

CCS Administrative Procedure

2.30.01-F Sex Discrimination Procedure for Complaints Against Employees

Implementing Board Policy [2.30.01](#)

Contact: Chief Human Resources Officer/Title IX Coordinator, 434-5037

1.0 Purpose

Community Colleges of Spokane (CCS) recognizes its responsibility to investigate, resolve, implement supportive and corrective measures, and monitor the educational environment and workplace to promptly and effectively stop, remediate, and prevent discrimination on the basis of sex, as required by Title IX of the Educational Amendments of 1972, Title VII of the Civil Rights Act of 1964, the Violence Against Women Reauthorization Act, and Washington State's Law Against Discrimination, and their implementing regulations. To this end, CCS has enacted Board Policy 2.30.01 and adopted the following Sex Discrimination Complaint Procedure for Complaints Against Employees (the Complaint Procedure) for purposes of receiving and resolving allegations of Sex Discrimination arising within the College's educational programs and activities and workplace. Any individual found responsible for engaging in Sex Discrimination in violation of college policy may be subject to disciplinary action up to and including dismissal from the College's educational programs and activities and/or termination of employment.

Application of this Discipline Procedure is restricted to allegations of Sex Discrimination, which includes, but is not limited to, allegations of Sex-based Harassment, as those terms are defined within this procedure. This Discipline Procedure is effective for all conduct alleged to have occurred after August 1, 2024. For conduct alleged to have occurred prior to August 1, 2024, see CCS Administrative Procedure [2.30.01-D](#). Nothing in this procedure limits or otherwise restricts the College's ability to investigate alleged misconduct and pursue discipline based on violations of other federal, state, and local laws, their implementing regulations, and other College policies prohibiting gender discrimination through processes set forth in employment contracts, employee handbooks, and collective bargaining agreements.

2.0 Order of Precedence

This employee discipline procedure applies to allegations of Sex Discrimination and Sex-based Harassment subject to regulations promulgated under Title IX by the United States Department of Education. See [34 C.F.R. § 106](#). Disciplinary proceedings against an employee Respondent alleged to have engaged in Sex Discrimination or Sex-based Harassment shall be governed by the College's administrative hearing practices and procedures, Chapter [WAC 132Q-108](#), and this disciplinary procedure. To the extent this disciplinary procedure conflicts with [WAC 132Q-108](#), and/or provisions set forth in employment contracts, collective bargaining agreements, employee handbooks, and other College employment policies and procedures, this disciplinary procedure will take precedence.

Notwithstanding the foregoing, if Respondent is a tenured or probationary faculty member and the *Director of Human Resources Employment Services* determines that the facts found in the investigation report would warrant Respondent's dismissal from the College if proven at hearing, the *Director of Human Resources Employment Services* will refer the matter to the Tenure Review Dismissal Committee for a hearing pursuant to [RCW 28B.50.863](#) and applicable procedures set forth in the Master Contract. To the extent the Master Contract's Tenure Review Dismissal Committee procedures are inconsistent or conflict with Sections 3 through 8 of this disciplinary procedure, the disciplinary procedure sections will prevail. At the end of the hearing, the Tenure Review Dismissal Committee will issue a Recommendation consistent with the provisions set forth in Section 10. Subject to the procedures set forth below, Complainant shall have the same right to appear and participate in the proceedings as the Respondent, including the right to present their position on the Recommendation to the Appropriate President before final action is taken.

3.0 Definitions

- 3.1 Complaint means a written or oral request that can be objectively understood as a request for the College to investigate and make a determination about alleged Sex Discrimination.
- 3.2 Complainant means the following individuals who have been subjected to alleged conduct that would constitute Sex Discrimination:
- 3.2.1 A student or employee; or
- 3.2.2 A person other than a student or employee who was participating or attempting to participate in the College's educational program or activity at the time of the alleged discrimination.
- 3.3 Confidential Employee means a College employee whose communications are privileged and confidential under Federal or State law. An employee's status as a Confidential Employee only applies when they are functioning within the scope of duties to which the privilege or confidentiality applies.
- 3.4 Consent means knowing, voluntary, and clear permission by word or action, to engage in mutually agreed upon sexual activity. Each Party has the responsibility to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be at the time of the act of sexual intercourse or sexual contact actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact.
- A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when they know, or reasonably should know, that the other person is physically or mentally incapacitated has engaged in nonconsensual sexual conduct.
- Intoxication is not a defense against allegations that an individual has engaged in nonconsensual sexual conduct.
- 3.5 Disciplinary Sanction means consequences imposed on a Respondent following a determination that the Respondent violated the College's policy prohibiting Sex Discrimination.
- 3.6 Investigation Procedure is the process the College uses to initiate, informally resolve, and/or investigate allegations that an individual has violated College policies prohibiting Sex Discrimination or Sex-based Harassment.
- 3.7 Mandatory Reporters are employees with authority to take corrective action, administrative leadership, instructors, and advisors, excluding Confidential Employees. Mandatory Reporters are required to report conduct that could reasonably constitute Sex Discrimination to the Title IX Coordinator. All other employees, excluding Confidential Employees, upon learning of conduct that could reasonably constitute Sex Discrimination must either (i) report the conduct to the Title IX Coordinator or (ii) provide the potential complainant with information regarding filing a Title IX complaint.
- 3.8 Peer Retaliation means Retaliation by a student against another student.
- 3.9 Pregnancy or Related Conditions means:
- 3.9.1 Pregnancy, childbirth, termination of pregnancy, or lactation;
- 3.9.2 Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or
- 3.9.3 Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

- 3.10 Program or Program and Activity means all operations of the College.
- 3.11 Relevant means related to the allegations of sex discrimination under investigation. Questions are Relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is Relevant when it may aid a decision maker in determining whether the alleged sex discrimination occurred.
- 3.12 Remedies means measures provided to a Complainant or other person whose equal access to the College's educational Programs or Activities has been limited or denied by Sex Discrimination. These measures are intended to restore or preserve that person's access to educational Programs and Activities after a determination that Sex Discrimination has occurred.
- 3.13 Respondent means an individual who has been alleged to have violated the College's policy prohibiting Sex Discrimination.
- 3.14 Retaliation means intimidation, threats, coercion, or discrimination against any person by the College, a student, or an employee or other person authorized by the College to provide aid, benefit, or service under the College's education program or activity, for the purpose of interfering with any right or privilege secured by College policies and procedures prohibiting Sex Discrimination, or because the person has reported information, made a Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part, including in an informal resolution process, in this procedure, and any disciplinary proceeding for Sex Discrimination. Nothing in this definition precludes the College from requiring an employee to provide aid, benefit, or service under the College's education program/activity or employment to participate as a witness in, or otherwise assist with, an investigation, proceeding, or hearing.
- 3.15 Sex Discrimination which includes Sex-based Harassment, occurs when a Respondent causes more than *de minimis* (insignificant) harm to an individual by treating them differently from an otherwise similarly situated individual based on:
 - 3.15.1 sex stereotypes;
 - 3.15.2 sex characteristics;
 - 3.15.3 pregnancy or related conditions;
 - 3.15.4 sexual orientation; and/or
 - 3.15.5 gender identity.
 - 3.15.6 Preventing a person from participating in an education program/activity or employment consistent with their gender identity constitutes more than *de minimis* harm and is prohibited.
- 3.16 Sex-based Harassment. For purposes of this Procedure, Sex-based Harassment is a type of Sex Discrimination that occurs when a Respondent engages in the following discriminatory conduct on the basis of sex:
 - 3.16.1 **Quid pro quo harassment**. An employee authorized by the College to provide an aid, benefit, or service under the College's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct.
 - 3.16.2 **Hostile environment**. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the recipient's education program or activity (i.e., creates a hostile environment).

Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- 3.16.2.1 The degree to which the conduct affected the Complainant's ability to access the College's education program or activity;
- 3.16.2.2 The type, frequency, and duration of the conduct;
- 3.16.2.3 The Parties' ages, roles within the College's education program or activity, previous interactions, and other factors about each Party that may be relevant to evaluating the effects of the conduct;
- 3.16.2.4 The location of the conduct and the context in which the conduct occurred; and
- 3.16.2.5 Other Sex-based Harassment in the recipient's education program or activity

3.16.3 **Sexual Violence.** Sexual Violence includes the following conduct:

- 3.16.3.1 **Nonconsensual sexual intercourse.** Any actual or attempted sexual intercourse (anal, oral, or vaginal), however slight, with any object or body part, by a person upon another person, that is without Consent and/or by force. Sexual intercourse includes anal or vaginal penetration by a penis, tongue, finger, or object, or oral copulation by mouth to genital contact or genital to mouth contact.
- 3.16.3.2 **Nonconsensual sexual contact (Fondling).** Any actual or attempted sexual touching, however slight, with any body part or object, by a person upon another person that is without Consent and/or by force. Sexual touching includes any bodily contact with the breasts, groin, mouth, or other bodily orifice of another individual, or any other bodily contact in a sexual manner.
- 3.16.3.3 **Incest.** Sexual intercourse or sexual contact with a person known to be related to them, either legitimately or illegitimately, as an ancestor, descendant, brother, or sister of either wholly or half related. Descendant includes stepchildren and adopted children under the age of 18.
- 3.16.3.4 **Statutory rape (Rape of a child).** Non forcible sexual intercourse with a person who is under the statutory age of consent.
- 3.16.3.5 **Domestic violence.** Physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, coercive control, damage or destruction of personal property, stalking, or any other conduct prohibited under [RCW 10.99.020](#), committed by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Washington, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State of Washington [RCW 26.50.010](#).
- 3.16.3.6 **Dating violence.** Physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person (i) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (ii) where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - i. The length of the relationship;

- ii. The type of relationship; and
 - iii. The frequency of interaction between the persons involved in the relationship.
- 3.17 Stalking. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (i) fear for their safety or the safety of others; or (ii) suffer substantial emotional distress.
- 3.18 Supportive Measures means reasonably available, individualized, and appropriate, non-punitive and non-disciplinary measures offered by the College to the Complainant or Respondent without unreasonably burdening either Party, and without fee or charge for purposes of:

Restoring or preserving that Party's access to the College's educational Program or Activity, including measures that are designed to protect the safety of the parties or the College's educational environment; or
 - 3.18.1 Providing support during the College's Investigation and Disciplinary Procedures, or during any informal resolution process.
 - 3.18.2 Supportive Measures may include, but are not limited to: counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of campus; restriction on contact applied to one or more Parties; leave of absence; change in class, college employment, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and training and education programs related to Sex-based Harassment.
- 3.19 Title IX Personnel are the Title IX Coordinator and their designees; Deputy Title IX Coordinators and their designees; Investigators; Director of Human Resources Employment Services and their designees; and Hearing Officers at both the hearing and appeal level, responsible for administering the College's Sex Discrimination investigation and disciplinary procedures; facilitators of the Informal Sex Discrimination Resolution Process; and any other employees who are responsible for implementing the College's Sex Discrimination investigation or Sex Discrimination disciplinary procedures for employees or have the authority to modify or terminate Supportive Measures.
- 3.20 Title IX Coordinator is responsible for processing Title IX Complaints and conducting or overseeing formal investigations and informal resolution processes under this Procedure.

4.0 Prohibited Conduct

The College may impose disciplinary sanctions up to and including dismissal from the College against an employee who has been found responsible for committing, attempting to commit, aiding, abetting, inciting, encouraging, or assisting another person to commit or engage in acts of Sex Discrimination, which include Sex-based Harassment and Retaliation. These terms are defined in Section 3.

5.0 Jurisdiction & Dismissal of Complaints

- 5.1 This disciplinary procedure applies only if the alleged misconduct:
 - 5.1.1 Meets the definition of Sex Discrimination, Sex-based Harassment, or Retaliation as defined in this disciplinary procedure, including causing more than de minimis harm to the Complainant;
 - 5.1.2 Occurred in the United States or interfered with the Complainant's ability to access or participate in the College's educational programs or activities in the United States; and

- 5.1.3 Occurred during a College educational program or activity or interferes with the Complainant's ability to access or participate in the College's educational programs or activities.

For purposes of this disciplinary procedure, the College's "educational programs or activities" means all operations of the College.

- 5.2 The *Director of Human Resources Employment Services* after reviewing the investigation report or the Hearing Officer after receiving the Notice of Hearing determines the facts alleged, even if proven, are not sufficient to support jurisdiction, must issue a notice of dismissal in whole or part to both parties and the Title IX coordinator explaining why some or all of the claims have been dismissed.
- 5.3 The *Director of Human Resources Employment Services* after reviewing the investigation report or the Hearing Officer after receiving the Notice of Hearing may, but is not required to, dismiss the case if:
 - 5.3.1 The Respondent is no longer employed by the College. The College's discretion to dismiss a Sex-based Harassment Complaint lodged against a former employee may be limited by [RCW 28B.112.070](#), which requires the College to complete investigations into allegations of sexual misconduct by employees directed at students unless the student requests otherwise; or
 - 5.3.2 The Complainant has voluntarily withdrawn the Complaint and the Title IX Coordinator has declined to initiate a complaint, and the College determines that any remaining conduct outside the withdrawn allegations would not constitute Sex Discrimination, even if proven. If the Complainant is a student and the case involves allegations of Sex-based Harassment, the withdrawal must be presented by the Complainant in writing before the College will act.
- 5.4 Dismissal does not prohibit the College from pursuing disciplinary action against a Respondent based on allegations that the Respondent engaged in other misconduct prohibited by federal or state law, employment contracts or handbooks, or other College policies.
- 5.5 Both the Complainant and the Respondent may appeal the dismissal of a Complaint pursuant the appeal process in Section 11 of this procedure.
- 5.6 The notice of dismissal must be served on all parties and the Title IX Coordinator and contain an explanation of:
 - 5.6.1 Why dismissal was necessary or appropriate;
 - 5.6.2 The right to appeal the dismissal and a description of the procedure for appealing the dismissal; and
 - 5.6.3 If applicable, notice that the Complaint is being referred to an appropriate disciplinary authority for proceedings outside the jurisdiction of this procedure.
- 5.7 If the Dismissal involves an allegation of Sex-based Harassment, the Notice of Dismissal will be served on the Parties simultaneously.
- 5.8 When a Complaint is dismissed, Title IX Coordinator will, at a minimum:
 - 5.8.1 Offer supportive measures to the Complainant as appropriate;
 - 5.8.2 If the Respondent has been notified of the allegations, offer supportive measures to the Respondent as appropriate; and
 - 5.8.3 Take other prompt and effective steps, as appropriate, to ensure that Sex Discrimination does not continue or recur within the College's education Program or Activity.

6.0 Rights of Parties

- 6.1 The provisions of this disciplinary procedure shall apply equally to the Respondent and the Complainant.
- 6.2 The College bears the burden of offering and presenting sufficient evidence to establish that the Respondent is responsible for engaging in Sex Discrimination, Sex-based Harassment, or Retaliation related to or arising from such allegations by a preponderance of the evidence. A preponderance of the evidence means on a more probable than not basis.
- 6.3 The Respondent will be presumed not responsible until such time as the disciplinary process has been finally resolved.

7.0 Initiation of Discipline

- 7.1 Upon receipt, the *Director of Human Resources Employment Services* shall independently review the investigation report provided by the Title IX Coordinator, and determine whether, by a preponderance of the evidence, there was a violation of the College's Sex Discrimination policy; and if so, what disciplinary sanction(s) and/or remedies will be recommended in collaboration with the Appropriate Executive. The *Director of Human Resources Employment Services* shall, within ten (10) business days of receiving the investigation report, serve Respondent, Complainant, and the Title IX Coordinator with a Written Recommendation, which includes a description of the facts and conclusions supporting the recommendation, as well as a recommended sanction developed in collaboration with the Appropriate Executive. The time for serving a Written Recommendation may be extended by the Director of Human Resources Employment Services for good cause.
 - 7.1.1 The Complainant or Respondent shall have 21 calendar days from service of the Written Recommendation to either accept the Written Recommendation or request a hearing. The request may be verbal or written but must be clearly communicated to the Title IX Coordinator.
 - 7.1.2 Upon receiving a request for a hearing, the Title IX Coordinator shall promptly notify the other Party of the request and forward a copy of the Written Recommendation to the Hearing Officer.
 - 7.1.3 If no request for a hearing is provided to the Title IX Coordinator within the 21 calendar day period, the Director of Human Resources Employment Services' Written Recommendation shall be final and the recommended disciplinary sanctions, if any, shall be implemented immediately by the Appropriate Executive.
- 7.2 Service of the Written Recommendation or any other document required to be served under this procedure shall be done:
 - 7.2.1 In person; or
 - 7.2.2 By first class or certified mail to the Party's last known address and by electronic mail to the Party's email address on file with the College.

8.0 Pre-Hearing Procedure

- 8.1 Upon receiving the Written Recommendation and request for a hearing, the Title IX Coordinator will send a hearing notice to all Parties in compliance with [WAC 10-08-040](#). The hearing date may not be scheduled less than ten (10) business days after the Final Investigation Report was provided to the Parties and the Title IX Coordinator. The College may, at its discretion, contract with an administrative law judge or other qualified person to act as the Hearing Officer.

- 8.2 Complainants and Respondents may be accompanied by an Advisor of their choosing during the disciplinary process at the Party's own expense. The Advisor may be an attorney and/or, if the Party is a represented employee, a union representative. If a Party does not select their own advisor, the College will provide the Party with an advisor at no cost to the Party.
- 8.2.1 If the Advisor is an attorney, the Advisor must file a notice of appearance with the Title IX Coordinator at least five (5) business days before the hearing. The Title IX Coordinator will provide copies of the notice to all parties and the Hearing Officer. If a notice of appearance is not filed within this timeframe, the Party will be deemed to have waived their right to have an attorney as an Advisor.
- 8.2.2 If a Party is a represented employee who chooses not to use a union-provided Advisor, the Party must provide the Title IX Coordinator with a signed waiver of union representation, including written consent from the union.
- 8.3 In preparation for the hearing, the College will provide Parties with an accurate description of all relevant and not otherwise privileged evidence gathered by the investigator during the investigation, regardless of whether the College intends to offer the evidence at the hearing. All Parties shall have an equal opportunity to access the evidence upon request.
- 8.4 The Hearing Officer may, or upon the request of any Party, must, conduct the hearing with the Parties physically present in separate locations, with technology enabling the Hearing Officer and Parties to simultaneously see and hear the Party or the witness while that person is speaking.

9.0 Evidence

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

- 9.1 Relevant or Relevance means a question or evidence is related to the allegations of Sex Discrimination at issue in the proceeding. Questions are relevant when they seek evidence that may aid in showing whether the alleged Sex Discrimination occurred, and evidence is relevant when it may aid a decision maker in determining whether the alleged Sex Discrimination occurred.
- 9.2 Impermissible evidence.
- 9.2.1 Privileged information. The Hearing Officer shall not consider legally privileged information unless the individual holding the privilege has effectively waived the privilege. Privileged information includes, but is not limited to, information protected by the following:
- 9.2.1.1 Spousal/domestic partner privilege;
- 9.2.1.2 Attorney-Client and attorney work product privileges;
- 9.2.1.3 Privileges applicable to members of the clergy and priests;
- 9.2.1.4 Privileges applicable to medical providers, mental health therapists, and counselors;
- 9.2.1.5 Privileges applicable to sexual assault and domestic violence advocates; and
- 9.2.1.6 Other legal privileges identified in [RCW 5.60.060](#).
- 9.2.2 Prior Sexual Behavior. Questions or evidence about a Complainant's sexual predisposition or prior sexual behavior are not relevant and must be excluded, unless such question or evidence:

- 9.2.2.1 Is asked or offered to prove someone other than the Respondent committed the alleged misconduct; or
 - 9.2.2.2 Concerns specific incidents of prior sexual behavior between the Complainant and the Respondent, which are asked or offered on the issue of consent.
- 9.3 The Hearing Officer may not make an inference regarding responsibility solely on a witness's or Party's absence from the hearing or refusal to answer questions.
- 9.4 In a proceeding involving allegations of Sex-based Harassment in which a student is a Complainant, the Hearing Officer shall review, in advance, all questions the Complainant and Respondent propose to ask during the hearing for relevance and whether the questions seek otherwise impermissible evidence. The Hearing Officer shall explain on the record the reasons for excluding any questions. If a question is excluded as unclear or harassing, the party proposing the question shall have an opportunity to clarify or revise the question. If questions are submitted for review in writing, the written questions shall be retained as part of the hearing record.
- 9.5 In a proceeding involving allegations of Sex-based Harassment in which a student is the Complainant, all questioning of witnesses on behalf of the Complainant and Respondent shall be conducted either by their respective Advisors or the Hearing Officer. Determination of who will conduct the questioning is at the discretion of the Hearing Officer.

10.0 Initial Order

- 10.1 The Hearing Officer will be responsible for drafting an Initial Order that:
- 10.1.1 Identifies the allegations of Sex Discrimination;
 - 10.1.2 Describes the complaint and disciplinary procedures, starting with the College's receipt of the Complaint through the determination of responsibility, including notices to parties, interviews with witnesses and parties, site visits, methods used to gather evidence, and hearings held;
 - 10.1.3 Makes findings of fact supporting the determination of responsibility;
 - 10.1.4 Reaches conclusions as to whether the facts establish whether the Respondent is responsible for engaging in Sex Discrimination in violation of Title IX;
 - 10.1.5 Contains a statement of, and rationale for, the Hearing Officer's determination of responsibility for each allegation;
 - 10.1.6 Describes the disciplinary sanction or conditions imposed against the Respondent, if any;
 - 10.1.7 Describes to what extent, if any, Complainant is entitled to remedies designed to restore or preserve Complainant's equal access to the College's programs or activities; and
 - 10.1.8 Describes the process for appealing the Initial Order to the Hearing Officer.
- 10.2 The Initial Order shall be served on the Parties and the Title IX Coordinator. If the case involves allegations of Sex-based Harassment, the Initial Order shall be served on the Parties and the Title IX Coordinator simultaneously.

11.0 Appeals

- 11.1 All Parties, including the Director of Human Resources Employment Services in their capacity as a representative of the College, have the right to appeal from the determination of responsibility and/or from a dismissal, in whole or part, of a Complaint during the investigative or hearing process. Appeals must be in writing and filed with the

Title IX Coordinator within twenty-one (21) calendar days of service of the Initial Order or Notice of Dismissal. Appeals must identify the specific findings of fact and/or conclusions of law in the Initial Order or dismissal being challenged and must contain argument as to why the appeal should be granted. Failure to file a timely appeal constitutes a waiver of the right to appeal and the Initial Order or dismissal shall be deemed final.

- 11.2 Upon receiving a timely appeal, the Title IX Coordinator will serve a copy of the appeal on all non-appealing Parties, who will have ten (10) business days from the date of service to submit written responses to Title IX Coordinator addressing issues raised in the appeal. Failure to file a timely response constitutes a waiver of the right to participate in the appeal. Upon receipt of written responses, the Title IX Coordinator shall serve copies of the responses to the appealing Party. The Title IX Coordinator will forward the written responses to the Chancellor or their designee.
- 11.3 If necessary to aid review, the Chancellor or their designee may ask for additional briefing from the parties on issues raised on appeal.
- 11.4 The Chancellor or their designee, based on their review of the Parties' submissions and the hearing or investigative record, will make a Final Decision determining whether the grounds for appeal have merit, provide the rationale for this conclusion, and state whether a dismissal is affirmed or denied, or if the disciplinary sanctions and conditions imposed in the Initial Order are affirmed, vacated, or amended, and, if amended, set forth the new disciplinary sanctions and conditions.
- 11.5 The Final Decision shall be served on all Parties and the Title IX Coordinator. If the case involves allegations of Sex-based Harassment, the Final Decision shall be served on the Parties and the Title IX Coordinator simultaneously.
- 11.6 All decisions reached through this process are final and may be judicially appealed pursuant to applicable provisions of [RCW 34.05](#), including, but not limited to, the timelines set forth in [RCW 34.05.542](#). No decisions or recommendations arising from this disciplinary procedure will be subject to grievance pursuant to any Collective Bargaining Agreement.

12.0 Other Discrimination Complaint Options

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

- 12.1 [Washington State Human Rights Commission](#)
- 12.2 [U.S. Dept of Education Office for Civil Rights](#)
- 12.3 [Equal Employment Opportunity Commission](#)