi Hall.
- Complete the online "Student Concern or Incident" reporting form at [www.wvc.edu](http://www.wvc.edu) and quick search for Incident Report. (This form should only be used for non-emergency or non-urgent reporting).

Campus Safety and Security works closely with a full range of local and state resources to assure a complete and timely response to all emergency calls. Priority response is given to crimes against persons and personal injuries. Campus Security, responds to all reports of crimes and/or emergencies that occur in on-campus facilities, buildings, and residence halls. Campus Safety and Security personnel also have the ability to notify Grant County emergency dispatchers via the telephone of emergency situations occurring on-campus. This system allows Campus Safety to summon assistance from emergency responders if deemed necessary and appropriate.

Incidents occurring on-campus, within residence halls, or on recognized public property adjacent to or contiguous to the main campus are documented and processed for further investigation and review by the Campus Safety, Security and Emergency Manager and/or the Wenatchee Police Department. Depending

upon the nature and location of the crime or emergency, additional information obtained via any investigation may also be forwarded to the Student Conduct Officer, the Title IX Coordinator, or the college administration.

To obtain information or request any public safety or safety escort services, community members should call 509-682-6911. If a sexual assault or rape should occur on campus, staff on scene, including Campus Safety and Security, will offer the victim a variety of resources and services. This publication contains information about on- and off-campus resources and services and is made available to the WVC community. The information regarding “resources” is not provided to infer that those resources are “crime reporting entities” for WVC.

As mentioned, crimes should be reported to Campus Safety and Security to ensure inclusion in the annual crime statistics and to aid in providing timely warning Campus Safety Alert notices to the community, when appropriate.

## **RESPONSIBILITIES OF THE COLLEGE COMMUNITY FOR THEIR OWN PERSONAL SAFTY**

Members of the WVC community must assume responsibility for their own personal safety and the security of their personal property. The following precautions provide guidance.

- Report all suspicious activity to Campus Safety and Security immediately.
- Never take personal safety for granted.
- Try to avoid walking alone at night. Use the Campus Safety and Security escort service.
- Limit your alcohol consumption, and leave social functions that get too loud, too crowded, or that have too many people drinking excessively. Remember to call 9-1-1 for help at the first sign of trouble.
- Carry only small amounts of cash.
- Never leave valuables (wallets, purses, books, phones, etc.) unattended.
- Carry your keys at all times. Do not lend them to anyone.
- Lock up bicycles and motorcycles.
- Lock car doors and close windows when leaving your car.
- Always lock the door to your residence hall room, whether or not you are there. Be certain that your door is locked when you go to sleep, and keep windows closed and locked when you are not at home. **DO NOT PROP INTERIOR OR EXTERIOR DOORS.**
- Do not leave valuables in your car, especially if they can be easily noticed.
- Engrave serial numbers or owner’s recognized numbers, such as a driver’s license number, on items of value.
- Inventory your personal property and insure it appropriately with personal insurance coverage.

## **CAMPUS SECURITY AUTHORITIES**

To ensure that campus crime is not underreported, the Clery Act requires campus crime statistics include any crime that is reported to local police agencies or campus security authorities—a broad designation that potentially includes many institutional personnel.

The 1999 final regulations define a campus security authority as:

- A campus police department or a campus security department of an institution,
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department, such as an individual who is responsible for monitoring entrance into institutional property,
- Any individual or organization specified in an institution’s statement of campus security policy as an individual or organization to which students and employees should report criminal offenses, or
- An official of an institution who has significant responsibility for student and campus activities, including,

but not limited to, student housing, student discipline, and campus judicial proceedings.

At WVC, Campus Safety, Security and Emergency Manager is the lead Campus Security Authority as well as the Director of Facilities and VP of Business.

At WVC during academic year 2022-23, the following employees fell into the category of Campus Security Authority because they had significant responsibility for student and campus activities. The persons in these positions are to whom people are to report crimes for timely warning notifications and statistical report purposes:

- Assist Dir of Financial Aid
- Assist Dir, Fiscal Services
- Assistant Athletic Dir
- Assoc Dean, Trans Stu/WFG
- Assoc VP, Strategic Enrollment. Financial Aid Director
- Program coordinators
- Dean, English, Arts Humanities
- Dean, WED & Allied Health
- Counselors
- Athletic Director
- All Athletic Coaches
- All Campus Safety Staff
- All Program Advisors
- All Resident Hall Assistants/coordinators
- All Student Club Advisors
- Student Access Manager
- Supervisors
- Safety, Security & Emergency MGR
- Custodians (security as a secondary responsibility)
- Dean Coordinator of Workforce Education Services
- Dean of Arts and Sciences
- Director of Transitional Studies
- Dean of Workforce Education
- Director of Health Education Programs Dean of Allied Health & Nursing
- Director of Library, & Learning Technologies
- Student Rec Center Manager
- SRC Assist MGR
- Dir, Area Health Education Ctr
- Dir, Athletics
- Dir, Concurrent Enroll Progs
- Dir, Continuing Education
- Outreach & Recruit Coordinator
- Outreach & Recruitment Spec
- Outreach & Retention Coord
- Dir, Early Childhood Education
- Dir, Educ & Career Planning
- Dir, Enrollment Services
- Dir, Facilities & Operations
- Dir, Financial Aid
- Dir, Fiscal Services
- Dir, Instructional Services
- DIR, IT & Enterprise Solutions
- Dir, Library
- Dir, Nursing Programs
- Dir, TRIO Student Sup Services
  - Director, CAMP
- Groundskeepers (security as a secondary responsibility)
- Maintenance Mechanics
- President of the College
- Chief of Staff/Secretary to the BOT
- TRIO Academic Advisors
- TRIO Upward Bound staff
- Exec Dir Climate, Culture, Div
- Exec Dir, ASPIRE
- Exec Dir, Human Resources
- Exec Dir, WVC Foundation
- Executive Assistants
- Sim Lab Coordinator
- Residential Life MGR
- Student Employment Coord
- Student Rec Center Manager
- Student Recruiter/Navigator
- VP of Instruction
- VP, Administrative Services
- VP, Student Affairs

A list of current CSAs is maintained by the Safety, Security and Emergency Manager.

### ***Training of Campus Security Authorities***

Persons identified as Campus Security Authorities at Wenatchee Valley College must complete annual training on the following topics:

- Description of the Clery Act
- Description of the role of a CSA
- Understanding the reporting process

- Understanding the importance of documentation
- The need for timely report submission

### **Reporting Defined**

A crime should be considered *reported* when it is brought to the attention of a Campus Security Authority (CSA) or local police by a victim, witness, other third party or even an offender. This means that if a parent calls her daughter’s resident assistant (RA) and tells the RA that her daughter was raped, the RA is required to file the appropriate report with the reporting structure identified by the institution. The reporting party and the individuals involved in the crime do not have to be affiliated with the institution for the crime to be reportable. There is no obligation for the police to investigate the report. If the report is made in good faith – meaning that there is reasonable basis for believing that the information is not rumor or hearsay – the incident is reportable.

### **Voluntary Confidential Reporting**

WVC does not provide a confidential reporting option to CSAs and does not allow voluntary confidential reporting.

### **Anonymous Reporting**

The WVC Department of Campus Safety, unless otherwise prescribed by law or as set forth within this Annual Security and Fire Safety Report, does not accept anonymous incident reports. The only exceptions to this policy are addressed below:

### **Collecting Clery Act Crime Data from CSAs**

At the end of the spring quarter each year, the Campus Safety, Security and Emergency Manager will send an email to each CSA asking them to reply via email with any information regarding any Clery crime which they may not have yet reported. The CSAs are expected to reply with any data. If the CSA does not have any data to report, the CSA must write that fact in a reply email.

## **STATISTICAL DISCLOSURE OF REPORTED INCIDENTS**

Incidents reported to Campus Safety that fall into one of the required reporting classifications as defined by the Clery Act will be disclosed as a statistic in the appropriate crime table within this annual security and fire safety report published by Campus Safety. Statistics are based on reports of alleged criminal incidents. It is not necessary for the crime to have been investigated by the police or a campus security authority, nor must a finding of guilt or responsibility be made to include the reported crime in WVC’s crime statistics.

### **Clery Act Crimes**

The crimes listed below are taken from the Handbook for Campus Safety and Security Reporting. The definitions of these crimes are printed further on in this report.

- Homicide and non-negligent manslaughter
- Negligent manslaughter
- Sexual Assault (Sex Offenses)
  - Rape
  - Fondling
  - Incest
- Statutory Rape Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson
-

- Hate crimes are any of the aforementioned offenses, and any other crimes involving bodily injury reported to local police agencies or to a campus security authority that manifests evidence that the complainant-victim was intentionally selected because of the perpetrator's bias. Categories of bias are:
  - Race
  - Gender
  - Religion
  - Sexual Orientation
  - Ethnicity/National Origin
  - Disability
  - Liquor, drug and weapon law offenses

### ***Reporting a Crime to the Wenatchee Police Department***

A person reporting a crime to Campus Safety has the right to report the crime to Wenatchee Valley College by calling 9-1-1. Campus Safety officers regularly discuss this option with the victim of a crime and will assist the victim with that process.

### ***Off-Campus Crime***

If the Wenatchee Police Department or the Omak Police Department are contacted about criminal activity off-campus involving WVC students, the police may notify Campus Safety and Security. Students in these cases may be subject to arrest by the local law enforcement and college disciplinary proceedings through Student Conduct process.

## **CAMPUS SAFETY, SECURITY AND EMERGENCY MANAGEMENT**

Campus Safety, Security and Emergency Management is responsible for policy enforcement, security, and emergency response on the campus. Safety, Security and Emergency Manager is under the leadership of the Director of Facilities who reports to the Vice President for Business Administration.

WVC is staffed 22 hours a day/7 days a week. In addition to the SSEM, the security team is staffed by four full-time security officers and one part-time security officer. Both Wenatchee and Omak campus have access to contract security roving patrols when needed after hours. Omak campus has 40 hours of security. Monday-Friday.

Safety, Security and Emergency Manager is responsible for five program areas:

1. Clery Compliance Officer
2. Environmental Health and Safety
3. Emergency Management
4. On site security

To be successful in providing the highest degree of public safety services on the campus, it is important that community members follow good safety practices and understand that safety is the responsibility of all community members, not just those officially and formally charged with enforcing the laws, policies, and rules. This includes using the escort service, locking your valuables, and reporting suspicious/criminal activities. Campus Safety strives to provide a leadership role in this area. This includes educational programs on campus safety, preventative patrols, incident investigation and crime reporting, fire safety and prevention, crime prevention, and community-policing. Security Officers are required to be certified in first aid and use of automated external defibrillators.

### ***Enforcement Authority***

The Safety, Security and Emergency Manager (SSEM) is responsible for providing security services for the WVC Campus. Campus Safety Officers and staff are responsible to WVC for the enforcement of college policies and Federal and State laws for campus administrative purposes only. SSEM investigates campus criminal incidents for administrative purposes as they relate to its campus judicial process. Criminal

incidents may be investigated for possible criminal prosecution by any enforcement agency with jurisdiction. The Vice President for Learning and Student Success, the Dean of Student Services, Title IX Coordinator, and Human Resources as it relates to employee conduct coordinate disciplinary action for matters that are violations of College rules.

### ***Arrest Authority***

Campus Safety personnel are unsworn and non-commissioned security personnel for WVC and have no official powers of arrest authority. SSEM will summon support from the Wenatchee Police Department, Omak Police Department or other applicable law enforcement entities to affect an arrest on or within campus owned, controlled, leased, or recognized property.

### ***Jurisdiction***

Campus Safety's jurisdiction encompasses on campus property that includes campus residence halls, buildings, and/or facilities; designated non-campus properties and facilities; public property adjacent to and accessible from on campus property, and leased, rented, or otherwise recognized and/or controlled buildings, spaces, and/or facilities.

Campus Safety has no jurisdiction or enforcement authority outside of its identified Clery reporting geography – this includes areas and/or properties that are not owned, rented, leased, recognized or otherwise controlled by the College.

### ***Training***

Campus Safety Officers/guards receive training on basic first aid, CPR and use of automated external defibrillators, the Clery Act and campus security authority, and basics of the Incident Command System. Additional training for Campus Safety Officers/guards is suggested to each member. The training requirements of our security team are outlined in our contract with our security vendor.

The Campus Safety, Security and Emergency Manager is trained in several public safety skills including Clery Act, Title IX, sexual assault and gender violence response and investigation, trauma informed investigation, public relations, crisis intervention, critical incident response and incident command system, emergency operations, first responder training, active shooter and all facets of protection of persons and property.

Training includes annual in-service sessions with department and guest lecturers, select out-service seminars and conferences, applicable online training/webinars, and regular information sessions on current topics and events.

### ***Working Relationships with Other Law Enforcement Agencies***

The WVC SSEM maintains a close working relationship with the Wenatchee Valley College, Omak Police Department, all other local law enforcement agencies, and the Washington State Patrol. The SSEM has been involved with local public safety for over 25 years. The college also enjoys a close relationship with local law enforcement due to our criminal justice program. Law enforcement officers are regularly on campus helping with instruction. We have a close relationship with all law enforcement and emergency management in our three-county area.

In addition, collaborative meetings and training sessions are occasionally held to review issues and incidents occurring within the multiple local jurisdictions to include the region 9 health coalition. SSEM is comfortable with and capable of reaching out to these responsive law enforcement entities for support and assistance as it relates to the safety and security of the campus community.

SSEM and local law enforcement officers communicate regularly on the scene of incidents that occur in and around the campus area. SSEM works closely with local law enforcement investigators when incidents arise that require joint communication efforts.

### ***Written Memorandums of Understanding with Local Law Enforcement***

WVC maintains a current Memorandum of Understanding (MOU) with the Wenatchee Police Department (WPD) and Omak Police Department (OMPD). That agreement specifically addresses, among other specifics, that:

1. The WPD or OMPD has primary responsibility for handling all criminal investigations occurring on campus.
2. The WPD or OMPD will promptly notify the SSEM when students are identified as victims or suspects of sexual assault that occur off campus, so as to coordinate resources to minimize/prevent further victimization, to trigger appropriate institutional investigative action and disciplinary proceedings against alleged offenders, and to adequately inform the greater campus community of serious ongoing threats to student and employee health and safety. All such notifications to campus authorities will be documented in police incident reports. Except in rare and exigent circumstances, personally identifying information will be shared only with the consent of the victim.

### ***Criminal Background Checks***

The College does not routinely conduct state and/or federal criminal background investigations on prospective students. However, it is the policy of the College that all new employees and faculty, as well as volunteers and interns who have significant interaction with WVC students, have their criminal background records and sex and violent offender registries checked as soon as possible after an offer of employment has been accepted. Individuals who work with minors are required to complete additional background checks including a State Criminal Check, and FBI Check.

## **SECURITY OF AND ACCESS TO CAMPUS FACILITIES**

### ***Academic and Administrative Buildings***

The WVC campus is open to the public. The majority of academic and administrative buildings are open during normal business hours (typically Monday through Thursday from 8 a.m. to 5 p.m., and Fridays 8 a.m. to 5 p.m., except holidays) and are typically secured during the late evening hours, depending upon event scheduling and community usage.

The designated academic buildings are typically secured from 11 p.m. to 6 a.m. each night, and access is gained to these buildings by use of college issued access control card and keys as needed. Members of the Campus Security provide 22/7 patrol the interiors and exteriors of all campus facilities.

### ***Residence Halls***

Access to residence halls is restricted to WVC students and authorized staff, and the halls are secured by RS2 card lock system 24 hours a day/7 days a week. Campus Security and Residence Hall RAs regularly patrol the interior common areas, spaces, and hallways of buildings equipped with such common spaces and regularly patrol the exteriors of all campus residence halls. Residence hall professional and student staff also enforce campus policies and security measures within the residence halls to achieve a community respectful of individual and group rights and responsibilities.

## **MAINTENANCE OF CAMPUS FACILITIES**

WVC facilities and landscaping are maintained in a manner that minimizes hazardous conditions. Campus Safety regularly patrols the campus and reports malfunctioning lights and other unsafe physical conditions to Maintenance and Operations for correction. Campus community members can report hazards directly to Maintenance and Operations either via telephone at extension X6450 or via the college's work order system. The campus' overall safety and security program is supplemented by a variety of technological systems including access control, Avigilon camera system, fire detection, suppression and reporting systems.

including access control, Avigilon camera system, fire detection, suppression and reporting systems. Other members of the college community are helpful when they report equipment problems to SSEM or Maintenance and Operations.



## **NOTIFYING THE WVC COMMUNITY ABOUT CRIMES AND EMERGENCIES**

### ***Campus Alert System***

The immediate notification capability of the RAVE emergency notification process is designed to assist the College in determining the content of the notification and initiating the mass notification system without delay, considering the safety of the community, unless issuing a notification will, in the professional judgment of responsible institutional authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency/incident.

### ***Timely Warning Campus Alerts***

Emergency Notification and Warning policy:

If Campus Safety or administration confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the WVC community, Campus Safety and at least one Vice President/or designee will collaborate to determine the content of the message.

Some or all the systems described below will be used to communicate the threat to the WVC community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population.

SSEM will, without delay and considering the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to SSEM, law enforcement or fire and emergency medical services), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

In the event of a serious incident that poses an immediate threat to members of the WVC community, the college has various systems in place for communicating information quickly. Some or all of these methods of communication may be activated in the event of an immediate threat to the campus community. These methods of communication include network emails, emergency text messages that can be sent to a phone (individuals can sign up for this service on the Campus Alerts web site), and, through the RAVE system, emergency messages that pop-up computer screens when logged into the college system. WVC will post updates during a critical incident on the WVC web site [www.wvc.edu](http://www.wvc.edu).

Four criteria must be considered to determine message content, which communications will be utilized, and who authorizes activation of the system:

#### Hazard Type

- What is the hazard?
- What is the impact to the College? (Minor, major, catastrophic)
- What is the potential for the situation to worsen?
- Is the situation under control?
- Is there a mandate to disclose under the Clery Act? (Timely warning, emergency notification). See section 8.0 below.

#### Life Safety

- What is the potential for death?
- What is the potential for serious injury?
- What is the potential for minor injury?
- What the potential for the incident to reoccur?

### Property Protection

- What is the potential for damage?
- What is the potential for disruption to the normal course of business?
- What is the potential for the incident to reoccur?

### Urgency

- How soon does the message need to go out? (Seconds, hours, days)
- Is there time for approval?

Under the Clery Act, WVC is required to immediately notify the campus community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus. An "immediate" threat means an imminent or impending threat, such as an approaching forest fire, as well as a fire currently raging in one of our buildings.

WVC will immediately notify the campus community upon confirmation of an emergency or dangerous situation. Some examples of significant emergencies or dangerous situations are:

- Fire in a building
- Outbreak of meningitis, norovirus or other serious illness
- Severe weather conditions
- Earthquake
- Gas leak
- Utility emergencies impact any portion of the campus.
- Terrorist incident
- Armed intruder
- Bomb threat
- Civil unrest or rioting
- Explosion
- Nearby chemical or hazardous waste spill

**Timely Warning:** Under the Clery Act, WVC is required to immediately notify the campus community upon confirmation of certain crimes in a manner that is timely and will aid in the prevention of similar crimes. The intent of a timely warning regarding a criminal incident(s) is to enable people to protect themselves and will be issued as soon as pertinent information is available. A timely warning for any Clery Act crime that occurs on WVC's Clery geography that is:

- Reported to campus security authorities or local law enforcement agencies; and
- Is considered by the institution to represent a serious or continuing threat to students and employees.

Timely warnings are not limited to violent crimes or crimes against persons. Timely warnings can be issued for threats to persons or to property.

The decision to issue a timely warning rest with the SSEM, Director of Facilities, in consultation with the President and Vice Presidents and investigating law enforcement officials (if applicable).

Timely warnings are decided on a case-by-case basis considering all the facts surrounding a crime, including factors such as:

- The nature of the crime
- The continuing danger to the campus community
- The possible risk of compromising law enforcement efforts

The warning will include all information that would promote safety and that would aid in the prevention of similar crimes and will include information about the crime that triggered the warning.

Timely warnings may be issued in a variety of methods, depending on the circumstances of the crime. These can include:

WVC RAVE Alert System (Campus-wide E-Mail, Text Messages, Twitter, Facebook and RSS-capable devices) - Disseminated by the Campus Safety Office, Wenatchee Valley College Technology Department or the Office of Public Information.

Printed Notice - when appropriate may be posted at campus locations affected by the emergency.

Website Posting - public safety issues of on-going concern to the campus community are posted on the Safety and Security Office web site, [www.bigbend.edu/safety](http://www.bigbend.edu/safety).

Social Media - public safety issues of on-going concern to the campus community are posted on the WVC Facebook page and Twitter feed.

Local Media - may also be provided with information when the risk of harm in a particular incident can reasonably be expected to extend to off-campus areas.

Timely warnings are not limited to violent crimes or crimes against persons. Timely warnings can be issued for threats to persons or to property. For example, it's possible to have a rash of dormitory burglaries or motor vehicle thefts that merit a warning because they present a continuing threat to the campus community. A number of incidents involving the possession of "date rape" drugs may also trigger the need for a warning.

The Family Educational Rights and Privacy Act (FERPA) does not preclude an institution's compliance with the timely warning provision of the campus security regulations. FERPA recognizes that information can, in case of an emergency, be released without consent when needed to protect the health and safety of others. In addition, if institutions utilize information from the records of a campus law enforcement unit to issue a timely warning, FERPA is not implicated as those records are not protected by FERPA. (4 CFR 99.31(b)(6) and 99.36)<sup>1</sup>

### **Notifications Required by College Policy**

Clery allows colleges the flexibility to issue notifications for other incidents or crimes that may impact the campus community. For the protection and knowledge of employees and students, WVC includes the following types of notifications as part of its emergency response procedures:

Power or utilities outages impacting college operations.

Campus closures due to severe weather or other reason.

Incidents occurring near (adjacent to WVC's Clery geography) which may impact college operations and/or the health and safety of people, such as emergencies on campus, or areas utilized by WVC.

Other incidents or emergencies not described above but which may pose a risk to the campus community.

### **Pre-Approved Scenarios, Testing, and Messages**

The following emergency scenarios and associated WVC CAMPUS ALERT messages are preapproved and eligible for immediate activation.

Dangerous Situation/Hazardous Condition

---

## Severe Weather Alerts

### Testing

Testing shall occur at a minimum of 4 times per year.

Details regarding each scenario and the associated message text follow in this document.

### **Disseminating emergency information to the campus and larger community**

WVC utilizes the RAVE and Alertus Alert System to notify students, employees, parents and communities outside the campus. RAVE Alerts are sent out via campus email, text message, Facebook and Twitter, as well as RSS-capable devices and webpages.

All messages are open information, and anyone can see them. Because messages are posted to social media and webpages, it is likely local media and citizen viewers will see the messages and re-broadcast the messages through their broadcast methods.

The College Executive Director of Community Relations will notify and can initiate RAVE and Alertus Alert system when notifications are broadcast and will prepare to answer media inquiries.

#### Emergency Notification Messaging Guidelines

Text messages should not be longer than 160 characters.

Tweets may not be longer than 280 characters.

Email and Facebook messages should be no longer than 160 characters and homepage messages are limited to 85 characters (with spaces). These messages should generally be the same message.

Each message should consist of the following five components:

Identify the campus – Identify which campus the issue is affecting: WVC Wenatchee Campus or WVC Omak Campus.

Specify date and time of message.

Alerting - calling the user's attention to the issue at hand.

Informing - what is happening, and what the user should and should not do.

Reassuring - be aware of the degree of sensitivity to the audience.

Example message: "WVC WENATCHEE CAMPUS CLASSES CANCELLED (02/01/00, 4:00 PM)  
Evening classes are canceled due to inclement weather. Visit wvc.edu for more information."

### *Timely Warning Message Content*

Timely Warning messages will include all information that would promote safety and that would aid in the prevention of similar crimes and will include information about the crime that triggered the warning.

Four criteria must be considered to determine message content, which communications will be utilized, and who authorizes activation of the system:

#### Hazard Type

- What is the hazard?
- What is the impact to the College? (Minor, major, catastrophic)
- What is the potential for the situation to worsen?
- Is the situation under control?
- Is there a mandate to disclose under the Clery Act? (Timely warning, emergency notification).

#### Life Safety

- What is the potential for death?
- What is the potential for serious injury?
- What is the potential for minor injury?
- What is the potential for the incident to reoccur?

#### Property Protection

- What is the potential for damage?
- What is the potential for disruption to the normal course of business?
- What is the potential for the incident to reoccur?

#### Urgency

- How soon does the message need to go out? (Seconds, hours, days)
- Is there time for approval?

### *Notification Regarding Nearby Off-Campus Emergencies*

Campus Safety officials may receive emergency information from the River Com Communications 9-1-1 Center regarding incidents that could imminently impact the safety of the WVCC community. When appropriate, SSEM or Security notifies the campus community of off-campus threats that could also represent a serious or continuing threat to students, employees, and visitors.

WVC also evaluates the need to sending notifications regarding incidents occurring near (adjacent to WVC's Clery geography) which may impact college operations and/or the health and safety of people, or nearby businesses or industries<sup>2</sup>.

### *Testing and Registration*

The Campus Alert System will be tested regularly and when conducting exercises/drills to ensure that all systems are working properly and that system administrators maintain a working knowledge of the system. These tests will also be educational moments for the campus community to remind them that this system does exist, and that it is a working and functioning system that they can rely upon.

Students, staff, and faculty are informed of the Campus Alert System program and evacuation processes annually during training and through written notification. This includes dissemination of information about how to respond during the activation of the Campus Alert System in response to a significant incident on campus or within the immediate area of the campus that potentially directly impacts the safety of campus community members. These information sessions have been built into first-year orientation, resident life student and staff training, and new employee/faculty orientations. Additionally, Campus Alert System business card-size notices and subscription instructions are posted in classrooms and public areas throughout campus.

Faculty, Employees and Student's WVC-issued email addresses are automatically subscribed to by our IT department to receive Campus Alert messages. If a student wishes to receive text messages or emails at another address, the student must register those added devices. To add a cell phone or personal email address, students must:

1. Go to [www.wvc.edu/emergency](http://www.wvc.edu/emergency)
2. Click on "Please click here to sign up for Emergency Alerts: Email and text. Go to [www.GetRave.com](http://www.GetRave.com).
3. Use their WVC login credentials.
4. Add the desired email or cell phone number in their user profile.
5. Users can opt out of receiving text messages at any time by texting STOP to 67283 or 226787.

The College’s means of communicating during an emergency include the following, although not all of these methods are always employed. The communications method used would depend on the type of emergency:

- Cell phone Text/Voice Messaging
- All Campus Email Alerts
- Computer Instant Pop-Up Emergency Screen Messages
- Emergency Website, Facebook, and Twitter Accounts
- Telephone Trees
- Public Media (TV, radio, news websites)
- Fire Alarm System Notification
- Public Address System from Siren and from Public Safety Vehicles
- Flyers posted throughout Campus.
- Direct On-foot and In-person Notifications

	<b>Timely Warning (TWN)</b>	<b>Immediate Notification (IN)</b>
<b>Legal Standard:</b>	Potential ongoing or serious threat	Immediate threat to health and safety
<b>Circumstances:</b>	Clery-reportable crimes that have been reported. (occurred in past)	Clery-reportable crimes as well as other types of emergencies (happening right now or about to happen)
<b>Audience:</b>	Community-wide	Can send to a segment of the community, if appropriate
<b>When Issued:</b>	As soon as pertinent information is available	Upon confirmation of emergency (when possible)
<b>Follow-Up:</b>	Not Required	Required

**Daily Crime and Fire Log**

The Safety, Security and Emergency Manager along with the Executive Assistant-to the Vice President of Administrative Services makes the Daily Crime and Fire Logs for the most recent 60-day period open to public inspection at the Administrative Office Campus Safety in Wenatchi Hall, 3<sup>rd</sup> floor at 1300 5<sup>th</sup> ST., Wenatchee, WA 98801. WVC has 24/7, 365 days physical security patrols and can be reached at X6911 or 682-6911.

Any portion of these crime and fire logs that are older than 60 days are made available for public inspection within two business days of a request. The information in the crime and fire log typically includes the incident number, crime classification, date reported, date occurred, general location, and disposition of each reported crime. All confirmed fires occurring within or on any and all on-campus residential facilities will also be included in the Daily Crime and Fire Log. Faculty, staff, and students are encouraged to review these logs periodically to become more familiar with the types and locations of criminal incidents and fires which may impact the College’s campus community.

The names of crime victims will not be listed on the Daily Crime and Fire Log.

Unless the disclosure is prohibited by law or would jeopardize the confidentiality of the victim, newly reported crimes/incidents within the college's Clery geography and updated information regarding previously reported crimes are entered onto the Daily Crime and Fire Log within two business days of when it is reported to the Department of Campus Safety. It is important to note that Campus Safety has no jurisdiction outside of its identified Clery geography. Anytime Campus Safety assists the local police or Campus Safety presence is otherwise requested by the police outside of the campus' Clery geography jurisdiction, an incident report will be generated, and the crime classification will be annotated on the Daily Crime and Fire Log.

The Safety, Security and Emergency Manager and Executive Assistant to the VP of Administrative Services are trained to maintain the Crime and Fire Log. Records are maintained electronically, and a hard copy is updated within two days of any new incident.

### ***Preparation of Annual Disclosure of Crime Statistics and Clery Compliance***

The following information provides context for the crime statistics reported as part of compliance with the Clery Act.

The WVC Department of Campus Safety and administration are primarily responsible for preparing the Annual Security and Fire Safety Report. This responsibility is specifically designated to the Campus Safety, Security and Emergency Manager and Executive Assistant to the VP of Administrative Services or designee. The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the college community obtained from the following sources<sup>3</sup>:

1. WVC department of Campus Safety,
2. Chelan County Sheriff's Office,
3. Wenatchee Police Department,
4. East Wenatchee Police Department,
5. Omak Police Department,
6. Okanogan County Sheriff's Office
7. Douglas County Sheriff's Office
8. Coville Tribal Police
9. Non-police or public safety personnel who have been designated as Campus Security Authorities or CSAs for Wenatchee Valley College.

For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

Final report preparation is coordinated by the Safety, Security and Emergency Manager and the Executive Assistant to the VP of Administrative Services, with help from Human Resources, Residence Hall Director, Student Conduct Officer, and the Title IX Coordinator.

A written request for statistical information is made at least on an annual basis to all Campus Security Authorities or CSAs (as defined by federal law). CSAs are also informed in writing and/or through training to report crimes to Campus Safety in a timely manner so those crimes can be evaluated for timely warning purposes. A Campus Security Authority or CSA is a Clery-specific term that encompasses four groups of individuals and organizations associated with an institution:

- A campus police department or a campus security department of an institution
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into an institutional property)

- Any individual or organization specified in an institution’s statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.

Although Wenatchee Valley College employs people who hold Counselor Agency Affiliated Registrations (defined in WAC 246-810-010(2)), WVC does not employ Certified Counselors (defined in WAC 246-810-010(4)) in the Counseling Center or Pastoral Counselors<sup>4</sup>. Certified Counselors and Pastoral Counselors are not required by law to provide statistics for this compliance document.

All statistics are gathered, compiled, and reported to the college community via this report, entitled the “Annual Security and Fire Safety Report,” which is published by Campus Safety. Campus Safety submits the annual crime statistics published in this report to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website. This satisfies the requirements outlined by the Clery Act.

Campus Safety sends an email notification to every enrolled student and current employee on an annual basis informing them of the availability of the Annual Security and Fire Safety Report. The email and letter include a brief summary of the contents of this report. The email and letter also include the address for the Campus Safety website where the Annual Security and Fire Safety Report can be found online, and notification that a physical copy may be obtained by making a request to Campus Safety by calling 509-682-6659 or in person at the Faculties Building on the Wenatchee Valley College Campus 13005<sup>th</sup> ST. Wenatchee WA.

### ***Reported Crime Categories***

In compliance with the Clery Act, WVC includes four categories of crime statistics:

- **Criminal Offenses** – Criminal Homicide, including Murder and Non-negligent Manslaughter, and Manslaughter by Negligence; Sexual Assault, including Rape, Fondling, Incest and Statutory Rape; Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; and Arson.
- **Hate Crimes** – Any of the above-mentioned offenses, and any incidents of Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/ Vandalism of Property that were motivated by bias.
- **VAWA Offenses** – Any incidents of Domestic Violence, Dating Violence and Stalking. (Note that Sexual Assault is also a VAWA Offense but is included in the Criminal Offenses category for Clery Act reporting purposes); and
- **Arrests and Referrals for Disciplinary Action for Weapons** – Carrying, Possessing, Etc. Law Violations, Drug Abuse Violations and Liquor Law Violations.

### ***Specific Information about Classifying Crime Statistics***

The statistics in this report are published in accordance with the standards and guidelines used by the FBI Uniform Crime Reporting Handbook<sup>5</sup>, National Incident-Based reporting System (NIBRS), relevant federal law (the Clery Act), and applicable state law).

For Clery Act reporting purposes, the number of victims involved in a particular incident is indicated in the statistics column for the following crime classifications: Murder/Non-Negligent Manslaughter, Manslaughter by Negligence, Sex Offenses, and Aggravated Assault. For example, if an aggravated assault occurs and there are three victims, this would be counted as three aggravated assaults in the crime statistics chart. The number reflected in the statistics for the following crime categories includes one offense per distinct



operation: Robbery, Burglary, Larceny, Vandalism, and Arson. For example, if five students are walking across campus together and they are robbed, this would count as one instance of robbery in the crime statistics chart. In cases of Motor Vehicle Theft, each vehicle stolen is counted as a statistic. In cases involving Liquor Law, Drug Law, and Illegal Weapons violations the statistics indicate the number of people arrested or referred to the Student Conduct Officer for possible disciplinary action for violations of those specific laws<sup>6</sup>.

Hate crimes are reported in narrative form and are separated by category of prejudice. A hate crime is not a separate, distinct crime, but is the commission of a criminal offense, which was motivated by the offender's bias. For example, a subject assault a victim, which is a crime. If the facts of the case indicate that the offender was motivated to commit the offense because of their bias against the victim's race, sexual orientation, gender, religion, ethnicity, national origin, gender identity, or disability, the assault is then also classified as a hate crime. For Clery Act Purposes, Hate Crimes include any of the following offenses that are motivated by the offender's bias: Murder and Non-negligent Manslaughter, Sexual Offenses (rape, fondling, incest and statutory rape), Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Larceny-Theft, Simple Assault, Intimidation, and Destruction/Damage/ Vandalism of Property.

Campus SaVE was signed into law on March 7, 2013, as part of the reauthorization of the Violence Against Women Act (VAWA). It covers students and staff of institutions of higher education and amends the Jeanne Clery Act to include new reporting requirements for Domestic Violence, Dating Violence, and Stalking and additional policy statements and training requirements.

### ***Geography Definitions from the Clery Act***

The college's Clery geography is re-assessed each year and a record and map is maintained by the Safety, Security and Emergency Manager and the Executive Assistant to the VP of Administrative Services.

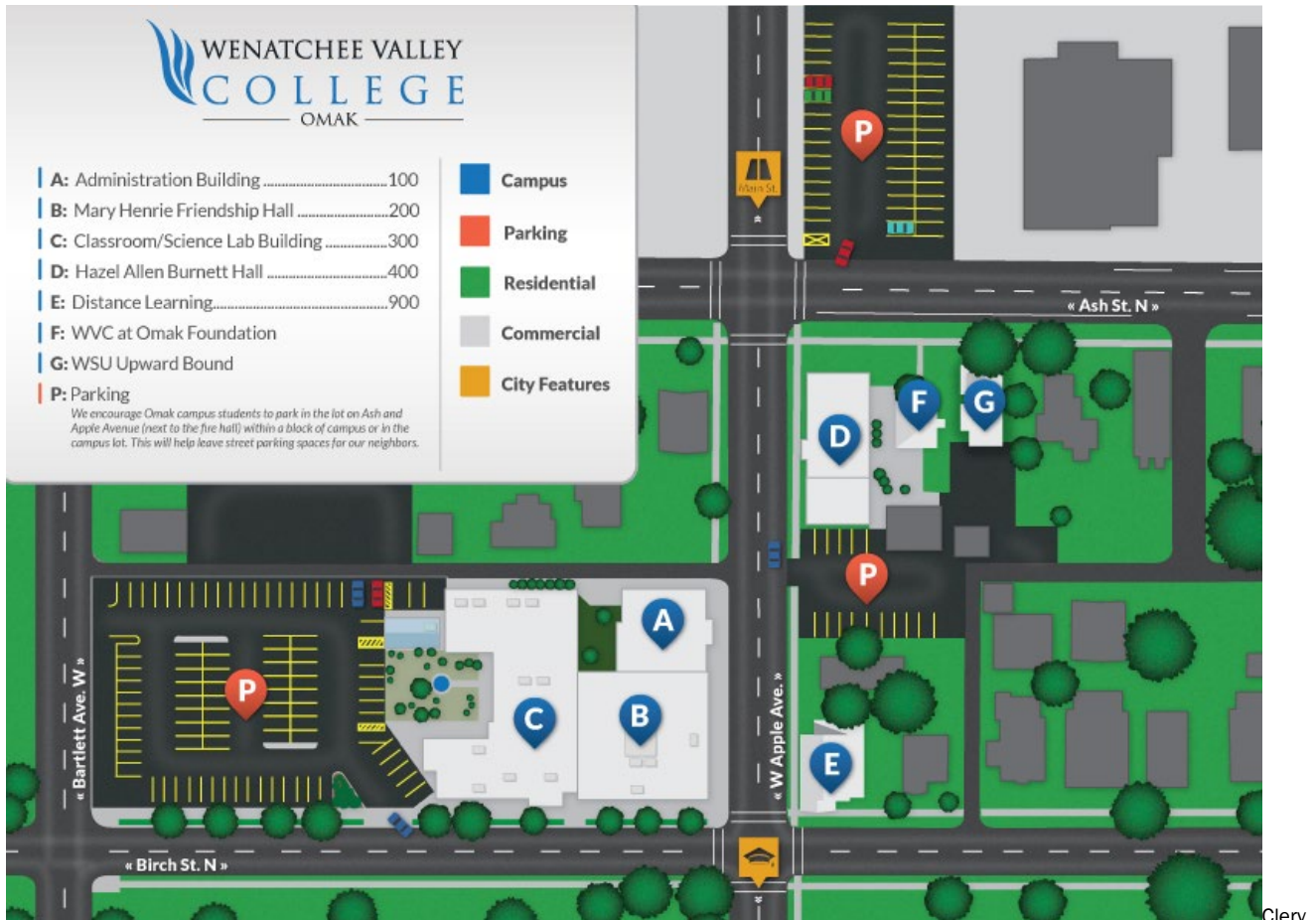
- **On-Campus** defined as: (1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution's educational purposes, including residence halls; and (2) Any building or property that is within or reasonably contiguous to the area identified in paragraph (1), that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or retail vendor).

The area within the black border is the WVC on campus Clery reporting geography.



Clery geography for main WVC campus, 2022

Specifically, this includes any facility or address of 1300 Fifth St. Wenatchee, WA



Clery geography for main Omak campus, 2022

Specifically, this includes any facility or address of 116 Apple Ave West, Omak, WA

- **Non-Campus Building or Property** defined as: (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution (i.e. privately owned fraternity); or (2) Any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

This description for WVC specifically includes:

Nespelem Education and Training Center-12 Lakes St. Nespelem, WA 99155

- **Public Property** defined as: All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus or on-campus property/facilities. The WVC crime statistics do not include crimes that occur in privately-owned homes or businesses within or adjacent to the campus boundaries.
- **On-campus Student Housing Facility** defined as: Any student housing facility that is owned or controlled by the institution or is located on property that is owned or controlled by the institution and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility. This category is a considered a subset of the On-Campus category<sup>7</sup>. Wenatchee Valley College has one on-campus student housing facility:

1409 Fifth Street, Wenatchee, WA 98801.

Wenatchee Valley College does not own or control any off-campus housing or off-campus student organization facilities.

**Crime Statistics**

Crime statistics include all reported Criminal Offenses, VAWA Offenses, and arrests and referrals for disciplinary action for Weapons, Drug Abuse and Liquor Law Violations which happened within WVC’s geographical reporting areas. The list includes the three most recent years<sup>8</sup>.

<b>Criminal Offenses</b>												
	ON CAMPUS			RESIDENCE HALLS			PUBLIC PROPERTY			NON-CAMPUS		
	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Sex offenses - Forcible	0	0	0	0	0	0	0	0	0	0	0	0
Sex offenses - Non-forcible	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	1	0	0	0	0	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	1	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0
<b>Hate Crimes</b> Any crimes reported to have occurred that manifested evidence of prejudice based on race, gender, religion, sexual orientation, ethnicity/national origin, gender identity or disability.												
There were zero hate crimes reported in 2020, 2021 and 2022.												
<b>Arrests</b> for each of the following crimes												
	ON CAMPUS			RESIDENCE HALLS			PUBLIC PROPERTY			NON-CAMPUS		
	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022
Illegal Weapons Offense	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violation	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violation	0	0	0	0	0	0	0	0	0	0	0	0

<sup>7</sup> Crimes by location 34 CFR 668.46(c)(4)(ii)

<sup>8</sup> Disclosure of crime statistics in annual security report 34 CFR 668.46(b)(1)

<b>Disciplinary Actions/Judicial Referrals</b> for each of the following law violations. <i>(These figures are not included in the arrest figures.)</i>												
	ON CAMPUS			RESIDENCE HALLS			PUBLIC PROPERTY			NON-CAMPUS		
	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022
Illegal Weapons Offense	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violation	0	0	1	0	0	0	0	0	0	0	0	0
Liquor Law Violation	0	0	2	0	0	2	0	0	0	0	0	0
<b>Unfounded Crimes</b>												
There were zero unfounded crimes reported in 2020, 2021 and 2022.												

The College made a reasonable and good faith effort to request and retrieve statistics from all local law enforcement agencies with jurisdiction over the College’s identified Clery geography<sup>9</sup>. Reportable Clery crime data received from agencies who responded to these requests are included in the crime statistics noted above. All these agencies responded to these requests for crime statistics.

**Unfounded Crimes**

If a crime is reported as occurring On Campus, in On-campus Residential Facilities, in or on Non-campus buildings or property, or on Public Property, and the reported crime is investigated by law enforcement authorities and found to be false or baseless, the crime is “unfounded.”

For Clery Act purposes, the standard for unounding a reported crime is very high. The college may classify a crime as unfounded only after a full investigation by sworn or commissioned law enforcement personnel. A crime is considered unfounded for Clery Act purposes only if sworn or commissioned law enforcement personnel make a formal determination that the report is false or baseless. Crime reports can be properly determined to be false only if the evidence from a complete and thorough investigation establishes that the crime reported was not, in fact, completed or attempted in any manner.

Crime reports can be determined to be baseless only if the allegations reported did not meet the elements of the offense or were improperly classified as crimes in the first place. A reported crime cannot be designated “unfounded” if no investigation was conducted or the investigation was not completed, nor can a crime report be designated unfounded merely because the investigation failed to prove that the crime occurred; this would be an inconclusive or unsubstantiated investigation. As such, for Clery Act purposes, the determination to unfound a crime can be made only when the totality of available information specifically indicates that the report was false or baseless.

Finally, determinations by a coroner, court or jury may not be used to unfound reports of offenses or attempts. A verdict that a particular defendant is not guilty of a particular charge (or, more technically, that there was not sufficient admissible evidence introduced demonstrating beyond a reasonable doubt that the accused committed the crime) does not mean that the crime did not occur. The inclusion of a reported crime in the Clery Act statistics is not based on the identity of a specific perpetrator.

## EVACUATION PROCEDURES

WVC is responsible for the safe evacuation of all persons utilizing the College's facilities in the event of natural disasters, civil disturbances, and active threats. The level of necessity will determine the response. If large scale events occur that are beyond the resource capabilities of the College, officials will request assistance from outside emergency resources such as local law enforcement, fire agencies, emergency medical services and emergency management, and/or state departments of emergency management. The need to implement evacuation from a campus building or the entire campus shall be based upon information received or furnished to WVC.

The information may be in the form of instructions or advice from the Chelan County Sheriff's Office, Wenatchee Police Department or other officially recognized agency. Full or partial evacuations may be necessary as a protective action to reduce campus community members' exposure to a hazard. Protective actions reduce TIME of exposure, create DISTANCE, or provide SHIELDING from a specific hazard. Hazards that may require an evacuation include:

- Fire
- HAZMAT release
- Bomb threat or suspicious device/package
- Hostile intruder
- Large scale utility failure
- Severe weather conditions
- Hazard that renders facilities uninhabitable

### ***Exercise of Judgment and Contingencies***

The actions described are basically standard by nature. When situations arise for which the procedures to be followed are not fully prescribed in the College's Multi Hazard Plan, responsible personnel will be expected to exercise good judgment, make appropriate decisions, and provide any support necessitated by the situation.

As part of the decision-making process relative to an evacuation, the evacuation must be able to be completed well before the arrival of a hazard. When there is little to no warning time, a shelter-in-place decision/order may be more appropriate. Additional factors to consider beyond warning time when deciding on whether to evacuate include:

- Size and geographical area affected.
- Population density of the surrounding area
- Capacity and condition of the road network
- Are sufficient transportation resources available – college transportation, public transportation, and private transportation?
- Are there safe alternatives?
- Ability of campus facilities to provide shielding from the hazard.
- Ability of facilities to support the population.
- Local considerations and local law enforcement and emergency resources support

### ***Building Evacuation***

- All building occupants are required to evacuate when the fire alarm sounds or on the order of an authorized College official, such as a Public Safety officer.
- If time permits, stabilize lab procedures, turn off stoves and ovens, and unplug or disable any device that could make a dangerous situation even worse.

- Move to the closest exit and proceed down the EXIT stairwell in a safe and orderly manner. Take personal belongings with you. Do NOT use elevators.
- Remain at least three hundred (300) feet outside of the building and await further instructions. Keep roadways open and beware of approaching emergency vehicles. Notify emergency responders of anyone trapped, especially anyone with a physical disability.

***Large-Scale Campus Evacuation***

- If evacuation of part or all the campus is necessary, monitor text message/voice alert system, email, and the College's website for additional information.
- Those in need of transportation will be directed to areas to await transport to an off-campus site.

## **WEAPONS POLICY**

### **000.270 WEAPONS ON CAMPUS POLICY**

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

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

*Renumbered from 600.550 and revised*

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

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

*Last reviewed: \_\_/\_\_/\_\_*

Policy contact: Administrative Services



## **EMERGENCY MANAGEMENT AT WENATCHEE VALLEY COLLEGE**

### **OVERVIEW**

Emergency preparedness at WVC is managed by the Director of Safety, Security and Emergency Management and, during times of activation, the WVC Crisis Management Team. Emergency operations planning at WVC means preventing, preparing for, responding to and recovering from all emergencies that could affect the WVC and local Chelan, Douglas and Okanogan County communities. It means:

1. having a comprehensive plan extending from all levels of emergency personnel down through the individuals that make up our community to prevent situations that cause emergencies.
2. preparing people on the procedures to follow, should a crisis occur.
3. having a well collaborated response approach from College and local officials and State and Federal agencies to effectively mitigate any crisis; and
4. being ready and able to recover quickly from emergency events to keep the operations and business continuity of WVC moving forward.

### ***Multi Hazard Plan***

To establish a framework through which Wenatchee Valley Community College prepares for, responds to, recovers from, and mitigates the impacts of a wide variety of incidents that could impact human life and the safety of employees and the public, adversely impact the environment or damage property, and disrupt normal campus operations.

The Wenatchee Valley College Multi-Hazard Plan (MHP) provides a realistic approach to problems which are likely to be encountered during an emergency. The MHP provides a comprehensive look at various emergencies and how WVC plans to deal with them. It must be understood that the MHP is not all-inclusive in its Emergency Management approach. It outlines basic concepts for managing, not only the specified emergencies but allows for the flexibility and adaptation to encompass emergency response for much of what can happen. This manual is an evolving document that will change over time to reflect new emergencies and ways to manage emergencies.

The MHP procedures coordinate the College's response to crises, disasters, emergencies, severe weather conditions, and other potentially catastrophic events that could affect the safety and well-being of members of the College community, which is our priority.

The MHP is a comprehensive emergency management system that ensures coordination and cooperation among multiple departments, organizations and jurisdictions for small- and large-scale events.

In the event of an emergency, the College President (or designee) may declare a state of emergency; emergency response plans and procedures will be implemented as needed, in accordance with best practices utilized by the nationally recognized, and highly effective, Incident Command System (ICS).

The basic emergency procedures outlined in this plan are designed to inform and prepare WVC faculty and staff for emergencies on Campus. The goal is to improve the ability of the College to protect lives and property through effective use of recognized and established Emergency Response Procedures and College and community resources.

The MHP is designed to be flexible in the belief that flexibility will allow the College to accommodate the magnitude of severity, small to large, each emergency may present.

**Crisis Management Team**

Emergency incidents occurring on campus or impacting the college campus community will be managed using the Incident Command System (ICS) and the National Incident Management System (NIMS) as outlined by Federal and State agencies.

If a situation arises on or around campus that could potentially threaten the health or safety of college community members, senior officers of the College, members of Crisis Management Team, and others are immediately summoned as part of WVC’s crisis response procedure.

There is one Incident Commander (IC) for an incident. When more than one jurisdiction or one agency is involved, a Unified Command structure will be established. Command will function from an Incident Command Post (ICP).

Certain “triggering” conditions may dictate a broader institutional response. This broader response will be managed from an Emergency Operations Center (EOC) by the CMT.

When an EOC is established, CMT will assume a policy, direction, and coordination role over the institution’s response and recovery. The EOC will act as an umbrella organization that brings together all of the elements necessary to support the incident and maintain ongoing operations. Command will remain with the Incident Commander or Unified Command group.

The CMT consists of the following structure based on the requirements set forth by the National Incident Management System.

<b>Crisis Management Team – Organization &amp; Assignments</b>			
	<b>Primary</b>	<b>Secondary</b>	<b>Tertiary</b>
<b>POLICY GROUP</b>			
President	Dr. Faimous Harrison	VP Brett Riley	VP Dr. Diana Garza
Chief Legal Counsel	A.A.G. via phone		
Support Staff as Required	Maria Iniguez	Heather Maddy	
Board of Trustees	Tamra Jackson		
<b>EOC COMMAND STAFF</b>			
EOC Manager	Rich Peters	Maria Agnew	Brett Riley
Liaison	Maria Agnew	Charlie Robb	Erin Williams
PIO Team Leader	Jennifer Korfiatis	Sarah Buman	
<b>OPERATIONS SECTION</b>			
Facilities & Grounds	Modesto Rodriguez	Charlie Robb	
<b>PLANNING SECTION</b>			
Strategic Planning	Bertha Sanchez	VP Dr. Diana Garza	Reagan Bellamy
Record Management	Beth Hayes	Heather Maddy	Cecilia Escobedo
<b>LOGISTICS SECTION</b>			
Supplies	Ryan Lamb	Mike Lantzy	Erin Williams
IT	Steve Garcia	Chad Evans	Maureen Bryant
<b>FINANCE/ADMINISTRATION</b>			
Finance	Beth Hayes	Ben Cadman	Maggi Fletcher
Human Resources	Reagan Bellamy	Tim Marker	

### ***Testing, Emergency Preparedness Drills and Tabletop Exercises***

In accordance with the institution's Emergency Operations Plan (EOP), WVC will use its emergency procedures and plans for testing emergency notification, response, and evacuation. A test is defined as regularly scheduled drills, exercises, and appropriate follow-through activities, designed for assessment and evaluation of emergency plans and capabilities.

To comply with the Clery Act requirement the test must meet all the criteria in the definition. Tests must

- **Be scheduled.** We cannot say that an actual emergency or a false emergency alarm served as a test of WVC's procedures.
- **Contain drills.** A drill is an activity that tests a single procedural operation (e.g., a test of initiating a cell phone alert system or a test of campus security personnel conducting a campus lockdown).
- **Contain exercises.** An exercise is a test involving coordination of efforts (e.g., a test of the coordination of first responders, including police, firefighters and emergency medical technicians).
- **Contain follow-through activities.** A follow-through activity is an activity designed to review the test (e.g., a survey or interview to obtain feedback from participants).
- **Be designed for assessment of emergency plans and capabilities.** This means that your test should have measurable goals. For example, "Everyone involved in the emergency response and notification procedures will understand his or her role and responsibility."
- **Be designed for evaluation of emergency plans and capabilities.** Design the test so that, using the assessments, you can judge whether the test met its goals.

CMT will perform periodic table-top exercises (at least one per year) to practice the implementation of the Multi Hazard Plan and supplement emergency policies and procedures and to assess and evaluate emergency plan capabilities. Additionally, divisional and department level exercises are periodically initiated to train staff personnel in emergency operations.

During CMT exercises, all campus evacuation plans are either reviewed or practiced as part of the training session. The Director of Safety, Security and Emergency Management, in coordination with the Vice President of Finance and Administration, will be responsible for scheduling and conducting these table-top exercises. As a minimum, one CERT table-top exercise per academic year will occur with the entire CMT. Additionally, local emergency responders from the fire and police departments, hospitals, and allied agencies may be invited to participate along with college officials during one table-top each year. Exercises can be either announced or unannounced.

### ***After-Action Reports of Tests/Exercises***

After-action reviews will be conducted following each test and/or exercise that documents the test/exercise, provides a description for each test/exercise, the date, time, and whether the test was announced or unannounced.

## **DRUG AND ALCOHOL ABUSE PREVENTION PROGRAM**

As an institution receiving federal funding, Wenatchee Valley College must have a Drug and Alcohol Abuse Prevention Program (DAAPP) as required by the Higher Education Act of 1965. This information must be provided to current students and current employees.

### ***Policies***

Wenatchee Valley College prohibits the unlawful manufacture, delivery, possession, or use of alcohol, marijuana in any form, other controlled substances, and drug paraphernalia while on college property, while conducting college business, and while participating in any college-sponsored activities whether on campus or not.

### ***Alcohol***

The use, possession, delivery, and sale of alcohol while on college-owned or controlled property is prohibited except as authorized by the president in accordance with AP 8051, Wenatchee Valley College Facility Use Policy. Any authorized use must comply with state and federal laws, and all college policies, rules, and regulations.

Alcohol use must not infringe on the privacy and peace of another individual and must not disrupt or obstruct the course of teaching, administration, disciplinary proceedings, freedom of movement or other lawful activities on the college campus.

Employees, students, and visitors are prohibited from being under the influence of alcohol while on college property, performing job duties, conducting college business, driving an official vehicle, or participating in any on or off-campus college activity.

Being “under the influence” is defined as exhibiting impaired behavior which may limit a person’s ability to perform their expected tasks, or which poses a threat to the safety or well-being of the person or others.

### ***Controlled Substances***

“Controlled substances”, as used in this procedure, refers to those substances designated as schedule I through V under the Controlled Substances Act. Marijuana is still an illegal controlled substance under federal law. As an institution of higher education that distributes federal financial aid and administers various federal grants, WVC is required to comply with federal law on this issue.

Controlled substances are prohibited while on any college-owned or controlled property, including within residence halls, while conducting college business, or during any college-sponsored activity, for any person to use, possess, distribute, manufacture, sell, or to be under the influence of, a controlled substance. This prohibition includes marijuana in any form.

Being “under the influence” is defined as exhibiting impaired behavior which may limit a person’s ability to perform expected tasks, or which poses a threat to the safety or well-being of the person or others.

### ***Prescription and Over the Counter (OTC) Drugs***

The use of prescription and over the counter (OTC) drugs is permitted when taken as prescribed, or for OTC drugs, as directed by package instructions, so long as the medications do not adversely affect the ability, performance, or safety of the consumer or others. The use of prescription and OTC drugs more than the prescribed amount or contrary to package instructions, is a violation of this procedure. The use of prescription drugs by individuals other than the individual to whom the drug was prescribed is a violation of this procedure.

If an employee's use of medication could adversely affect the employee's ability, performance, or workplace safety, the employee must follow appropriate personnel procedures (e.g., call in sick, use leave, request change of duty, notify supervisor). The employee need only disclose that he or she is taking medication. The medical reason or drug name need not be disclosed to the supervisor. In cases where the employee will be working while using medication(s) which could adversely affect their ability, performance, or workplace safety, the employee may be required to disclose the name of the medication(s) to human resources so that appropriate measures can be taken.

If a student's use of medication could adversely affect the student's ability, performance, or safety, the student should inform an advisor, instructor, or the VP of Instruction & Student Services. Students may consult the Disability Support Services Office for advice and support in arranging reasonable accommodation for their medical needs.

## **Other Requirements**

### *Individual Responsibility*

Employees and students are responsible for resolving their own alcohol or drug abuse problems. The college will make reasonable efforts to assist persons who self-report an alcohol or drug abuse problem.

Employees and students who have performance or attendance problems resulting from alcohol or drug abuse or intentional misuse are subject to disciplinary action, up to and including termination/expulsion.

### *Reporting*

Students and employees are expected to report suspected violations of this policy to their supervisor, appropriate dean, VP of Instruction & Student Services, or the VP of Human Resources & Labor and report suspected illegal activities to campus security or local law enforcement agencies. Anyone who is concerned that an employee or a student may have an alcohol or drug-related problem is encouraged to consult with their supervisor, Human Resources, the Employee Assistance Program (EAP), or other appropriate resources.

### *Enforcement*

Supervisors are responsible for enforcing this policy with respect to the employees they supervise. The VP of Instruction & Student Services has the primary responsibility for enforcing this procedure with respect to students.

### *Confidentiality*

Complaints and investigations regarding violations of this procedure will be maintained in a confidential manner to the extent permitted by law.

### *Driver's License Revocation/Suspension*

Employees who are required to have a valid driver's license must notify their immediate supervisor of any revocation or suspension of their driver's license on the first workday following the license suspension or revocation.

No employee, student, visitor, contractor, etc., may operate a vehicle on state property or in the conduct of college business if their driver's license has been revoked or suspended.

## **Treatment/Assistance**

The college encourages employees and students to voluntarily seek appropriate assistance if they are dependent on alcohol or drugs. All requests and referrals for assistance must be kept confidential consistent with applicable law.

### *Employees*

Employees needing assistance in dealing with alcohol and/or drug related problems are encouraged to contact the Human Resources Office or the college's Employee Assistance Program (EAP).

Employees may contact WVC counselors for referrals.

### *Students*

Students needing assistance is dealing with alcohol and/or drug related problems are encouraged to contact the WVC Counseling Center at 509-682-6856 for information and referral.

### **Enforcement and Compliance**

WVC upholds all state and federal laws pertaining to alcohol and controlled substances.

WVC will take action against any person who violates state law, federal law, or any college regulation or policy concerning alcohol or controlled substances when such violation:

1. Occurs in or on property controlled or owned by WVC.
2. Involves college business or activities; or
3. Affects the fitness of college employees to perform the duties of their job or position.

### **Petitions and Remedial Actions**

#### *Employees*

1. Violation of this procedure may result in disciplinary action, up to and including termination of employment and/or the requirement of satisfactory participation in evaluation and/or treatment in an approved drug/alcohol abuse assistance or rehabilitation program.
2. Actions under this policy shall be taken in accordance with applicable personnel rules, state laws and regulations, the Negotiated Agreement, and other Board Policy and shall conform to the provisions of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990.

#### *Students*

Wenatchee Valley College will impose disciplinary sanctions on students found accountable for violations of BP 3019, Drug Free/Alcohol Free Workplace Policy. Sanctions will be imposed in accordance with the provisions of the Student Code of Conduct. Sanctions that may be imposed include but are not limited to:

- Mandatory attendance at a prevention education program
- Loss of privileges, restitution, community service, and/or fines
- Eviction from college-owned or controlled housing
- Suspension and/or dismissal from the college
- If under 21, notification of the student's parents/guardians
- Or some combination of the above

As required by federal law, the college cooperates with law enforcement authorities in referring for prosecution of unlawful possession, use or distribution of alcohol and illicit drugs by students or employees on college premises or as part of any of its activities.

#### *Campus Visitors*

The college may enforce this policy and act against guests, contractors, sub- contractors, volunteers, or service providers who violate this policy.

### *Criminal Prosecution*

Employees, students, and campus visitors may also be subject to criminal prosecution under federal, state, and local laws that could result in fines, imprisonment, and/or loss of student financial aid. These legal sanctions are in addition to any disciplinary sanctions imposed by the college.

### **Federally Funded Activities**

#### *College Responsibilities*

As a recipient of federal financial awards in the form of grants and/or cooperative agreements, Wenatchee Valley College must comply with the Drug-Free Workplace Act of 1988.

#### *Notification and Reporting Requirements*

Employees convicted of a criminal alcohol or drug offense that occurred on WVC owned or controlled property or while conducting college business must report the conviction to their supervisor in writing within five (5) days of the conviction. The supervisor will contact the Office of the President within three (3) business days to determine whether the crime occurred during the conduct of any federally funded award activity.

Supervisors, department heads, and vice presidents who are aware of any drug crime convictions of individuals (students or employees) who work on a sponsored project, for violations that occurred in the workplace, must report that information to the Office of the President

#### *College Response Requirements*

If an employee, who is directly engaged in the performance of work under a federally funded award (as described in 34 C.F.R. Part 84), is convicted of a drug violation in the workplace, WVC shall:

- a. Notify, in writing, within ten (10) calendar days after learning of the conviction, every federal agency on whose award the convicted employee was working; and
- b. Within thirty (30) calendar days of learning about the conviction, either
  1. Take appropriate personnel action against the employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973 (29 U.S.C. 794), or
  2. Require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for these purposes by a federal, state or local health, law enforcement, or another appropriate agency.

### **Notifications**

Each year, WVC will provide written notification of its alcohol and drug policies, programs and information to every student and employee. The annual notification will contain, at a minimum, the following information:

1. C's standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on WVC property or as part of any college activities.
2. A description of applicable sanctions for violations of federal, state, and local law.
3. A clear statement that WVC will impose disciplinary sanctions on students and employees (consistent with local, State, and Federal law), and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violations of this procedure. For the purposes of this procedure, a disciplinary sanction may include the completion of an appropriate rehabilitation program.
4. A description of health risks associated with alcohol and other drug use; and
5. A description of available counseling treatment, or rehabilitation or re-entry programs.

Representatives from student services and human resources shall jointly prepare/review contents of the annual notification as needed.

The notification will be delivered in a manner that will enhance visibility and provide a means for verifying distribution.

Student services and human resources shall prepare a record of the annual notification, to include a copy of the notification contents, a description of the notification method, and a description of the results/responses.

#### *Initial Notifications*

The Vice President of Student Affairs shall ensure all new students are provided with the annual notification.

The Executive Director of Human Resources shall ensure all new employees are provided with the annual notification.

#### *Other Notifications*

The Vice President of Administrative Services shall ensure that all contractors and service providers performing work on WVC property are provided with the information contained in the annual notification.

The Office of the President shall ensure that workers and volunteers affiliated with federally funded activities are provided with a copy of drug-free workplace statement.

#### **Biennial Review**

The Vice President of Student Affairs and the Executive Director of Human Resources shall coordinate preparation of a biennial review of WVC's drug and alcohol abuse prevention programs. The biennial review shall address program effectiveness, consistency of disciplinary sanctions, and program changes.

WVC departments and offices shall cooperate fully with this process and shall provide timely responses to the persons preparing the report.

The VP of Instruction shall maintain official files of biennial reviews and shall distribute those files as needed for college operations or as requested by the Department of Education.

#### **Drug/Alcohol Abuse Prevention**

One of the most important social decisions a college student will make is to use or not use alcohol and other drugs. The choice is an individual decision.

Before making this decision, all students should be informed about the effects of alcohol and drugs and the potential consequences of using them.

Wenatchee Valley College prohibits the unlawful manufacture, delivery, possession, or use of alcohol, marijuana in any form, other controlled substances, and drug paraphernalia while on college property, while conducting college business, and while participating in any college-sponsored activities whether on campus or not.

*Board Policy 500.475, Drug Free/Alcohol Free Workplace Policy and Administrative Process 1500.475, Drug & Alcohol Abuse Prevention* are intended to meet, at a minimum, the requirements of all applicable federal and state laws, including but not limited to the Drug-Free Schools and Communities Act of 1989 and the Drug-Free Workplace Act Of 1988.

#### **Legal Sanctions**

People convicted of drug possession are ineligible for federal financial aid for one year from the date of the conviction after the first offense, two years after the second offense, and indefinitely after the third offense. People convicted for selling drugs are ineligible for federal financial aid for two years from the date of



conviction after the first offense, and indefinitely after the second offense. People who lose eligibility for federal financial aid can regain eligibility early by successfully completing an approved drug rehabilitation program.

### *Washington State Drug Law Penalties*

In addition, other legal sanctions for illegal possession or distribution of illicit drugs include the following:

- 1) State Penalties for Illegal Sale of Controlled Substances: The illegal sale of any controlled substance is punishable by up to 5 years in prison, \$10,000 fine, or both.
- 2) State Penalties for Illegal Manufacture or Delivery of Controlled Substances: Schedule I or II Narcotics or flunitrazepam – Up to 10 years in prison, \$25,000 to \$100,000 fine, or both. Any other controlled substances under Schedule I, II, III, IV or V, except flunitrazepam – Up to 5 years in prison, \$10,000 fine, or both.
- 3) State Penalties for Possession of Controlled Substances: Possession of any controlled substance is punishable by up to 5 years in prison, a \$10,000 fine, or both.

More severe penalties are provided for persons convicted of providing controlled substances to minors, to repeat offenses and to offenses on or near schools or parks.

Special Note Regarding Marijuana: Marijuana remains illegal for minors (persons under 21 years of age) to possess, sell or use and is illegal to possess for a person of any age in amounts over 28.3 grams. Marijuana remains illegal under federal law and policies concerning marijuana at the college remain unchanged. It is illegal to produce, distribute or use marijuana on college property or during college-sponsored activities.

### *Federal Drug Laws*

Persons convicted of federal drug trafficking charges may face:

- The loss of federal benefits, including school loans, grants, contracts and licenses. (21 USC §862 and 20 USC 1091 (r) (1);
- Forfeiture of personal property and real estate (21 USC §853);
- Other federal drug penalties (21 USC §841, §844).

### *Health risks associated with the abuse of alcohol and use of illicit drugs*

- **Alcohol** – Alcohol abuse is involved in the majority of violent behavior incidents: sexual assault, sexual misconduct, vandalism, fights, and driving under the influence. Alcohol (and other depressant) abuse results in impaired judgment and coordination, aggressive behavior, impairment in learning & memory, respiratory depression, coma, and possibly death when taken in excess or combined with other depressants.
- **Anabolic Steroids** (Anadrol, Oxandrin, Durabolin, Stanozol, Dianabol) – Man-made substances related to male sex hormones. Steroids are taken to improve physical performance as well as to enlarge muscles and increase strength. Negative effects of steroids include baldness, cysts, shrinking of testicles, oily hair and skin, acne, heart attack, stroke and change in voice. Hostility is also a frequent side effect of anabolic steroids.
- **Club Drugs** (GHB, Rohypnol & Ecstasy) – GHB is an illegal depressant (liquid or powder) which is odorless & colorless (therefore it can be easily slipped into drinks undetected). GHB can be used to facilitate rape because it causes impairments in judgment, sleepiness & amnesia. Rohypnol also known as “Roofies” is a strong depressant drug, commonly known as the “Date Rape” drug. When ingested with alcohol or other drugs, effects begin within three (3) minutes and peak within two (2) hours. MDMA/Ecstasy/XTC is a hallucinogenic mind-altering drug. Adverse effects include confusion, depression, sleep problems, severe anxiety & paranoia, nausea, blurred vision, faintness, and the possibility long-term brain damage.

- **Cocaine** – Use produces psychological & physical dependence. Adverse effects include elevated blood pressure, heart rate, respiratory rate & body temperature, increased risk of contracting HIV/AIDS (sharing needles), chronic use can result in ulceration and rupture of the mucous membrane.
- **Hallucinogens** (LSD, Mescaline, Cannabis, Magic Mushrooms) – Hallucinogens or psychedelics are mind-altering drugs which affect the mind’s perceptions, causing bizarre, unpredictable behavior and severe, sensory disturbances that may place users at risk of serious injuries or death. The combination of hallucinogens with other substances, like alcohol or marijuana, can increase the chances of adverse effects and the risk of overdose.
- **Inhalants** (glue, paint thinner, gasoline, laughing gas, aerosol sprays) – Psychoactive substances inhaled as gases. Adverse effects may include nausea, sneezing, coughing, nosebleeds, fatigue, lack of coordination, brain & nervous system damage and possibly death.
- **Marijuana** – The effects associated with marijuana use include: increased blood pressure, blood-shot eyes, dry mouth, hunger, impairment of short-term memory and concentration, altered sense of time, decreased coordination and motivation, psychological dependence, lung cancer, and possibly chronic lung disease after long-term use.
- **Methamphetamines/Amphetamines & other Stimulants** – Symptoms of stimulant abuse include: increased heart & respiratory rates, elevated blood pressure, dilated pupils, excessive perspiration, headache, dizziness, sleepiness, anxiety, and loss of appetite, coma, and death may result
- **Narcotics** (Heroin, Morphine, Codeine, Demerol, Percodan) – Narcotics initially produce a feeling of euphoria followed by drowsiness, nausea, and vomiting. Overdose may cause slow and shallow breathing, clammy skin, convulsions, coma, and possibly death.
- **Ritalin** – A prescription drug used to treat ADHA, ADD and other conditions. It has similar effects to those of cocaine and amphetamines. Ritalin is often abused for appetite suppression and/or to stay awake.
- **Tranquilizers** (Valium) – Use of tranquilizers can induce calm and relaxation. Feelings will range from mild euphoria to drowsiness, confusion and light headedness. Hostility, blurred vision, hallucinations, lethargy, memory loss and irritability can also occur.

### ***Information, Education, and Counseling***

Wenatchee Valley College emphasizes the importance of information and education helping to prevent alcohol and drug abuse. The college is committed to helping students prevent and address alcohol and drug abuse problems. For additional information about counseling, assessment, and referral services, contact:

- WVC Counseling Center 509-682-6857
- Alcoholics Anonymous 509-664-6469
- Central Washington Narcotics Anonymous 877-664-0398
- Center for Alcohol and Drug Treatment 509-888-2324
- Vice President of Student Services 509-682-6805

### ***Available Counseling, Treatment or Rehabilitation***

Students with alcohol or drug related problems are encouraged to contact the WVC Counseling Office for information and referral. Students may also take advantage of services provided by Center for Alcohol and Drug Treatment, 509.888.2324. The center provides such services as alcohol and drug assessments, individual counseling, family counseling, group therapy, an intensive outpatient program and an alcohol and other drug information school. Private practitioners and agencies are listed in the local telephone directory.

### ***Disciplinary Actions for Employee Drug and Alcohol Violations***

Wenatchee Valley College does not have formal written progressive discipline policy for employee misconduct regarding alcohol or drug violations.

***Alcohol and Other Drugs (AOD) Education and Outreach*****WENATCHEE VALLEY COLLEGE  
STUDENT CODE OF CONDUCT**

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

1. Intentionally or recklessly endangering, threatening, or causing physical harm to any person or oneself, or intentionally or recklessly causing reasonable apprehension of such harm.
2. Harassment, Bullying, Abuse: No student shall physically, sexually, or emotionally harass, bully, abuse, coerce, intimidate, seriously embarrass, assault or recklessly endanger any other person (*WVC's Sexual Harassment Policy 000.330 and 000.340.*).
3. Students engaging in any activity which inhibits or interferes with the orderly operation of Wenatchee Valley College or the ability of students and/or college personnel to perform their functions in an orderly environment shall be in violation of disorderly conduct policy and subject to disciplinary action. No Student shall intentionally or recklessly interfere with normal college or college-sponsored activities or any form of emergency services. See college policy 500.450 Violence in the Workplace.
4. Unauthorized entry or use of college facilities, classrooms or offices.
5. Knowingly violating the term of any disciplinary sanction imposed in accordance with the code.
6. Theft of property, identity or services; knowing possession of stolen property.
7. Violating college policies or procedures by any student or by the guest of any student.
8. The unlawful (as a matter of local, state or federal law) possession, use, sale or distribution of any alcoholic beverage or narcotic drug, legend drug, or controlled substance (as defined in Chapter 69.50 RCW), including marijuana, by students on the college campus or at any college-sponsored event, either on or off campus is prohibited. The manufacture, distribution, dispensing, or use of marijuana including medical marijuana on college property or during college sponsored events is prohibited. The college campus and all college-sponsored events are alcohol free unless specifically designated by the college president.
9. Academic dishonesty, including cheating, plagiarism or knowingly furnishing false information to the college.
10. Forgery, alteration or misuse of college documents, records, funds, or instruments of identification.
11. Refusal to comply with the direction of college officials acting in the legitimate performance of their duties.
12. Unauthorized possession of or use of any gun (including shotguns, rifles, pistols, air guns and pellet guns), firearms, licensed or unlicensed, or other dangerous weapons or instruments. Exception to this policy is permitted when the weapon is in conjunction with an approved college instructional program or is carried by a duly commissioned law enforcement officer as prescribed by law. See college policy 000.350 Weapons on Campus.
13. Failure to comply with the college's Technology Acceptable Use Policy, WAOL Memorandum of Understanding, and/or misuse of computing equipment, services and facilities, including use of electronic mail and the Internet.

14. Ethics Violation: the breach of any generally recognized and published code of ethics or standards of professional practice that governs the conduct of a particular trade, skill, craft or profession for which the student is taking courses or is pursuing as his/her educational goal or major. These ethics codes must be distributed to students as part of an educational program, course or sequence of courses and the student must be informed that a violation of such ethics codes may subject the student to disciplinary action by the college.
15. Hazing: conspiracy to engage in hazing or participation in hazing another. Hazing shall include any method of initiation into a student organization or living group, or any pastime or amusement engaged in with respect to such an organization or living group, that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm to any student or other person attending Wenatchee Valley College. Consent is no defense to hazing. The term does not include customary athletic events or other similar contests or competitions. Hazing is also a misdemeanor, punishable under state law.
16. Initiation violation: conduct associated with initiation into a student organization, association or living group, or any pastime or amusement engaged in with respect to an organization, association or living group not amounting to a violation of under the definition of hazing. Conduct covered by this definition may include embarrassment, ridicule, sleep deprivation, verbal abuse or personal humiliation. Consent is no defense to initiation violation.
17. Animals, with the exception of service animals, are not allowed on or in college facilities. All services animals on campus shall be under direct physical control, leashed by their owner or custodian and registered with the Special Populations Coordinator.
18. Gambling: any form of gambling is prohibited.

## **CIVIL DISTURBANCES**

In accordance with provision contained in RCW 28B.10.571 and 28B.10.572:

1. It shall be unlawful for any person, singly or in concert with others, to interfere by force or violence with any administrator, faculty member or student of the college who is in the peaceful discharge or conduct of his/her duties or studies. See college policy 500.450 Violence in the Workplace.
2. The college prohibits acts of intimidation as well as actual or threatened violence against co-workers, students, visitors, or any other persons who are on campus or college employees in the course of their duties. The prohibited acts include behavior that interferes with an individual's legal rights of movement, or expression, disrupts the workplace, the academic environment or the college's ability to provide service to the public. See college policy 500.450 Violence in the Workplace.
3. The crimes described in RCW 28B.10.571 and 28B.10.572 shall not apply to any administrator or faculty member who is engaged in the reasonable exercise of their disciplinary authority.
4. Any person or persons who violate the provisions of subsections (1) and (2) of this section will be subject to disciplinary action and referred to the authorities for prosecution.

## **STUDENT BEHAVIORAL DISCIPLINARY PROCEDURES**

### ***PURPOSE OF THE DISCIPLINARY SYSTEM***

This code of student conduct protects the unique and diverse community of Wenatchee Valley College. Disciplinary action is to guide and redirect an offending student toward a productive career as a learner and as a citizen, and to eliminate from the academic environment a student who has demonstrated flagrant disregard of the college's values and traditions and whose conduct constitutes a disruptive influence upon

learning. Admission to the college carries with it an expectation that the student will obey appropriate laws, will comply with the policies and procedures of the college, and will maintain a high standard of integrity and honesty. If a student does not accept these responsibilities, corrective action must be taken which may include suspension or expulsion. The procedures outlined herein are intended to ensure a student a fair and impartial hearing. Student disciplinary proceedings are not considered a case for criminal law nor are disciplinary hearings considered courtroom procedures. They are used by WVC toward assurance of a fair judgment for the student through complete case information, opportunity to be heard, opportunity for friendly counsel, and such safeguards of rights as may be easily understood by educators, laymen, and students who have mutual confidence in one another. The college will impose and carry out sanctions for conduct that interferes with the operation of the college. The college may impose sanctions independently of any action taken by civil or criminal authorities. In the case of minors, misconduct may be referred to parents or legal guardians.

### ***JURISDICTION AND AUTHORITY FOR STUDENT DISCIPLINE***

All rules in this section concerning student conduct and discipline apply to every student admitted/enrolled at the college whenever the student is engaged in or present at a college-related activity whether occurring on or off college facilities.

The board of trustees, acting pursuant to RCW 28B.50.140(14), has delegated by written order to the president of the college the authority to administer disciplinary action. Pursuant to this authority, the president, or designee, shall be responsible for the administration of the disciplinary procedures provided for herein. However, the president, acting president or designee shall review all disciplinary action in which there is a recommendation that a student be suspended or dismissed.

### ***DISCIPLINARY PROCESS***

#### ***Disciplinary Complaint Procedure***

When a student's behavior disrupts the learning environment or there has been an infraction of college policy or procedure, any college employee or student may file an incident report with the chief student conduct officer or designee. The report will provide the name of the accused student or individual, detail the alleged violation, and have the signature of the person filing the report. The report form is available at the WVC website ([www.wvc.edu/behavioralintervention](http://www.wvc.edu/behavioralintervention)), WVC counseling office and WVC administration offices. Allegations of violations of disciplinary rules or other college regulations shall be referred to the WVC student conduct officer or designee for investigation. That official shall then follow the appropriate procedures for any disciplinary action which he or she deems necessary relative to the alleged misconduct.

The purpose of the investigation is to gather additional information, interview witnesses, and to decide whether or not there is sufficient evidence to charge a student with a violation of college disciplinary rules.

After the initial investigation is complete, the student conduct officer or designee may:

1. Take no action.
2. Take administrative action to counsel, advice, or admonish the student.
3. Take disciplinary action.

### *Student Protections and Rights*

1. Notice of the allegations or charges.
2. The right to a fundamentally fair hearing that allows students to prepare a defense, have an advisor, present witnesses, and other evidence.
3. A written summary of the results and findings of the hearing.

### *Burden of Proof*

A preponderance of the evidence is used in the evaluation of student disciplinary cases. The criminal law burden of “beyond a reasonable doubt” is not applicable to these procedures. Should charges against the student also constitute violations of criminal law, the findings of a disciplinary investigation should not be viewed as meeting the standards of a criminal proceeding. In questions of disputed issues of credibility, the college disciplinary officer, or panel, is charged with making the final decision based on rational evaluation of the evidence.

If the student concludes that any sanctions imposed are inappropriate, the student must provide a written appeal specifically outlining the reasons the sanctions may be inappropriate to the discipline review board.

The president of the college or his/her designee, after reviewing the case, may reverse, sustain or modify any sanctions. The decision of the president or designee is final.

### **PROCEDURES FOR RESOLVING DISCIPLINARY VIOLATIONS**

1. The chief student services officer or designee is responsible for initiating disciplinary proceedings. The chief student services officer or designee may delegate this responsibility to members of his/her staff and may establish committees or other hearing bodies to advise or act in disciplinary matters.
2. In order that any informality in disciplinary proceedings does not mislead a student as to the seriousness of the matter under consideration, the student involved shall be informed at the initial conference or hearing of the sanctions that may be involved.
3. Upon initiation of formal disciplinary proceedings, the chief student services officer or designee shall provide written notification to the student, either in person or by delivery via regular mail to the student’s last known address, specifying the violations with which the student is charged. The chief student services officer or designee shall set a time and place for meeting with the student to inform the student of the charges, the evidence supporting the charges, and to allow the student an opportunity to be heard regarding the charges and evidence.
4. After considering the evidence in a case and interviewing the student or students involved, the chief student services officer or designee may take any of the following actions:
  - a. Terminate the proceeding, exonerating the student or students.
  - b. Dismiss the case after whatever counseling and advice may be appropriate, not subject to the appeal rights provided in this code.
  - c. Dismiss the case after verbally admonishing the student, not subject to the appeal rights provided in this code.
  - d. Direct the parties to make a reasonable attempt to achieve a mediated settlement.
  - e. Impose disciplinary sanctions directly, subject to the student’s right of appeal as described in this section. The student shall be notified in writing of the action taken except that disciplinary warnings may be given verbally.
5. This section shall not be construed as preventing the appropriate official from summarily suspending a student.
6. If the chief student services officer or designee has cause to believe that any student:
  - a. Has committed a felony, or
  - b. Has violated any provision of this section and

- c. Presents an imminent danger either to self, other persons, or to the educational process, that student will be summarily suspended and will be notified by regular mail at the student's last known address or be personally served.

## **SUMMARY SUSPENSION**

Summary suspension is appropriate only where (6.c) of this subsection can be shown, either alone or in conjunction with (6.a) or (6.b) of this subsection.

- 7.
  - a. During the summary suspension period, the suspended student shall not enter campus other than to meet with the chief student services officer or designee or to attend the hearing. However, the chief student services officer or designee or the college president may grant the student special permission to enter a campus for the express purpose of meeting with employees or students in preparation for a probable cause hearing.
  - b. When the president or his/her designee exercises the authority to summarily suspend a student, he/she will inform the student by registered or certified mail at the student's last known address, or by serving notice upon that student. The notice shall be entitled "notice of summary suspension proceedings" and shall state:
    - i. The charges against the student including reference to the provisions of the student code or the law involved, and
    - ii. That the student charged must appear before the designated disciplinary officer at a time specified in the notice for a hearing as to whether probable cause exists to continue the summary suspension. The hearing shall be held within five days after the summary suspension.
  - c. The summary suspension hearing shall be considered an emergency adjudicative proceeding. The proceeding must be conducted within five days with the chief student services officer or designee presiding. At the summary suspension hearing, the chief student services officer or designee shall determine whether there is probable cause to believe that continued suspension is necessary and/or whether some other disciplinary action is appropriate.
  - d. If the chief student services officer or designee, following the conclusion of the summary suspension proceedings, finds that there is probable cause to believe that:
    - i. The student has committed one or more violations of law or provisions of this section, and
    - ii. That summary suspension of said student is necessary for the protection of the student, other students or persons on college facilities, college property, the educational process, or to restore order to the campus, and
    - iii. Such violation or violations of the law or of provisions of this section constitute grounds for disciplinary action, then the chief student services officer or designee may, with the written approval of the president, continue to suspend such student from the college and may impose any other disciplinary action as appropriate.
  - e. A student who is suspended or otherwise disciplined shall be provided with a written copy of the chief student services officer or designee's findings of fact and conclusions, and president's express agreement, which constituted probable cause to believe that the conditions for summary suspension existed. The student suspended under this rule shall be served a copy of the notice of suspension in person or by registered mail to said student's last known address within three working days following the conclusion of the summary suspension hearing. The notice of suspension shall state the duration of the suspension or

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

- f. The chief student services officer or designee is authorized to enforce the suspension of the summarily suspended student in the event the student has been served the notice requirement and fails to appear at the time designated for the summary suspension proceeding.
- g. Any student aggrieved by an order issued at the summary suspension proceeding may appeal through written copy to the discipline review board. No such appeal shall be entertained, unless:
  - i. The student has first appeared at the student hearing in accordance with subsection (7.c) of this section.
  - ii. The student has been officially notified of the outcome of the hearing.
  - iii. Summary suspension or other disciplinary sanction has been upheld, and
  - iv. The appeal conforms to the standards set forth in WAC 132W-109. The discipline review board shall, within five working days, conduct a formal hearing in the manner described in WAC 132W-109.

## **VIOLATIONS OF LAW AND COLLEGE REGULATIONS**

Students may be accountable both to civil authorities and to the college for acts that constitute violations of law and of this code. Disciplinary action at the college will normally proceed even if criminal proceedings are pending and will not be subject to challenge on the grounds that criminal charges involving the same incident have been dismissed or reduced.

Definitions, when used in the code:

1. The term “aggravated violation” means a violation that resulted or foreseeably could have resulted in significant damage to persons or property, or which otherwise posed a substantial threat to the stability and continuance of normal college or college sponsored activities.
2. The term “group” means persons who are associated with each other but who have not complied with college requirements for registration or organization.
3. The terms “institution” and “college” mean Wenatchee Valley College and all of its areas, elements, programs and college related activities.
4. The term “reckless” means conduct that one should reasonably be expected to know would create a substantial risk of harm to persons or property or that would otherwise be likely to result in interference with normal college operations and/or college sponsored activities.
5. The term “student” means any person who is enrolled at the college and for whom the college maintains current educational records, as defined by the Family Rights and Privacy Act of 1974, and related regulations.
6. The term “college facilities” means buildings, grounds, or technology owned, leased, operated, controlled or supervised by the college, including all appurtenances affixed thereon or attached thereto.
7. “Board” means the board of trustees of Wenatchee Valley College.
8. “Liquor” means the definition of liquor as contained within RCW 66.04.010.
9. “Drugs” means a narcotic drug as defined in RCW 69.50.101, a controlled substance as defined in RCW 69.50.201 through 69.50.212, or a legend drug as defined in RCW 69.41.010.
10. “President” means the chief executive officer of the college appointed by the board of trustees.
11. “Disciplinary action” means the warning, reprimand, summary suspension, suspension and/or expulsion, probation of a student for the violation of a rule adopted under this policy.



### ***STUDENT PARTICIPATION***

Students will participate in college matters pursuant to these procedures.

### ***DEMAND FOR IDENTIFICATION***

To determine whether probable cause exists for any application of this code to any behavior occurring on a college facility, college personnel, WVC security or other authorized personnel may demand that evidence of student enrollment at the college be produced which can include WVC student identification or other picture identification.

### ***FREE MOVEMENT ON CAMPUS***

The president or designee is authorized in the instance of any event that he or she deems impedes the movement of persons or vehicles or which he or she deems to disrupt the ingress or egress of persons from the college facilities, to prohibit the entry of, or withdraw the license of, or privileges of, a person or persons or any group of persons to enter onto or remain upon any portion of the college facility.

No person or persons may disrupt the ingress or egress of other persons from college facilities. The president or designee is authorized to prohibit or remove from college facilities any person who disrupts ingress or egress therein.

### ***THE DISCIPLINE REVIEW BOARD (DRB) AND SERIOUS DISCIPLINARY VIOLATIONS***

The Wenatchee Valley College Disciplinary Review Board (DRB) is a committee that hears appeals related to sanctions imposed on a student, including a suspension or expulsion, due to inappropriate behavioral conduct or actions. The DRB does not review cases that are related to academic/ instructional issues such as plagiarism, cheating or other non-behavioral classroom conduct. The committee's role is to hear and decide on an appeal submitted by a student and may include interviewing witnesses, counselors or other parties who may provide information necessary in order to make a decision. The DRB will determine if the suspension should be revoked, upheld, or revised.

The committee will hear appeals only after a thorough investigation has been carried out to substantiate student sanctions. The committee is authorized to review incident and investigation reports, question witnesses and consult with the Office of the Attorney General for legal advice if needed. The DRB can recommend to the president a change of terms to the suspension but cannot directly change those terms. The DRB decision/recommendation is final and cannot be changed by the administration. If the DRB approves the suspension, the student has the right to appeal the decision by following the protocol in the Student Handbook.

The Disciplinary Review Board is not a standing committee and convenes only needed.

1. The DRB, convened by the chief student services officer or designee for serious disciplinary violations, will hear and make recommendations on all disciplinary cases referred to it or appealed to it by students. The hearing body will be composed of the following persons:
  - a. The committee chair is the chief student services officer or Risk Advisory Team chairperson or president's designee.
  - b. Faculty representative(s) will generally be a member of the Risk Advisory Team (RAT) appointed by the RAT chairperson or RAT membership or college president. Other faculty members could be called upon to serve on the committee if need but would be selected by the president or designee.
  - c. Other college personnel as needed to provide broad representation of the college campus.
  - d. The chairperson of DRB or college president or designee has discretion whether to assign a student representative to serve on the DRB. If an appeal is a Title IX issue, the Title IX investigator will not serve on the DRB. If any member of the DRB is unable to provide a non-biased opinion due to a conflict of interest, that member will be excused from the DRB. In these cases, the DRB chairperson or college president or designee will choose a replacement. The Attorney General Representative will be available for consulting purposes if needed but will not be a member of the board.

The DRB chairperson is responsible for setting the time and place for hearings and insures that hearings take place in a fair and timely manner. The chairperson would be responsible to make sure the DRB adheres to and follows procedural guidelines as written in the Student Handbook under the section titled "Student Disciplinary Procedures."

2. None of the above-named persons shall sit on any case in which he or she has been or will be a complainant or witness, in which he or she has a direct or personal interest, or in which he or she has acted previously in an advisory or official capacity. The entire DRB membership shall make decisions regarding eligibility according to this section, including the selection of alternate committee members.
3. The committee may recommend in writing to the chief student services officer or designee that the student involved:
  - a. Be exonerated with all proceedings terminated and with no sanctions imposed.
  - b. Be disqualified from participation in any school-sponsored athletic events or activities.
  - c. Be given a disciplinary warning.
  - d. Be given a reprimand.
  - e. Be placed on disciplinary probation.
  - f. Be responsible for restitution for damages resulting from the violation.
  - g. Be given a suspension.
  - h. Be expelled.

### **PROCEDURAL GUIDELINES FOR HEARINGS INVOLVING SERIOUS DISCIPLINARY VIOLATIONS**

1. The committee chair shall set the time, place and available seating capacity for a hearing.
2. All committee proceedings will be conducted with reasonable dispatch and terminated as soon as fairness to all parties involved permits.
3. The committee chair shall enforce general rules of procedures for conducting hearings consistent with these procedural guidelines.
4. The student shall be given notice of the date, time and place of the hearing, the charges, a list of witnesses who will appear, and a description of any documentary or other physical evidence that will

- be presented at the hearing. This notice shall be given to the student in writing and shall be provided in sufficient time to permit him/her to prepare a defense.
5. The student or his/her representative shall be entitled to hear and examine the evidence against him or her and be informed of the identity of its sources and shall be entitled to present evidence in his or her own behalf and question witnesses as to factual matters. The student shall be able to obtain information or to request the presence of witnesses or the production of other evidence relevant to the issues at the hearing.
  6. Committee hearings may be held in closed session at the discretion of the council, the only exception being when the student involved invites persons or requests an open hearing. If at any time during the conduct of the hearing invited persons are disruptive of the proceedings, the committee chair may exclude such persons from the hearing room.
  7. Only those matters presented at the hearing, in the presence of the student involved, will be considered in determining whether the student is guilty of the misconduct charged, but the student's past record of conduct may be considered in formulating the committee's recommendation for disciplinary action.
  8. The failure of a student to cooperate with the hearing procedures, however, shall not preclude the committee from making its findings of fact, reaching conclusions and imposing sanctions. Failure of the student to cooperate may be taken into
  9. consideration by the committee in recommending penalties.
  10. The student may be represented by counsel and/or accompanied by an adviser of his/her choice. If counsel is present for the student, the college may also have counsel present to assist the council. If the student intends to use an attorney, he or she must notify the chief student services officer or designee five days in advance of the formal hearing.
  11. An adequate summary of the proceedings will be kept. As a minimum, such summary would include a tape recording of testimony. Such a record will be available for inspections and copying in the office of the chief student services officer or designee during regular business hours.
  12. The student will be provided with a copy of the findings of fact and the conclusions of the committee.
  13. If the council's proceedings were to hear a disciplinary matter pursuant to the request of the chief student services officer, the council's recommendation shall be forwarded to the chief student services officer or designee for disposition of the matter.
  14. The chief student services officer or designee shall notify the student of his or her decision.
  15. The student will be advised of his/her right to present to the president, within ten (10) calendar days, a written statement of appeal speaking specifically to the decision made to the president of the college before action is taken on the decision of the committee.
  16. The president of the college or his/her designated representative shall, after reviewing the case, sustain the decision, give directions as to what other disciplinary action shall be taken by modifying its decision or nullify previous sanctions imposed by reversing the decision. The president or designee shall then notify in writing the chief student services officer or designee, the student, and the committee. The president's decision shall be final.

## **DISCIPLINARY TERMS**

The definitions set forth in this section apply throughout.

1. Disciplinary warning means oral or written notice of violation of college rules.
2. Reprimand means formal action after censuring a student for violation of college rules for failure to satisfy the college's expectations regarding conduct. Reprimands are made in writing to the student by the disciplinary official. A reprimand indicates to the student that continuation or repetition of the specific conduct involved, or other misconduct will result in one or more serious disciplinary actions described below.

3. Disciplinary probation means formal action placing conditions upon the student's continued attendance because of violation of college rules or failure to satisfy the college's expectations regarding conduct. The disciplinary official placing the student on probation will specify, in writing, the period of probation and the conditions, such as limiting the student's participation in extracurricular activities. Disciplinary probation warns the student that any further misconduct will automatically raise the question of dismissal from the college. Disciplinary probation may be for a specified term or for an indefinite period which may extend to graduation or other termination of the student's enrollment in the college.
4. Summary suspension means temporary dismissal from the college and temporary termination of a student's status for a period of time not to exceed ten (10) days which occurs prior to invocation of the formal hearing procedures specified in these rules due to a necessity to take immediate disciplinary action, where a student presents an imminent danger to the college property, or to himself or herself or other students or persons in college facilities on or off campus, or to the educational process of the college.
5. Suspension means temporary dismissal from the college and temporary termination of student status for violation of college rules or for failure to meet college standards of conduct.
6. Expulsion means dismissal from the college and termination of student status for violation of college rules or for failure to meet the college standards of conduct for an indefinite period or permanently.
7. Restitution means repayment to the college or to an affected party for damages resulting from a violation of this code.

### **LOSS OF ELIGIBILITY IN COLLEGE ACTIVITIES AND ATHLETICS**

Any student found to have violated the standards of student conduct or chapter 69.41 RCW, shall, in lieu of or in addition to, any other disciplinary action which may be imposed, be disqualified from participation in any school-sponsored athletic events or activities.

### **STUDENT GROUPS AND ORGANIZATIONS**

Student groups and organizations may be charged with violations of the Student Code of Conduct (see policy 400.110 and procedure 1400.110).

1. A student group or organization and its officers may be held collectively and individually responsible when violations of this code by those associated with the group or organization have received the consent or encouragement of the group or organization or of the groups or organization's leaders or officers.
2. The officers or leaders or any identifiable spokesperson for a student group or organization may be directed by college officials to take appropriate action designed to prevent or end violations of this code by the group or organization. Failure to make reasonable efforts to comply with college officials' order shall be considered a violation of this code, by the officers, leaders or spokesperson for the group or organization and by the group or organization itself.
3. Sanctions for group or organization misconduct may include revocation or denial of registration or recognition as well as other appropriate sanctions.

**APPEALS**

Disciplinary actions subject to appeal as specified in board policy may be appealed as described below. Notice of an appeal by a student shall be made in writing and addressed to the chief student services officer or designee within ten (10) calendar days of the college's giving of the notice of the disciplinary action.

1. Disciplinary action by a faculty member or other college staff member may be appealed to, and shall be reviewed by, the chief student services officer, chief instructional officer or designee.
2. Academic related disciplinary action by the appropriate disciplinary official may be appealed to, and shall be reviewed by, the academic regulations committee. Behavioral related disciplinary action by the appropriate disciplinary official may be appealed to, and shall be reviewed by, the discipline review board.
3. Academic related disciplinary recommendation by the academic regulations committee and subsequent action by the chief student services officer, chief instructional officer, or designee, may be appealed to, and shall be reviewed by, the college president or his/her designee. Behavioral related disciplinary recommendation by the discipline review board and subsequent action by the chief student services officer or designee, may be appealed to, and shall be reviewed by, the college president or his/her designee.
4. Disciplinary action by the president shall either indicate approval of the conclusions by sustaining the decision or shall give directions as to what other disciplinary action shall be taken by modifying the decision or shall nullify previous sanctions imposed by reversing its decision. The president's decision shall be final.

**TRANSCRIPT NOTATIONS**

The chief student services officer or designee may place a temporary encumbrance on a student's college records while disciplinary proceedings are pending. Permanent notation of disciplinary action will be made on the transcript whenever a student is dismissed for misconduct.

**REFUNDS AND ACCESS**

1. There shall be no refund of tuition and/or fees for the quarter in which disciplinary action is taken. However, college executives can make exceptions to this policy.
2. A student suspended on the basis of conduct which disrupted the orderly operation of the campus, or any facility of the district may be denied access to all or any part of the campus or other facility.

**READMISSION AFTER SUSPENSION OR DISMISSAL**

Any student suspended from the college for disciplinary reasons will normally be readmitted upon expiration of the time period for which the suspension was issued. If the student has been expelled or feels that circumstances warrant reconsideration of a temporary suspension prior to its expiration, or if the student was suspended with conditions imposed for readmission, the student may be readmitted following approval of a written petition submitted to the chief student services officer or designee by the student. Such a petition must state reasons which support a reconsideration of the matter. Before readmission may be granted, such petition must be reviewed and approved by the college president or designee.

**REESTABLISHMENT OF ACADEMIC STANDING**

Students who have been suspended pursuant to disciplinary procedures set forth in this chapter and whose suspension upon appeal is found to have been unwarranted shall be provided the opportunity to reestablish their academic and student standing to the extent possible within the abilities of the college, including an opportunity to retake examinations or otherwise complete course offerings missed by reason of such action.

## **REPORTING, RECORDING AND MAINTAINING RECORDS**

The disciplinary official taking or initiating the action shall keep records of all disciplinary cases. Except in proceedings where the student is exonerated, all documentary or other physical evidence produced or considered in disciplinary proceedings and all recorded testimony shall be preserved, insofar as possible, for not more than three years after resolution of the case. No other records of proceedings wherein the student is exonerated, other than the fact of exoneration, shall be maintained in the student's file or other college repository after the date of the student's graduation or not more than five years.

## **SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, STALKING AND THE CLERY ACT**

### **Overview**

The Clery Act is a consumer protection law that aims to provide transparency around campus crime policy and statistics. The Clery Act requires colleges and universities to report campus crime data, support victims of violence, and publicly outline the policies and procedures they have put into place to improve campus safety. The Clery Act requires all colleges and universities that participate in federal financial aid programs to keep and disclose information about crime on and near their respective campuses.

The law is named after Jeanne Clery, a 19-year-old Lehigh University student who was raped and murdered in her campus dorm room in 1986. The rape and murder of Ms. Clery triggered a backlash against unreported crime on campuses across the country.

The attack on Clery was one of 38 violent crimes recorded at the university in three years. Her parents argued that, had the university's crime record been known, Clery would not have attended. They sued, were awarded \$2-million, and founded Security on Campus, a non-profit group<sup>10</sup>.

Compliance is monitored by the United States Department of Education which can impose civil penalties up to \$54,789 per violation<sup>11</sup> (2018 fine) against institutions for each infraction and can suspend institutions from participating in federal student financial aid programs.

### **Sexual Misconduct Policies, Procedures and Resources**

WVC prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking (as defined by the Clery Act) and reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all members of the college community. Toward that end, WVC issues this statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault and stalking as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which will be followed regardless of whether the incident occurs on or off campus when it is reported to a college official.

### **Federal Clery Act Definitions of Domestic Violence, Dating Violence, Sexual Assault, and Stalking**

The Clery Act defines the crimes of domestic violence, dating violence, sexual assault and stalking as follows:

- 1) Domestic Violence
  - a) Felony or misdemeanor crime of violence committed —

- i) By a current or former spouse or intimate partner of the victim.
  - ii) By a person with whom the victim shares a child in common.
  - iii) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner.
  - iv) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
  - v) 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 jurisdiction in which the crime of violence occurred.
- b) For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

2) Crime of Violence

- a) According to Section 16 of Title 18 of the United States Code, the term "crime of violence" means an offense that has as an element of the use, attempted use, or threatened use of physical force against the person or property of another; or
- b) Any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

3) Dating Violence

- a) Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
- b) The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the person(s) involved in the relationship.
- c) For the purposes of this definition—
  - i) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  - ii) Dating violence does not include acts covered under the definition of domestic violence.
- d) For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

4) Sexual Assault

- a) An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."
  - i) Rape is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
  - ii) Fondling is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

- iii) Incest is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- iv) Statutory Rape is defined as sexual intercourse with a person who is under the statutory age of consent.

5) Stalking

- a) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
  - i) Fear for the person’s safety or the safety of others; or
  - ii) Suffer substantial emotional distress.
- b) For the purposes of this definition—
  - i) Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.
  - ii) A reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
  - iii) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- c) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**Washington State Definitions of Domestic Violence, Dating Violence, Sexual Assault, and Stalking**

- 1) Consent. RCW 9A.44.010. (7) “Consent” means that at the time of the act of sexual intercourse or sexual contact there are actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact.
- 2) Age of Consent. Under Washington State law, a 16-year-old is legally capable of consenting to having sexual contact. There are some exceptions. A person could be guilty of indecent liberties if someone with supervisory authority causes another to have sexual contact. The third-degree child molestation law – the charge that applies for sexual contact with teens 14 up to age 16 – applies to perpetrators at least four years older than the complainant-victim.
- 3) Domestic Violence
  - a) RCW 26.50.010 (1) “Domestic violence” means: (a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members; (b) sexual assault of one family or household member by another; or (c) stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member. (2) “Family or household members” means spouses, domestic partners, former spouses, former domestic partners, persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past, persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, persons sixteen years of age or older with whom a person sixteen years of age or older has or has had a dating relationship, and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.



4) Dating Violence

- a) RCW 26.50.010 (3) "Dating relationship" means a social relationship of a romantic nature. Factors that the court may consider in making this determination include: (a) The length of time the relationship has existed; (b) the nature of the relationship; and (c) the frequency of interaction between the parties.

5) Sexual Assault

- a) Any intentional and unconsented touching, or threat or attempt thereof, of: (i) an intimate bodily part of another person, such as a sexual organ, buttocks or breast; (ii) any bodily part of another person with a sexual organ; or (iii) any part of another person's body with the intent of accomplishing a sexual act; or
- b) Unwanted, inappropriate disrobing of another person or purposeful exposure of one's genitals to another without the other's consent; or
- c) Forcing, or attempting to force, any other person to engage in sexual activity of any kind without her or his consent.
  - i) Rape in the first degree. RCW 9A.44.040. (1) A person is guilty of rape in the first degree when such person engages in sexual intercourse with another person by forcible compulsion where the perpetrator or an accessory: (a) Uses or threatens to use a deadly weapon or what appears to be a deadly weapon; or (b) Kidnaps the complainant-victim; or (c) Inflicts serious physical injury, including but not limited to physical injury which renders the complainant-victim unconscious; or (d) Feloniously enters into the building or vehicle where the complainant-victim is situated. (2) Rape in the first degree is a class A felony.
  - ii) Rape in the second degree. RCW 9A.44.050. (1) A person is guilty of rape in the second degree when, under circumstances not constituting rape in the first degree, the person engages in sexual intercourse with another person: (a) By forcible compulsion; (b) When the complainant-victim is incapable of consent by reason of being physically helpless or mentally incapacitated; (c) When the complainant-victim is a person with a developmental disability and the perpetrator is a person who is not married to the complainant-victim and who: (i) Has supervisory authority over the complainant-victim; or (ii) Was providing transportation, within the course of his or her employment, to the complainant-victim at the time of the offense; (d) When the perpetrator is a health care provider, the complainant-victim is a client or patient, and the sexual intercourse occurs during a treatment session, consultation, interview, or examination. It is an affirmative defense that the defendant must prove by a preponderance of the evidence that the client or patient consented to the sexual intercourse with the knowledge that the sexual intercourse was not for the purpose of treatment; (e) When the complainant-victim is a resident of a facility for persons with a mental disorder or chemical dependency and the perpetrator is a person who is not married to the complainant-victim and has supervisory authority over the complainant-victim; or (f) When the complainant-victim is a frail elder or vulnerable adult and the perpetrator is a person who is not married to the complainant-victim and who: (i) Has a significant relationship with the complainant-victim; or (ii) Was providing transportation, within the course of his or her employment, to the complainant-victim at the time of the offense. (2) Rape in the second degree is a class A felony.
  - iii) Rape in the third degree. RCW 9A.44.060. (1) A person is guilty of rape in the third degree when, under circumstances not constituting rape in the first or second degrees, such person engages in sexual intercourse with another person: (a) Where the complainant-victim did not consent as defined in RCW 9A.44.010(7), to sexual intercourse with the perpetrator and such lack of consent was clearly expressed by the complainant-victim's words or conduct, or (b) Where there is threat of substantial unlawful harm to property rights of the complainant-victim. (2) Rape in the third degree is a class C felony.

- iv) Rape of a child in the first degree. RCW 9A.44.073. (1) A person is guilty of rape of a child in the first degree when the person has sexual intercourse with another who is less than twelve years old and not married to the perpetrator and the perpetrator is at least twenty-four months older than the complainant-victim. (2) Rape of a child in the first degree is a class A felony.
- v) Rape of a child in the second degree. RCW 9A.44.076. (1) A person is guilty of rape of a child in the second degree when the person has sexual intercourse with another who is at least twelve years old but less than fourteen years old and not married to the perpetrator and the perpetrator is at least thirty-six months older than the complainant-victim. (2) Rape of a child in the second degree is a class A felony.
- vi) Rape of a child in the third degree. RCW 9A.44.079. (1) A person is guilty of rape of a child in the third degree when the person has sexual intercourse with another who is at least fourteen years old but less than sixteen years old and not married to the perpetrator and the perpetrator is at least forty-eight months older than the complainant-victim. (2) Rape of a child in the third degree is a class C felony.
- vii) Child molestation in the first degree. RCW 9A.44.083. (1) A person is guilty of child molestation in the first degree when the person has, or knowingly causes another person under the age of eighteen to have, sexual contact with another who is less than twelve years old and not married to the perpetrator and the perpetrator is at least thirty-six months older than the complainant-victim. (2) Child molestation in the first degree is a class A felony.
- viii) Child molestation in the second degree. RCW 9A.44.086. (1) A person is guilty of child molestation in the second degree when the person has, or knowingly causes another person under the age of eighteen to have, sexual contact with another who is at least twelve years old but less than fourteen years old and not married to the perpetrator and the perpetrator is at least thirty-six months older than the complainant-victim. (2) Child molestation in the second degree is a class B felony.
- ix) Child molestation in the third degree. RCW 9A.44.089. (1) A person is guilty of child molestation in the third degree when the person has, or knowingly causes another person under the age of eighteen to have, sexual contact with another who is at least fourteen years old but less than sixteen years old and not married to the perpetrator and the perpetrator is at least forty-eight months older than the complainant-victim. (2) Child molestation in the third degree is a class C felony.
- x) Sexual misconduct with a minor in the first degree. RCW 9A.44.093. (1) A person is guilty of sexual misconduct with a minor in the first degree when: (a) The person has, or knowingly causes another person under the age of eighteen to have, sexual intercourse with another person who is at least sixteen years old but less than eighteen years old and not married to the perpetrator, if the perpetrator is at least sixty months older than the complainant-victim, is in a significant relationship to the complainant-victim, and abuses a supervisory position within that relationship in order to engage in or cause another person under the age of eighteen to engage in sexual intercourse with the complainant-victim; (b) the person is a school employee who has, or knowingly causes another person under the age of eighteen to have, sexual intercourse with an enrolled student of the school who is at least sixteen years old and not more than twenty-one years old and not married to the employee, if the employee is at least sixty months older than the student; or (c) the person is a foster parent who has, or knowingly causes another person under the age of eighteen to have, sexual intercourse with his or her foster child who is at least sixteen. (2) Sexual misconduct with a minor in the first degree is a class C felony. (3) For the purposes of this section: (a) "Enrolled student" means any student enrolled at or attending a program hosted or sponsored by a common school as defined in RCW 28A.150.020, or a student enrolled at or attending a program hosted or sponsored by a private school under chapter 28A.195 RCW, or any person who receives home-based instruction under

chapter 28A.200 RCW. (b) "School employee" means an employee of a common school defined in RCW 28A.150.020, or a grade kindergarten through twelve employee of a private school under chapter 28A.195 RCW, who is not enrolled as a student of the common school or private school.

- xi) Sexual misconduct with a minor in the second degree. RCW 9A.44.096. (1) A person is guilty of sexual misconduct with a minor in the second degree when: (a) The person has, or knowingly causes another person under the age of eighteen to have, sexual contact with another person who is at least sixteen years old but less than eighteen years old and not married to the perpetrator, if the perpetrator is at least sixty months older than the complainant-victim, is in a significant relationship to the complainant-victim, and abuses a supervisory position within that relationship in order to engage in or cause another person under the age of eighteen to engage in sexual contact with the complainant-victim; (b) the person is a school employee who has, or knowingly causes another person under the age of eighteen to have, sexual contact with an enrolled student of the school who is at least sixteen years old and not more than twenty-one years old and not married to the employee, if the employee is at least sixty months older than the student; or (c) the person is a foster parent who has, or knowingly causes another person under the age of eighteen to have, sexual contact with his or her foster child who is at least sixteen. (2) Sexual misconduct with a minor in the second degree is a gross misdemeanor. (3) For the purposes of this section: (a) "Enrolled student" means any student enrolled at or attending a program hosted or sponsored by a common school as defined in RCW 28A.150.020, or a student enrolled at or attending a program hosted or sponsored by a private school under chapter 28A.195 RCW, or any person who receives home-based instruction under chapter 28A.200 RCW. (b) "School employee" means an employee of a common school defined in RCW 28A.150.020, or a grade kindergarten through twelve employee of a private school under chapter 28A.195 RCW, who is not enrolled as a student of the common school or private school.
- xii) Indecent liberties. RCW 9A.44.100. (1) A person is guilty of indecent liberties when he or she knowingly causes another person to have sexual contact with him or her or another: (a) By forcible compulsion; (b) When the other person is incapable of consent by reason of being mentally defective, mentally incapacitated, or physically helpless; (c) When the complainant-victim is a person with a developmental disability and the perpetrator is a person who is not married to the complainant-victim and who: (i) Has supervisory authority over the complainant-victim; or (ii) Was providing transportation, within the course of his or her employment, to the complainant-victim at the time of the offense; (d) When the perpetrator is a health care provider, the complainant-victim is a client or patient, and the sexual contact occurs during a treatment session, consultation, interview, or examination. It is an affirmative defense that the defendant must prove by a preponderance of the evidence that the client or patient consented to the sexual contact with the knowledge that the sexual contact was not for the purpose of treatment; (e) When the complainant-victim is a resident of a facility for persons with a mental disorder or chemical dependency and the perpetrator is a person who is not married to the complainant-victim and has supervisory authority over the complainant-victim; or (f) When the complainant-victim is a frail elder or vulnerable adult and the perpetrator is a person who is not married to the complainant-victim and who: (i) Has a significant relationship with the complainant-victim; or (ii) Was providing transportation, within the course of his or her employment, to the complainant-victim at the time of the offense. (2)(a) Except as provided in (b) of this subsection, indecent liberties is a class B felony. (b) Indecent liberties by forcible compulsion is a class A felony.

## 6) Stalking

- a) RCW 9A.46.110: 1) A person commits the crime of stalking if, without lawful authority and under circumstances not amounting to a felony attempt of another crime: (a) He or she intentionally and

repeatedly harasses or repeatedly follows another person; and (b) The person being harassed or followed is placed in fear that the stalker intends to injure the person, another person, or property of the person or of another person. The feeling of fear must be one that a reasonable person in the same situation would experience under all the circumstances; and (c) The stalker either: (i) Intends to frighten, intimidate, or harass the person; or (ii) Knows or reasonably should know that the person is afraid, intimidated, or harassed even if the stalker did not intend to place the person in fear or intimidate or harass the person. 2) (a) It is not a defense to the crime of stalking under subsection (1)(c)(i) of this section that the stalker was not given actual notice that the person did not want the stalker to contact or follow the person; and (b) It is not a defense to the crime of stalking under subsection (1)(c)(ii) of this section that the stalker did not intend to frighten, intimidate, or harass the person. 3) It shall be a defense to the crime of stalking that the defendant is a licensed private investigator acting within the capacity of his or her license as provided by chapter 18.165 RCW. 4) Attempts to contact or follow the person after being given actual notice that the person does not want to be contacted or followed constitute prima facie evidence that the stalker intends to intimidate or harass the person. "Contact" includes, in addition to any other form of contact or communication, the sending of an electronic communication to the person. 5) (a) Except as provided in (b) of this subsection, a person who stalks another person is guilty of a gross misdemeanor. (b) A person who stalks another is guilty of a class B felony if any of the following applies: (i) The stalker has previously been convicted in this state or any other state of any crime of harassment, as defined in RCW 9A.46.060, of the same complainant-victim or members of the complainant-victim's family or household or any person specifically named in a protective order; (ii) the stalking violates any protective order protecting the person being stalked; (iii) the stalker has previously been convicted of a gross misdemeanor or felony stalking offense under this section for stalking another person; (iv) the stalker was armed with a deadly weapon, as defined in RCW 9.94A.825, while stalking the person; (v)(A) the stalker's complainant-victim is or was a law enforcement officer; judge; juror; attorney; complainant-victim advocate; legislator; community corrections' officer; an employee, contract staff person, or volunteer of a correctional agency; court employee, court clerk, or courthouse facilitator; or an employee of the child protective, child welfare, or adult protective services division within the department of social and health services; and (B) the stalker stalked the complainant-victim to retaliate against the complainant-victim for an act the complainant-victim performed during the course of official duties or to influence the complainant-victim's performance of official duties; or (vi) the stalker's complainant-victim is a current, former, or prospective witness in an adjudicative proceeding, and the stalker stalked the complainant-victim to retaliate against the complainant-victim as a result of the complainant-victim's testimony or potential testimony. 6) As used in this section: (a) "Correctional agency" means a person working for the department of natural resources in a correctional setting or any state, county, or municipally operated agency with the authority to direct the release of a person serving a sentence or term of confinement and includes but is not limited to the department of corrections, the indeterminate sentence review board, and the department of social and health services. (b) "Follows" means deliberately maintaining visual or physical proximity to a specific person over a period of time. A finding that the alleged stalker repeatedly and deliberately appears at the person's home, school, place of employment, business, or any other location to maintain visual or physical proximity to the person is sufficient to find that the alleged stalker follows the person. It is not necessary to establish that the alleged stalker follows the person while in transit from one location to another. (c) "Harasses" means unlawful harassment as defined in RCW 10.14.020. (d) "Protective order" means any temporary or permanent court order prohibiting or limiting violence against, harassment of, contact or communication with, or physical proximity to another person. (e) "Repeatedly" means on two or more separate occasions.

**WVC Definitions of Domestic Violence, Dating Violence, Sexual Assault, and Stalking**

- 1) Sex Offenses (*Definitions per WVC Administrative Process #6115*)

- a) Non-consensual sexual intercourse: 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.
- b) Non-consensual sexual contact: 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 in a sexual manner.

### ***How to Be an Active Bystander***

Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.”<sup>12</sup> We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list<sup>13</sup> of some ways to be an active bystander. Further information regarding bystander intervention may be found. If you or someone else is in immediate danger, call Campus Safety at 509-682-6911 or law enforcement by dialing 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

1. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
2. Be direct, delegate responsibility, or cause a distraction when you see a person secludes, hits on, tries to make out with, or has sex with people who are incapacitated.
3. Intervene when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

### ***Risk Reduction***

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one’s risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, [www.rainn.org](http://www.rainn.org))

- **Know your resources.** Who should you contact if you or a friend needs help? Where should you go? Locate resources such as the campus health center, campus police station, and a local sexual assault service provider. Notice where emergency phones are located on campus, and program the campus security number into your cell phone for easy access.
- **Stay alert.** When you’re moving around on campus or in the surrounding neighborhood, be aware of your surroundings. Consider inviting a friend to join you or asking campus security for an escort. If you’re alone, only use headphones in one ear to stay aware of your surroundings.
- **Be careful about posting your location.** Many social media sites, like Facebook and Foursquare, use geolocation to publicly share your location. Consider disabling this function and reviewing other social media settings.

<sup>12</sup> Burn, S.M. (2009). A situational model of sexual assault prevention through bystander intervention.

<sup>13</sup> Bystander intervention strategies adapted from Stanford College’s Office of Sexual Assault & Relationship Abuse

- **Make others earn your trust.** A college environment can foster a false sense of security. They may feel like fast friends but give people time to earn your trust before relying on them.
- **Make a plan.** If you're going to a party, go with people you trust. Agree to watch out for each other and plan to leave together. If your plans change, make sure to touch base with the other people in your group. Don't leave someone stranded in an unfamiliar or unsafe situation.
- **Think about Plan B.** Spend some time thinking about back-up plans for potentially sticky situations. If your phone dies, do you have a few numbers memorized to get help? Do you have emergency cash in case you can't use a credit card? Do you have the address to your dorm or college memorized? If you drive, is there a spare key hidden, gas in your car, and a set of jumper cables?
- **Be secure.** Lock your door and windows when you're asleep and when you leave the room. If people constantly prop open the main door to the dorm or apartment, tell security or a trusted authority figure.
- **Protect your drink.** Don't leave your drink unattended and watch out for your friends' drinks if you can. If you go to the bathroom or step outside, take the drink with you or toss it out. Drink from unopened containers or drinks you watched being made and poured. It's not always possible to know if something has been added to someone's drink. In drug-facilitated sexual assault, a perpetrator could use a substance that has no color, taste, or odor.
- **Know your limits.** Keep track of how many drinks you've had and be aware of your friends' behavior. If one of you feels extremely tired or more intoxicated than you may think, you may have been drugged. Leave the party or situation and find help immediately.
- **It's okay to lie.** If you want to exit a situation immediately and are concerned about frightening or upsetting someone, it's okay to lie. You are never obligated to remain in a situation that makes you feel uncomfortable, pressured, or threatened. You can also lie to help a friend leave a situation that you think may be dangerous. Some excuses you could use are needing to take care of another friend or family member, an urgent phone call, not feeling well, and having to be somewhere else by a certain time.
- **Be a good friend.** Trust your instincts. If you notice something that doesn't feel right, it probably isn't. Learn more about how to keep your friends safe in social settings.

If you need to get out of an uncomfortable or scary situation, here are some things that you can try:

- **Remember that being in this situation is not your fault.** You did not do anything wrong; it is the person who is making you uncomfortable that is to blame.
- **Be true to yourself.** Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
- **Have a code word** with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
- **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
- **If you and/or the other person have been drinking,** you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

## ***Programs to Prevent Domestic Violence, Dating Violence, Sexual Assault, and Stalking***

### ***Primary Prevention and Awareness Programs***

The College provides primary prevention and awareness programs to all incoming students and employees that involves the distribution of educational materials to new students, participating in and presenting information and materials during new student and employee orientations, providing programs by invitation at staff meetings or academic programs, and requiring incoming first-year students and returning upper-class

students to take online courses related to sexual assault and high-risk drinking awareness and education. These trainings include:

***Clearly articulated statements that the College prohibits the crimes of domestic violence, dating violence, sexual assault and stalking.***

***Ongoing Prevention and Awareness Campaigns***

***Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault, and Stalking Occurs***

After an incident of sexual assault, dating violence, or domestic violence, the victim should consider seeking medical attention as soon as possible at the Central Washington Hospital, 1201 S. Miller ST. Wenatchee, WA 98801. Sexual Assault Nurse Examiners (SANE) at the hospital are trained and certified in physical evidentiary recovery kit collection. Evidence may be collected even if the victim chooses not to make a report to law enforcement.

If a sexual assault victim does not currently wish to involve police, there is still an option to have the forensic evidence collected in a timely manner. As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. By providing victims with the opportunity to gather information, solidify their support system, and establish rapport with first responders, the county hopes to create an environment that encourages reporting, even for those victims who initially feel unable, unwilling, or unsure about doing so. Victims may report a sexual assault anonymously at Samaritan Healthcare in Moses Lake and have forensics evidence collected during the exam.

It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours, so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring, or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infections. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs, or other copies of documents, if they have any, that would be useful to College adjudicators/investigators or local police.

***Involvement of Law Enforcement and Safety, Security Authorities***

Although the College strongly encourages all members of its community to report violations of this policy to Campus Safety and Security and Wenatchee Police Department, it is the victim's choice whether or not to make such a report.

Furthermore, victims have the right to decline to notify law enforcement. However, Campus Security will assist any victim with notifying law enforcement if the victim so desires. The Wenatchee Police Department may also be reached directly by calling 509-663-9911 during normal business hours, or 911 during off hours or in emergency situations; or in person at the Wenatchee Police Department located at 140 S. Mission St. Wenatchee, WA 98801. Additional information about the Wenatchee Police Department may be found online at: [www.wenatcheewa.gov/government/police](http://www.wenatcheewa.gov/government/police).

**NOTE: Mandatory Reporting of Child Abuse** – Academic, administrative, and athletic employees, including student employees, must make any report directly to the proper law enforcement agency or the Department of Social & Health Services (DSHS) Hotline 1-866-ENDHARM. All other employees must make any report

directly to the Vice President of Human Resources via phone, in person or email. The Vice President of Human Resources must make a report to the proper law enforcement agency or DSHS.

### ***Reporting Incidents of Domestic Violence, Dating Violence, Sexual Assault, and Stalking***

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Coordinator by calling, writing, or coming into the office to report in person.

Reports of all domestic violence, dating violence, sexual assault, and stalking made to Campus Safety will automatically be referred to the Title IX Coordinator for review. The Title IX Coordinator is not a confidential reporting entity and is required to report criminal incidents to Campus Safety.

- **Who may file a complaint?** Employees, contractors, guests, or visitors of WVC may file a complaint.
- **Reporting obligations for WVC supervisors, administrators, faculty, and employees.** Supervisors, administrators, faculty, and employees perform a key role in preventing and responding to discriminatory acts and behaviors, including sexual harassment. When a supervisor, administrator, faculty, or employee (except licensed professionals) becomes aware of incidents of discrimination, s/he will report the incident to the Title IX/EO Officer or designee as soon as possible, but no later than 36 hours after becoming aware of the incident regardless of victim's desire for the matter to remain confidential and regardless of whether a report is made to campus security or local law enforcement. Individuals who fail to report such incidents based on a standard of reasonable care or who fail to cooperate fully with the complaint processes are subject to disciplinary action.
- **Complaints against students.** Reports of discriminatory conduct or related retaliation that involve students, including student-to-student complaints, will be handled by the Vice President of Instruction and Student Services and will be guided by the provisions of the Student Conduct Code, Chapter 132R-04 WAC.
- **Complaints against employees, contractors, guests or visitors.** WVC will follow the provisions of this administrative procedure, and, if necessary, other applicable statutes, administrative procedures, and board policies.

### ***Procedures the College Will Follow When a Crime of Domestic Violence, Dating Violence, Sexual Assault, and Stalking is Reported***

The College has procedures in place that serve to be sensitive to victims who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges; as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services on and/or off campus; as well as additional remedies to prevent contact between a complainant and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available. The College will make such accommodations, if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to local law enforcement.

Students and employees should contact the Title IX Coordinator by calling, writing, or coming into the office to report in person. The Title IX Coordinator will collaborate and coordinate with the Director of Student Rights and Responsibilities for student cases, and the Co-Directors of Human Resources for employee cases.

If a report of domestic violence, dating violence, sexual assault, or stalking is reported to the College, below are the procedures that the College will follow.



## Incident Being Reported

### Procedures Institution Will Follow

#### **Sexual Assault**

1. Depending on when reported (immediate vs delayed report), institution will provide victim(s) with access to medical care.
2. Institution will assess immediate safety needs of victim(s).
3. Institution will assist victim(s) with contacting local police if complainant requests AND provide the victim with contact information for local police department.
4. Institution will provide victim(s) with referrals to on- and off-campus mental health providers.
5. Institution will assess the need to implement interim or long-term protective measures, if appropriate.
6. Institution will provide the victim with a written explanation of the victim's rights and options.
7. Institution will provide a "No trespass" or "No Contact" directive to accused party if deemed appropriate.
8. Institution will provide written instructions on how to apply for Protective Order
9. Institution will provide a copy of the policy applicable to Sexual Assault to the victim and inform the victim regarding timeframes for inquiry, investigation, and resolution.
10. Institution will inform the victim of the outcome of the investigation, whether or not the accused will be administratively charged, and what the outcome of the hearing is
11. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for reporting sex-based discrimination or for assisting in the investigation.

#### **Stalking**

1. Institution will assess immediate safety needs of victim(s)
2. Institution will assist victim(s) with contacting local police if complainant requests AND provide the victim with contact information for local police department.
3. Institution will provide written instructions on how to apply for Protective Order
4. Institution will provide written information to victim(s) on how to preserve evidence.
5. Institution will assess need to implement interim or long-term protective measures to protect the victim, if appropriate
6. Institution will provide the victim with a written explanation of the victim's rights and options.
7. Institution will provide a "No trespass" or "No Contact" directive to accused party if deemed appropriate.

#### **Dating Violence**

1. Institution will assess immediate safety needs of victim(s)
2. Institution will assist victim(s) with contacting local police if victim requests AND provide the victim with contact information for local police department.
3. Institution will provide written instructions on how to apply for Protective Order
4. Institution will provide written information to victim(s) on how to preserve evidence.
5. Institution will assess need to implement interim or long-term protective measures to protect the victim, if appropriate
6. Institution will provide the victim with a written explanation of the victim's rights and options.
7. Institution will provide a "No trespass" or "No Contact" directive to accused party if deemed appropriate.

#### ***Anonymous Reporting through the Counseling Center/Pastoral Counselors:***

Although Wenatchee Valley College employs people who hold Counselor Agency Affiliated Registrations (defined in WAC 246-810-010(2)), WVC does not employ Certified Counselors (defined in WAC 246-810-

010(4)) in the Counseling Center or Pastoral Counselors. Certified Counselors and Pastoral Counselors are not required by law to provide statistics for this compliance document. Because of these reasons, WVC does not accept anonymous reports<sup>14</sup>.

### ***Employee Assistance Program***

WVC also provides an Employee Assistance Program (EAP) for use by employees through our insurance provider. The EAP is available to provide full-time employees assistance with such problems as sexual or physical abuse, depression, marital and relationship conflict, stress, grief, critical incident stress, anxiety, and other personal matters. All full-time employees, regardless of performance, are eligible. The contact number of the EAP is listed in the Resources section of this annual report.

All information relating to an employee's EAP participation is strictly confidential. Only the EAP provider maintains EAP records. The EAP provider does not release specific information about an employee's use of EAP services, unless the employee gives his or her advance written consent. The EAP does not report incidents to any official on-campus resources unless the employee specifically gives them permission to do so.

### ***Domestic Violence Leave for Employees***

Wenatchee Valley College provides leaves of absence with or without pay to employees who are victims of domestic violence, sexual assault or stalking, or for employees whose family members are victims, to participate in legal proceedings, receive medical treatment, or obtain other necessary services.

#### **"Family Member**

- **Definition:** Any individual whose relationship to the employee can be classified as a child, spouse, WA State registered domestic partner, parent, parent-in-law, grandparent, or person with whom the employee has a dating relationship.
- **Confirmation:** Family relationships may be determined by birth certificate, court document, certificate of state-registered domestic partnership, or other similar record or statement from the employee.

#### **Qualifying Purpose(s):**

An employee shall be granted reasonable Domestic Violence Leave from work, intermittent leave, or leave on a reduced leave schedule with or without pay for the following reasons:

1. To seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or employee's family members, including, but not limited to, preparing for, or participating in, any civil or criminal legal proceeding related to or derived from domestic violence, sexual assault, or stalking.
2. To seek treatment by a health care provider for physical or mental injuries caused by domestic violence, sexual assault, or stalking, or to attend to health care treatment for a victim who is the employee's family member.
3. To obtain, or assist a family member in obtaining, services from a domestic violence shelter, rape crisis center, or other social services program for relief from domestic violence, sexual assault, or stalking.
4. To obtain, or assist a family member in obtaining, mental health counseling related to an incident of domestic violence, sexual assault, or stalking, in which the employee or employee's family member was a victim of domestic violence, sexual assault, or stalking; or

5. To participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members from future domestic violence, sexual assault, or stalking.

**Procedure**

1. **Notice.** As soon as an employee becomes aware of the need for Domestic Violence Leave, he or she shall notify their immediate supervisor of the intent to take leave. The Human Resources Office should be notified as soon as possible to properly manage the leave. If advance notice is not possible, the employee, or his or her designee, shall give notice to the college as soon as possible.
2. **Verification.** Wenatchee Valley College retains the right to require verification from the employee. One or more of the following documents may be required:
  - a. A police report indicating the employee or employee's family member was a victim of domestic violence, sexual assault, or stalking.
  - b. A court order protecting or separating the employee or the employee's family member from the perpetrator of the act of domestic violence, sexual assault, or stalking, or other evidence from the court or the prosecuting attorney that the employee or employee's family member appeared, or is scheduled to appear, in court in connection with an incident of domestic violence, sexual assault, or stalking.
  - c. Documentation that the employee or employee's family member is a victim of domestic violence, sexual assault, or stalking, from any of the following persons from whom the employee or employee's family member sought assistance in addressing the domestic violence, sexual assault, or stalking: An advocate for victims of domestic violence, sexual assault, or stalking; an attorney; a member of the clergy; or a medical or other professional.
  - d. The employee's written statement that the employee or employee's family member is a victim of domestic violence, sexual assault, or stalking and that the leave taken was for one of the purposes outlined below.
3. **Health Insurance Benefits.** Subject to the terms, conditions, and limitations of the applicable plans, health insurance benefits will be maintained by Wenatchee Valley College for the duration of the leave, at the level and under the condition's coverage would have been provided if the employee had not taken Domestic Violence Leave.
4. **Confidentiality.** To the extent allowed by law, Wenatchee Valley College will maintain strict confidentiality regarding any information or requests related to Domestic Violence Leave.
5. **Return to Work.** When the Domestic Violence Leave ends, an employee will be returned to the same or an equivalent position as the one held immediately prior to the leave unless the employee would have been terminated in the absence of any leave (e.g., layoff, termination of temporary employment).
6. **Payment.** Domestic Violence Leave may be taken as paid or unpaid leave. The college will not require an employee to substitute paid leave for otherwise unpaid Domestic Violence leave. Wenatchee Valley College employees may use any combination of paid or unpaid leave to which they are entitled. The types of leave that can be substituted for otherwise unpaid Domestic Violence Leave include vacation, sick leave, compensatory time off, shared leave or personal holiday. Any employee using paid leave must follow the college's regular notice and approval process related to paid leave. Use of sick leave or shared leave shall only be allowed under situations where such leave would normally be allowed pursuant to state law or college policy.
7. **Retaliation.** No one shall suffer penalty or retaliation for exercising rights under RCW 49.76.030. Retaliation against any person for filing or intending to file a complaint under RCW 49.76.070 or

8. 49.76.100 or participating or assisting as a witness or otherwise in another employee's attempt to exercise rights under RCW 49.76.30 is prohibited. Retaliatory acts shall be reported to the Human Resources Office.

Legal Reference: RCW 49.76 Domestic Violence Leave

### ***Assistance for Victims - Rights & Options***

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the College will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options.

Such written information will include:

1. the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred.
2. information about how the institution will protect the confidentiality of victims and other necessary parties.
3. a statement that the institution will provide written notification to students and employees about victim services in the institution and in the community.
4. a statement regarding the institution's provisions about options for, available assistance in, and how to request accommodations and protective measures; and
5. an explanation of the procedures for institutional disciplinary action.

### ***Rights of Victims and the Institution's Responsibilities for Orders of Protection, "No Contact" Orders, Restraining Orders, or Similar Lawful Orders Issued by a Criminal, Civil, or Tribal Court or by the Institution***

Under all circumstances, if the alleged complainant is deceased as the result of such crime or offense, the next of kin of such complainant shall be treated as the alleged victim for purposes of notifications regarding outcomes and sanctions.

**Disclosures regarding volunteers, guests, and contractors.** WVC will notify the complainant of any actions it takes which relate directly to the complainant, such as a No Trespass Order prohibiting the volunteer, guest, or contractor from being on campus. Additionally, if the matter involves a crime of violence or sexual assault, including rape, dating violence, domestic violence, or stalking, WVC may elect to terminate the contract or license for the individual to be on campus. WVC will provide the complainant and the respondent with simultaneous written notice of such decisions; advisement of appeal procedures, if any; any change to the results that occur prior to the results becoming final; and when such results become final.

### ***Accommodations and Protective Measures Available for Victims***

**Interim measures.** Following receipt of a complaint the Title IX/EO Officer may determine whether immediate interim measures are necessary to protect the complainant prior to the completion of the investigation and the resolution of the complaint. Interim measures may include, but are not limited to, separating the respondent from the complainant, adjusting schedules, placing an employee on administrative leave, providing counseling and/or taking action per Chapter 132R-04 WAC. If it appears that such interim measures are warranted, the Title IX/EO Officer or designee will coordinate with the appropriate WVC personnel to implement such measures. Following receipt of a complaint the Title IX/EO Officer may determine whether immediate interim measures are necessary to protect the complainant prior to the completion of the investigation and the resolution of the complaint. Interim measures may include, but are not limited to, separating the respondent from the complainant, adjusting schedules, placing an employee

on administrative leave, providing counseling and/or taking action per Chapter 132R-04 WAC. If it appears that such interim measures are warranted, the Title IX/EO Officer or designee will coordinate with the appropriate WVC personnel to implement such measures.

***Title IX No-Contact Order***

A college-issued no-contact order (NCO) is an interim protective measure for complainants, meaning that it can be issued even in cases where a respondent has not been found formally responsible for violating college policy. The NCO will usually state that the college has received a report stating that the respondent may be in violation of college policy. Therefore, the college must have good cause to issue an NCO but does not need to have finished a formal investigation. In fact, an NCO can be issued for a complainant even if no formal investigation has begun. The NCO may state that the respondent is prohibited from contacting the complainant:

- in person
- by phone (including text messages)
- voicemail
- via third party
- notes, letters, or other written communication
- by email or internet messenger or any other internet-based communication

The NCO will usually be in the form of a letter which the respondent must sign. The NCO will state that any violation will result in formal disciplinary action. Survivors should be aware, however, that disciplinary action usually refers to the beginning of a formal investigation through the college rather than immediate suspension or arrest. If a complainant desires more immediate consequences for the breaking of a NCO, he/she may want to seek a civil NCO/restraining order through local law enforcement (see below). A college NCO may be an alternative for those who do not want to see the respondent in court in order to have some protection. A complainant may still be able to call Campus Safety under a college NCO if a respondent approaches him/her in person or will not leave an area. The complainant should ask the person who issues the NCO to explain school policy on what to do if he/she is approached. It is the choice of the complainant to report suspected contact to the college’s Title IX coordinator after the NCO is issued.

***Civil or Criminal Court No-Contact Orders***

A complainant may also seek a protection order through Chelan County District Court, 401 Washington St. Wenatchee, WA 98801). Such orders may prohibit the respondent from contacting or harassing a complainant. To seek assistance with requesting a court order, contact SAGE, or you can file your request yourself at the Superior Court of Chelan County, 401 Washington ST., Wenatchee, WA 98801.

Depending on the circumstances, the options include:

**1. Domestic Violence Protection Order**

- a. This is a civil order from the court issued at the request of a person claiming to be the victim of domestic violence.
- b. Who may obtain the order:
  - i. An adult who fears violence from a family or household member, or who has been the victim or physical harm, or who fears imminent physical harm or stalking from a family or household member (includes dating relationship).
  - ii. Minors under 16 must seek the order through a parent or guardian.
  - iii. Petitioners 13 years old or over may petition for self if respondent is 16 or over and person has been victim of violence in a dating relationship
  - iv. Petitioners 16-18 may seek the order on their own.
- c. Consequences of order is knowingly violated:

- i. Mandatory arrest; Possible criminal charges or contempt; Class C felony if assault or reckless endangerment, otherwise Gross Misdemeanor
- d. Duration of order:
  - i. If there is an emergency, a temporary order for up to 14 days may be issued. A hearing will be scheduled within 14 days and the Respondent will be given notice of the hearing. At the hearing the court will designate the length of the order from one year to permanent.

**2. Sexual Assault Protection Order<sup>15</sup>**

- a. This is a civil or criminal court order issued in the context of pending criminal action, or as a condition of sentence.
- b. Who may obtain the order.
  - i. A person who does not qualify for a Domestic Violence Protection order and is a victim of nonconsensual sexual conduct or penetration, including a single incident.
  - ii. Minors' underage of 16 must seek the order through a parent or guardian.
  - iii. The court may issue an order on behalf of victims of sex offenses when criminal charges are filed.
- c. Consequences of the order is knowingly violated.
  - i. Mandatory arrest.
  - ii. Possible criminal charges or contempt.
  - iii. Class C felony if assault or reckless endangerment, otherwise Gross Misdemeanor
- d. Duration of order
  - i. Temporary orders may be filed for up to 14 days.
  - ii. Court will designate the length of the order (up to two years for civil; potentially longer for criminal)

**3. No-Contact Order**

- a. This order is part of a criminal action. After an arrest for domestic violence, in Washington State, a No-Contact Order may be issued as a condition of release. These orders may be issued regardless of whether you share housing or children and may cause hardship.
- b. Who may obtain the order?
  - i. The incident must have been reported to the police and criminal charges must be pending.
  - ii. The court will decide whether to issue this order when it decides whether the accused will be released on bail or personal recognizance, or when the accused is arraigned or being sentenced.
- c. Consequences of the order is knowingly violated.
  - i. Mandatory arrest: release pending trial may be revoked.
  - ii. Felony if any assault, reckless endangerment or drive-by-shooting, otherwise Gross Misdemeanor.
- d. Duration of order
  - i. This order is intended to protect the victim until the case is resolved.
  - ii. The order may be dismissed or modified by the court during proceedings or may be continued by the court after the case resolved.
  - iii. The alleged victim does not control whether the order remains in place but must support it if the order is to be lifted.

**4. Restraining Order**

- a. This is a civil order, generally filed in the context of an existing family law case, such as a pending dissolution or child custody case (RCW 26.09, 26.10, 26.26).

- b. This type of order is broader than a Domestic Violence Protection order because it may deal with property issues, child support, spousal support, as well as domestic violence and temporary custody issues.
- c. Who may obtain the order?
  - i. Petitioner who is married to Respondent or has a child in common.
- d. Consequences of order is knowingly violated:
  - i. Mandatory arrest; Gross Misdemeanor; Possible criminal charges or contempt
- e. Duration of order
  - i. Temporary Restraining Order lasts 14 days.
  - ii. Restraining Order in final decree is permanent unless modified.

**5. Anti-Harassment Order**

- a. This is a civil order issued for a person claiming any type of harassment and when a person does not qualify for a Domestic Violence Protection Order. These orders are commonly filed in neighbor disputes and other disputes that don't involve a domestic relationship (RCW 10.14)
- b. Who may obtain the order?
  - i. A person alleging harassment, who has been seriously alarmed, annoyed, or harassed by conduct which serves no legitimate or lawful purpose.
  - ii. The course of conduct shall be such as would cause a reasonable person to suffer substantial emotional distress.
  - iii. The parties generally are not married, have not lived together, and have no children in common.
- c. Consequences of order is knowingly violated:
  - i. Gross Misdemeanor
  - ii. Discretionary arrest with possible criminal charges or contempt.
- d. Duration of order
  - i. Temporary order may be up to 14 days:
  - ii. The Anti-Harassment Order may then carry a duration of 1 year or permanent, as determined by the court.

**6. Stalking Protection Order<sup>16</sup> vs Stalking No-Contact Order**

- a. Stalking Protection Order is civil; Stalking No-Contact Order is criminal, in the context of pending criminal action.
  - b. Who may obtain the order?
    - i. A person may file a Stalking Protection Order if they are the victim of any stalking conduct (RCW 9A.46.110).
    - ii. Parent or guardian may petition on behalf of any minor.
    - iii. A petitioner 16 years and older may file for themselves and is not required to have a guardian to petition on their behalf. Interested person(s) may petition on behalf of a vulnerable adult.
    - iv. For a Stalking No-Contact Order, an incident must have been reported to the police and stalking related criminal charges must be pending. The court may issue the order.
  - c. Consequences of order is knowingly violated:
    - i. For both stalking related orders, consequences for violation include mandatory arrest, possible criminal charges or contempt, Class C felony if assault or reckless endangerment, otherwise Gross Misdemeanor
  - d. Duration of order
    - i. Stalking Protection Order
      - 1. 14 days for a temporary order.
      - 2. Stalking Protection Order duration is then determined by the court for a fixed period of time or permanent.
    - ii. Stalking No-Contact Order
-

## 1. 5years for a final Stalking No-Contact Order

***Safety Action Plan***

A complainant may meet with SSEM to develop a Safety Action Plan, which is a plan for campus security and the complainant to reduce risk of harm while on campus or coming and going from campus. This plan may include, but not limited to: escorts, special parking arrangements, or changing classroom location.

To the extent of the complainant's cooperation and consent, WVC will work cooperatively to ensure that the complainant's health, physical safety, work and academic status are protected, pending the outcome of a formal college investigation of the complaint. For example, if reasonably available, a complainant may be offered changes to academic, living, or working situations in addition to counseling, health services and assistance in notifying appropriate local law enforcement.

***Confidentiality***

**Confidentiality Requests and Sexual Violence Complaints.** WVC will seek to protect the privacy of all parties involved 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 WVC policies and procedures. Anonymity and complete confidentiality cannot be guaranteed once a complaint is made, or unlawful behavior is alleged. However, to the extent possible, proceedings will be conducted in a discreet and sensitive manner. Files pertaining to the complaint will be maintained in confidence to the extent provided by law. Further, all files are considered public records and will be released as required by the Public Records Act, Chapter 42.56 RCW. WVC cannot guarantee complete confidentiality. The Vice President of Human Resources and Labor or designee will make the determination as how to handle the request for confidentiality.

**Confidentiality Requests and Sexual Violence Complaints.** The Vice President of Human Resources 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/her name not be revealed to the Respondent or that WVC not investigate the allegation, the Director of Human Resources will inform the complainant that maintaining confidentiality may limit WVC'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 his or her name not be disclosed or that WVC not investigate, the Vice President of Human Resources and Labor will determine whether WVC can honor the request and at the same time maintain a safe and non-discriminatory environment for all members of the WVC community, including the complainant. Factors to be weighed during this determination may include, but are not limited to:

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

**OR**

- If WVC is unable to honor a complainant's request for confidentiality, the CAO or his/her 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 an investigation.
- If WVC decides not to conduct an investigation or take disciplinary action because of a request for confidentiality, the CAO or his/her 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.

**On- and Off-campus Services for Victims**

Upon receipt of a report of domestic violence, dating violence, sexual assault, or stalking, WVC will provide written notification to students and employees about existing assistance with and/or information about obtaining resources and services, including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and assistance in notifying appropriate local law enforcement. If a sexual assault or rape should occur on campus, staff on-scene, including Campus Safety, will offer the victim information on available services. This information regarding “resources” is not provided to infer that those resources are “crime reporting entities” for WVC.

These resources include the following:

<b>On Campus</b>	
WVC Counseling Center	509-682-6857
Title IX Coordinator	509-682-6445
Student Financial Aid	509-682-6810
Campus Security	509-682-6911
Vice President Student Affairs	509-682-6805
Vice President of Instruction	509-682-6606
<b>Off Campus</b>	
SAGE (Safety, Advocacy, Growth and Empowerment)	509-663-7446
Central Washington Hospital	509-662-1511
Chelan County Prosecutor, Victim/Witness Services	509-667-6202
Wenatchee Police Department	509-663-9911 or 9-1-1
Chelan County Sheriff’s Office	509-667-6851 or 9-1-1

Other resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking, include:

- [www.rainn.org](http://www.rainn.org) – Rape, Abuse and Incest National Network
- [www.ovw.usdoj.gov/sexassault.htm](http://www.ovw.usdoj.gov/sexassault.htm) - Department of Justice
- [www2.ed.gov/about/offices/list/ocr/index.html](http://www2.ed.gov/about/offices/list/ocr/index.html) - Department of Education, Office of Civil Rights

**Adjudication of Violations**

The College’s disciplinary process includes a prompt, fair, and impartial investigation, and resolution process. In all instances, the process will be conducted in a manner that is consistent with the institution’s policy and that is transparent to the accuser and the accused.

Usually, the resolution of domestic violence, dating violence, sexual assault and stalking complaints are completed within 60 days of the report. However, each proceeding allows for extensions of timeframes for good cause with written notice to the accuser and the accused of the delay and the reason for the delay.

College officials involved in the investigation or adjudication of domestic violence, dating violence, sexual assault and stalking complaints are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking, as well as how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability.

**If the Victim Does Not Wish to Pursue Resolution**

In all reported cases of sexual misconduct, the College will conduct a fact-finding investigation to the best of its ability. In cases where the Victim wishes to become a Complainant, this investigative report is provided to the Student Conduct Administrator for a threshold analysis.

In cases where the Victim does not wish to become a Complainant, the college has two options:

1. The College may attempt to resolve the complaint in a manner consistent with the Victim's request. This may include holding the report for action at a later date.
2. The College may pursue a judicial hearing against the Respondent named in the investigation. Under these circumstances, the College would take into consideration the nature of the assault, the safety of the complainant and the campus community, as well as the previous disciplinary history and previous allegations of sexual misconduct.

Whether or not criminal charges are filed, the College or a person may file a complaint under the following policies, depending upon the status of the accused (student or employee).

## **STUDENT DISCIPLINARY PROCEEDINGS UTILIZED IN CASES OF ALLEGED DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING<sup>17</sup>**

### ***Organizational Behavior***

Student groups are subject to the conduct expectations detailed throughout this policy. Any behavior, patterns of behavior, or information suggesting patterns of behavior that creates or contributes to the creation of a hostile environment, retaliation, discrimination, or harassment will be investigated and could result in organizational and/or individual charges.

Any member of the College community may bring allegations against a student group/organization for violation of the Sexual Misconduct and Relationship Violence Policy. The College will conduct a preliminary investigation into an incident. For cases involving a social fraternity or sorority, the case may be referred to the Director of Student Rights and Responsibilities and/or the Director of Student Activities and Greek Life.

An investigation will be conducted to determine if the allegations have merit and have met the threshold (defined below) to move forward with charges. The Title IX Coordinator, Director of Student Rights and Responsibilities, or Director of Student Activities and Greek Life may confer with the student group/organization's advisor(s), inter/national headquarters, and/or other faculty and staff with a relationship to the student group/organization to solicit advice and recommendations regarding the case. Ultimately, the College is responsible for determining if the organization and/or individuals will be charged and the process for adjudication. All sections of this policy apply to groups and organizations.

### ***Statement on Privacy***

WVC will seek to protect the privacy of all parties involved 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 WVC policies and procedures. Anonymity and complete confidentiality cannot be guaranteed once a complaint is made, or unlawful behavior is alleged. However, to the extent possible, proceedings will be conducted in a discreet and sensitive manner. Files pertaining to the complaint will be maintained in confidence to the extent provided by law. Further, all files are considered public records and will be released as required by the Public Records Act, Chapter 42.56 RCW. WVC cannot guarantee complete confidentiality. The Vice President of Human Resources and Labor or designee will make the determination as how to handle the request for confidentiality.

### ***Investigation of Reports***

#### **Investigation procedures for complaints against employees, guests, and visitors<sup>18</sup>**

1. **Initial review.** The Title IX/EO Officer or his/her designee will conduct an initial assessment of the complaint to assess whether it alleges any conduct that may be prohibited by WVC Policies, Procedures, Collective Bargaining (CBA) provisions, or other employee contractual provisions.

If the investigator concludes that an investigation is not warranted, the investigator will prepare a written summary detailing why the matter will be closed without further action and provide it to the complainant. If the investigator concludes that an investigation is not warranted under this procedure, but may be warranted under other WVC policies, procedures, CBA provisions or other employee contractual provisions he/she will refer if for further review pursuant to Section 6.0 below.

WVC has an independent duty to investigate regardless of whether law enforcement is conducting an investigation. Although some alleged conduct may not violate federal or state law, such incidents may qualify as a violation of WVC policies, procedures or contract provisions and constitute improper behavior, unprofessional conduct, or a failure to engage in conduct supportive of an environment of

mutual respect and professionalism in violation. Such complaints will be taken seriously and considered under this procedure.

2. **Appointment of an investigator.** The Title IX/EO Officer may appoint a designee to investigate the complaint. The Title IX/EO Officer shall inform the complainant and respondent(s) of the appointment of a designee.
3. **Investigation.** If it is determined after initial review that the matter warrants investigation pursuant to this procedure, the Title IX/EO Officer or his/her designee will determine the appropriate process necessary to ensure all relevant evidence is obtained and critical elements are addressed. The investigation will include, but is not limited to, interviewing the complainant, the respondent, and relevant witnesses, and reviewing relevant documents. The investigation shall be concluded within a reasonable time, normally sixty (60) days, barring exigent circumstances. Employees, as a condition of employment, are required to be truthful and to fully cooperate in the investigation process.
4. **Investigative Findings Report.** At the conclusion of the investigation the investigator shall set forth his/her findings and recommendations in writing. If the investigator is a designee he/she shall send a copy of the findings and recommendation to the Title IX/EO Officer. All discrimination, harassment, sexual misconduct, domestic violence, dating violence, stalking, and retaliation complaints and the records related to a subsequent formal investigation of those complaints conducted pursuant to this procedure, if any, shall be maintained confidentially to the extent allowed by law for an indeterminate period of time in the Human Resources Office. Additionally, the Title IX/EO Officer or designee will make a reasonable effort to meet with the complainant and accused to inform them of the results of the investigation in summary form.

Additionally, the Title IX/EO or designee will prepare and 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 accused 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 consistent with applicable Standards of Conduct for Students, collective bargaining agreements, policies, or contracts. Both the complainant and the respondent are entitled to review any final findings, conclusions, and recommendations, subject to any FERPA confidentiality requirements.

5. **Initial notifications for sexual violence complaints.** If a formal investigation is initiated on a matter involving sexual violence, the Title IX/EO Officer or his/her designee shall send an initial notification to both the complainant and respondent simultaneously that the matter is under investigation. Both the complainant and respondent shall be informed of their rights during the investigative and disciplinary processes, including Board Policy 6115, this procedure, as well as WVC's policy against retaliation. The complainant must also be apprised of additional rights including:
  - A) Options to avoid contact with respondent.
  - B) Procedures to follow to preserve evidence of the alleged incident and seek medical treatment.
  - C) Who will receive a report of the complaint.
  - D) Right to file a criminal complaint as detailed in Section 5.0 below and notification that he/she is not required to file a criminal complaint with local law enforcement.
  - E) A list of resources for obtaining protective, no contact, restraining, or similar orders, if applicable.
  - F) A list of existing on and off campus counseling, mental health, victim advocacy legal assistance, or other victim services available for victims on-campus and in the community;
  - G) The procedures WVC will follow to determine if discipline is appropriate.
  - H) Steps WVC will take to ensure confidentiality and the limits this may place on WVC's ability to investigate and respond, as set forth above.

- I) A list of options and resources to assist the complainant regarding academic, living, transportation and working situations; and,
- J) Information about WVC's policy against retaliation and how the complainant should report retaliation or new incidents.

### ***Initial notifications for discrimination, harassment and/or retaliation complaints***

Under all circumstances, if the alleged complainant is deceased as the result of such crime or offense, the next of kin of such complainant shall be treated as the alleged victim for purposes of notifications regarding outcomes and sanctions.

- 1) **Notification to Respondent.** If a formal investigation is undertaken, the respondent will be notified in writing to the existence of a formal complaint and that an investigation of the complaint is underway. During the investigative process, the accused will be informed of his/her right to representation during any investigatory meeting and will be informed of WVC's policy against retaliation.
- 2) **Notifications to Complainant.** The complainant shall be informed of C's policy against retaliation.

**Sexual violence complaints.** If a formal investigation is initiated on a matter involving sexual violence, the Title IX/EO Officer or his/her designee shall send an initial notification to both the complainant and respondent simultaneously that the matter is under investigation. Both the complainant and respondent shall be informed of their rights during the investigative and disciplinary processes, including Board Policy 6115, this procedure, as well as WVC's policy against retaliation. The complainant must also be apprised of additional rights including:

- A) Options to avoid contact with respondent.
- B) Procedures to follow to preserve evidence of the alleged incident and seek medical treatment.
- C) Who will receive a report of the complaint.
- D) Right to file a criminal complaint as detailed in AP6115 Section 5.0 and notification that he/she is not required to file a criminal complaint with local law enforcement.
- E) A list of resources for obtaining protection, no contact, restraining, or similar orders, if applicable.
- F) A list of existing on and off campus counseling, mental health, victim advocacy legal assistance, or other victim services available for victims on-campus and in the community.
- G) The procedures WVC will follow to determine if discipline is appropriate.
- H) Steps WVC will take to ensure confidentiality and the limits this may place on WVC's ability to investigate and respond, as set forth above.
- I) A list of options and resources to assist the complainant regarding academic, living, transportation and working situations; and
- J) Information about WVC's policy against retaliation and how the complainant should report retaliation or new incidents.

### ***Interim Measures***

**Interim measures.** Following receipt of a complaint the Title IX/EO Officer may determine whether immediate interim measures are necessary to protect the complainant prior to the completion of the investigation and the resolution of the complaint. Interim measures may include, but are not limited to, separating the respondent from the complainant, adjusting schedules, placing an employee on administrative leave, providing counseling and/or taking action per Chapter 132R-04 WAC. If it appears that such interim measures are warranted, the Title IX/EO Officer or designee will coordinate with the appropriate WVC personnel to implement such measures. Following receipt of a complaint the Title IX/EO Officer may determine whether immediate interim measures are necessary to protect the complainant prior to the completion of the investigation and the resolution of the complaint. Interim measures may include, but are not limited to, separating the respondent from the complainant, adjusting schedules, placing an employee on administrative leave, providing counseling and/or taking action per Chapter 132R-04 WAC. If it appears

that such interim measures are warranted, the Title IX/EO Officer or designee will coordinate with the appropriate WVC personnel to implement such measures.

### *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 (or designee) may impose a summary suspension if there is probable 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 disruption of, or interference with, the operations of the college.
  - 3) Notice. Any respondent who has been summarily suspended shall be served with written notice or oral notice of the summary suspension at the time 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 Proceedings" and shall include:
    - a) The reasons for imposing the summary suspension, including 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 chair of the student disciplinary committee 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 his or her 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 with the student conduct officer or designee, or to attend a disciplinary hearing.
- (5)(a) The conduct review officer or designee shall conduct a hearing on the summary suspension as soon as practicable after imposition of the summary suspension. The hearing will be conducted as a brief adjudicative proceeding.
- b) 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.
  - c) 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.
  - d) If the notice of summary suspension proceedings has been served upon the respondent in accordance with these rules and 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.
  - e) As soon as practicable following the hearing, the conduct review officer shall issue a written decision, which shall include a brief statement of findings of fact and conclusions of law, the policy reasons justifying imposition of the summary suspension. If summary suspension is upheld and/or other discipline imposed, the order shall inform the respondent of the duration of the summary suspension or the nature of the disciplinary action(s), conditions under which the summary suspension may be terminated or modified, and procedures by which the order may be appealed.

- f) The interim suspension shall not replace the regular discipline process, which shall proceed as quickly as feasible in light of the interim suspension.
  - g) To the extent permissible under applicable law, the conduct review officer shall provide a copy of the decision to all persons or offices whom may be bound or protected by it.
- (6) In cases involving allegations of sexual misconduct, the complainant will 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.

*Title IX No-Contact Order*

A college-issued no-contact order (NCO) is an interim protective measure for complainants, meaning that it can be issued even in cases where a respondent has not been found formally responsible for violating college policy. The NCO will usually state that the college has received a report stating that the respondent may be in violation of college policy. Therefore, the college must have good cause to issue an NCO, but does not need to have finished a formal investigation. In fact, an NCO can be issued for a complainant even if no formal investigation has begun. The NCO may state that the respondent is prohibited from contacting the complainant:

- in person
- by phone (including text messages)
- voicemail
- via third party
- notes, letters, or other written communication
- by email or internet messenger or any other internet-based communication

The NCO will usually be in the form of a letter which the respondent must sign. The NCO will state that any violation will result in formal disciplinary action. Survivors should be aware, however, that disciplinary action usually refers to the beginning of a formal investigation through the college rather than immediate suspension or arrest. If a complainant desires more immediate consequences for the breaking of a NCO, he/she may want to seek a civil NCO/restraining order through local law enforcement (see below). A college NCO may be an alternative for those who do not want to see the respondent in court in order to have some protection. A complainant may still be able to call Campus Safety under a college NCO if a respondent approaches him/her in person or will not leave an area. The complainant should ask the person who issues the NCO to explain school policy on what to do if he/she is approached. It is the choice of the complainant to report suspected contact to the college's Title IX coordinator after the NCO is issued.

*Civil or Criminal Court No-Contact Orders*

A complainant may also seek a protection order through Chelan County District Court (401 Washington St. Wenatchee, WA 98801). Such orders may prohibit the respondent from contacting or harassing a complainant. To seek assistance with requesting a court order, contact New Hope Domestic Violence and Sexual Assault Services, or you can file your request yourself at the Grant County Clerk's Office, 35 C St NW, Ephrata, Wash. 98823.

Depending on the circumstances, the options include:

**1. Domestic Violence Protection Order**

- e. This is a civil order from the court issued at the request of a person claiming to be the victim of domestic violence.
- f. Who may obtain the order:
  - i. An adult who fears violence from a family or household member, or who has been the victim or physical harm, or who fears imminent physical harm or stalking from a family or household member (includes dating relationship).

- ii. Minors under 16 must seek the order through a parent or guardian.
- iii. Petitioners 13 years old or over may petition for self if respondent is 16 or over and person has been victim of violence in a dating relationship.
- iv. Petitioners 16-18 may seek the order on their own.
- g. Consequences of order is knowingly violated:
  - i. Mandatory arrest; Possible criminal charges or contempt; Class C felony if assault or reckless endangerment, otherwise Gross Misdemeanor
- h. Duration of order:
  - i. If there is an emergency, a temporary order for up to 14 days may be issued. A hearing will be set within 14 days and the Respondent will be given notice of the hearing. At the hearing the court will designate the length of the order, from one year to permanent.

## **2. Sexual Assault Protection Order**

- a. This is a civil or criminal court order issued in the context of pending criminal action, or as a condition of sentence.
- b. Who may obtain the order?
  - i. A person who does not qualify for a Domestic Violence Protection Order and is a victim of nonconsensual sexual conduct or penetration, including a single incident.
  - ii. Minors underage of 16 must seek the order through a parent or guardian
  - iii. The court may issue an order on behalf of victims of sex offenses when criminal charges are filed.
- c. Consequences of order is knowingly violated:
  - i. Mandatory arrest:
  - ii. Possible criminal charges or contempt:
  - iii. Class C felony if assault or reckless endangerment, otherwise Gross Misdemeanor
- d. Duration of order
  - i. Temporary order may be filed for up to 14 days.
  - ii. Court will designate the length of the order (up to two years for civil; potentially longer for criminal)

## **3. No-Contact Order**

- a. This order is part of a criminal action. After an arrest for domestic violence, in Washington State, a No-Contact Order may be issued as a condition of release. These orders may be issued regardless of whether you share housing or children and may cause hardship.
- b. Who may obtain the order?
  - i. The incident must have been reported to the police and criminal charges must be pending.
  - ii. The court will decide whether to issue this order when it decides whether the accused will be released on bail or personal recognizance, or when the accused is arraigned or being sentenced.
- c. Consequences of order is knowingly violated:
  - i. Mandatory arrest: release pending trial may be revoked.
  - ii. Felony if any assault, reckless endangerment or drive-by-shooting, otherwise Gross Misdemeanor.
- d. Duration of order
  - i. This order is intended to protect the victim until the case is resolved.
  - ii. The order may be dismissed or modified by the court during proceedings, or may be continued by the court after the case is resolved.



- iii. The alleged victim does not control whether the order remains in place but must support it if the order is to be lifted.

#### **4. Restraining Order**

- a. This is a civil order, generally filed in the context of an existing family law case, such as a pending dissolution or child custody case (RCW 26.09, 26.10, 26.26).
- b. This type of order is broader than a Domestic Violence Protection order because it may deal with property issues, child support, spousal support, as well as domestic violence and temporary custody issues.
- c. Who may obtain the order?
  - i. Petitioner who is married to Respondent or has a child in common.
- d. Consequences of order is knowingly violated:
  - i. Mandatory arrest; Gross Misdemeanor; Possible criminal charges or contempt
- e. Duration of order
  - i. Temporary Restraining Order lasts 14 days.
  - ii. Restraining Order in final decree is permanent unless modified.

#### **5. Anti-Harassment Order**

- a. This is a civil order issued for a person claiming any type of harassment and when a person does not qualify for a Domestic Violence Protection Order. These orders are commonly filed in neighbor disputes and other disputes that don't involve a domestic relationship (RCW 10.14)
- b. Who may obtain the order?
  - i. A person alleging harassment, who has been seriously alarmed, annoyed, or harassed by conduct which serves no legitimate or lawful purpose.
  - ii. The course of conduct shall be such as would cause a reasonable person to suffer substantial emotional distress.
  - iii. The parties generally are not married, have not lived together, and have no children in common.
- c. Consequences of order is knowingly violated:
  - i. Gross Misdemeanor
  - ii. Discretionary arrest with possible criminal charges or contempt.
- d. Duration of order
  - i. Temporary order may be up to 14 days.
  - ii. The Anti-Harassment Order may then carry a duration of 1 year or permanent, as determined by the court.

#### **6. Stalking Protection Order vs Stalking No-Contact Order**

- a. Stalking Protection Order is civil; Stalking No-Contact Order is criminal, in the context of pending criminal action.
- b. Who may obtain the order?
  - i. A person may file a Stalking Protection Order if they are the victim of any stalking conduct (RCW 9A.46.110).
  - ii. Parent or guardian may petition on behalf of any minor.
  - iii. A petitioner 16 years and older may file for themselves and is not required to have a guardian to petition on their behalf. Interested person(s) may petition on behalf of a vulnerable adult.
  - iv. For a Stalking No-Contact Order, an incident must have been reported to the police and stalking related criminal charges must be pending. The court may issue the order.
- c. Consequences of the order is knowingly violated.

- i. For both stalking related orders, consequences for violation include mandatory arrest, possible criminal charges or contempt, Class C felony if assault or reckless endangerment, otherwise Gross Misdemeanor
- d. Duration of order
  - i. Stalking Protection Order
    - 1. 14 days for a temporary order.
    - 2. Stalking Protection Order duration is then determined by the court for a fixed period or permanent.
  - ii. Stalking No-Contact Order
    - 1. 5 years for a final Stalking No-Contact Order

### *Safety Action Plan*

A complainant may meet with Campus Safety to develop a Safety Action Plan, which is a plan for campus officers and the complainant to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, or changing classroom location.

To the extent of the complainant’s cooperation and consent, WVC will work cooperatively to ensure that the complainant’s health, physical safety, work and academic status are protected, pending the outcome of a formal college investigation of the complaint. For example, if reasonably available, a complainant may be offered changes to academic, living, or working situations in addition to counseling, health services and assistance in notifying appropriate local law enforcement.

### *Informal Resolution*

**WAC 132R-04-103, (2)(a) Supplemental sexual misconduct procedures.** Informal dispute resolution shall not be used to resolve sexual misconduct 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.

**Informal dispute resolution<sup>49</sup>.** Informal dispute resolution may be utilized where both the complainant and respondent agree to do so in writing. If appropriate, informal dispute resolution will include the involvement of a WVC representative such as a counselor, a trained mediator, or an instructor or administrator. 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 misconduct.

### *Outcomes of Informal Resolution*

**Disclosure of student discipline** Consistent with the requirements of 20 U.S.C. §1092(f)(8)(B)(iv), the Title IX/EO or designee will simultaneously provide each party with written notice of the investigative findings and of actions taken or recommended to resolve complaints Consistent with the requirements of 20 U.S.C. §1092(f)(8)(B)(iv) if employee discipline related to a crime of violence or sexual assault, including rape, dating violence, domestic violence or stalking, subject to the following limitations. WVC is required to provide the complainant and the accused with simultaneous written notice of the outcome, the appeal procedures for the complainant and respondent to appeal the decision. The complainant shall be informed in writing 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 complaint, such as finding that the complaint is or is not meritorious or an order that the accused 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 any referrals for disciplinary action. Both the complainant and the respondent are entitled to review any

final findings, conclusions, and recommendations, subject to any FERPA confidentiality requirements and to notice of appeal procedures, if any. Both the complainant and respondent are also entitled to notice of any change to the results that occur prior to the results becoming final, and when such results become final. Further, information contained in a record which directly relates to the complainant, such as an order requiring the employee harasser to not contact the complainant, will be disclosed to the complainant.

**Disclosure of employee discipline.** Consistent with the requirements of 20 U.S.C. §1092(f)(8)(B)(iv) if the discipline relates to sexual assault, dating violence, domestic violence or stalking, WVC is required to provide the complainant and the accused with simultaneous written notice of the outcome of the institutional disciplinary hearing, the appeal procedures for the complainant and respondent to appeal the decision, any change to the results that occur prior to the results becoming final, and when such results become final. Further, information contained in a record which directly relates to the complainant, such as an order requiring the employee harasser to not contact the complainant, will be disclosed to the complainant.

**Disclosures regarding volunteers, guests, and contractors.** WVC will notify the complainant of any actions it takes which relate directly to the complainant, such as a No Trespass Order prohibiting the volunteer, guest or contractor from being on campus. Additionally, if the matter involves a crime of violence or sexual assault, including rape, dating violence, domestic violence or stalking, WVC may elect to terminate the contract or license for the individual to be on campus. WVC will provide the complainant and the respondent with simultaneous written notice of such decisions; advisement of appeal procedures, if any; any change to the results that occur prior to the results becoming final; and when such results become final.

### ***Election of Formal Resolution***

Except in cases where a Formal Resolution hearing has already been denied for not meeting the threshold, as set forth in Section above, the College, Reporting Party, or the Responding Party may, at any time prior to the conclusion of the Informal Resolution, elect to end such proceedings and initiate Formal Resolution instead. In such cases, statements or disclosures made by the parties in the course of the Informal Resolution may be considered in the subsequent Formal Resolution.

## Policy Name: Student Code of Conduct Procedures

### WENATCHEE VALLEY COLLEGE STUDENT CODE OF CONDUCT

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

1. Intentionally or recklessly endangering, threatening, or causing physical harm to any person or oneself, or intentionally or recklessly causing reasonable apprehension of such harm.
2. Harassment, Bullying, Abuse: No student shall physically, sexually, or emotionally harass, bully, abuse, coerce, intimidate, seriously embarrass, assault, or recklessly endanger any other person (*WVC's Sexual Harassment Policy 000.330 and 000.340.*)
3. Students engaging in any activity which inhibits or interferes with the orderly operation of Wenatchee Valley College or the ability of students and/or college personnel to perform their functions in an orderly environment shall be in violation of disorderly conduct policy and subject to disciplinary action. No Student shall intentionally or recklessly interfere with normal college or college-sponsored activities or any form of emergency services. See college policy 500.450 Violence in the Workplace.
4. Unauthorized entry or use of college facilities, classrooms, or offices.
5. Knowingly violating the term of any disciplinary sanction imposed in accordance with the code.
6. Theft of property, identity, or services; knowing possession of stolen property.
7. Violating college policies or procedures by any student or by the guest of any student.
8. The unlawful (as a matter of local, state, or federal law) possession, use, sale or distribution of any alcoholic beverage or narcotic drug, legend drug, or controlled substance (as defined in Chapter 69.50 RCW), including marijuana, by students on the college campus or at any college-sponsored event, either on or off campus is prohibited. The manufacture, distribution, dispensing, or use of marijuana including medical marijuana on college property or during college sponsored events is prohibited. The college campus and all college-sponsored events are alcohol free unless specifically designated by the college president.
9. Academic dishonesty, including cheating, plagiarism or knowingly furnishing false information to the college.
10. Forgery, alteration or misuse of college documents, records, funds, or instruments of identification.
11. Refusal to comply with the direction of college officials acting in the legitimate performance of their duties.
12. Unauthorized possession of or use of any gun (including shotguns, rifles, pistols, air guns and pellet guns), firearms, licensed or unlicensed, or other dangerous weapons or instruments. Exception to this policy is permitted when the weapon is in conjunction with an approved college instructional program or is carried by a duly commissioned law enforcement officer as prescribed by law. See college policy 000.350 Weapons on Campus.

13. Failure to comply with the college's Technology Acceptable Use Policy, WAOL Memorandum of Understanding, and/or misuse of computing equipment, services and facilities, including use of electronic mail and the Internet.
14. Ethics Violation: the breach of any generally recognized and published code of ethics or standards of professional practice that governs the conduct of a particular trade, skill, craft or profession for which the student is taking courses or is pursuing as his/her educational goal or major. These ethics codes must be distributed to students as part of an educational program, course or sequence of courses and the student must be informed that a violation of such ethics codes may subject the student to disciplinary action by the college.
15. Hazing: conspiracy to engage in hazing or participation in hazing another. Hazing shall include any method of initiation into a student organization or living group, or any pastime or amusement engaged in with respect to such an organization or living group, that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm to any student or other person attending Wenatchee Valley College. Consent is no defense to hazing. The term does not include customary athletic events or other similar contests or competitions. Hazing is also a misdemeanor, punishable under state law.
16. Initiation violation: conduct associated with initiation into a student organization, association or living group, or any pastime or amusement engaged in with respect to an organization, association or living group not amounting to a violation of under the definition of hazing. Conduct covered by this definition may include embarrassment, ridicule, sleep deprivation, verbal abuse or personal humiliation. Consent is no defense to initiation violation.
17. Animals, with the exception of service animals, are not allowed on or in college facilities. All services animals on campus shall be under direct physical control, leashed by their owner or custodian and registered with the Special Populations Coordinator.
18. Gambling: any form of gambling is prohibited.

## **CIVIL DISTURBANCES**

In accordance with provision contained in RCW 28B.10.571 and 28B.10.572:

1. It shall be unlawful for any person, singly or in concert with others, to interfere by force or violence with any administrator, faculty member or student of the college who is in the peaceful discharge or conduct of his/her duties or studies. See college policy 500.450 Violence in the Workplace.
2. The college prohibits acts of intimidation as well as actual or threatened violence against co-workers, students, visitors, or any other persons who are on campus or college employees in the course of their duties. The prohibited acts include behavior that interferes with an individual's legal rights of movement, or expression, disrupts the workplace, the academic environment or the college's ability to provide service to the public. See college policy 500.450 Violence in the Workplace.
3. The crimes described in RCW 28B.10.571 and 28B.10.572 shall not apply to any administrator or faculty member who is engaged in the reasonable exercise of their disciplinary authority.
4. Any person or persons who violate the provisions of subsections (1) and (2) of this section will be subject to disciplinary action and referred to the authorities for prosecution.

## **STUDENT BEHAVIORAL DISCIPLINARY PROCEDURES**

### **PURPOSE OF THE DISCIPLINARY SYSTEM**

This code of student conduct protects the unique and diverse community of Wenatchee Valley College. Disciplinary action is to guide and redirect an offending student toward a productive career as a learner and

as a citizen, and to eliminate from the academic environment a student who has demonstrated flagrant disregard of the college's values and traditions and whose conduct constitutes a disruptive influence upon learning. Admission to the college carries with it an expectation that the student will obey appropriate laws, will comply with the policies and procedures of the college, and will maintain a high standard of integrity and honesty. If a student does not accept these responsibilities, corrective action must be taken which may include suspension or expulsion. The procedures outlined herein are intended to ensure a student a fair and impartial hearing. Student disciplinary proceedings are not considered a case for criminal law nor are disciplinary hearings considered courtroom procedures. They are used by WVC toward assurance of a fair judgment for the student through complete case information, opportunity to be heard, opportunity for friendly counsel, and such safeguards of rights as may be easily understood by educators, laymen, and students who have mutual confidence in one another. The college will impose and carry out sanctions for conduct that interferes with the operation of the college. The college may impose sanctions independently of any action taken by civil or criminal authorities. In the case of minors, misconduct may be referred to parents or legal guardians.

### ***JURISDICTION AND AUTHORITY FOR STUDENT DISCIPLINE***

All rules in this section concerning student conduct and discipline apply to every student admitted/enrolled at the college whenever the student is engaged in or present at a college-related activity whether occurring on or off college facilities.

The board of trustees, acting pursuant to RCW 28B.50.140(14), has delegated by written order to the president of the college the authority to administer disciplinary action. Pursuant to this authority, the president, or designee, shall be responsible for the administration of the disciplinary procedures provided for herein. However, the president, acting president or designee shall review all disciplinary action in which there is a recommendation that a student be suspended or dismissed.

### ***DISCIPLINARY PROCESS***

#### ***Disciplinary Complaint Procedure***

When a student's behavior disrupts the learning environment or there has been an infraction of college policy or procedure, any college employee or student may file an incident report with the chief student conduct officer or designee. The report will provide the name of the accused student or individual, detail the alleged violation, and have the signature of the person filing the report. The report form is available at the WVC website ([www.wvc.edu/behavioralintervention](http://www.wvc.edu/behavioralintervention)), WVC counseling office and WVC administration offices. Allegations of violations of disciplinary rules or other college regulations shall be referred to the WVC student conduct officer or designee for investigation. That official shall then follow the appropriate procedures for any disciplinary action which he or she deems necessary relative to the alleged misconduct.

The purpose of the investigation is to gather additional information, interview witnesses, and to decide whether there is sufficient evidence to charge a student with a violation of college disciplinary rules.

After the initial investigation is complete, the student conduct officer or designee may:

1. Take no action.
2. Take administrative action to counsel, advise, or admonish the student.
3. Take disciplinary action.

### *Student Protections and Rights*

1. Notice of the allegations or charges.
2. The right to a fundamentally fair hearing that allows students to prepare a defense, have an advisor, present witnesses and other evidence.
3. A written summary of the results and findings of the hearing.

### *Burden of Proof*

A preponderance of the evidence is used in the evaluation of student disciplinary cases. The criminal law burden of “beyond a reasonable doubt” is not applicable to these procedures. Should charges against the student also constitute violations of criminal law, the findings of a disciplinary investigation should not be viewed as meeting the standards of a criminal proceeding. In questions of disputed issues of credibility, the college disciplinary officer, or panel, is charged with making the final decision on the basis of rational evaluation of the evidence.

If the student concludes that any sanctions imposed are inappropriate, the student must provide a written appeal specifically outlining the reasons the sanctions may be inappropriate to the discipline review board.

The president of the college or his/her designee, after reviewing the case, may reverse, sustain or modify any sanctions. The decision of the president or designee is final.

## **PROCEDURES FOR RESOLVING DISCIPLINARY VIOLATIONS**

- The chief student services officer or designee is responsible for initiating disciplinary proceedings. The chief student services officer or designee may delegate this responsibility to members of his/her staff and may establish committees or other hearing bodies to advise or act in disciplinary matters.
- In order that any informality in disciplinary proceedings does not mislead a student as to the seriousness of the matter under consideration, the student involved shall be informed at the initial conference or hearing of the sanctions that may be involved.
- Upon initiation of formal disciplinary proceedings, the chief student services officer or designee shall provide written notification to the student, either in person or by delivery via regular mail to the student’s last known address, specifying the violations with which the student is charged. The chief student services officer or designee shall set a time and place for meeting with the student to inform the student of the charges, the evidence supporting the charges, and to allow the student an opportunity to be heard regarding the charges and evidence.
- After considering the evidence in a case and interviewing the student or students involved, the chief student services officer or designee may take any of the following actions:
  - i. Terminate the proceeding, exonerating the student or students.
  - ii. Dismiss the case after whatever counseling and advice may be appropriate, not subject to the appeal rights provided in this code.

- iii. Dismiss the case after verbally admonishing the student, not subject to the appeal rights provided in this code.
- iv. Direct the parties to make a reasonable attempt to achieve a mediated settlement.
- v. Impose disciplinary sanctions directly, subject to the student's right of appeal as described in this section. The student shall be notified in writing of the action taken except that disciplinary warnings may be given verbally.
- This section shall not be construed as preventing the appropriate official from summarily suspending a student.
- If the chief student services officer or designee has cause to believe that any student:
  - i. Has committed a felony, or
  - ii. Has violated any provision of this section and
  - iii. Presents an imminent danger either to self, other persons, or to the educational process, that student will be summarily suspended and will be notified by regular mail at the student's last known address or be personally served.

### **SUMMARY SUSPENSION**

Summary suspension is appropriate only where (6.c) of this subsection can be shown, either alone or in conjunction with (6.a) or (6.b) of this subsection.

- a. During the summary suspension period, the suspended student shall not enter campus other than to meet with the chief student services officer or designee or to attend the hearing. However, the chief student services officer or designee or the college president may grant the student special permission to enter a campus for the express purpose of meeting with employees or students in preparation for a probable cause hearing.
- b. When the president or his/her designee exercises the authority to summarily suspend a student, he/she will inform the student by registered or certified mail at the student's last known address, or by serving notice upon that student. The notice shall be entitled "notice of summary suspension proceedings" and shall state:
  - i. The charges against the student including reference to the provisions of the student code or the law involved, and
  - ii. That the student charged must appear before the designated disciplinary officer at a time specified in the notice for a hearing as to whether probable cause exists to continue the summary suspension. The hearing shall be held within five days after the summary suspension.
- c. The summary suspension hearing shall be considered an emergency adjudicative proceeding. The proceeding must be conducted within five days with the chief student services officer or designee presiding. At the summary suspension hearing, the chief student services officer or designee shall determine whether there is probable cause to believe that continued suspension is necessary and/or whether some other disciplinary action is appropriate.
- d. If the chief student services officer or designee, following the conclusion of the summary suspension proceedings, finds that there is probable cause to believe that:
  - i. The student has committed one or more violations of law or provisions of this section, and
  - ii. That summary suspension of said student is necessary for the protection of the student, other students or persons on college facilities, college property, the educational process, or to restore order to the campus, and



- iii. Such violation or violations of the law or of provisions of this section constitute grounds for disciplinary action, then the chief student services officer or designee may, with the written approval of the president, continue to suspend such student from the college and may impose any other disciplinary action as appropriate.
- e. A student who is suspended or otherwise disciplined shall be provided with a written copy of the chief student services officer or designee's findings of fact and conclusions, and president's express agreement, which constituted probable cause to believe that the conditions for summary suspension existed. The student suspended under this rule shall be served a copy of the notice of suspension in person or by registered mail to said student's last known address within three working days following the conclusion of the summary suspension hearing. The notice of suspension shall state the duration of the suspension or nature of other disciplinary action and the conditions under which the suspension may be terminated.
- f. The chief student services officer or designee is authorized to enforce the suspension of the summarily suspended student in the event the student has been served the notice requirement and fails to appear at the time designated for the summary suspension proceeding.
- g. Any student aggrieved by an order issued at the summary suspension proceeding may appeal through written copy to the discipline review board. No such appeal shall be entertained, unless:
  - v. The student has first appeared at the student hearing in accordance with subsection (7.c) of this section.
  - vi. The student has been officially notified of the outcome of the hearing.
  - vii. Summary suspension or other disciplinary sanction has been upheld, and
  - viii. The appeal conforms to the standards set forth in WAC 132W-109. The discipline review board shall, within five working days, conduct a formal hearing in the manner described in WAC 132W-109.

### ***VIOLATIONS OF LAW AND COLLEGE REGULATIONS***

Students may be accountable both to civil authorities and to the college for acts that constitute violations of law and of this code. Disciplinary action at the college will normally proceed even if criminal proceedings are pending and will not be subject to challenge on the grounds that criminal charges involving the same incident have been dismissed or reduced.

Definitions, when used in the code:

- i. The term "aggravated violation" means a violation that resulted or foreseeably could have resulted in significant damage to persons or property, or which otherwise posed a substantial threat to the stability and continuance of normal college or college sponsored activities.
- ii. The term "group" means persons who are associated with each other but who have not complied with college requirements for registration or organization.
- iii. The terms "institution" and "college" mean Wenatchee Valley College and all of its areas, elements, programs and college related activities.
- iv. The term "reckless" means conduct that one should reasonably be expected to know would create a substantial risk of harm to persons or property or that would otherwise be likely to result in interference with normal college operations and/or college sponsored activities.

- v. The term “student” means any person who is enrolled at the college and for whom the college maintains current educational records, as defined by the Family Rights and Privacy Act of 1974, and related regulations.
- vi. The term “college facilities” means buildings, grounds, or technology owned, leased, operated, controlled or supervised by the college, including all appurtenances affixed thereon or attached thereto.
- vii. “Board” means the board of trustees of Wenatchee Valley College.
- viii. “Liquor” means the definition of liquor as contained within RCW 66.04.010.
- ix. “Drugs” means a narcotic drug as defined in RCW 69.50.101, a controlled substance as defined in RCW 69.50.201 through 69.50.212, or a legend drug as defined in RCW 69.41.010.
- x. “President” means the chief executive officer of the college appointed by the board of trustees.
- xi. “Disciplinary action” means the warning, reprimand, summary suspension, suspension and/or expulsion, probation of a student for the violation of a rule adopted under this policy.

### ***STUDENT PARTICIPATION***

Students will participate in college matters pursuant to these procedures.

### ***DEMAND FOR IDENTIFICATION***

For the purpose of determining whether probable cause exists for any application of this code to any behavior occurring on a college facility, college personnel, WVC security or other authorized personnel may demand that evidence of student enrollment at the college be produced which can include WVC student identification or other picture identification.

### ***FREE MOVEMENT ON CAMPUS***

The president or designee is authorized in the instance of any event that he or she deems impedes the movement of persons or vehicles or which he or she deems to disrupt the ingress or egress of persons from the college facilities, to prohibit the entry of, or withdraw the license of, or privileges of, a person or persons or any group of persons to enter onto or remain upon any portion of the college facility.

No person or persons may disrupt the ingress or egress of other persons from college facilities. The president or designee is authorized to prohibit or remove from college facilities any person who disrupts ingress or egress therein.

### ***THE DISCIPLINE REVIEW BOARD (DRB) AND SERIOUS DISCIPLINARY VIOLATIONS***

The Wenatchee Valley College Disciplinary Review Board (DRB) is a committee that hears appeals related to sanctions imposed on a student, including a suspension or expulsion, due to inappropriate behavioral conduct or actions. The DRB does not review cases that are related to academic/ instructional issues such as plagiarism, cheating or other non-behavioral classroom conduct. The committee’s role is to hear and make a determination on an appeal submitted by a student and may include interviewing witnesses, counselors or other parties who may provide information necessary in order to make a decision. The DRB will determine if the suspension should be revoked, upheld, or revised.

The committee will hear appeals only after a thorough investigation has been done to substantiate student sanctions. The committee is authorized to review incident and investigation reports, question witnesses and consult with the Office of the Attorney General for legal advice if needed. The DRB can recommend to the president a change of terms to the suspension but cannot directly change those terms. The DRB decision/recommendation is final and cannot be changed by the administration. If the DRB approves the suspension, the student has the right to appeal the decision by following the protocol in the Student Handbook.

The Disciplinary Review Board is not a standing committee and convenes only needed.

The DRB, convened by the chief student services officer or designee for serious disciplinary violations, will hear and make recommendations on all disciplinary cases referred to it or appealed to it by students. The hearing body will be composed of the following persons:

- i. The committee chair is the chief student services officer or Risk Advisory Team chairperson or president's designee.
- j. Faculty representative(s) will generally be a member of the Risk Advisory Team (RAT) appointed by the RAT chairperson or RAT membership or college president. Other faculty members could be called upon to serve on the committee if need but would be selected by the president or designee.
- k. Other college personnel as needed to provide a broad representation of the college campus.
- l. The chairperson of DRB or college president or designee has discretion whether to assign a student representative to serve on the DRB. If an appeal is a Title IX issue, the Title IX investigator will not serve on the DRB. If any member of the DRB is unable to provide a non-biased opinion due to a conflict of interest, that member will be excused from the DRB. In these cases, the DRB chairperson or college president or designee will choose a replacement. The Attorney General Representative will be available for consulting purposes if needed but will not be a member of the board.

The DRB chairperson is responsible for setting the time and place for hearings and ensures that hearings take place in a fair and timely manner. The chairperson would be responsible to make sure the DRB adheres to and follows procedural guidelines as written in the Student Handbook under the section titled "Student Disciplinary Procedures."

None of the above-named persons shall sit on any case in which he or she has been or will be a complainant or witness, in which he or she has a direct or personal interest, or in which he or she has acted previously in an advisory or official capacity. The entire DRB membership shall make decisions regarding eligibility according to this section, including the selection of alternate committee members.

The committee may recommend in writing to the chief student services officer or designee that the student involved:

- m. Be exonerated with all proceedings terminated and with no sanctions imposed.
- n. Be disqualified from participation in any school-sponsored athletic events or activities.
- o. Be given a disciplinary warning.
- p. Be given a reprimand.
- q. Be placed on disciplinary probation.
- r. Be responsible for restitution for damages resulting from the violation.
- s. Be given a suspension.
- t. Be expelled.

## **PROCEDURAL GUIDELINES FOR HEARINGS INVOLVING SERIOUS DISCIPLINARY VIOLATIONS**

1. The committee chair shall set the time, place and available seating capacity for a hearing.
2. All committee proceedings will be conducted with reasonable dispatch and terminated as soon as fairness to all parties involved permits.
3. The committee chair shall enforce general rules of procedures for conducting hearings consistent with these procedural guidelines.
4. The student shall be given notice of the date, time and place of the hearing, the charges, a list of witnesses who will appear, and a description of any documentary or other physical evidence that will be presented at the hearing. This notice shall be given to the student in writing and shall be provided in sufficient time to permit him/her to prepare a defense.
5. The student or his/her representative shall be entitled to hear and examine the evidence against him or her and be informed of the identity of its sources and shall be entitled to present evidence in his or her own behalf and question witnesses as to factual matters. The student shall be able to obtain information or to request the presence of witnesses or the production of other evidence relevant to the issues at the hearing.
6. Committee hearings may be held in closed session at the discretion of the council, the only exception being when the student involved invites particular person(s) or requests an open hearing. If at any time during the conduct of the hearing invited person(s) are disruptive of the proceedings, the committee chair may exclude such persons from the hearing room.
7. Only those matters presented at the hearing, in the presence of the student involved, will be considered in determining whether the student is guilty of the misconduct charged, but the student's past record of conduct may be considered in formulating the committee's recommendation for disciplinary action.
8. The failure of a student to cooperate with the hearing procedures, however, shall not preclude the committee from making its findings of fact, reaching conclusions and imposing sanctions. Failure of the student to cooperate may be taken into
9. consideration by the committee in recommending penalties.
10. The student may be represented by counsel and/or accompanied by an adviser of his/her choice. If counsel is present for the student, the college may also have counsel present to assist the council. If the student intends to use an attorney, he or she must notify the chief student services officer or designee five days in advance of the formal hearing.
11. An adequate summary of the proceedings will be kept. As a minimum, such summary would include a tape recording of testimony. Such a record will be available for inspections and copying in the office of the chief student services officer or designee during regular business hours.
12. The student will be provided with a copy of the findings of fact and the conclusions of the committee.
13. If the council's proceedings were to hear a disciplinary matter pursuant to the request of the chief student services officer, the council's recommendation shall be forwarded to the chief student services officer or designee for disposition of the matter.
14. The chief student services officer or designee shall notify the student of his or her decision.
15. The student will be advised of his/her right to present to the president, within ten (10) calendar days, a written statement of appeal speaking specifically to the decision made to the president of the college before action is taken on the decision of the committee.
16. The president of the college or his/her designated representative shall, after reviewing the case, sustain the decision, give directions as to what other disciplinary action shall be taken by modifying its decision or nullify previous sanctions imposed by reversing the decision. The president or designee shall then notify in writing the chief student services officer or designee, the student, and the committee. The president's decision shall be final.

## **DISCIPLINARY TERMS**

The definitions set forth in this section apply throughout.

1. Disciplinary warning means oral or written notice of violation of college rules.
2. Reprimand means formal action after censuring a student for violation of college rules for failure to satisfy the college's expectations regarding conduct. Reprimands are made in writing to the student by the disciplinary official. A reprimand indicates to the student that continuation or repetition of the specific conduct involved, or other misconduct will result in one or more serious disciplinary actions described below.
3. Disciplinary probation means formal action placing conditions upon the student's continued attendance because of violation of college rules or failure to satisfy the college's expectations regarding conduct. The disciplinary official placing the student on probation will specify, in writing, the period of probation and the conditions, such as limiting the student's participation in extracurricular activities. Disciplinary probation warns the student that any further misconduct will automatically raise the question of dismissal from the college. Disciplinary probation may be for a specified term or for an indefinite period which may extend to graduation or other termination of the student's enrollment in the college.
4. Summary suspension means temporary dismissal from the college and temporary termination of a student's status for a period of time not to exceed ten (10) days which occurs prior to invocation of the formal hearing procedures specified in these rules due to a necessity to take immediate disciplinary action, where a student presents an imminent danger to the college property, or to himself or herself or other students or persons in college facilities on or off campus, or to the educational process of the college.
5. Suspension means temporary dismissal from the college and temporary termination of student status for violation of college rules or for failure to meet college standards of conduct.
6. Expulsion means dismissal from the college and termination of student status for violation of college rules or for failure to meet the college standards of conduct for an indefinite period of time or permanently.
7. Restitution means repayment to the college or to an affected party for damages resulting from a violation of this code.

### **LOSS OF ELIGIBILITY IN COLLEGE ACTIVITIES AND ATHLETICS**

Any student found to have violated the standards of student conduct or chapter 69.41 RCW, shall, in lieu of or in addition to, any other disciplinary action which may be imposed, be disqualified from participation in any school-sponsored athletic events or activities.

### **STUDENT GROUPS AND ORGANIZATIONS**

Student groups and organizations may be charged with violations of the Student Code of Conduct (see policy 400.110 and procedure 1400.110).

1. A student group or organization and its officers may be held collectively and individually responsible when violations of this code by those associated with the group or organization have received the consent or encouragement of the group or organization or of the group's or organization's leaders or officers.
2. The officers or leaders or any identifiable spokesperson for a student group or organization may be directed by college officials to take appropriate action designed to prevent or end violations of this code by the group or organization. Failure to make reasonable efforts to comply with college officials' order shall be considered a violation of this code, by the officers, leaders or spokesperson for the group or organization and by the group or organization itself.
3. Sanctions for group or organization misconduct may include revocation or denial of registration or recognition as well as other appropriate sanctions.

#### **4. APPEALS**

1. Disciplinary actions subject to appeal as specified in board policy may be appealed as described below. Notice of an appeal by a student shall be made in writing and addressed to the chief student services officer or designee within ten (10) calendar days of the college's giving of the notice of the disciplinary action.
2. Disciplinary action by a faculty member or other college staff member may be appealed to, and shall be reviewed by, the chief student services officer, chief instructional officer, or designee.
3. Academic related disciplinary action by the appropriate disciplinary official may be appealed to, and shall be reviewed by, the academic regulations committee. Behavioral related disciplinary action by the appropriate disciplinary official may be appealed to, and shall be reviewed by, the discipline review board.
4. Academic related disciplinary recommendation by the academic regulations committee and subsequent action by the chief student services officer, chief instructional officer, or designee, may be appealed to, and shall be reviewed by, the college president or his/her designee. Behavioral related disciplinary recommendation by the discipline review board and subsequent action by the chief student services officer or designee, may be appealed to, and shall be reviewed by, the college president or his/her designee.
5. Disciplinary action by the president shall either indicate approval of the conclusions by sustaining the decision or shall give directions as to what other disciplinary action shall be taken by modifying the decision or shall nullify previous sanctions imposed by reversing its decision. The president's decision shall be final.

#### **TRANSCRIPT NOTATIONS**

The chief student services officer or designee may place a temporary encumbrance on a student's college records while disciplinary proceedings are pending. Permanent notation of disciplinary action will be made on the transcript whenever a student is dismissed for misconduct.

#### **REFUNDS AND ACCESS**

1. There shall be no refund of tuition and/or fees for the quarter in which disciplinary action is taken. However, college executives can make exceptions to this policy.
2. A student suspended on the basis of conduct which disrupted the orderly operation of the campus, or any facility of the district may be denied access to all or any part of the campus or other facility.

#### **READMISSION AFTER SUSPENSION OR DISMISSAL**

Any student suspended from the college for disciplinary reasons will normally be readmitted upon expiration of the time period for which the suspension was issued. If the student has been expelled or feels that circumstances warrant reconsideration of a temporary suspension prior to its expiration, or if the student was suspended with conditions imposed for readmission, the student may be readmitted following approval of a written petition submitted to the chief student services officer or designee by the student. Such petition must state reasons which support a reconsideration of the matter. Before readmission may be granted, such petition must be reviewed and approved by the college president or designee.

## **REESTABLISHMENT OF ACADEMIC STANDING**

Students who have been suspended pursuant to disciplinary procedures set forth in this chapter and whose suspension upon appeal is found to have been unwarranted shall be provided the opportunity to reestablish their academic and student standing to the extent possible within the abilities of the college, including an opportunity to retake examinations or otherwise complete course offerings missed by reason of such action.

## **REPORTING, RECORDING AND MAINTAINING RECORDS**

The disciplinary official taking or initiating the action shall keep records of all disciplinary cases. Except in proceedings where the student is exonerated, all documentary or other physical evidence produced or considered in disciplinary proceedings and all recorded testimony shall be preserved, insofar as possible, for not more than three years after resolution of the case. No other records of proceedings wherein the student is exonerated, other than the fact of exoneration, shall be maintained in the student's file or other college repository after the date of the student's graduation or not more than five years.

### ***Formal Resolution, Pre-Hearing Process***

After the Student Conduct Administrator, usually the Title IX Coordinator in such cases, charges a student with a potential violation of policy:

- The Student Conduct Administrator will contact the Reporting Party and Responding Party where applicable, to go over the details of the case and answer any questions concerning the process.
- The Reporting Party and Responding Party will be asked to provide the Student Conduct Administrator with a list of witnesses (if there are any). Those witnesses will be asked to provide statements to Campus Safety. Character witnesses are not permitted as part of the hearing process.
- The Student Conduct Administrator will request the names of the Reporting Party's and Responding Party's advisors. The advisors will be contacted by the Student Conduct Administrator to be certain that they understand their role in the hearing process. It is the student's responsibility to meet with the advisor and to provide the advisor with hearing materials if they so desire.
- The Student Conduct Administrator will be available to speak with the parent(s)/guardian(s) of the Reporting Party and Responding Party to answer any questions about the process. It is the student's responsibility to provide parent(s)/guardian(s) with copies of hearing materials if they desire. This information will not be provided by the Office of Student Rights and Responsibilities, College Life, or Department of Public Safety.

### ***Standard of Evidence***

WVC's standard of evidence that will be used during any institutional disciplinary proceeding is "preponderance of the evidence", which means the offense was "more likely than not to have occurred." In other words, the conduct process asks: "is it more likely than not that the accused student violated the college's Code of Student Conduct?"

### ***Hearing Procedures***

#### ***Brief adjudicative proceedings***

##### **General**

- 1) This rule is adopted in accordance with RCW 34.05.482 through 34.05.494. Brief adjudicative proceedings shall be used, unless provided otherwise by another rule or determined otherwise in a particular case by the president, or a designee, in regard to:
  - a) Parking violations.
  - b) Outstanding debts owed by students or employees.
  - c) Use of college facilities.
  - d) Residency determinations.
  - e) Use of library - Fines.
  - f) Challenges to contents of education records.
  - g) Loss of eligibility for participation in institution sponsored athletic events.
  - h) Student conduct appeals involving the following disciplinary actions:
    - i. Suspensions of ten instructional days or less;
    - ii. Disciplinary probation;
    - iii. Written reprimands; and
    - iv. Any conditions or terms imposed in conjunction with one of the foregoing disciplinary actions.
  - i) Appeals of decisions regarding mandatory tuition and fee waivers.
- 2) Brief adjudicative proceedings are informal hearings designed to resolve disputes and address concerns on the part of students, faculty, or other college personnel. Brief adjudicative proceedings shall be conducted in a manner which will bring about a prompt, fair resolution of the matter.

### **Initial hearing**

- 1) Brief adjudicative proceedings shall be conducted by the student conduct officer. The presiding officer shall not participate in any case in which he or she is a 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 and the student conduct officer. Before taking action, the conduct review officer shall conduct an informal hearing and provide each party (a) an opportunity to be informed of the college's view of the matter and (b) an opportunity to explain the party's view of the matter.
- 3) The conduct review officer shall serve an initial decision upon all the parties within ten business days of consideration of the initial hearing. 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 twenty-one calendar days of service of the initial decision, the initial decision shall be deemed the final order.
- 4) If the conduct review officer upon review determines that the respondent's conduct may warrant imposition of a disciplinary suspension of more than ten instructional days or expulsion, the matter shall be referred to the student disciplinary committee for a disciplinary hearing. The conduct review officer may enter an interim order suspending the student until a hearing can be held by the student disciplinary committee. The interim order shall provide a brief explanation as to facts supporting the interim order of suspension and give the necessary notices that the case has been referred to the student disciplinary committee.

### **Review of an initial decision**

- 1) An initial decision is subject to review by the president or his or her designee, provided the respondent files a written request for review with the conduct review officer within twenty-one calendar days of service of the initial decision.



- 2) The president or designee shall not participate in any case in which he or she is a 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.
- 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 proceedings must be referred to the student disciplinary 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 and must be served on the parties within twenty calendar days of the initial decision or of the request for review, whichever is later. The order 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 reviewing officer does not make a disposition of the matter within twenty calendar days after the request is submitted.
- 5) If the president or designee upon review determines that the respondent's conduct may warrant imposition of a disciplinary suspension of more than ten instructional days or expulsion, the matter shall be referred to the student disciplinary committee for a disciplinary hearing. The president or designee may enter an interim order suspending the student until a hearing can be held by the student disciplinary committee. The interim order shall provide a brief explanation as to facts supporting the interim order of suspension and give the necessary notices that the case has been referred to the student disciplinary committee.

#### **Agency record**

The agency record for brief adjudicative proceedings shall consist of any documents regarding the matter that were considered or prepared by the presiding officer for the brief adjudicative proceeding or by the reviewing officer for any review. These records shall be maintained as the official record of the proceedings.

#### ***Student disciplinary committee***

##### **General**

- 1) The student disciplinary committee shall consist of five members:
  - a) Two full-time students appointed by the student government.
  - b) Two faculty members recommended by the faculty association and appointed by the president.
  - c) The conduct review officer or other member of the administration appointed by the president at the beginning of the academic year.
- 2) The conduct review officer shall serve as the committee chair and may take action on preliminary hearing matters prior to the appointment of the committee. The committee 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 disciplinary committee shall not participate in any case in which they are 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 party may petition the committee for disqualification of a committee member.

#### ***Student disciplinary committee—Hearing***

- 1) The student conduct administrative panel will conduct full adjudicative proceedings in accordance with the provisions of this standards of conduct for students' code, the Administrative Procedure Act (chapter

34.05 RCW), and the model rules of procedure (chapter 10-08 WAC) including a hearing, determination of findings, conclusions, and sanctions. To the extent there is a conflict between the conduct code and the model rules, this student conduct code shall control.

- 2) The committee chair shall serve all parties with written notice of the hearing not less than seven business days in advance of the hearing date. The chair may shorten this notice period if both parties agree, and also may continue the hearing to a later time for good cause.
- 3) The committee chair is authorized to conduct prehearing conferences and/or to make prehearing decisions concerning the extent and forms of any discovery, issuance of protective orders, and similar procedural matters.
- 4) Upon request filed at least five business days before the hearing by either party or at the direction of the committee chair, the parties shall exchange, no later than the third business day prior to the hearing, lists of potential witnesses and copies of potential exhibits that they reasonably expect to present in their respective cases. 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, unless the party can show good cause for such failure.
- 5) The committee chair may provide to the committee members in advance of the hearing copies of (i) the student conduct officer's notification of imposition of discipline (or referral to the committee) and (ii) 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 shall provide reasonable assistance to the respondent, upon request, 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; any improper "ex parte" communication shall be placed on the record, as further provided in RCW 34.05.455.
- 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 business days before the hearing, written notice of the attorney's identity 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) In circumstances involving more than one accused student, the student conduct officer may permit joint or separate hearings upon request by a party.

### ***Student disciplinary committee hearing—Presentation of evidence***

- 1) Upon the failure of any party to attend or participate in a hearing, the committee may either (a) proceed with the hearing and issuance of its order or (b) serve an order of default in accordance with RCW 34.05.440. If an accused student, with notice, does not appear before a student conduct administrative panel hearing, the information in support of the complaint is presented and considered in the absence of the accused student.
- 2) The hearing will ordinarily be closed to the public. However, if all parties agree on the record or in writing that some or all of the proceedings should be open, the committee chair shall determine any extent to which the hearing will be open. For hearings involving sexual misconduct allegations, complainant, accused student, and their respective attorney representatives may attend portions of the hearing where

argument, testimony, and/or evidence are presented to the student disciplinary committee. If any person disrupts the proceedings, the chair may exclude that person from the hearing room.

- 3) The committee chair shall cause the hearing to be recorded by a method that the committee chair selects, in accordance with RCW 34.05.449. Panel deliberations are not recorded. The recording, or a copy, is property of the college, but will be made available to the respondent 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 the respondent. Other recording shall also be permitted, in accordance with WAC 10-08-190.
- 4) The committee chair shall preside at the hearing and decide procedural questions that arise during the hearing, except as overridden by majority vote of the committee, and make rulings on the admissibility of evidence, motions, objections, and on challenges to the impartiality of board members, unless a hearing examiner is appointed as provided below. These rulings shall be made on the record. The Washington rules of evidence shall serve as guidelines for those rulings on the admissibility of evidence, in conjunction with the Administrative Procedure Act, chapter 34.05 RCW. Questions related to the order of the proceedings are also determined by the committee chair.
- 5) The student conduct officer (unless represented by an assistant attorney general) shall present the case for disciplinary action. The facts justifying any such action must be established by a preponderance of the evidence.
- 6) All testimony shall be given under oath or affirmation. The panel chair determines which records, exhibits, and written statements may be accepted as information for consideration by the panel. These rulings shall be made on the record. Evidence shall be admitted or excluded in accordance with RCW 34.05.452.
- 7) The president of the college or designee, the chair of the student disciplinary committee, the administrators assigned to the student disciplinary committee, deans, and/or the student conduct officer have the authority to issue subpoenas.
- 8) The accused student and the student conduct officer may arrange for witnesses to present pertinent information to the student disciplinary committee. Each party is responsible for informing their witnesses of the time and place of the hearing.
- 9) The committee chair may accommodate concerns for the personal safety, well-being, or fears of confrontation during the hearing by providing separate facilities, or by permitting participation by telephone, audio tape, written statement, or other means. In making such accommodations, the rights of the other parties must not be prejudiced and must have the opportunity to participate effectively in, to hear, and, if technically economically feasible, to see the entire proceeding while it is taking place.
- 10) In cases involving allegations of sexual misconduct, neither party shall directly question or cross examine one another. Attorneys for 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 submitted in writing to the committee chair, who in his or her discretion shall pose the questions on the party's behalf.
- 11) At the conclusion of the hearing, the committee shall permit the parties to make closing arguments in whatever form it wishes to receive them. The committee may also permit each party to propose findings, conclusions, and/or an order for its consideration.

***Student disciplinary committee—Initial decision***<sup>20,21</sup>

- 1) Within twenty calendar days following the conclusion of the hearing or the committee's receipt of closing arguments (whichever is later), 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 conclusions on all material issues of law, including which, if any, provisions of the student conduct code were violated. Any findings based substantially on the credibility of evidence, or the demeanor of witnesses shall be so identified.

---

<sup>20</sup> WAC 132R-04-140

<sup>21</sup> Disciplinary proceeding results for violent crime or non-forcible sex offense HEOA Sec. 493(a)(1)(A)

- 2) The committee's initial decision 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 determine any disciplinary sanction or conditions authorized herein. If the matter is an appeal by the respondent, the committee may affirm, reverse, or modify the discipline imposed by the student conduct officer and/or impose any other disciplinary sanction or conditions authorized herein.
- 3) The committee chair shall provide copies of the initial decision to the parties and any legal counsel who has appeared. The committee chair shall also promptly transmit a copy of the order and the record of the committee's proceedings to the college president and the vice president of learning and student success.
- 4) In cases involving allegations of sexual misconduct, the committee chair, 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. 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 his or her appeal rights.

### **Appeal Process**

#### **Appeal from student disciplinary committee initial decision<sup>22</sup>**

- 1) A respondent who is aggrieved by the findings or conclusions issued by the student disciplinary committee may appeal the committee's initial decision to the president by filing a notice of appeal with the president's office within twenty calendar days of service of the committee's initial decision.
- 2) The notice of appeal must assign error to specific findings of fact and/or conclusions of law in the initial decision and must contain argument regarding why the appeal should be granted. The president's review on appeal shall be limited to a review of those issues and arguments raised in the notice of appeal. Review shall be restricted to the record created below.
- 3) The president shall provide a written order to all parties within forty-five calendar days after receipt of the notice of appeal. The president's decision shall be final.
- 4) The president may exercise discretion to suspend any disciplinary action pending review of the merits of the findings, conclusions, and disciplinary actions imposed.
- 5) The president shall not engage in an ex parte communication with any of the parties regarding an appeal.
- 6) Respondents and complainants in a case involving allegations of sexual misconduct shall have the right to be accompanied by an attorney or non-attorney assistant of their choosing during the appeal process but will be deemed to have waived that right unless they file with the president a written notice of the attorney's identity and participation within twenty calendar days of service of the committee's initial decision.
- 7) Complainant may appeal the student conduct committee's initial decision to the president subject to the same procedures and deadlines applicable to other parties.
  - a) In addition to the appeal rights provided to the respondent above, a complainant may also appeal the following actions by the student conduct officer:
    - i) The dismissal of a sexual misconduct complaint; or
    - ii) Any disciplinary sanction(s) and conditions imposed against a respondent for a sexual misconduct violation, including a disciplinary warning.
  - b) If the respondent timely appeals a decision imposing discipline for a sexual misconduct violation, the college shall notify the complainant of the appeal, and provide the complainant an opportunity to intervene as a party to the appeal.
  - c) The president will serve complainant a written notice indicating that the appeal has been resolved on the same date that the final order is served upon the respondent. This notice shall inform the

---

<sup>22</sup> WAC 132R-04-150

complainant whether the sexual misconduct allegation was found to have merit and describe any sanctions and/or conditions imposed upon the respondent for the complainant's protection, including suspension or dismissal of the respondent.

### ***Criminal prosecution***

**Criminal complaints.** Any person who believes he/she has been the victim of sexual misconduct also has the option to pursue a criminal complaint by contacting local law enforcement.

**Consecutive or concurrent complaints.** Any person who believes he/she has been the victim of sexual misconduct, may pursue an administrative complaint through WVC and a criminal complaint with law enforcement consecutively or concurrently.

### ***Supplemental sexual misconduct procedures***<sup>23</sup>

- 1) Both the respondent and the complainant in cases involving allegations of sexual misconduct shall be provided the same procedural rights to participate in student discipline matters, including the right to participate in the initial discipline action and to appeal the student conduct officer's disciplinary order. Application of the following procedures is limited to student conduct code proceedings involving allegations of sexual misconduct. In such cases, these procedures shall supplement the student disciplinary procedures. In the event of conflict between the sexual misconduct procedures and the student disciplinary procedures, the sexual misconduct procedures shall prevail.
- 2) Supplemental complaint process. The following supplemental procedures shall apply with respect to complaints or other reports of alleged sexual misconduct by a student.
- 3) The college's Title IX compliance officer shall investigate complaints or other reports of alleged sexual misconduct by a student. Investigations will be completed in a timely manner and the results of the investigation shall be referred to the student conduct officer for disciplinary action.
- 4) Informal dispute resolution shall not be used to resolve sexual misconduct 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) College personnel will honor requests to keep sexual misconduct complaints confidential to the extent this can be done without unreasonably risking the health, safety, and welfare of the complainant or other members of the college community or compromising the college's duty to investigate and process sexual harassment and sexual violence complaints.
- 6) The student conduct officer, prior to initiating disciplinary action, will make a reasonable effort to contact the complainant to discuss the results of the investigation and possible disciplinary sanctions and/or conditions (if any) that may be imposed upon the respondent if the allegations of sexual misconduct are found to have merit.

### ***Notice of Outcome and Sanction***

Under all circumstances, if the alleged complainant is deceased as the result of such crime or offense, the next of kin of such complainant shall be treated as the alleged victim for purposes of notifications regarding outcomes and sanctions.

**Disclosure of student discipline.** Consistent with the requirements of 20 U.S.C. §1092(f)(8)(B)(iv), the Title IX/EO or designee will simultaneously provide each party with written notice of the investigative findings and of actions taken or recommended to resolve complaints Consistent with the requirements of 20 U.S.C. §1092(f)(8)(B)(iv) if employee discipline related to a crime of violence or sexual assault, including rape, dating violence, domestic violence or stalking, subject to the following limitations. WVC is required to provide the complainant and the accused with simultaneous written notice of the outcome,

---

<sup>23</sup> WAC 132R-04-103

the appeal procedures for the complainant and respondent to appeal the decision. The complainant shall be informed in writing 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 complaint, such as finding that the complaint is or is not meritorious or an order that the accused 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 any referrals for disciplinary action. Both the complainant and the respondent are entitled to review any final findings, conclusions, and recommendations, subject to any FERPA confidentiality requirements and to notice of appeal procedures, if any. Both the complainant and respondent are also entitled to notice of any change to the results that occur prior to the results becoming final, and when such results become final. Further, information contained in a record which directly relates to the complainant, such as an order requiring the employee harasser to not contact the complainant, will be disclosed to the complainant.

**Disclosure of employee discipline.** Consistent with the requirements of 20 U.S.C. §1092(f)(8)(B)(iv) if the discipline relates to sexual assault, dating violence, domestic violence or stalking, WVC is required to provide the complainant and the accused with simultaneous written notice of the outcome of the institutional disciplinary hearing, the appeal procedures for the complainant and respondent to appeal the decision, any change to the results that occur prior to the results becoming final, and when such results become final. Further, information contained in a record which directly relates to the complainant, such as an order requiring the employee harasser to not contact the complainant, will be disclosed to the complainant.

**Disclosures regarding volunteers, guests, and contractors.** WVC will notify the complainant of any actions it takes which relate directly to the complainant, such as a No Trespass Order prohibiting the volunteer, guest or contractor from being on campus. Additionally, if the matter involves a crime of violence or sexual assault, including rape, dating violence, domestic violence, or stalking, WVC may elect to terminate the contract or license for the individual to be on campus. WVC will provide the complainant and the respondent with simultaneous written notice of such decisions; advisement of appeal procedures, if any; any change to the results that occur prior to the results becoming final; and when such results become final.

***Appeal from Disciplinary Action***

- (1) The respondent may appeal the results of a disciplinary action by filing a written notice of appeal with the conduct review officer within twenty calendar days of service of the student conduct officer’s decision. Failure to timely file a notice of appeal constitutes a waiver of the right to appeal, and the student conduct officer’s order shall be deemed final.
- (2) The notice of 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 disciplinary committee, has a right to a prompt, fair, and impartial hearing as provided for in these procedures.
- (5) In the event of a conflict between this student conduct code and the Administrative Procedure Act, chapter 34.05 RCW, this student conduct code will govern.
- (6) The college hereby adopts the Model rules of procedure, chapter 10-08 WAC, by reference. To the extent there is a conflict between these rules and chapter 10-08 WAC, these rules shall control.
- (7) Imposition of discipline for violation of the student conduct code shall be stayed pending appeal unless respondent has been summarily suspended.
- (8) The student disciplinary committee shall hear the following cases as fully adjudicated proceedings:
  - (a) Appeals from suspensions in excess of ten instructional days.
  - (b) Appeals from dismissals.

- (c) Discipline cases referred to the committee by the student conduct officer, the conduct review officer, or the president; and
  - (d) Cases in which students request to have their discipline case heard by the committee.
- (9) Student conduct appeals involving the following disciplinary actions shall be reviewed as brief adjudicative proceedings:
- (a) Suspensions of ten instructional days or less.
  - (b) Disciplinary probation.
  - (c) Reprimands; and
  - (d) Any conditions or terms imposed in conjunction with one of the foregoing disciplinary actions.

## **FACULTY DISCIPLINARY PROCEEDINGS UTILIZED IN CASES OF ALLEGED DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING**

### ***Organizational Behavior***

Faculty members are subject to the conduct expectations detailed in the Faculty Negotiated Agreement. Any behavior, patterns of behavior, or information suggesting patterns of behavior that creates or contributes to the creation of a hostile environment, retaliation, discrimination, or harassment will be investigated and could result in individual charges.

Any member of the College community may bring allegations against a faculty member for violation of the Prohibition of Discrimination, Sexual Harassment, Sexual Misconduct, Domestic Violence, Stalking, and Retaliation Policy, AP6115. The College will conduct a preliminary investigation into an incident.

An investigation will be conducted to determine if the allegations have merit to move forward with charges.

### ***Statement on Privacy***

**3.4 Confidentiality and right to privacy.** WVC will seek to protect the privacy of all parties involved 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 WVC policies and procedures. Anonymity and complete confidentiality cannot be guaranteed once a complaint is made, or unlawful behavior is alleged. However, to the extent possible, proceedings will be conducted in a discreet and sensitive manner. Files pertaining to the complaint will be maintained in confidence to the extent provided by law. Further, all files are considered public records and will be released as required by the Public Records Act, Chapter 42.56 RCW. WVC cannot guarantee complete confidentiality. The Vice President of Human Resources and Labor or designee will make the determination as how to handle the request for confidentiality.

### ***Investigation of Reports***

#### ***Investigation procedures for complaints against employees, guests, and visitors***

- **Initial review.** The Title IX/EO Officer or his/her designee will conduct an initial assessment of the complaint to assess whether it alleges any conduct that may be prohibited by WVC Policies, Procedures, Collective Bargaining (CBA) provisions, or other employee contractual provisions. If the investigator concludes that an investigation is not warranted, the investigator will prepare a written summary detailing why the matter will be closed without further action and provide it to the complainant. If the investigator concludes that an investigation is not warranted under this procedure, but may be warranted under other WVC policies, procedures, CBA provisions or other employee contractual provisions he/she will refer if for further review pursuant to Section 6.0 below. WVC has an independent duty to conduct an investigation regardless of whether law enforcement is conducting an investigation. Although some alleged conduct may not violate federal or state law, such

incidents may qualify as a violation of WVC policies, procedures or contract provisions and constitute improper behavior, unprofessional conduct, or a failure to engage in conduct supportive of an environment of mutual respect and professionalism in violation. Such complaints will be taken seriously and considered under this procedure.

- **Appointment of an investigator.** The Title IX/EO Officer may appoint a designee to investigate the complaint. The Title IX/EO Officer shall inform the complainant and respondent(s) of the appointment of a designee.
- **Investigation.** If it is determined after initial review that the matter warrants investigation pursuant to this procedure, the Title IX/EO Officer or his/her designee will determine the appropriate process necessary to ensure all relevant evidence is obtained and critical elements are addressed. The investigation will include, but is not limited to, interviewing the complainant, the respondent, and relevant witnesses, and reviewing relevant documents. The investigation shall be concluded within a reasonable time, normally sixty (60) days, barring exigent circumstances. Employees, as a condition of employment, are required to be truthful and to fully cooperate in the investigation process.
- **Investigative Findings Report.** At the conclusion of the investigation the investigator shall set forth his/her findings and recommendations in writing. If the investigator is a designee he/she shall send a copy of the findings and recommendation to the Title IX/EO Officer. All discrimination, harassment, sexual misconduct, domestic violence, dating violence, stalking, and retaliation complaints and the records related to a subsequent formal investigation of those complaints conducted pursuant to this procedure, if any, shall be maintained confidentially to the extent allowed by law for an indeterminate period of time in the Human Resources Office. Additionally, the Title IX/EO Officer or designee will make a reasonable effort to meet with the complainant and accused to inform them of the results of the investigation in summary form.

Additionally, the Title IX/EO or designee will prepare and 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 accused 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 consistent with applicable Standards of Conduct for Students, collective bargaining agreements, policies, or contracts. Both the complainant and the respondent are entitled to review any final findings, conclusions, and recommendations, subject to any FERPA confidentiality requirements.

- **Initial notifications for sexual violence complaints.** If a formal investigation is initiated on a matter involving sexual violence, the Title IX/EO Officer or his/her designee shall send an initial notification to both the complainant and respondent simultaneously that the matter is under investigation. Both the complainant and respondent shall be informed of their rights during the investigative and disciplinary processes, including Board Policy 6115, this procedure, as well as WVC's policy against retaliation. The complainant must also be apprised of additional rights including:
  - 1) Options to avoid contact with respondent.
  - 2) Procedures to follow to preserve evidence of the alleged incident and seek medical treatment.
  - 3) Who will receive a report of the complaint.
  - 4) Right to file a criminal complaint as detailed in Section 5.0 below and notification that he/she is not required to file a criminal complaint with local law enforcement.
  - 5) A list of resources for obtaining protection, no contact, restraining, or similar orders, if applicable.
  - 6) A list of existing on and off campus counseling, mental health, victim advocacy legal assistance, or other victim services available for victims on-campus and in the community.
  - 7) The procedures WVC will follow to determine if discipline is appropriate.
  - 8) Steps WVC will take to ensure confidentiality and the limits this may place on WVC's ability to



investigate and respond, as set forth above.

- 9) A list of options and resources to assist the complainant regarding academic, living, transportation and working situations; and,
- 10) Information about WVC's policy against retaliation and how the complainant should report retaliation or new incidents.

### *Initial notifications for discrimination, harassment and/or retaliation complaints*

- 1) **Notification to Respondent.** If a formal investigation is undertaken, the respondent will be notified in writing to the existence of a formal complaint and that an investigation of the complaint is underway. During the investigative process, the accused will be informed of his/her right to representation during any investigatory meeting and will be informed of WVC's policy against retaliation.
- 2) **Notifications to Complainant.** The complainant shall be informed of WVC's policy against retaliation.

If the alleged complainant is deceased as the result of such crime or offense, the next of kin of such complainant shall be treated as the alleged victim for purposes of notifications.

### **Faculty Grievance Procedure in Alleged Cases of Domestic Violence, Dating Violence, Sexual Assault and Stalking**

Faculty members may utilize the grievance process for filing a grievance against another faculty member, employee or student for alleged cases of domestic violence, dating violence, sexual assault or stalking.

### *Faculty Negotiated Agreement Article XXVII*

- A) The purpose of this procedure is to provide a means for the orderly and expeditious adjustment of grievances of the Faculty Association and/or individual academic employee of Community College District No. 18.
- B) A grievance shall be defined as a written statement by the grievant that a dispute or disagreement exists involving interpretation, application, or violation of specific term(s) of the Negotiated Agreement. The grievance complaint must describe the allegation, cite the specific article and/or section(s) of the Negotiated Agreement or Board policies claimed to have been violated, misinterpreted, or misapplied, and the remedy sought. Nothing contained herein shall be construed as limiting the right of any academic employee having a complaint to discuss the matter directly with any member of the administration and to have the problem adjusted without the intervention of the Faculty Association. A grievant may be represented at all stages of the grievance procedure by himself/herself or at his/her option by a representative of the Faculty Association.
- C) Grievances shall be processed as rapidly as possible. The grievant shall make his/her grievance known within fifteen (15) working days of the alleged incident. Failure of the grievant to meet time limits constitutes a waiver of the grievance at any step in the process. Time limits imposed by procedures may only be extended by mutual agreement of the parties involved.
- D) To the extent that time limits are expressed in days, the days shall consist of working days, unless otherwise specified.
- E) **Step 1:** An academic employee with a grievance shall discuss it first with his/her immediate supervisor, or the next level supervisor if this is not possible. The academic employee may be accompanied by a member of the professional organization. Every effort shall be made to resolve the grievance at this level in an informal manner.
- F) **Step 2:** If no settlement is reached at step 1, the written grievance may be submitted to the President or his/her designated representative within five (5) working days of the last informal meeting. Representatives of the employee organization may be present at any meeting called to consider the grievance at step 2. The President or his/her designated representative shall send his/her written answer to the affected parties or their designated representatives within ten (10) working days of the step 2 meeting.

- G) Failure of the President or his/her designee to respond within the time limit in step 2 shall move the grievance automatically to step 3.
- H) Step 3: If no settlement is reached in step 2, the written grievance may be submitted within ten (10) working days to the Board. Upon receipt of the written grievance, the Board shall convene an executive session at the next regular or special Board meeting. At the executive session the grievant and the Board shall attempt to resolve the grievance. Representatives of the Faculty Association and administration may be present at this meeting. The Board shall send its written determination to the grievant within ten (10) working days of the step 3 meeting.
- I) If the grievant concurs with the Board's written determination, the recommendation of the Board shall be implemented as the remedy to the grievance.
- J) Step 4: If no settlement is reached in step 3, the grievant may request in writing that the Faculty Association submit the grievance to final and binding arbitration as defined in section K. The Association President, may by written notice to the President within fifteen (15) working days of the receipt of the step 3 decision, submit the grievance to such arbitration. Association representatives shall be given the opportunity to be present at any such arbitration and to make the Association's views known to the arbitrator. The parties to the arbitration agree to accept the arbitrator's award as final and binding upon them. Upon rendering a decision, the arbitrator may retain jurisdiction until such time as the award is completed. The arbitrator shall not have any power to modify or disregard any of the terms and conditions of the Negotiated Agreement. See Article XXI, Section H.3 regarding awarding of tenure, and continuation of probationary status.
- K) Matters subject to arbitration shall be referred to the American Arbitration Association through a joint request for a list from which an arbitrator will be selected using a striking process. Only grievances which involve an alleged violation by the employer of a specific section or provision of this agreement which are presented to the employer in writing during the term of this agreement and which are processed in the manner and within the time limits herein provided shall be subject to arbitration. Upon request of either party, the substantive and procedural arbitrability issues arising in connection with the grievance shall be ruled upon by the arbitrator prior to hearing the merits of the grievance. Hearings and other procedural matters shall be in accordance with voluntary rules of the American Arbitration Association.
- L) The costs for the services of the arbitrator, including per diem expenses and his/her travel and subsistence expenses and the cost of any hearing-room, will be borne equally by the Board and the Faculty Association, provided however, that the Association shall not bear any such costs in cases where it is not providing representation to the grievant.
- M) All matters pertaining to specific grievances shall be confidential information and shall not be unnecessarily or indiscriminately related, disclosed, or divulged by any participant in the grievance process or by any employee or official of the College. All documents, communications and records dealing with grievances and their adjustment shall be filed separately from the grievant personnel file, and upon expiration of the statute of limitations for the initiation of any further legal action, shall be destroyed, with the exception of a record of the grievance and final adjustment thereof.
- N) Freedom from Retaliation within the Law: Individuals involved in the grievance procedure, whether as a grievant, a witness, a representative of the Faculty Association, or otherwise, shall not suffer any restraint, interference, discrimination, coercion, or reprisal as a result of any legal participation in the grievance procedure.
- O) Assistance in Investigation: During the course of any investigation of a properly filed grievance, the parties shall cooperate and furnish such information as requested in accordance with this procedure.
- P) Matters for which another method of review is required by law shall be excluded from this grievance procedure.
- Q) A grievant may withdraw the grievance at any level. In any event, the withdrawal of a grievance shall not constitute a precedent which may affect any similar case(s) occurring thereafter.
- R) On matters pertaining to the interpretation of this agreement, the Faculty Association may begin this procedure at step 2 of this agreement.

***Faculty Disciplinary Proceedings Utilized in Cases of Alleged Domestic Violence, Dating Violence, Sexual Assault and Stalking***

*As per the Faculty Negotiated Agreement*

***Discipline/Dismissal for Cause; Interim Measures, Disciplinary Proceedings; Sanctions***

- A. Tenured faculty members shall not be disciplined or dismissed except for sufficient cause.
- B. A probationer shall not be disciplined or dismissed prior to the written terms of his/her appointment except for sufficient cause.
- C. Sufficient cause shall include but not be limited to the following enumerated grounds:
  - 1. Failure to maintain certificates and licenses required by the position may invalidate the employment contract. All certificates and licenses required of an academic employee for his/her position will be consistent with the job announcement at time of hiring.  
Should an academic employee lose a required certification or license, the appointing authority or his/her designee will explore with the academic employee, his/her Division Chair, Dean, and Vice President the possibility of restoration of the license(s) or certificate(s). This restoration shall occur within a six-month period from the date of the loss of the license(s) or certificate(s), or within the time of allowable use of accumulated sick leave should loss be due to a health related issue (whichever is longer). Consideration will be given to temporary reassignment, or any additional time needed to reacquire said credentials.  
Requirements for all employees in a given area may change as professional certifications and requirements evolve in the industry. These changes will be recommended to the appointing authority for action after consultation between the appropriate administrator and the Division Chair. Affected faculty will have input in working out timeline and procedure for obtaining new licensing or certifications.
  - 2. Aiding and abetting or participating in:
    - a) Any unlawful act of violence or incitement to violence.
    - b) Any unlawful act resulting in the destruction of community college property.
    - c) Any unlawful interference with the orderly conduct of the educational process.
  - 3. Incompetence in professional assignment.
  - 4. Insubordination: A defined act or series of acts directed at a supervisor which may be outside the recognized realm of professional conduct, such as:
    - 1. Imports a willful disregard of expressed or implied directions of employer and refusal to obey reasonable orders.
    - 2. Disobedience to constituted authority.
  - 5. Unprofessional conduct as defined: "That which violates the rules or ethical codes of a professional or such conduct unbecoming a member in good standing."
  - 6. Violation of federal, state, or college rules or regulations.
- D. Procedure for Discipline/Dismissal for Sufficient Cause:
  - 1. The appropriate Dean or Vice President and the appropriate Division Chair shall jointly review all matters regarding discipline/dismissal for cause of a tenured faculty member or probationary faculty member prior to the expiration of such probationary faculty appointee's employment term. If either the appropriate Dean/Vice President or the appropriate Division Chair, working jointly, has cause to believe that a faculty member should be disciplined or dismissed for cause, s/he shall advise the President, and if the President deems a sufficient cause exists, shall discuss the matter with the individual faculty member involved within ten (10) working days. The President has ten (10) working days from having the meeting with the faculty member in which to initiate charges. If the President deems sufficient cause exists, a formal charge will be brought against the faculty member in the following manner:
    - 1. A letter over the signature of the President will be sent to the faculty member when a charge of discipline or dismissal for sufficient cause is made.

2. Copies of this letter will go to the appropriate Division Chair, the Chair of the Professional Rights and Responsibility Committee, and the President of the Faculty Association.
  - 1) In the event of a dismissal or a contested disciplinary action, a hearing committee as defined in Article 11, shall convene.
  - 2) The hearing committee shall, after receiving the written charge from the President, establish a date for a hearing giving the faculty member so charged twenty (20) working days' notice of such hearing.
    1. The hearing committee shall:
      - a. Hear testimony from all interested parties, including but not limited to, other faculty members and students and receive any evidence offered by same.
      - b. Afford the faculty member whose case is being heard the right of cross examination and the opportunity to defend him/herself and be accompanied by both a personal advisor and legal counsel, provided that if the faculty member is represented by legal counsel, the College may be represented by appropriate legal counsel.
      - c. Make a recommendation based exclusively on the evidence produced at the hearing to the President as to whether there is sufficient cause to believe that the faculty member did in fact perform the conduct which justifies discipline or dismissal.
      - d. Promptly and forthrightly prepare recommendations as to the appropriate action to be taken.
      - e. Prepare an informal record of the proceedings before the hearing committee and make the same available to the accused faculty member, and the President. For the purpose of making a record of formal proceedings of the hearing committee, an informal transcription of a tape recording of the hearing will be sufficient.

- E. Summary Suspension: The President, or in his/her absence any officer of the College designated by the President for this purpose, may impose upon any member of the faculty an interim suspension whenever there is reasonable cause to believe that such person has committed and may reasonably be expected thereafter to continue to commit violent or disruptive acts which disrupt the orderly process of the College.

The notice of such suspension shall be in writing and state the nature, terms, and conditions of such suspension, and shall include such restrictions on the use of campus facilities as the President or his/her designee deems in the best interest of the College.

Any person so placed on interim suspension shall be given prompt notice of charges and shall be given the opportunity to show cause at a preliminary hearing why such interim suspension should not continue until a formal hearing is held or for a period of not more than twenty (20) workdays, whichever first occurs. To obtain such a preliminary hearing the person so charged shall submit a written request within four workdays from the date the interim suspension was imposed. Such written request shall state the address to which the notice of hearing is to be sent. Faculty members requesting a preliminary hearing shall appear before the review committee as defined in Article II.

1. The review committee shall convene a preliminary hearing not later than five (5) workdays from the date of receipt of such request and shall immediately mail a written notice of the time, place and date of such hearing to the person so charged. A preliminary hearing shall consider only whether there is reasonable cause to believe that such a person may reasonably be expected thereafter to commit violent or disruptive acts which disrupt the orderly process of the College.

2. In a case where the review committee finds that just cause has been demonstrated to initiate an interim suspension, the hearing committee shall schedule a formal hearing which must be held within twenty (20) calendar days from the date of receipt of the recommendation of the review committee which heard the preliminary hearing. Notice of the formal hearing shall immediately be mailed to the person so charged stating the time, place, and date of such formal hearing.
  3. Interim suspension may be removed by the President upon recommendation of the review committee or whenever the President has reason to believe that the reasons for imposition of the summary suspension no longer exist.
- F. The dismissal hearings provided above in Sections D and E shall be adjudicative proceedings conducted pursuant to Chapter 34.05 RCW, the Administrative Procedures Act.

### ***Corrective Action for Complaints Involving Employees, Contractors, Guests and Visitors***

WVC will take appropriate corrective and/or disciplinary action in situations where it is proven or is reasonable to believe that harassment or discrimination took place that is in violation of WVC policy, procedure, CBA provisions or employment contracts. The appropriate WVC authority shall consider the findings and determine, based on preponderance of evidence, whether a violation of this policy has occurred or whether any other violations of WVC policies, procedures, rules, or contract provisions have occurred. The appointing authority shall then consider the findings and determine what steps should be taken to resolve the complaint, remedy the effects on any victim(s), and prevent its recurrence. Violations may result in disciplinary action or revocation of permission to be on WVC premises or at WVC sponsored activities. Employees who are found to have violated these procedures will be subject to disciplinary action up to and including termination from employment; contractors will be subject to a breach of contract and may be “trespassed” from the WVC campus and other facilities utilized by the college; guests and volunteers will be subject to being “trespassed” from the WVC campus and other facilities leased or utilized by WVC. Corrective action for students will be handled pursuant to WVC Chapter 132R-04 WAC.

### ***Reporting of Prohibited Conduct, Harassment and Discrimination Violations***

If you have been the victim of prohibited conduct, harassment, or discrimination, you should report the incident promptly to the Title IX Coordinator by calling, writing, or coming into the office to report in person.

Reports of all prohibited conduct, harassment or discrimination made to Campus Safety will automatically be referred to the Title IX Coordinator for review. The Title IX Coordinator is not a confidential reporting entity and is required to report criminal incidents to Campus Safety.

**Who may file a complaint?** Employees, contractors, guests, or visitors of WVC may file a complaint.

**Reporting obligations for WVC supervisors, administrators, faculty, and employees.** Supervisors, administrators, faculty, and employees perform a key role in preventing and responding to discriminatory acts and behaviors, including sexual harassment. When a supervisor, administrator, faculty, or employee (except licensed professionals) becomes aware of incidents of discrimination, s/he will report the incident to the Title IX/EO Officer or designee as soon as possible, but no later than 36 hours after becoming aware of the incident regardless of victim’s desire for the matter to remain confidential and regardless of whether a report is made to campus security or local law enforcement. Individuals who fail to report such incidents based on a standard of reasonable care or who fail to cooperate fully with the complaint processes are subject to disciplinary action.

**Complaints against students.** Reports of discriminatory conduct or related retaliation that involve students, including student-to-student complaints, will be handled by the Vice President of Instruction and Student Services, and will be guided by the provisions of the Student Conduct Code, Chapter 132R-04 WAC.

**Complaints against employees, contractors, guests or visitors.** WVC will follow the provisions of this administrative procedure, and, if necessary, other applicable statutes, administrative procedures, and board policies.

### **Interim Measures**

During the investigation and prior to the final determination, the College may take appropriate interim measures to protect the parties involved. A Complainant or Respondent may request an interim measure or other protection, or the College may impose interim measures at its discretion to ensure the safety of all parties, the College community, and/or the integrity of the process. These actions are not a presumption of responsibility for violation of the Standards of Conduct Policy. Interim measures may be imposed whether or not formal disciplinary action is sought by the Complainant or the College.

#### **Types of Interim Measures**

##### *College-Initiated Protective Measures*

**Interim measures.** Following receipt of a complaint the Title IX/EO Officer may determine whether immediate interim measures are necessary to protect the complainant prior to the completion of the investigation and the resolution of the complaint. Interim measures may include, but are not limited to, separating the respondent from the complainant, adjusting schedules, placing an employee on administrative leave, providing counseling and/or taking action per Chapter 132R-04 WAC. If it appears that such interim measures are warranted, the Title IX/EO Officer or designee will coordinate with the appropriate WVC personnel to implement such measures. Following receipt of a complaint the Title IX/EO Officer may determine whether immediate interim measures are necessary to protect the complainant prior to the completion of the investigation and the resolution of the complaint. Interim measures may include, but are not limited to, separating the respondent from the complainant, adjusting schedules, placing an employee on administrative leave, providing counseling and/or taking action per Chapter 132R-04 WAC. If it appears that such interim measures are warranted, the Title IX/EO Officer or designee will coordinate with the appropriate WVC personnel to implement such measures.

##### *Title IX No-Contact Order*

A college-issued no-contact order (NCO) is an interim protective measure for complainants, meaning that it can be issued even in cases where a respondent has not been found formally responsible for violating college policy. The NCO will usually state that the college has received a report stating that the respondent may be in violation of college policy. Therefore, the college must have good cause to issue an NCO but does not need to have finished a formal investigation. In fact, an NCO can be issued for a complainant even if no formal investigation has begun. The NCO may state that the respondent is prohibited from contacting the complainant:

- in person
- by phone (including text messages)
- voicemail
- via third party
- notes, letters, or other written communication
- by email or internet messenger or any other internet-based communication

The NCO will usually be in the form of a letter which the respondent must sign. The NCO will state that any violation will result in formal disciplinary action. Survivors should be aware, however, that disciplinary action usually refers to the beginning of a formal investigation through the college rather than immediate suspension or arrest. If a complainant desires more immediate consequences for the breaking of a NCO, he/she may want to seek a civil NCO/restraining order through local law enforcement (see below). A college NCO may be an alternative for those who do not want to see the respondent in court in order to have some protection. A complainant may still be able to call Campus Safety under a college NCO if a respondent

approaches him/her in person or will not leave an area. The complainant should ask the person who issues the NCO to explain school policy on what to do if he/she is approached. It is the choice of the complainant to report suspected contact to the college's Title IX coordinator after the NCO is issued.

***Civil or Criminal Court No-Contact Orders***

A complainant may also seek a protection order through Grant County District Court (35 C Street NW, Ephrata). Such orders may prohibit the respondent from contacting or harassing a complainant. To seek assistance with requesting a court order, contact New Hope Domestic Violence and Sexual Assault Services, or you can file your request yourself at the Grant County Clerk's Office, 35 C St NW, Ephrata, Wash. 98823.

Depending on the circumstances, the options include:

**1. Domestic Violence Protection Order**

- a. This is a civil order from the court issued at the request of a person claiming to be the victim of domestic violence.
- b. Who may obtain the order:
  - i. An adult who fears violence from a family or household member, or who has been the victim or physical harm, or who fears imminent physical harm or stalking from a family or household member (includes dating relationship).
  - ii. Minors under 16 must seek the order through a parent or guardian.
  - iii. Petitioners 13 years old or over may petition for self if respondent is 16 or over and person has been victim of violence in a dating relationship.
  - iv. Petitioners 16-18 may seek the order on their own.
- c. Consequences of order is knowingly violated:
  - i. Mandatory arrest; Possible criminal charges or contempt; Class C felony if assault or reckless endangerment, otherwise Gross Misdemeanor
- d. Duration of order:
  - i. If there is an emergency, a temporary order for up to 14 days may be issued. A hearing will be set within 14 days and the Respondent will be given notice of the hearing. At the hearing the court will designate the length of the order from one year to permanent.

**2. Sexual Assault Protection Order**

- a. This is a civil or criminal court order issued in the context of pending criminal action, or as a condition of sentence.
- b. Who may obtain the order?
  - i. A person who does not qualify for a Domestic Violence Protection order and is a victim of nonconsensual sexual conduct or penetration, including a single incident.
  - ii. Minors' underage of 16 must seek the order through a parent or guardian.
  - iii. The court may issue an order on behalf of victims of sex offenses when criminal charges are filed.
- c. Consequences of order is knowingly violated:
  - i. Mandatory arrest.
  - ii. Possible criminal charges or contempt.
  - iii. Class C felony if assault or reckless endangerment, otherwise Gross Misdemeanor
- d. Duration of order
  - i. Temporary order may be filed for up to 14 days.
  - ii. Court will designate the length of the order (up to two years for civil; potentially longer for criminal)

**3. No-Contact Order**

- a. This order is part of a criminal action. After an arrest for domestic violence, in Washington State, a No-Contact Order may be issued as a condition of release. These orders may be issued regardless of whether you share housing or children and may cause hardship.
- b. Who may obtain the order?
  - i. The incident must have been reported to the police and criminal charges must be pending.
  - ii. The court will decide whether to issue this order when it decides whether the accused will be released on bail or personal recognizance, or when the accused is arraigned or being sentenced.
- c. Consequences of the order is knowingly violated.
  - i. Mandatory arrest: release pending trial may be revoked.
  - ii. Felony if any assault, reckless endangerment or drive-by-shooting, otherwise Gross Misdemeanor.
- d. Duration of order
  - i. This order is intended to protect the victim until the case is resolved.
  - ii. The order may be dismissed or modified by the court during proceedings or may be continued by the court after the case is resolved.
  - iii. The alleged victim does not control whether the order remains in place but must support it if the order is to be lifted.

**4. Restraining Order**

- a. This is a civil order, generally filed in the context of an existing family law case, such as a pending dissolution or child custody case (RCW 26.09, 26.10, 26.26).
- b. This type of order is broader than a Domestic Violence Protection order because it may deal with property issues, child support, spousal support, as well as domestic violence and temporary custody issues.
- c. Who may obtain the order?
  - i. Petitioner who is married to Respondent or has a child in common.
- d. Consequences of the order is knowingly violated.
  - i. Mandatory arrest; Gross Misdemeanor; Possible criminal charges or contempt
- e. Duration of order
  - i. Temporary Restraining Order lasts 14 days.
  - ii. Restraining Order in final decree is permanent unless modified.

**5.**

**6. Anti-Harassment Order**

- a. This is a civil order issued for a person claiming any type of harassment and when a person does not qualify for a Domestic Violence Protection Order. These orders are commonly filed in neighbor disputes and other disputes that don't involve a domestic relationship (RCW 10.14)
- b. Who may obtain the order?
  - i. A person alleging harassment, who has been seriously alarmed, annoyed, or harassed by conduct which serves no legitimate or lawful purpose.
  - ii. The course of conduct shall be such as would cause a reasonable person to suffer substantial emotional distress.
  - iii. The parties generally are not married, have not lived together, and have no children in common.
- c. Consequences of the order is knowingly violated.
  - i. Gross Misdemeanor
  - ii. Discretionary arrest with possible criminal charges or contempt.
- d. Duration of order
  - i. Temporary order may be up to 14 days.



- ii. The Anti-Harassment Order may then carry a duration of 1 year or permanent, as determined by the court.

**7. Stalking Protection Order<sup>24</sup> vs Stalking No-Contact Order**

- a. Stalking Protection Order is civil; Stalking No-Contact Order is criminal, in the context of pending criminal action.
- b. Who may obtain the order?
  - i. A person may file a Stalking Protection Order if they are the victim of any stalking conduct (RCW 9A.46.110).
  - ii. Parent or guardian may petition on behalf of any minor.
  - iii. A petitioner 16 years and older may file for themselves and is not required to have a guardian to petition on their behalf. Interested person(s) may petition on behalf of a vulnerable adult.
  - iv. For a Stalking No-Contact Order, an incident must have been reported to the police and stalking related criminal charges must be pending. The court may issue the order.
- c. Consequences of the order is knowingly violated.
  - i. For both stalking related orders, consequences for violation include mandatory arrest, possible criminal charges or contempt, Class C felony if assault or reckless endangerment, otherwise Gross Misdemeanor
- d. Duration of order
  - i. Stalking Protection Order
    - 1. 14 days for a temporary order.
    - 2. Stalking Protection Order duration is then determined by the court for a fixed period or permanent.
  - ii. Stalking No-Contact Order
    - 1. 5 years for a final Stalking No-Contact Order

***Safety Action Plan***

A complainant may meet with Campus Safety to develop a Safety Action Plan, which is a plan for campus officers and the complainant to reduce risk of harm while on campus or coming and going from campus. This plan may include, but not limited to escorts, special parking arrangements, or changing classroom location.

To the extent of the complainant’s cooperation and consent, WVC will work cooperatively to ensure that the complainant’s health, physical safety, work and academic status are protected, pending the outcome of a formal college investigation of the complaint. For example, if reasonably available, a complainant may be offered changes to academic, living, or working situations in addition to counseling, health services and assistance in notifying appropriate local law enforcement.

***Notification to Victims of Crimes of Violence***

The College will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense the report on the results of any disciplinary proceeding conducted by the College against a student or employee who is the alleged perpetrator of such crime or offense.

If the alleged victim is deceased as the result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

***Corrective Action***

WVC will take appropriate corrective and/or disciplinary action in situations where it is proven or is reasonable to believe that harassment or discrimination took place that is in violation of WVC policy, procedure, CBA provisions or employment contracts. The appropriate WVC authority shall consider the

---

<sup>24</sup> RCW 7.92

findings and determine, based on preponderance of evidence, whether a violation of this policy has occurred or whether any other violations of WVC policies, procedures, rules, or contract provisions have occurred. The appointing authority shall then consider the findings and determine what steps should be taken to resolve the complaint, remedy the effects on any victim(s), and prevent its recurrence. Violations may result in disciplinary action or revocation of permission to be on WVC premises or at WVC sponsored activities. Employees who are found to have violated these procedures will be subject to disciplinary action up to and including termination from employment; contractors will be subject to a breach of contract and may be “trespassed” from the WVC Campus and other facilities utilized by the district; guests and volunteers will be subject to being “trespassed” from the WVC campus and other facilities leased or utilized by WVC. Corrective action for students will be handled pursuant to WVC Chapter 132R-04 WAC.

### ***Disciplinary Actions for Employee Drug and Alcohol Violations***

#### **500.475 ALCOHOL AND DRUG-FREE WORKPLACE POLICY**

To help ensure the safety and well-being of employees, students and the general public, the college is committed to maintaining a work and educational environment that is free of illegal drugs and of alcohol and drugs that are used illegally.

With the exception of college-approved classes such as beer making, wine making, wine tasting, etc., and events that are in accordance with state of Washington liquor license procedures, the college prohibits consumption of alcoholic beverages on college property. Any use of alcoholic beverages on campus will conform to the following:

- A. Alcohol service at any event on campus requires prior approval from the president or designee.
- B. Alcohol will not be served at an employee or student event on campus during regular work hours (8 a.m. to 5 p.m.).
- C. Employees of the college who are required to work at an event where alcohol is served will not consume alcohol at the event.
- D. Employees of the college who are being compensated for time spent at an event where alcohol is served will not consume alcohol at the event; it is presumed that exempt or salaried employees are not compensated if the event occurs outside traditional working hours.

Employees representing the college at official functions are expected to exercise prudence in consuming alcohol.

The college also prohibits the unlawful (as a matter of local, state or federal law) manufacture, distribution, dispensing, possession or use of alcohol, legend drugs,<sup>1</sup> narcotic drugs or controlled substances including marijuana,<sup>2</sup> on college property or during college-sponsored events, whether on or off campus except when use or possession of a legend drug, narcotic drug or controlled substance other than marijuana is specifically prescribed by an appropriately licensed health care provider. Violation of the college’s alcohol and drug prohibitions by students and employees is cause for disciplinary or other appropriate action.

The provisions of this policy and its accompanying procedure [1500.475](#) is intended to provide guidance to WVC in complying with the requirements of the federal [Drug-Free Schools and Communities Act Amendments of 1989](#), and the [Drug-Free Workplace Act of 1988](#).

<sup>1</sup> Defined in [RCW 69.41.010](#)

<sup>2</sup> Defined in [RCW 69.50](#) as now law or hereafter amended

Supersedes policies 2.P.01 and 2.P.05

Retitled and revised and approved by the president’s cabinet: 2/5/13, 3/31/15, 12/15/15

Adopted by the board of trustees: 9/12/01, 2/20/13, 4/15/15, 1/20/16

### ***Alcohol and Other Drugs (AOD) Education and Outreach***

#### **EMERGENCY MEDICAL RESPONSE PROCEDURES**

Students, faculty, staff, and guests should report any emergency medical situations to 9-1-1 immediately, then notify Campus Safety at 509-682-6911

Many employees at WVC are trained at providing first aid and CPR, and in the use of automated external defibrillators (AEDs). There are first aid kits in all WVC buildings and fleet vehicles. AEDs are in each on-campus building.

#### **CRIME PREVENTION, FIRE SAFETY, AND SAFETY AWARENESS PROGRAMMING<sup>25</sup>**

WVC offers many programs designed to inform students and employees about campus security procedures and practices and the prevention of crimes. A common theme of all awareness and crime prevention programs is to encourage students and employees to be responsible for their own safety and for the safety of others on campus.

Crime prevention programs on personal safety and security are sponsored by various campus organizations throughout the year. These programs include general crime prevention and security awareness programs, such as safety education forums, programs, and discussions about topics such as alcohol abuse, sexual assault awareness and prevention, relationship violence awareness and prevention, bystander intervention, fire safety, emergency response and evacuation procedures, and theft prevention.

When available, Campus Safety may participate in forums, panels, meetings, and programs to explain college security, campus safety, campus policies and expectations related to student conduct and behavior and fire safety measures and procedures. This information is usually presented:

- To all incoming students during the new student orientation program at the beginning of each quarter.
- During individual or group new-employee orientation sessions scheduled throughout the year; and
- During faculty in-service training days.

In addition, active shooter survival/response training is offered year-round for any student, employee, or faculty group.

#### **ANNUAL FIRE SAFETY REPORT**

Campus Safety publishes this Fire Safety Report as part of its annual Clery Act compliance document, via this annual report, which contains information with respect to the fire safety practices and standards for WVC. This report includes statistics concerning the number of fires, the cause of each fire, the number of injuries and deaths related to a fire, and the value of the property damage caused by a fire. The compliance document is available for review 24 hours a day on the Campus Safety website, and a physical copy may be obtained by making a request to Campus Safety 509-682-6659 or by visiting the Campus Safety office in Bajter Hall, 1300 5<sup>th</sup> St. Wenatchee, WA 98801. Building is a secured building so please call ahead to be granted access.

#### ***General Residence Hall Fire Safety***

The building considered Wenatchee Valley College Residence Hall was constructed in 2009. Cooking facilities are available on three floors.

Fire protection systems in residence hall:

---

- Have fire suppression sprinklers systems.
- The residence hall has manual fire alarm pull stations on each floor. Those systems are hard-wired addressable fire alarm systems, which are monitored twenty-four hours a day, seven days a week by a contracted off-site alarm monitoring company which calls the local fire department and Campus Security in the event of an alarm activation. When activated, the fire alarm horns sound and strobe lights flash on all floors of the building where the alarm station was pulled.
- Each residence hall room has a consumer-grade battery powered smoke alarm, which is checked by residence hall maintenance staff each quarter (four times each year) and the long-life lithium batteries replaced every five years unless sooner replacement is needed.
- Portable dry chemical fire extinguishers are located on each floor of each building.
- The building evacuation plan is posted on every floor and should be reviewed by each person.
- Automatic emergency lighting is installed in the hallways of each building.
- Lighted fire exit signs are installed in each building.
- Fire alarm systems and fire extinguishers are inspected annually by a contracted service and repaired as needed.

Each resident is given a copy of the Residence Halls Guidebook for Residents, which includes information on fire safety and what appropriate action to take during a fire alarm or fire emergency. Every student room has an emergency evacuation map installed on the inside of the front door as well, to direct occupants to primary and secondary exits. Fire drills are conducted each semester by the Director of Student Life and Campus Security.

### ***Procedures for Students and Employees in the Event of a Fire***

- If you discover or suspect a fire, pull a fire alarm, and leave the building by the closest, safest exit.
- Call 9-1-1 to report the fire.
- Feel the door with the back of your hand to ensure that it is not hot before opening it. If it is hot, do not open it. If it is not hot, open the door carefully. If smoke or heat is present, close the door and stay in the room. Seal the cracks around the door with whatever is available (a wet towel, etc.).
- If you are trapped, call 9-1-1 and report that you are trapped. Be sure to give them your room number, address, and location. If your phone doesn't work, hang a sheet, jacket, etc. out of the window to attract attention.
- If the hall is free of smoke or heat, close your door and exit immediately by the closest stairwell. If the nearest exit is blocked, go to another exit.
- If all exits are blocked, go back to your room. Close the door, hang something out of your window and signal for help.
- Move quickly in a crouched position when escaping through a smoke-filled corridor.
- Place a wet cloth over your face and head.
- Once outside the building, move away from the building about 1.5 times the building height, avoid standing beneath overhead electrical lines, and watch for vehicle traffic.
- When you reach the evacuation location, contact a staff member, and give him/her as much information as possible.
- Do not reenter the building until you have been given the OK by police, fire officials or residence hall staff. THE SILENCING OF THE ALARM DOES NOT INDICATE THE BUILDING IS SAFE TO REENTER!
- Never re-enter a burning building to save your personal possessions.

### ***Fire Safety Education and Training***

WVC policy outlines policies and procedures for fire drills on campus.

Evacuation plan training is to be conducted for all new employees during orientation and for all employees at least annually. Fire drills are to be conducted at unexpected times and under varying conditions and are to be initiated by activating the fire alarm system.

Fire drills are to provide training in the following areas:

- Evacuations procedure and planning,
- Location and use of portable fire extinguishers (when assigned),
- Alarm response duties,
- Location of assembly point(s),
- Reentry control and procedure.

Fire evacuation drills for residence halls are to be conducted quarterly and documented.

All other academic and administrative facilities are to be conducted as outlined in AP7715.

Fire evacuation drill records are to include:

- Identity of the person conducting the drill.
- Date and time of the drill.
- Notification method used.
- Staff members on duty and participating.
- Number of occupants evacuated.
- Special conditions simulated.
- Problems encountered.
- Weather conditions when occupants were evacuated.
- Time required to accomplish complete evacuation.

All fire drill records shall be recorded on the approved Fire Drill Report form and filed by the Director of Facilities.

In CY2018 there was 1 fire drill conducted in the residence hall.

### ***Student Residence Hall Fire Evacuation Procedures***

Whenever the building must be evacuated (bomb threat, fire alarm), residents should be directed to the following location:

- If safe, to the parking lot on the south end of the residence hall.
- Mobility and hearing impaired students: Please notify fire/police/WVC maintenance or security of the location of permanent or temporary mobility or hearing impaired students. In case of fire, Chelan County Fire District 1 will prioritize your location for rescue considerations. The Residence Hall staff will assist persons with a disability in developing an evacuation plan.

### ***Plans for Future Improvements in Fire Safety***

The College continues to assess and upgrade fire safety equipment as an ongoing process to ensure that all equipment meets national standards. Future improvements will be made as needed as part of the ongoing assessment and budget process.

### ***Life Safety Inspections and Violations – Residence Halls***

- Fire and life safety inspections will be conducted periodically for fire or health hazards. Additionally, periodic inspections can also occur depending if WVC Residence Hall staff have been notified of a health and/or safety concern.

- A \$50 fine per violation can be imposed for not abiding by the received citation or verbal instructions of the inspector or college staff regarding the correction of fire or health hazards and violations.
- Residents must resolve fire or health hazard issues in a timely manner, as indicated by WVC RESIDENCE HALL staff.

### ***Prohibited Items and Prohibited Conduct***

If a student's behavior does not meet Wenatchee Valley College expectations or is in violation of the policies outlined in the Residence Hall Handbook, they may expect conduct action. WVC expects students, as adults, to maintain a standard of personal discipline that is in harmony with the educational goals of the institution, federal, state, and local laws, and to respect the rights, privileges, and property of fellow students, faculty, staff, and administrators. Students are responsible for the items contained in their rooms and the events that occur in their rooms. Special surveillance resources may be utilized by the College when conduct issues become chronic or disruptive.

### ***Prohibited Items***

The following items are prohibited in residence halls:

From the Residence Hall Handbook

#### **ALCOHOL AND DRUGS (Including Marijuana)**

Possessing, delivering, sharing, transporting, administering, consuming, selling, or knowingly being in the presence of any alcoholic beverage, illegal drug, or controlled substance is prohibited.

The illegal possession or use of paraphernalia and/or compounds which produce hallucinations or illusions when introduced into the body and all compounds covered under federal and state drug control laws is prohibited, except when the use or possession of a drug is specifically prescribed as medication by an authorized practitioner.

On-site use, medical use or possession of marijuana is prohibited (Federal Law).

Detectable intoxication within the WVC Residence Halls is prohibited.

Residents may not display alcohol or drug paraphernalia. Paraphernalia will be confiscated and destroyed. This includes:

Rapid-consumption device or "beer bong"

Alcohol containers, such as beer cans, wine bottles, liquor bottles

Pipes designed for the use of illegal drug consumption.

Hypodermic needles and related equipment designed for the use of illegal drug consumption.

Residents are responsible for their own actions and the actions of others who are in the facility. Residents must immediately report all violations to the Director of Residence Halls. Withholding knowledge of suspected alcohol and drug misconduct is prohibited.

All 6.4 items are classified as a MAJOR INFRACTION

A fine of \$150 will be charged to the student's account and the Residence Halls contract may be immediately terminated.

#### **SMOKING**

All Residence Halls are designated as non-smoking facilities. Smoking on WVC property is only permitted in designated smoking areas.

Resident will be charged for all cleaning and decontamination costs incurred from smoking in the Residence Halls by the resident or their guests.

#### FIRE SAFETY

Possession, displaying or burning of flammable materials including, but not limited to, fireworks, candles, incense, gasoline, and kerosene lamps is hazardous to the health and safety of residents and is prohibited inside the WVC RESIDENCE HALL. Barbecues must be conducted at a minimum, at least twenty-five feet away from buildings.

No fuel-powered motor vehicles or associated parts are permitted within the WVC Residence Halls for use, maintenance, repair, or storage.

Decorative lighting (string lights) cannot be plugged into each other.

Only One set of decorative lights shall be plugged into one approved circuited power strip or wall socket.

Halogen lamps, lava lamps and disco lamps are prohibited.

Ceiling lights, lamps of any type, and air conditioning/heating units cannot be covered.

Fire Aisles and Exits: Chelan County Fire District 1 requires that all exit aisles, hallways, and stairs be kept clear of any obstruction. Items left in these areas will be subject to impound.

The following electrical appliances and corded items are prohibited in residence halls (Note: all cords and permitted appliances must be UL Listed):

- Space heaters
- Multi-plug adapters and the “piggy-backing” (plugging one power strip into another power strip) of power strips
- Hot plates and any other ground or countertop heating devices
- Halogen lamps, lava lamps and disco lamps

NOTE: The preceding list is not all inclusive; any item that is a threat to public safety may be removed. In addition to confiscation, violators may pay a monetary fine and may be subject to Conduct action.

#### ***Prohibited Conduct***

The following activities and actions are prohibited in residence halls and may result in conduct action:

#### **SMOKING**

The Residence Hall is designated as non-smoking facility. Smoking on WVC property is only permitted in designated smoking areas.

Resident will be charged for all cleaning and decontamination costs incurred from smoking in the Residence Halls by the resident or their guests.

A Major Infraction of \$150 and immediate contract termination may be imposed for any of the following:

- failure to evacuate,
- activating false alarms in WVC residence hall,
- creating a fire hazard,
- malicious burning, or

tampering with fire equipment (fire extinguishers, plastic ties securing valves, fire alarm pull stations, smoke detectors, fire hose connections, sprinkler heads, sprinkler pipes, hoses, connections, valves, emergency exit signs, etc.).

### **DANGEROUS DEVICES**

Possession, carrying, or discharge 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 (including shot guns, pistols, air guns, pellet guns, and paint-ball guns), whether loaded or unloaded, is prohibited on Wenatchee Valley College owned or controlled property except as expressly authorized by law or college policies is prohibited.

Misuse of personal protection spray devices (pepper spray for example) is prohibited. The owner is responsible and accountable for any misuse of these devices.

Per WAC 132R-117, the Director of Student Life has granted permission for residents of the Residence Halls to use utensils in the preparation of food for consumption.

### **EQUIPMENT USE**

The use of any sports equipment, such as bicycles, scooters, skateboards, balls, or Frisbees is prohibited within the WVC residence hall buildings including hallways, lobbies, stairs, public areas, and posted areas.

WVC Residence Halls equipment, supplies and furnishings must not be dismantled or removed from their designated area.

Displaying lewd, indecent, or obscene material such as pornographic images or video on electronic devices in the WVC residence hall is prohibited.

Charges will be assessed for misuse, removal, damage, or theft.

### **THEFT**

Theft or conversion of college property or private property is prohibited.

#### **6.18 KEYS**

All Residence Halls keys remain the property of the College and may not be duplicated.

Residents are not allowed to loan, sell, borrow, exchange, or transfer a Residence Hall key.

All assigned keys must be returned at termination of residence.

A \$50 fee per key will be assessed to the resident's account or withheld from security/damage deposit.

4 Any violation of this key policy constitutes misuse of college property and also constitutes a Major Infraction that may result in eviction from the Residence Halls.



## **DAILY CRIME AND FIRE LOG**

The Executive Assistant to the Vice President of Business and the SSEM make the Daily Crime and Fire Logs for the most recent 60-day period open to public inspection at the Administrative Office in Wenatchi Hall, 3<sup>rd</sup> floor, Wenatchee, WA 98801, or the office of Safety, Security and Emergency Management located in the Facilities Building. You can reach either location by calling Campus Security at 509.682.6911.

Any official who learns of a fire which happened inside a WVC residence hall facility shall promptly forward a report of the fire to the Safety, Security and Emergency Manager.

Any portion of these crime and fire logs that are older than 60 days are made available for public inspection within two business days of a request. The information in the crime and fire log typically includes the incident number, crime classification, date reported, date occurred, general location, and disposition of each reported crime. All confirmed fires occurring within or on any and all on-campus residential facilities will also be included in the Daily Crime and Fire Log. Faculty, staff, and students are encouraged to review these logs periodically to become more familiar with the types and locations of criminal incidents and fires that may impact the College's campus community.

The names of crime victims will not be listed on the Daily Crime and Fire Log.

Unless the disclosure is prohibited by law or would jeopardize the confidentiality of the victim, newly reported crimes/incidents within the college's Clery geography and updated information regarding previously reported crimes are entered onto the Daily Crime and Fire Log within two business days of when it is reported to the Department of Campus Safety. It is important to note that Campus Safety has no jurisdiction outside of its identified Clery geography.

Information may be withheld from the Daily Crime and Fire Log if:

- Disclosure of information is prohibited by law.
- Disclosure would jeopardize the confidentiality of the complainant-victim.
- There is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual. Once the investigation passes a stage where the release will no longer jeopardize an investigation, then the information will be added to the Crime Log.

## **EMERGENCY EVACUATION DRILLS**

Fire/emergency evacuation drills are conducted each quarter in the residence hall, academic and administrative facilities. Emergency Evacuation Drills are conducted to familiarize occupants with emergency egress from a building and to establish conduct of the drill to a matter of routine. Drills will include suitable procedures, such as potential room-to-room checks, to ensure that all persons subject to the drill participate. In the conduct of drills, emphasis shall be placed on orderly evacuation rather than speed.

Drills shall be held at expected and unexpected times, and under varying conditions to simulate the unusual conditions that can occur in an actual emergency. Participants shall relocate to a safe location outside the building and remain at such location until a recall signal is given or further instruction.

## **FIRE INVESTIGATIONS/ARSON**

Investigations of minor fires where the cause is obvious may be handled by WVC officials. Major fires in need of investigation will generally be examined by an investigator from the Chelan County Fire Marshals' Office.

## **FIRE DEFINED**

Any instance of open flame or other burning in a place not intended to contain the burning OR any instance of open flame or other burning in an uncontrolled manner.

## CLASSIFICATIONS OF FIRES AND EXAMPLES

<p><b>Unintentional Fire.</b> (A fire that does not involve an intentional human act to ignite or spread fire into an area where the fire should not be.)</p>	
Cause	Example
Cooking	Grease fire on stove top or in oven or microwave
Smoking Materials	Discarded lit cigarette butt
Open flames	Candles
Electrical	Electrical arcing, overheated electrical motor
Heating equipment	Heating stoves, space heaters, fireplaces, furnaces, water heaters
Hazardous products	Spontaneous combustion; chemical reaction
Machinery/Industrial	Heat from friction, (e.g., fan belts); cutting and welding
Natural	Fires that result from a natural phenomenon, such as lightning, tornadoes and earthquakes
Other	Fireworks (including sparklers), paper caps, party poppers, and firecrackers; sunlight (usually magnified through glass or a bottle); fires that start in a building that is not an on-campus student housing facility and spread to an on-campus student housing facility
<p><b>Intentional Fire.</b> (A fire that is ignited, or that results from a deliberate action, in circumstances where the person knows there should not be a fire.)</p>	
<p>Example: Fire in a dorm restroom has been investigated by fire authorities and determined to be Arson. The perpetrator used matches to ignite paper towels.</p> <p>A description of each intentional fire will be included in the report.</p>	
<p><b>Undetermined Fire.</b> (A fire in which the cause cannot be determined.)</p>	
<p>Example: Investigators cannot determine whether a couch was smoldering because someone accidentally dropped a lighted cigarette behind a cushion, or because someone intentionally set it on fire.</p>	

**FIRE SAFETY SYSTEMS IN WVC ON-CAMPUS RESIDENTIAL FACILITIES<sup>27</sup>**

Current Fire Safety Systems in place within On-Campus Residential Facilities as of Calendar Year 2022

Facility	Clery Classification	Fire alarm pull stations	Fire Alarm Monitoring	Fire Sprinklers	Smoke Detection	Fire Extinguishers	Evacuation Plans & Placards
<b>Residence Hall 1409 Fifth St.</b>	On campus	Yes	Off-site proprietor	Yes	Inside each room connected to alarm system	Yes	Inside each pod

**ANNUAL FIRE SAFETY REPORT/FIRE STATISTICS<sup>28</sup>**

Statistics and Related Information Regarding Fires in On-Campus Residential Facilities -- 2022						
Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries Requiring Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
<b>Residence Hall 1409 Fifth St.</b>	0	0	N/A	0	0	0

<sup>27</sup> Description of each on-campus student housing facility fire safety system 34 CFR 668.49(b)(2)

<sup>28</sup> Fire statistics disclosure requirement 34 CFR 668.49(c)

## CLERY-DESIGNATED CRIME DEFINITIONS

WVC is required to report crime statistics as defined by the Clery Act for the following crimes if the crimes are reported and occur in geographic locations as defined above.

- **Unfounded Crime Reports** – According to Uniform Crime Report (UCR) guidelines, a reported offense can be cleared as unfounded by a sworn law enforcement authority “if the investigation shows that no offense occurred nor was attempted.” These cases thus remain as official crime reports and are included in the departmental statistics; however, they are explicitly labeled as “unfounded” cases within UCR reports on the various index crimes. According to UCR guidelines, the statistics on unfounded cases should include crime reports that are either False or Baseless.
- **Murder/Non-Negligent Manslaughter** – The killing of one human being by another. Manslaughter by Negligence – The killing of another person through gross negligence.
- The Federal definition (from VAWA<sup>29</sup>) of **Sexual Assault**: An offense<sup>30</sup> that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is “any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.”
  - **Rape**: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This definition includes any gender of victim or perpetrator.
  - **Fondling**: The touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
  - **Incest**: Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - **Statutory Rape**: Non-forcible sexual intercourse with a person who is under the statutory age of consent.
  - **Robbery**: The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
- **Aggravated Assault** – An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.
- **Burglary** – The unlawful entry of a structure to commit a felony or a theft. Motor Vehicle Theft – The theft or attempted theft of a vehicle.
- **Arson** – Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another.
- **Domestic Violence, Dating Violence, and Stalking** additions from the 2014 VAWA Negotiated Rulemaking Final Consensus Language:

The Federal definition (from VAWA) of **Domestic Violence**: a felony or misdemeanor crime of violence committed:

<sup>29</sup> Violence Against Women Act of 1994 definitions 34 CFR 668.46(c)(6)(A)(i)

<sup>30</sup> VAWA Offenses 34 CFR 668.46(c)(1)(iv)

- by a current or former spouse or intimate partner of the victim.
- 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 or intimate partner;
- by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; 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 jurisdiction in which the crime of violence occurred

The Federal definition (from VAWA) of **Dating Violence**: the term "dating violence" means violence committed by a person:

- who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- The existence of such a relationship shall be determined based on the reporting party's statement with consideration of:
  - the length of the relationship.
  - the type of relationship.
  - the frequency of interaction between the persons involved in the relationship
- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

The Federal definition (from VAWA) of *Stalking*: engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- fear for the person's safety or the safety of others; or
- suffer substantial emotional distress.

For the purposes of this definition:

- Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
- A reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

### **Hate Crimes**

Hate crimes are defined as any of the above offenses, and any other crime involving bodily injury, reported to local police agencies or campus security authority that manifest evidence that the victim was intentionally selected because of the perpetrator's bias, or the perpetrator perceived the person to be in one of the protected group categories.

Additionally, on August 14, 2008, the Clery Act was amended to include larceny/simple assault, intimidation, and destruction/damage/vandalism (except arson) as reportable categories of hate crimes. These new reporting categories are only reported if motivated by bias as determined by one of the designated bias categories. The types of bias categories include race, gender, religion, sexual orientation, ethnicity, national origin, gender identity, and disability.

### ***Hate Crime Definitions***

To ensure uniformity in reporting nationwide, the following definitions have been adopted for use in hate crime reporting:

- **Bias** – a preformed negative opinion or attitude toward a group of persons based on their race, religion, disability, sexual orientation, or ethnicity/national origin.
- **Bias Crime** – a criminal offense committed against a person or property that is motivated, in whole or in part, by the offender’s bias against a race, religion, disability, sexual orientation, or ethnicity/national origin; also known as Hate Crime.

*Note: Even if the offender was mistaken in their perception that the victim was a member of the group the offender was acting against, the offense is still a bias crime because the offender was motivated by bias against the group.*

## UNIFORM CRIME REPORTING (UCR)/NATIONAL INCIDENT-BASED REPORTING SYSTEM (NIBRS) DEFINITIONS<sup>31</sup>

The Uniform Crime Reporting (UCR) program divides offenses into two groups, Part I and Part II crimes.

The Part I Offenses are:

### **Criminal Homicide –**

A) **Murder and non-negligent manslaughter:** the willful (non-negligent) killing of one human being by another.

Deaths caused by negligence, attempts to kill, assaults to kill, suicides, and accidental deaths are excluded. The program classifies justifiable homicides separately and limits the definition to:

1. the killing of a felon by a law enforcement officer in the line of duty; or
2. the killing of a felon, during the commission of a felony, by a private citizen.
3. Manslaughter by negligence: the killing of another person through gross negligence. Traffic fatalities are excluded.

**Rape –** Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. Statutory offenses (no force used – victim under age of consent) are excluded.

**Robbery –** The taking or attempted taking of anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Aggravated Assault –** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. Simple assaults are excluded.

**Burglary (Breaking or Entering) –** The unlawful entry of a structure to commit a felony or a theft. Attempted forcible entry is included.

**Larceny - Theft (except Motor Vehicle Theft) –** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Examples are thefts of bicycles or automobile accessories, shoplifting, pocket-picking, or the stealing of any property or article that is not taken by force and violence or by fraud. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

**Motor Vehicle Theft –** The theft or attempted theft of a motor vehicle. A motor vehicle is self-propelled and runs on land surface and not on rails. Motorboats, construction equipment, airplanes, and farming equipment are specifically excluded from this category.

**Arson –** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

The Part II Offenses are:

**Other Assaults (Simple) –** Assaults and attempted assaults which are not of an aggravated nature and do not result in serious injury to the victim. Includes subjecting a person to unlawful physical attack or in fear of bodily harm by word or action.

**Forgery and Counterfeiting –** The altering, copying, or imitating of something, without authority or right, with the intent to deceive or defraud by passing the copy or thing altered or imitated as that which is original or

---

<sup>31</sup> Uniform Crime Reporting Program definitions 34 CFR 668.46(c)(7)

genuine; or the selling, buying, or possession of an altered, copied, or imitated thing with the intent to deceive or defraud. Attempts are included.

**Fraud** – The intentional perversion of the truth for the purpose of inducing another person or other entity in reliance upon it to part with something of value or to surrender a legal right. Fraudulent conversion and obtaining of money or property by false pretenses, confidence games and bad checks, except forgeries and counterfeiting, are included.

**Embezzlement** – The unlawful misappropriation or misapplication by an offender to his/her own use or purpose of money, property, or some other thing of value entrusted to his/her care, custody, or control.

**Stolen Property: Buying, Receiving, Possessing** – Buying, receiving, possessing, selling, concealing, or transporting any property with the knowledge that it has been unlawfully taken, as by burglary, embezzlement, fraud, larceny, robbery, etc. Attempts are included.

**Vandalism** – To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law. Attempts are included.

**Weapons; Carrying, Possessing, etc.** – The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons. Attempts are included.

**Prostitution and Commercialized Vice** – The unlawful promotion of or participation in sexual activities for profit, including attempts.

**Sex offenses (except forcible rape, prostitution, and commercialized vice)** – Statutory rape, offenses against chastity, common decency, morals, and the like. Includes the offense of Fondling. Attempts are included.

**Drug Abuse Violations** – The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The following drug categories are specified: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics —manufactured narcotics that can cause true addiction (Demerol, Methadone); and dangerous non-narcotic drugs (Barbiturates, Bensedrine).

**Gambling** – To unlawfully bet or wager money or something else of value; assist, promote, or operate a game of chance for money or some other stake; possess or transmit wagering information; manufacture, sell, purchase, possess, or transport gambling equipment, devices, or goods; or tamper with the outcome of a sporting event or contest to gain a gambling advantage.

**Offenses Against the Family and Children** – Unlawful nonviolent acts by a family member (or legal guardian) that threaten the physical, mental, or economic well-being or morals of another family member and that are not classifiable as other offenses, such as Assault or Sex Offenses. Attempts are included.

**Driving Under the Influence** – Driving or operating a motor vehicle or common carrier while mentally or physically impaired as the result of consuming an alcoholic beverage or using a drug or narcotic.

**Liquor Laws** – The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness. Federal violations are excluded.

**Drunkenness** – To drink alcoholic beverages to the extent that one's mental faculties and physical coordination are substantially impaired. Excludes driving under the influence.



**Disorderly Conduct** – Any behavior that tends to disturb the public peace or decorum, scandalizes the community, or shocks the public sense of morality.

**Vagrancy** – The violation of a court order, regulation, ordinance, or law requiring the withdrawal of persons from the streets or other specified areas; prohibiting persons from remaining in an area or place in an idle or aimless manner; or prohibiting persons from going from place to place without visible means of support.

**All Other Offenses** – All violations of state or local laws not specifically identified as Part I or Part II offenses, except traffic violations.

This publication is intended to provide consumers, employees and potential employees with information on educational programs, safety practices, crime statistics, and policies regarding the reporting of emergencies and campus crime rates. It is the primary objective of the Safety, Security and Emergency Manager to work collaboratively with campus community members in our collective efforts to continually enhance the safety of the campus environment, thereby affording opportunities for community members to work, live, study, and personally and professionally develop both intellectually and socially. Should you have questions, comments, or suggestions regarding the information contained within this publication or any related public safety policies, procedures, or operations, please feel free to contact the Safety, Security and Emergency Manager at 509-682-6659 or [Magnew@wvcx.edu](mailto:Magnew@wvcx.edu).