

Title IX Investigation and Hearing Process for Employees



1 Formal Complaint Submitted

- CCS receives notice of a potential Title IX complaint. Parties may request that no action be taken in response to their report. Supportive measures are discussed with both parties (complainant and respondent) regardless of whether a formal complaint is filed.
- A written formal complaint is submitted by the complainant or Title IX Coordinator and it is reviewed to see if the complaint meets Title IX jurisdiction. If complaint does not meet Title IX jurisdiction, it may still be a violation of other CCS policies/procedures and will be handled accordingly.
- Informal and formal resolution processes are outlined. Informal resolution may not be appropriate in some situations. Both parties must agree to any informal resolution process and this process may be started at any time.
- Retaliation by the complainant, the respondent or others is prohibited.

2 Investigative Process Begins

- Both parties receive notice of investigation.
- Both parties are allowed to bring an advisor of their choice to any interview/meeting, including a union representative or attorney.
- If a party does not have an advisor, the Title IX Coordinator will appoint one at no expense to the party.
- The assigned investigator conducts interviews and gathers evidence.
- Both parties receive equal opportunity to present relevant statements and other evidence.
- The investigator drafts the investigative report and allows both parties an opportunity to review draft and relevant evidence.
- Both parties have 10 business days to submit a written response to the report, which will be considered prior to report completion.

3 Investigative Process Ends

- Investigations will be concluded within a reasonable amount of time, normally within 90 business days.
- The investigator forwards the final report to Title IX Coordinator.
- Delays may occur due to college breaks; inability to contact witnesses or parties; or scheduling conflicts with Title IX personnel, witnesses, parties, advisors and union representatives.

4 Hearing Process Begins

- The Title IX Coordinator sends the final report and evidence to each party and Conduct Case Manager (CCM).
- The CCM reviews report and determines if there are sufficient grounds to pursue disciplinary action.
- A hearing is scheduled if disciplinary action is to be taken.*
- The Hearing Officer will send a hearing notice to each party.
- The hearing date may not be scheduled for less than ten (10) business days after the Title IX Coordinator provided the final investigative report to the parties.

5 During the Hearing & Initial Order

- The advisors for both parties will have the opportunity to ask questions directed to parties and witnesses during the hearing.
- These questions are reviewed for appropriateness by the Hearing Officer before they may be answered.
- The Hearing Officer will be responsible for drafting an initial order (i.e., their decision regarding the hearing) and will serve to both parties simultaneously.

6 Appeals Process

- Both parties may appeal the dismissal of a Title IX complaint, determination of responsibility or employee disciplinary decision to Title IX Coordinator, who will forward the appeal to the Appeals Officer.
- Appeals must be in writing and filed with the Title IX Coordinator within twenty-one (21) days of service of the initial order or notice of dismissal.
- The Appeals Officer 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 addressing issues raised in the appeal.
- The appealing party has five (5) business days from the date of service to submit a written reply addressing issues raised in the responses to the Appeals Officer.

7 Final Decision

- The Appeals Officer determines whether the grounds for appeal have merit; provides the rationale for this conclusion; and states whether a dismissal is affirmed or denied, or if the disciplinary sanctions and conditions, if any, imposed in the initial order are affirmed, vacated, or amended. If amended, they determine new disciplinary sanctions and conditions.
- The Appeals Officer will serve each party the final decision simultaneously.
- All decisions reached through this process are final and may be judicially appealed pursuant to applicable provisions of RCW 34.05.

*If respondent is a tenured or probationary faculty member, and the CCM determines that the allegations in the investigation, if true, would warrant respondent's dismissal from college, the matter is referred to the Tenure Dismissal Committee for a hearing.