

## **Green River College PRFR Report Appendix 2.D.3**

**2.D.3 The institution adheres to clearly defined policies that prohibit conflicts of interest on the part of members of the governing board(s), administration, faculty, and staff.**

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## **2.D.3 EV.#1 / Section 1**

## Chapter 42.52 RCW: ETHICS IN PUBLIC SERVICE

The following pages show only section titles of this evidence. To view the full file, please refer to the hyperlink

**Chapter 42.52 RCW**  
**ETHICS IN PUBLIC SERVICE**

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- 42.52.807 Exemption—Advising on student athlete name, image, and likeness.
- 42.52.810 Solicitation for the legislative international trade account—Report.
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- 42.52.821 Exemption—Solicitation to host conference of a national association.
- 42.52.822 Exemption—Solicitation for regional or national legislative association conferences.
- 42.52.900 Legislative declaration.
- 42.52.901 Liberal construction.
- 42.52.903 Serving on board, committee, or commission not prevented.
- 42.52.904 Effective date—1994 c 154.
- 42.52.906 Construction—Chapter applicable to state registered domestic partnerships—2009 c 521.

**RCW 42.52.010 Definitions. (Effective until January 1, 2026.)**

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

2025-2027 Washington Federal State Employees -  
Higher Education

*article 28 Privacy and Off-Duty Conduct (page 62)*

**27.2 Unauthorized Absence/Abandonment**

When an employee has been absent without authorized leave and has failed to contact the Employer for a period of three (3) consecutive days, the employee is presumed to have abandoned their position. The Employer will make a total of three (3) attempts, one (1) attempt each day, within the three (3) days of unauthorized absence to contact the employee at their contact phone number, and one (1) attempt calling the emergency contacts on file if provided, to determine the cause of the absence. The Employer may also request a welfare check.

**27.3 Notice of Separation**

When an employee's abandonment is presumed in accordance with Section 27.2, above, the Employer will separate the employee by sending a separation notice to the employee by certified mail to the last known address of the employee. Such notice will include information regarding eligibility for continuation of medical benefits.

**27.4 Petition for Reinstatement**

An employee who has received a separation notice in accordance with Section 27.3, above, may petition the Employer in writing to consider reinstatement. The employee must provide proof that the absence was involuntary or unavoidable. The petition must be received by the Employer or postmarked within seven (7) calendar days after the separation notice was deposited in the United States mail.

**27.5 Grievability**

Denial of a petition for reinstatement is grievable. The grievance may not be based on information other than that shared with the Employer at the time of the petition for reinstatement.

## **ARTICLE 28**

### **PRIVACY AND OFF-DUTY CONDUCT**

**28.1** Employees have the right to confidentiality to the extent provided/allowed by law, related to their:

- A. Protected personnel issues;
- B. Protected personal and medical information; and
- C. Family members' protected personal and medical information.

The Employer, the Union and the employees will take appropriate steps to maintain such confidentiality.

**28.2** The off-duty activities of an employee may be grounds for disciplinary action if said activities are a conflict of interest as set forth in [RCW 42.52](#), are detrimental to the employee's work performance or the program of the college/district, or otherwise constitutes just cause. An employee will report all arrests and any court-imposed sanctions or conditions that affect their ability to perform assigned duties to the Human Resources Office or appointing authority within twenty-four (24) hours or prior to their scheduled work shift, whichever occurs first.

## Washington State Executive Ethics Board training

# Training

The Ethics in Public Service Act encourages all Executive branch officers and employees to attend ethics training offered by the Executive Ethics Board at least once every 36 months. ([RCW 42.52.365\(2\)](#)). The Executive Ethics Board provides many different options and resources to complete this training including online and in-person training.

## Training opportunities available: Executive Level Training

The Board is offering an executive level training taught by Executive Director Kate Reynolds. This training is intended for agency heads, commissioners, presidents, vice presidents, and cabinet level leaders within the agency and/or education institutions. Part ethics training and part question and answer, the format is perfect as a meeting agenda item. If you would like to schedule a webinar, please contact Kate Reynolds at [kate.reynolds@atg.wa.gov](mailto:kate.reynolds@atg.wa.gov) or by calling 360.586.6759.

## Webinar Training

The Executive Ethics Board is also proud to offer webinar training! The webinar training is a live remote training perfect for everyone. The webinar can be accessed from individual computers or in a viewing room via a link that is sent to registered state employees or your agency training coordinator prior to the training. It can be customized in both content and length depending upon your preference. If your agency is interested in setting up a webinar, contact Board staff at [ethics@atg.wa.gov](mailto:ethics@atg.wa.gov) or by calling 360.664.0871.

## In-Person Training

Executive Ethics Board staff is available to provide training to state employees. After taking the training, the state employee will have a basic understanding of the ethical standards in place for state employees and state officials. The training will cover what is required under the law as a state employee and give state employees practical tools on how to handle ethical issues when they arise in the workplace. Through the use of hypothetical situations, state employees will learn what conduct is appropriate and options to take when faced with ethical dilemmas in their agency. The state employee will also gain a working knowledge of the role of the Executive Ethics Board as well as the complaint process. There is no cost for the training! Contact the Executive Ethics Board at 360.664.0871 or by emailing [ethics@atg.wa.gov](mailto:ethics@atg.wa.gov) to schedule an in-person training.

## Online Ethics Quiz

Test your knowledge of the states ethics laws by taking the [Ethics Quiz](#), a question and answer session regarding the Ethics in Public Service Act, RCW 42.52.

## Online Training

The Department of Enterprise Services also hosts a 90-minute online Ethics in Public Service training through their eLearning platform. This course highlights the Ethics in Public Service Act, RCW 42.52 and includes WAC 292-110-010, Use of State Resources.

## GA-23 Ethics - 10/17/2013



# GA-23 ETHICS

[Home](#) / [Campus](#) / [policies-and-procedures](#) / [general-administrative-policies](#) / GA-23 Ethics

## Purpose

This policy is intended to ensure an environment where employees understand that they hold a public trust. This trust obligates them to a) conduct the business of the institution in accordance with the highest ethical standards, b) not use their public office for personal gain or private advantage, and c) avoid activities that conflict with the proper discharge of their duties.

Employees are required to:

- Serve the public with respect, concern, courtesy and responsiveness, recognizing that service to the public is the primary mission of state government.
- Promote an environment of public trust free from fraud, abuse of authority and misuse of public property.
- Strengthen public confidence in the integrity of state government by demonstrating the highest standards of personal integrity, fairness, honesty and compliance with law, rules, regulations and Green River policies.
- Interact with co-workers with respect, concern, courtesy, and responsiveness.
- Create a work environment that is free from all forms of discrimination and harassment.

## Scope

This policy shall apply to all employees and officers of the college.

## Definitions

*Employee:* Individuals who are employed by Green River Community College, including student employees and volunteers.

*Officer of the college:* Members of the Board of Trustees.

*De minimis:* Minimal in duration and frequency with no actual cost to the state or the cost is so small as to be insignificant or negligible.

*Gifts:* Anything of economic value for which no consideration is given in return, with specified exceptions. These exceptions include certain items received from family members or friends,

## College Policies

[Board of Trustees](#)

[Business Administration](#)

[General Administrative](#)

[Information Technology](#)

[Human Resources](#)

[Instruction](#)

[Student Affairs](#)

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## Title IX Training Documents

Welcome to our Title IX Training Documents section,

where transparency meets commitment.

We proudly share comprehensive materials rooted in legal compliance and the principles of diversity, equity, and inclusion. These resources, designed for our Title IX Coordinator, are publicly accessible to promote awareness and empower our

certain items related to an outside business, items exchanged among co-workers, etc.

*Honoraria:* An honorarium refers to money or a thing of value that is offered to an employee or officer of the college for a speech, appearance, article, or similar item of activity in connection with the employee's official role with the institution.

### **Policy and/or Procedure**

### **ETHICS CATEGORIES**

#### ***Use of State Resources for Personal Benefit***

Employees and officers of the college are obligated to conserve and protect state resources for the benefit of the public interest, rather than their private interests. No state employee or officer of the college may employ or use any person, money or property under the employee's official control or direction, or in his or her official custody, for the private benefit or gain of the employee, officer of the college or another.

The restrictions set forth by RCW 42.52.160 are designed to prohibit the use of state resources for private purposes.

An employee or officer of the college can make occasional but limited use of state resources for private use provided that:

- There is no cost to the state and,
- There is no interference with the performance of official duties and,
- The use is brief in duration and does not disrupt state business due to volume or frequency and,
- The use does not compromise the security or integrity of state information or software.

De minimis use is permitted for the telephone, computer, fax, email and Internet provided that the use is not for personal gain, such as conducting an outside business; for political or campaign activities; or illegal. Personal use of the state SCAN long-distance telephone system is not permitted.

Certain uses of state resources are prohibited regardless of whether the use is de minimis and does not interfere with the performance of official duties. State law prohibits the use of state resources for conducting an outside business; supporting, promoting, or soliciting funds for an outside group or organization without authorization; political or campaign use; commercial purposes; or illegal activity.

The personal use of state resources that are removed from campus, such as, but not limited to, tools, computers, video recorders, vehicles, and cameras is not permitted. Employees may not reimburse the state so that there is no actual cost to the state, although in limited situations a system of reimbursement may be established by the college in advance and approved by the Executive Ethics Board.

#### ***Gifts***

Employees and officers of the college are prohibited from accepting a gift, gratuity or item of value if it could be reasonably expected to influence an action, judgment or vote. In addition, no employee or officer of the college may accept gifts with a collective value in excess of fifty (\$50) dollars from a single source in a calendar year or a single gift from multiple sources with a value in excess of fifty (\$50) dollars. The values of gifts given to family members are ordinarily attributed to the employee for the purpose of determining whether the limit has

community. Explore the training documents below to support our commitment to a workplace free from discrimination.

[TIX-Advisor Training](#)

[Title IX Coordinator 1-Course Slides](#)

[TIX-Day 1 Slides-Investigative Report Writing Workshop](#)

[TIX-Day 2-April Open Report Writing Workshop](#)

[TIX-Investigation 2 Day-Client Class](#)

[Title IX in a Post Reg World-Day 1](#)

[Title IX in a Post Reg World-Day 2](#)

[TIX-Hearings-Day 1 - Oregon Alliance](#)

[TIX-Hearings-Day 2- Oregon Alliance](#)

[TIX-Aug-Open Training Trauma Informed Investigations Training](#)

[TIX-Book T9 Coordinator-2 Day Client Class](#)

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## **General Administrative Policies**

- [GA-1 Drug Free Campus](#)
- [GA-2 Tobacco Use](#)
- [GA-3 Mandatory Reporting of Child Abuse](#)
- [GA-4 Use of Photo Release](#)
- [GA-5 Prohibited Activities](#)
- [GA-6 Trespass](#)
- [GA-7 Distribution of Materials](#)

been exceeded.

For employees or state officers other than those who participate in the acquisition of goods or services, there are general exceptions to the gift limit. These permit employees to accept, among other things, unsolicited tokens of appreciation such as plaques and desk items, flowers and plants, gifts from dignitaries in another state or country intended to be personal in nature.

### **Post State Employment**

Post-state employment restrictions are designed to ensure that a former employee or officers of the college does not accrue advantage as a result of decisions or actions made while in public service.

Post-state employment restrictions fall into three categories.

1. Contract restrictions prohibit former employees from accepting employment or compensation if
  - a. during the two years preceding termination of state employment, they were involved in negotiation or administration of a contract with that employer and in a position to make outcome-affecting discretionary decisions,
  - b. the contract (s) is/are worth over \$10,000, and
  - c. the employment or compensation relate to the fulfilling or implementation of that contract.
2. Beneficial interest restrictions prohibit a former employee, during the two years following termination of state employment, from having a “beneficial” (financial) interest in a grant or contract that was authorized or funded by an action in which s/he participated while in state employment.
3. Continuing restrictions, which have no statutorily-defined time limit, prohibit former state employees from, among other things, accepting employment or compensation that they have reason to believe, or that a reasonable person would believe, was intended to influence or compensate their performance or non-performance of official duties.

### **Honoraria**

No college employee may receive an honorarium unless specifically authorized by the college.

The college may not authorize an honorarium in certain circumstances:

1. The person offering the honorarium is seeking or is reasonably expected to seek a contract or grant from the college, and the employee is in a position to participate in determining the terms or awarding of the contract or grant.
2. The person offering the honorarium is likely to seek or oppose adoption of college rules, actions, or policy changes, and the person receiving the honorarium may participate in that adoption.

Employees may use state time and resources to prepare materials for a speech or presentation for which an honorarium will be awarded if the activity is related to the employee's official role in state employment. If it is not connected to one's official role, any payment received is not an honorarium; rather it is considered outside compensation subject to RCW 42.52.120.

If an honorarium includes payment for travel, lodging or subsistence expenses, the employee cannot also seek or accept college reimbursement of such expenses.

- GA-8 State Environmental Policy Act (SEPA)
- GA-9 Hours of Operation
- GA-10 Reasonable Accommodation
- GA-11 Sex Discrimination Grievance Procedure
  - *For incidents reported to have occurred prior to August 1, 2024.*
- GA-12 Tenure
- GA-13 Grant/Contract Proposal Development
- GA-14 Grant/Contract Procedures, Post Award
- GA-15 Human Subjects Research Compliance
- GA-16 Public Records
- GA-17 Educational Rights and Privacy Act
- GA-18 Traffic and Parking
- GA-19 Logo & Trademark Use Guidelines
- GA-21 Redevelopment of Policies
- GA-22 College Publications
- GA-23 Ethics
- GA-25 Student Email Communications
- GA-26 Social Media
- GA-27 Copyright Infringement
- GA-28 On-Campus Outdoor Memorials & Markers

### **Compensation for Outside Activities**

An employee or officer of the college may not receive any thing of economic value under any contract or grant outside of his/her official duties, unless certain conditions are met. This provision prohibits outside employment or other arrangements that might become a conflict or have the appearance of a conflict.

The conditions under which outside compensation may be received are:

1. The contract is bona fide and the work is actually performed.
2. The performance or administration of the contract or grant is not within the employee's official duties at the college or under the employee's official supervision.
3. The work is not prohibited by other statutes, such as the prohibition on assisting others in transactions involving the state.
4. The contract or grant is not performed for or compensated by anyone from whom the employee could not receive a gift under RCW 42.52.110 (applicable to employees who handle acquisitions).
5. The grant or contract is not created or authorized by the employee in his/her official capacity.
6. The work would not require unauthorized disclosure of confidential information obtained through college employment.

If the outside contract or grant is with another state agency, additional requirements must be met. Essentially these mean that there must be either an open bidding process with more than one competitor, or prior approval from the Executive Ethics Board. Such a contract or grant with a state agency generally must be filed with the Executive Ethics Board within thirty days after signing.

### **Financial Interest in Transactions**

Employees or officers of the college may not be beneficially (financially) interested in contracts, sales, leases, purchases, or grants that they make, or that are made under their supervision, as state employees. They also may not accept any compensation, gratuity, or reward from any other person who is beneficially interested in such a contract, etc. While there are exceptions for certain higher education research institutions, allowing certain researchers to have financial interests in their institutional grants and contracts, those exceptions generally do not apply to Green River.

Stated another way, a college employee, acting as such, cannot participate in college transactions with an entity or other person in which the employee holds some position or financial interest. Again, there are some exceptions, for service on foundation boards and in certain other public interest positions.

### **Confidential Information**

Confidential information refers to specific information, rather than generalized knowledge, that is not available to the general public on request, and information that is made confidential by law. College employees may not disclose confidential information to any person who is not entitled or authorized to receive it.

No employee or officer of the college may participate in any business or professional activity that she/he might reasonably expect would require or cause unauthorized disclosure of confidential information that had been obtained through the employee's official position. An employee also may not disclose

- [GA-29 Web Policy](#)
- [GA-30 PCI DSS COMPLIANCE POLICY](#)
- [GA-31 Sex Discrimination Investigation Procedure](#)
  - *For incidents reported to have occurred on or after August 1, 2024.*
- [GA-32 Employee Sex Discrimination Disciplinary Procedure](#)
  - *For incidents reported to have occurred on or after August 1, 2024.*
- [GA-33 Pregnancy and Pregnancy Related Conditions](#)

or otherwise use such confidential information for personal gain or benefit, unless the disclosure has been properly authorized.

Finally, an employee may not intentionally conceal records that (s) he knows are required to be released under the state public records law.

### ***Special Privileges***

Except as required to perform employment duties, no employee or officer of the college may use his/her position to secure special privileges or exemptions for that employee, the employee's spouse, children, or parents, or other persons.

### **Use of Public Resources for Political Campaigns**

Employees and officers of the college are prohibited from using college facilities to assist a political candidate's election campaign or to promote or oppose a ballot proposition. The law broadly defines the term "facilities" to include, but not be limited to, stationery, postage, machines, equipment, office space, vehicles, publications, and the use of state employees during working hours, and clientele lists of persons served by the agency. For example, the use of e-mail to encourage letter-writing campaigns to promote candidates or a ballot measure is prohibited.

An employee may also violate the ethics law if she/he lets someone else use public resources for political campaigns.

An exception to this rule permits activities that are the normal and regular conduct of a state agency, such as renting property under customary rental arrangements or providing a college "neutral forum" for political presentations.

## **COMPLAINT PROCESS**

College employees may file complaints of alleged ethics violations directly with the Washington State Executive Ethics Board. Complaints must name a specific state officer or state employee and the alleged conduct that could violate the state's ethics law if true. The Executive Ethics Board is required under law to investigate any complaint that alleges conduct in violation of RCW 42.52.

Complaints also may be filed internally, within the college, following whatever complaint procedure or investigative process applies to the state officer or state employee who is alleged to have violated the ethics law.

## **PENALTIES**

Employees violating this policy are subject to disciplinary action as well as penalties imposed by the Executive Ethics Board under WAC 42.52.520.

### **Specific Authority**

[RCW 42.52](#)

### **Law Implemented**

### **History of Policy or Procedure**

Draft:

Adopted: April 9, 2008

Revised: July 18, 2013

Reviewed by:

Contact: Mark Brown, Director of Learning and Development  
Human Resources, [mbrown@greenriver.edu](mailto:mbrown@greenriver.edu)

President's Staff Sponsor: Dr. Deborah Casey, Interim Vice

**Resources**

Contact Us

**STUDENT SUPPORT**

ctcLink  
Student Email  
My Green River  
Navigate 360  
Financial Aid  
Holman Library  
Center for Transformational Wellness  
Student Remote Access  
Career & Advising Center  
Office of the Registrar  
Disability Support Services  
Counseling Services  
e-Learning  
Placement & Testing Center  
Register to Vote  
MMIWP / WSP

**EMPLOYEE RESOURCES**

Human Resources  
Institutional Effectiveness  
ctcLink Sign In  
GatorNet  
Curriculog (formerly CAR/PAR)  
Faculty eLearning  
Canvas  
Gator News  
Employee Password Reset

**CAMPUS SAFETY**

Emergency & Safety Alerts  
Just Report It

**CONNECT WITH GREEN RIVER**

**Facebook**  
**Twitter**  
**Youtube**  
**LinkedIn**  
**Instagram**

Faculty CBA - Green River College Agreement  
*article XII: Termination Of Employment - Section B:*  
*Dismissal for Cause (page 92)*

6. An arbitrator shall not have the authority to remand an issue back to the parties for negotiations as a part of any award.

## Section E: Appeal of Arbitration

Petition by either party to a court of competent jurisdiction on any arbitration decision or award shall be based upon the following:

1. The arbitrator exceeded jurisdiction or authority under this Agreement, practice and policies.
2. The arbitrator's decision or award is based on an error of law.

## ARTICLE XII: TERMINATION OF EMPLOYMENT

### Section A: Dismissal Philosophy

1. Both the Board of Trustees and the Agent subscribe to a policy of helping faculty members improve their performance and achieve success in fulfilling their job descriptions.
2. Excluding instances involving reduction-in-force, as referenced in [Article XIII](#), both parties agree that before instituting dismissal for cause proceedings, they will undertake every reasonable effort to assist faculty to eliminate deficiencies and to improve performance which otherwise might necessitate dismissal.
3. In cases where a faculty member's performance is deficient, the appropriate administrator will provide early written notification of the specific nature of the deficiencies and will, in conjunction with the division, the Agent and other administrative personnel, provide counseling, guidance and assistance aimed at helping the faculty member eliminate deficiencies and achieve acceptable performance.
4. This Article is not subject to the grievance procedure.

### Section B: Dismissal for Cause

1. No tenured faculty member or probationary faculty members during the term of their probationary appointment shall be dismissed except for sufficient cause.
2. Sufficient cause for dismissal shall include but not be limited to the following:
  - a. Failure to fulfill job description.
  - b. Incompetence in performance of job description.
  - c. Repeated violation of published College operational procedures.
  - d. Illegal conflict of interest.
  - e. Aiding, abetting or participating in ([RCW 28B.50.862](#)):
    - i. Any unlawful act of violence,
    - ii. Any unlawful act resulting in destruction of College property, or
    - iii. Any unlawful interference with the orderly conduct of the educational process.

### Section C: Procedures Governing Dismissal for Cause

1. Informal Procedure for Dismissal (Not Reduction-In-Force)
  - a. When the appropriate administrator receives or initiates a formal written complaint about a faculty member which may warrant dismissal, the

- administrator shall inform that faculty member and the division chairperson.
- i. At this and all subsequent meetings, the charged faculty member may request a representative of the Agent to be present with the appropriate administrator and/or division chairperson.
  - b. During this preliminary meeting, which shall be an information gathering session, an adjustment may be mutually agreed upon, at which time the case will be closed.
  - c. If the case is not closed, but a formal dismissal hearing is not recommended:
    - i. The areas of deficiency or areas covered by the complaint and suggested methods of improvement shall be stated in writing and a copy given to the faculty member at the initial meeting.
    - ii. Attempts to eliminate the areas covered by the complaint shall be made by the division chairperson, appropriate administrator and the faculty member until resolved but not to exceed a period of six (6) consecutive contract months.
    - iii. Meetings shall be held between the faculty member and appropriate administrator to assist the faculty member to resolve the areas of complaint as appropriate.
    - iv. Recommendation shall then be made to the college President by the appropriate administrator. The recommendations shall provide for
      1. Dropping the charges or
      2. Holding a formal hearing for dismissal.
    - v. The College President shall make a determination as to dropping the charges or dismissing the faculty member.
2. Formal Procedures Relating to Dismissal of a Faculty Member
- a. After it is determined that dismissal proceedings should be initiated, the President shall specify the grounds constituting sufficient cause for dismissal, serve written notice of the cause(s) to the affected faculty member and provide copies to the Dismissal Review Committee and the Agent.
  - b. Notice shall include:
    - i. A statement of the time, place and nature of the hearing (at least 10 days shall elapse between the notice and the hearing);
    - ii. A statement of the legal authority and jurisdiction under which the hearing is to be held;
    - iii. A reference to the particular rules of the College that are involved;
    - iv. A short and plain statement of the matters asserted.
  - c. The affected faculty member shall have ten (10) days from the date of the notice of dismissal to make a written request for a hearing.
    - i. If the affected faculty member does not request such a hearing from the President of the College within seven (7) days, the President will request a written determination from the faculty member as to whether the faculty member wishes to avail himself/herself of the right to a hearing.
    - ii. If the faculty member fails to respond within ten (10) days provided herein, this failure to request a hearing shall constitute acceptance of dismissal and waiver of any right to a hearing.
    - iii. The decision of a faculty member not to request a hearing shall be communicated by the President in writing to the Dismissal Review

Committee, the Agent and the Board of Trustees.

3. Procedural Rights of Affected Faculty Members
  - a. An affected faculty member who has requested a hearing shall be entitled to one (1) formal, contested case hearing pursuant to [the Administrative Procedure Act, Chapter 34.05 RCW](#), and shall have the following procedural rights.
    - i. The right to confront and cross-examine adverse witnesses, provided that, when a witness cannot appear and compelling reasons therefore exist, the identity of the witness and a copy of the statement of the witness reduced to writing shall be disclosed to the faculty member at least ten (10) days prior to the hearing on the matter toward which the testimony of the witness is considered material.
    - ii. The right to be free from compulsion to divulge information which the faculty member could not be compelled to divulge in a court of law.
    - iii. The right to be heard in the faculty member's own defense and to present **witnesses, testimony, and evidence on all issues involved.**
    - iv. The right to the assistance of the Hearing Officer in securing the witnesses and evidence pursuant to [Chapter 34.05 RCW](#).
    - v. The right to counsel of the faculty member's choosing to appear and act on **behalf of the faculty member at the hearings.**
    - vi. The right to have witnesses sworn and testify under oath.
4. Conduct of Formal Hearing
  - a. Appointment of Hearing Officer
    - i. Upon receipt of a request for a hearing from an affected faculty member, the President shall notify the Board of Trustees and request that the Board appoint an impartial and neutral Hearing Officer.
    - ii. The Hearing Officer shall be a member in good standing of the Washington State Bar Association and shall not be an employee of the State of Washington nor any of its political subdivisions (with the exception of administrative law judges).
    - iii. The Agent shall be consulted prior to the appointment of the Hearing Officer.
  - b. Responsibilities of Hearing Officer
    - i. It shall be the role of the impartial and neutral Hearing Officer to conduct the hearing in accordance with [RCW 34.05](#) and this Agreement.
    - ii. The duties of the Hearing Officer include:
      1. Administering oaths and affirmations, examining witnesses and receiving evidence; and no person shall be compelled to divulge information which they could not be compelled to divulge in a court of law;
      2. Issuing subpoenas;
      3. Taking or causing depositions to be taken;
      4. Regulating the course of the hearing;
      5. Holding conferences for the settlement or simplification of the issues by consent of the parties;
      6. Disposing of procedural requests or similar matters;
      7. Making all rulings regarding the evidentiary issues presented

- during the course of the Dismissal Review Committee hearings;
8. Appointing a court reporter, who shall operate at the direction of the Hearing Officer and shall record all testimony, receive all documents and other evidence introduced during the course of the hearing, and record any other matters related to the hearing as directed by the Hearing Officer;
  9. Assisting the Dismissal Review Committee in the conduct of its responsibilities;
  10. Allowing the Dismissal Review Committee to hear testimony from all interested parties, including but not limited to faculty members and students, and reviewing any evidence offered by same;
  11. Preparing proposed findings of fact and conclusions of law and a recommended decision. As soon as reasonably practicable, but in no event longer than thirty (30) days after the conclusion of the formal hearing, the written recommendation of the Hearing Officer will be presented to the President, Dismissal Review Committee, affected faculty member, the Agent and the Board of Trustees. The Dismissal Review Committee's recommendation shall become part of the official Hearing Officer's record at the time both recommendations are sent to the Board of Trustees;
  12. Being responsible for preparing and assembling a record for review by the Board of Trustees which shall include:
    - a. All pleadings, motions and rulings;
    - b. All evidence received or considered;
    - c. A statement of any matters officially noticed;
    - d. All questions and offers of proof, objections, and rulings thereon;
    - e. Proposed findings, conclusions of law, and recommended decisions;
    - f. A copy of the recommendations of the Dismissal Review Committee;
  13. Ensuring that a transcription of the hearing is made and that a copy of the record or any part thereof is transcribed and furnished to any party to the hearing upon request and payment of costs;
  14. Deciding, with advice from the Dismissal Review Committee, whether the hearing shall be open to the educational community or whether particular persons shall be permitted or excluded from attendance.
- c. Responsibilities of Dismissal Review Committee
- i. The responsibilities of the committee shall be
    1. To receive guidance from the Hearing Officer regarding the conduct of its responsibilities;
    2. To review the case of the proposed dismissal;
    3. To attend the hearing and, at the discretion of the Hearing Officer, call and/or examine any witnesses;
    4. To hear testimony from all interested parties (including but not limited to other faculty members and students) and to review any

- evidence offered by same;
5. To arrive at its recommendations in conference on the basis of the hearing. As soon as reasonably practicable, but in no event longer than thirty (30) days after the conclusion of the formal hearing, a copy of the written recommendations of the committee will be presented to the Hearing Officer, the affected faculty member, the President, the Board and the Agent.
5. Final Decision by the Board of Trustees
    - a. The case shall be reviewed by the Board of Trustees as follows:
      - i. Board review shall be based on the record of the hearing;
      - ii. The final decision to dismiss or not to dismiss shall rest, with respect to both the facts and the decision, with the Board of Trustees after giving reasonable consideration to the recommendations of the Dismissal Review Committee and the Hearing Officer.
        1. The Dismissal Review Committee's recommendations and the findings, conclusions and recommended decision of the Hearing Officer shall be advisory only and in no respect binding in fact or law upon the decision maker, the Board of Trustees.
      - iii. The Board of Trustees shall, within a reasonable time following the conclusion of its review, notify the charged faculty member in writing of its final decision and the effective date of dismissal.
  6. Effective Date of Dismissal
    - a. The effective date of a dismissal for sufficient cause shall be such date subsequent to notification of the Board's final written decision as determined at the discretion of the Board of Trustees.
  7. Appeal from Final Decision
    - a. Pursuant to [RCW 34.05](#) as now existing or hereafter amended, any party shall have the right to appeal the final decision of the Board of Trustees within thirty (30) days after service of that decision.
    - b. The filing of an appeal shall not stay enforcement of the decision of the Board.
  8. Suspension
    - a. Suspension by the President during the administrative proceedings (prior to the final decision of the Board of Trustees) is justified if immediate harm to the affected faculty member or others is threatened by continuance of the faculty member.
    - b. Any such suspension shall be with pay.
  9. Publicity
    - a. Except for such simple announcements as may be required covering the time of the hearing and similar matters, no public statements about the case shall be made by the faculty member, the Dismissal Review Committee, administrative officers, the Agent or the Board of Trustees until all administrative proceedings have been completed.
  10. Dismissal Review Committee Composition
    - a. The Dismissal Review Committee shall be comprised as follows:
      - i. One (1) member and one (1) alternate to be chosen by the college president at the discretion of the college president.
      - ii. Four (4) full-time faculty members and four (4) alternates to be elected by

the full-time faculty acting as a body.

1. Consistent with 10.a.v. below, this election shall take place on or before the 15th of October each year.
- iii. One (1) full-time student and one (1) alternate chosen by the Student Association.
- iv. The counsel for the charged faculty member(s) may challenge for cause the membership of the Dismissal Review Committee.
  1. Challenge for cause shall be determined by the Hearing Officer except for physical incapacity to serve on the committee which will be considered just cause for not serving.
  2. In the event of a challenge the applicable alternate will replace the individual(s).
- v. Terms of office for elected faculty members and alternates shall be determined by the Agent.
- vi. In no case shall a member of the committee sit in judgment of their own case, or the case of their spouse.

#### 11. Time Limits

- a. The term "days" as used in this section refers to calendar days.
- b. In computing any time prescribed or allowed, the day of the act or event from which the designated period of time begins to run shall not be included.
- c. If the last day of the period of time is a Saturday, a Sunday or a legal holiday, the period runs until the end of the next day which is neither a Saturday, a Sunday, nor a legal holiday.

#### 12. Special Provision

- a. Upon written mutual consent between the affected faculty member and the Board of Trustees, appeal right outlined in [Article XII \(Termination of Employment\), Section C](#) may be waived in favor of final and binding arbitration with the American Arbitration Association.

## ARTICLE XIII: REDUCTION-IN-FORCE

### Section A: Reduction-in-Force

1. Definition
  - a. Reduction-In-Force shall be defined as any of the following:
    - i. Emergency reduction-in-force as defined in RCW 28B.50.873. 22
    - ii. Institutional lack of funds.
    - iii. Program termination or program reduction.
2. Grievance Exemption
  - a. This Article (except [Section D, 1, c](#)) is not subject to the grievance procedure.

### Section B: Preliminary Procedures

1. Program Termination or Program Reduction Preliminary Procedures
  - a. Prior to initiation of reduction-in-force for reason A. 1., a., iii., above, a Program Review study and a Program Viability study shall have been conducted under the oversight of the Instructional Council.
  - b. The Instructional Council shall provide a recommendation to the Vice President

## GP-6 Board Code of Ethics - 10/17/2013



# GP-6 BOARD CODE OF ETHICS

[Home](#) / [Campus](#) / [policies-and-procedures](#) / [board-policy](#) / GP-6 Board Code of Ethics

## Policy

The Board expects ethical conduct by itself and its members. This includes proper use of authority and appropriate decorum in both group and individual behavior when acting as Board members.

1. Board members must maintain un-conflicted loyalty to the interests of the citizens and the district. This accountability supersedes any conflicting loyalty such as that to advocacy or interest groups and membership on other boards or staffs. This accountability supersedes the personal interest of any Board member acting as an individual consumer of college services.
2. Board members must avoid any conflict of interest with respect to their fiduciary responsibility.
  - a. There must be no self-dealing or any conduct of private business or personal services between any Board member and the College except as allowed by Chapter 42.52 RCW.
  - b. Board members must not use their positions to obtain employment by the College for themselves, family members, friends or associates.
  - c. Board members shall abstain from votes upon which they have an appearance of a conflict of interest.
3. The Board speaks with one voice, and Board members may not attempt to exercise individual authority over the organization except as explicitly set forth in Board policies.
  - a. Board members' interaction with the president or with staff must recognize the lack of authority in any individual Board member or group of Board members except as noted above.
  - b. Board members' interaction with the public, press or other entities must recognize the same limitation and the similar inability of any Board member to speak for the Board except for those duties reserved to the chairperson.
  - c. Board members will make no judgments of presidential performance except as that performance is assessed against explicit Board policies.

## College Policies

[Business Administration](#)

[General](#)

[Administrative](#)

[Information](#)

[Technology](#)

[Human Resources](#)

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## Board Policies

**Governance**

**Process**

- [GP-1 Policy Governance Commitment](#)
- [GP-2 Governing Style](#)
- [GP-3 Board Job Description](#)
- [GP-4 Board Chairperson's Role](#)
- [GP-5 Community College District No. 10 Bylaws](#)
- [GP-6 Board Code of Ethics](#)
- [GP-7 Naming of Facilities](#)

# History of Policy

Draft: September 30, 2003, December 12, 2003, February 16, 2004

Adopted: April 15, 2004

Revised: October 17, 2013

- GP-8 Civility and Mutual Respect
- GP-9 Participatory Governance

## Board Staff Relationships

- BSR-1 Order Delegating Authority
- BSR-2 President's Job Description
- BSR-3 Monitoring Presidential Performance
- BSR-4 Staff Reports to the Board
- BSR-5 Other Board Interactions

## Executive Limitations

- EL-1 General Executive Constraint
- EL-2 Treatment of People
- EL-3 Compensation and Benefits
- EL-4 Financial Planning/Forecasting
- EL-5 Financial Condition
- EL-6 Asset Protection
- EL-7 Communication/Counsel to the Board
- EL-8 Emergency Executive Succession
- EL-9 Reserves

## College Outcomes

- CO-1 College Mission
- CO-2 College Vision
- CO-3 Core Theme: College Transfer Education
- CO-4 Core Theme: Career and Technical Education

Emergency Rules: WSR 24-16-094 (page 10)

## Washington State Register

WSR 24-16-094

NEW SECTION

**WAC 132J-126-560 Initial order.** In cases involving sex-based harassment, the initial decision shall be served on all parties simultaneously, as well as the Title IX coordinator.

NEW SECTION

**WAC 132J-126-570 Appeals.** (1) Any party, including a complainant in sex-based harassment cases, may appeal the committee's decision to the president by filing a written appeal with the appropriate vice president's office (appeal authority) within 21 calendar days of service of the committee's decision. Failure to file a timely appeal constitutes a waiver of the right and the decision shall be deemed final.

(2) The written appeal must identify the specific findings of fact and/or conclusions of law in the decision that are challenged and must contain argument why the appeal should be granted. Appeals may be based upon, but are not limited to:

(a) Procedural irregularity that would change the outcome;

(b) New evidence that would change the outcome and that was not reasonably available when the initial decision was made; and

(c) The investigator, decision maker, or Title IX coordinator had a conflict of interest or bias for or against a respondent or complainant individually or respondents or complainants generally.

(3) Upon receiving a timely appeal, the appeal authority will promptly serve a copy of the appeal on all nonappealing parties, who will have 10 business days from the date of service to submit a written response addressing the issues raised in the appeal to the president or a designee, and serve it on all parties. Failure to file a timely response constitutes a waiver of the right to participate in the appeal.

(4) If necessary to aid review, the appeal authority may ask for additional briefing from the parties on issues raised on appeal. The appeal authority's review shall be restricted to the hearing record made before the student conduct committee and will normally be limited to a review of those issues and arguments raised in the appeal.

(5) The appeal authority shall serve a written decision on all parties and their attorneys, if any, within 20 calendar days after receipt of the appeal. This decision shall be final and subject to judicial review pursuant to chapter 34.05 RCW, Part V.

(6) In cases involving allegations of sex-based harassment, the appeal decision must be served simultaneously on all parties and the Title IX coordinator.

(7) The appeal authority shall not engage in an ex parte communication with any of the parties regarding an appeal.

# Supplemental Student Conduct Code and Procedures



# SUPPLEMENTAL STUDENT CONDUCT CODE AND PROCEDURES

AT GREEN RIVER COLLEGE

 Section Menu 

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## Supplemental Student Conduct Code and Procedures for alleged conduct that occurred on or after August 1, 2024.

### WAC 132J-126-500 Sex discrimination - Supplemental student conduct code and procedures - Order of precedence.

This supplemental student conduct code and procedure applies to allegations of sex discrimination arising on or after August 1, 2024 subject to Title IX jurisdiction pursuant to regulations promulgated by the United States Department of Education. See 34 C.F.R. Part 106. To the extent these supplemental hearing procedures conflict with the College's standard student conduct code and procedure, WAC 132J-126-010 through WAC 132J-126-480, this supplemental student conduct code and procedure shall take precedence.

### WAC 132J-126-510 Sex discrimination - Prohibited conduct and definitions

Pursuant to RCW 28B.50.140(13) and Title IX of the Education Amendments Act of 1972, 20 U.S.C. Sec. 1681, the College may impose disciplinary sanctions against a student or student group who commits, attempts to commit, or aids, abets, incites, encourages, or assists another person to commit, an act(s) of "sex discrimination."

For purposes of this supplemental procedure, the following definitions apply.

## Quick Links

[Submit an Incident Report](#)

[Submit a Hazing Incident Report](#)

[Submit an Academic Concern](#)

[Report Concern for a Student \(formerly Red Flag\)](#)

[Student Conduct Code](#)

[Reporting or filing a Sexual Misconduct complaint](#)

[Hazing](#)

[Student Rights & Responsibilities](#)

[Faculty Resources](#)

[FAQ for Parents](#)

[FAQ for Students](#)

[FERPA](#)

(1) “Complainant” means the following individuals who are alleged to have been subjected to conduct that would constitute sex discrimination:

(a) a student or employee

(b) a person other than a student or employee who was participating or attempting to participate in the college’s education program or activity at the time of the alleged discrimination.

(2) “Pregnancy or Related Conditions” means: (a) pregnancy, childbirth, termination of pregnancy, or lactation; (b) medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or (c) recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

(3) “Program” or “Programs and Activities” means all operations of the college.

(4) “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.

(5) “Remedies” means measures provided to a Complainant or other person whose equal access to the college’s educational programs and 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.

(6) “Respondent” is a student who is alleged to have violated the student conduct code.

(7) “Sex Discrimination.” The term “sex discrimination” includes sex-based harassment, and may occur when a respondent causes more than de minimis (insignificant) harm to an individual by treating them differently from a similarly-situated individual on the basis of: sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. Conduct that prevents an individual from participating in an education program or activity consistent with the person’s gender identity subjects a person to more than de minimis harm on the basis of sex.

(a) Sex-Based Harassment. “Sex-based harassment” is a form of sex discrimination and means sexual harassment or other harassment on the basis of sex, including the following conduct:

(i) Quid pro quo harassment. A student, employee, agent, or other person 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.

(ii) 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:

- (A) The degree to which the conduct affected the complainant's ability to access the college's education program or activity;
- (B) The type, frequency, and duration of the conduct;
- (C) 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;
- (D) The location of the conduct and the context in which the conduct occurred; and
- (E) Other sex-based harassment in the college's education program or activity.

(iii) Sexual Violence. "Sexual violence" includes nonconsensual sexual intercourse, nonconsensual sexual contact, domestic violence, incest, statutory rape, domestic violence, dating violence, and stalking.

(A) Nonconsensual sexual intercourse is any sexual intercourse (anal, oral, or vaginal), however slight, with any object, by a person upon another person, that is without consent and/or by force. Sexual intercourse includes anal or vaginal penetration by a penis, tongue, finger, or object, or oral copulation by mouth to genital contact or genital to mouth contact.

(B) Nonconsensual sexual contact (Fondling) is any actual or attempted sexual touching, however slight, with any body part or object, by a person upon another person that is without consent and/or by force. Sexual touching includes any bodily contact with the breasts, groin, mouth, or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

(C) Incest is sexual intercourse or sexual contact with a person known to be related to them, either legitimately or illegitimately, as an ancestor, descendant, brother, or sister of either wholly or half related. Descendant includes stepchildren, and adopted children under the age of eighteen (18).

(D) Statutory Rape (Rape of a Child) is non-forcible sexual intercourse with a person who is under the statutory age of consent.

(E) Domestic violence is 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 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.

(F) Dating violence is physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and 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.

(G) Stalking means 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 to suffer substantial emotional distress.

(b) "Consent." For purposes of this code, "consent" means knowing, voluntary and clear permission by word or action, to engage in mutually agreed upon sexual activity.

(i) Each party has the responsibility to make certain that the other has consented before engaging in the activity.

(ii) 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.

(iii) A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has engaged in nonconsensual conduct.

(iv) Intoxication is not a defense against allegations that an individual has engaged in nonconsensual sexual conduct.

(c) "Title IX Retaliation," means intimidation, threats, coercion, or discrimination against any person by a student, for the purpose of interfering with any right or privilege secured by Title IX, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in a sex discrimination investigation, proceeding, or hearing under this part, including during an informal resolution process, during a Title IX investigation, or during any disciplinary proceeding involving allegations of sex discrimination.

(8) "Student employee" means an individual who is both a student and an employee of the college. When a complainant or respondent is a student employee, the college must make a fact-specific inquiry to determine whether the individual's primary relationship with the college is to receive an education and whether any alleged student conduct code violation, including but not limited to sex-based harassment, occurred while the individual was performing employment-related work.

(9) "Student group" is a student organization, athletic team, or living group including, but not limited to, student clubs and organizations, members of a class or student cohort, student performance groups, and student living groups.

(10) "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:

(a) Restoring or preserving a 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 providing support during the

college's investigation and disciplinary procedures, or during any informal resolution process; or

(b) 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; a leave of absence; change in class, work, housing, 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.

(11) "Title IX Coordinator" is the administrator responsible for processing complaints of sex discrimination, including sex-based harassment, overseeing investigations and informal resolution processes, and coordinating supportive measures, in accordance with college policy.

## **WAC 132J-126-520 Sex discrimination - Jurisdiction.**

(1) This supplemental procedure applies only if the alleged misconduct meets the definition of "sex discrimination" as that term is defined in WAC 132J-126-510 and occurs:

(a) On college premises;

(b) At or in connection with college programs or activities; or

(c) Off college premises, if in the judgment of the college, the conduct has an adverse impact on the college community, the pursuit of its objectives, or the ability of a student or staff to participate in the college's programs and activities.

## **WAC 132J-126-530 Sex discrimination – Dismissal and initiation of discipline.**

(1) Any member of the college community may file a complaint against a student or student group for conduct which may constitute sex discrimination.

(2) The college's Title IX Coordinator or designee shall review, process, and, if applicable, investigate complaints or other reports of sex discrimination, including sex-based harassment. The disciplinary process for allegations of sex discrimination, including sex-based harassment, against a student shall be addressed through the student conduct code.

(3) Both the respondent and the complainant in cases involving allegations of sex discrimination shall be provided the same procedural rights to participate in student discipline matters, including the right to participate in the disciplinary process and to appeal any disciplinary decision.

(4) When a summary suspension is imposed pursuant to WAC 132J-126-230, the complainant shall be notified that a summary suspension has been imposed on the same day that the summary suspension notice is served on the respondent. The college will also provide the complainant with timely notice of any subsequent changes to the summary suspension order.

(5) The student conduct officer shall 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 student conduct code; and if so, what disciplinary sanction(s) and/or remedies will be recommended. The student conduct officer shall, within five (5) business days of receiving the investigation report, serve respondent, complainant, and the Title IX Coordinator with a written recommendation, setting forth the facts and conclusions supporting their recommendation. The time for serving a written recommendation may be extended by the student conduct officer for good cause.

(a) The complainant and respondent may either accept the student conduct officer's recommended finding and disciplinary sanction(s) or request a hearing before a student conduct committee.

(b) The complainant and respondent shall have twenty-one (21) calendar days from the date of the written recommendation to request a hearing before a student conduct committee.

(c) The request for a hearing may be verbal or written, but must be clearly communicated to the student conduct officer.

(d) The student conduct officer shall promptly notify the other party of the request.

(e) The student conduct officer may recommend dismissal of the complaint if:

(i) The college is unable to identify respondent after taking reasonable steps to do so;

(ii) Respondent is not participating in the college's educational programs or activities;

(iii) The complainant has voluntarily withdrawn any or all of the allegations in the complaint, and the Title IX Coordinator has declined to initiate their own complaint. In cases involving allegations of sex-based harassment, the Complainant must withdraw their complaint in writing;

(iv) The college determines that, even if proven, the conduct alleged by the complainant would not constitute sex discrimination; or

(v) The conduct alleged by the complainant falls outside the college's disciplinary jurisdiction.

(g) If no request for a full hearing is provided to the student conduct officer, the student conduct officer's written recommendation shall be final and implemented immediately following the expiration of twenty-one (21) calendar days from the service of the written recommendation.

(h) Upon receipt of the student conduct officer's written recommendation, the Title IX Coordinator or their designee shall review all supportive measures and, within five (5) business days, provide written direction to the complainant and respondent as to any supportive measures that will be implemented, continued, modified, or terminated. If either party is dissatisfied with the supportive measures, the party may seek review in accordance with the college's Title IX investigation procedure.

(i) If the respondent is found responsible for engaging in sex discrimination, the Title IX Coordinator shall also take prompt steps to coordinate and implement any necessary remedies to ensure that sex discrimination does not recur and that

complainant has equal access to the college's programs and activities.

## WAC 132J-126-540 Sex discrimination - Prehearing procedure.

(1) For cases involving allegations of sex discrimination, including sex-based harassment, members of the student conduct committee must receive training on serving impartially, avoiding prejudgment of facts at issue, conflicts of interest, and bias. The chair must also receive training on the student conduct process for sex discrimination cases, as well as the meaning and application of the term, "relevant," in relations to questions and evidence, and the types of evidence that are impermissible, regardless of relevance in accordance with 34 C.F.R. § 106.45 and § 106.46.

(2) In sex discrimination cases, the College may, in its sole and exclusive discretion, contract with an administrative law judge or other qualified person to act as the presiding officer, authorized to exercise any or all duties of the student conduct committee and/or committee chair.

(3) In cases involving allegations of sex discrimination, the complainant has a right to participate equally in any part of the disciplinary process, including appeals. Respondent and complainant both have the following rights:

(a) Notice. The college must provide a notice the parties are entitled to an equal opportunity to access relevant and permissible evidence, or a description of the evidence upon request.

(b) Advisors. The complainant and respondent are both entitled to have an advisor present, who may be an attorney retained at the party's expense.

(c) Extensions of time. The chair may, upon written request of any party and a showing of good cause, extend the time for disclosure of witness and exhibit lists, accessing and reviewing evidence, or the hearing date, in accordance with the procedures set forth in paragraph 4(b) of this section.

(d) Evidence. In advance of the hearing, the student conduct officer shall provide reasonable assistance to the respondent and complainant in accessing and reviewing the investigative report and relevant and not otherwise impermissible evidence that is within the college's control.

(e) Confidentiality. The college shall take reasonable steps to prevent the unauthorized disclosure of information obtained by a party solely through the disciplinary process, which may include, but are not limited to, directives by the student conduct officer or chair pertaining to the dissemination, disclosure, or access to evidence outside the context of the disciplinary hearing.

(4) In cases involving allegations of sex-based harassment, the following additional procedures apply:

(a) Notice. The prehearing notice must inform the parties that: (a) the respondent is presumed not responsible for the alleged sex-based harassment; (b) that the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker; (c) that they may have an advisor of their choice, who may be an attorney, to assist them during the hearing; and (d) they are entitled to an

equal opportunity to access relevant and not otherwise impermissible evidence in advance of the hearing; and (e) the student conduct code prohibits knowingly making false statements or knowingly submitting false information during a student conduct proceeding.

(b) Extensions of time. The chair may, upon written request of any party and a showing of good cause, extend the time for disclosure of witness and exhibit lists, accessing and reviewing evidence, or the hearing date. The party requesting an extension must do so no later than 48 hours before any date specified in the Notice of Hearing or by the chair in any prehearing conference. The written request must be served simultaneously by email to all parties and the chair. Any party may respond and object to the request for an extension of time no later than 24 hours after service of the request for an extension. The chair will serve a written decision upon all parties, to include the reasons for granting or denying any request. The chair's decision shall be final. In exceptional circumstances, for good cause shown, the chair may, in their sole discretion, grant extensions of time that are made less than 48 hours before any deadline.

(c) Advisors. The college shall provide an advisor to the respondent and any complainant, if the respondent or complainant have not otherwise identified an advisor to assist during the hearing.

(d) Evidence. In advance of the hearing, the student conduct officer shall provide reasonable assistance to the respondent and complainant in accessing and reviewing the investigative report and relevant and not otherwise impermissible evidence that is within the college's control.

(e) Confidentiality. The college shall take reasonable steps to prevent the unauthorized disclosure of information obtained by a party solely through the disciplinary process, which may include, but are not limited to, directives by the student conduct officer or chair issuing directives pertaining to the dissemination, disclosure, or access to evidence outside the context of the disciplinary hearing.

(f) Separate locations. The chair may, or upon the request of any party, must, conduct the hearing with the parties physically present in separate locations, with technology enabling the committee and parties to simultaneously see and hear the party or the witness while that person is speaking.

(g) Withdrawal of complaint. If a complainant wants to voluntarily withdraw a complaint, they must provide notice to the college in writing before a case can be dismissed.

## WAC 132J-126-550 Sex Discrimination - Presentation of Evidence.

(1) In cases involving allegations of sex-based harassment, the complainant and respondent may not directly question one another or other witnesses. In such circumstances, the chair will determine whether questions will be submitted to the chair, who will then ask questions of the parties and witnesses, or allow questions to be asked directly of any party or witnesses by a party's attorney or advisor. The committee chair may revise this process if, in the chair's determination, the questioning by any party, attorney, or advisor, becomes contentious or harassing.

(a) Prior to any question being posed to a party or witness, the chair must determine whether the question is relevant and not otherwise impermissible; and must explain any decision to exclude a question that is deemed not relevant, or is otherwise impermissible. The chair will retain for the record copies of any written questions provided by any party.

(b) The chair must not permit questions that are unclear or harassing; but shall give the party an opportunity to clarify or revise such a question.

(c) The chair shall exclude and the committee shall not consider legally privileged information unless the individual holding the privilege has waived the privilege. Privileged information includes, but is not limited to information protected by the following: (a) spousal/domestic partner privilege; (b) attorney-client communications and attorney work product privilege; (c) clergy privileges; (d) medical or mental health providers and counselor privileges; (e) sexual assault and domestic violence advocate privileges; and (f) other legal privileges set forth in RCW 5.60.060 or federal law.

(d) The chair shall exclude and the committee shall not consider questions or evidence that relate to the complainant's sexual interests or prior sexual conduct, unless such question or evidence is offered to prove someone other than the respondent committed the alleged conduct, or is evidence of specific instances of prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

(e) The committee may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The committee must not draw an inference about whether sex-based harassment occurred based solely on a party's or witness's refusal to respond to such questions.

## **WAC 132J-126-560 Sex discrimination - Initial order.**

In cases involving sex-based harassment, the initial decision shall be served on all parties simultaneously, as well as the Title IX Coordinator.

## **WAC 132J-126-570 Sex discrimination - Appeals.**

(1) Any party, including a complainant in sex-based harassment cases, may appeal the committee's decision to the president by filing a written appeal with the appropriate vice president's office (appeal authority) within twenty-one (21) calendar days of service of the committee's decision. Failure to file a timely appeal constitutes a waiver of the right and the decision shall be deemed final.

(2) The written appeal must identify the specific findings of fact and/or conclusions of law in the decision that are challenged and must contain argument why the appeal should be granted.

Appeals may be based upon, but are not limited to: (a) procedural irregularity that would change the outcome; (b) new evidence that would change the outcome and that was not reasonably available when the initial decision was made; and (c) the investigator, decisionmaker, or Title IX Coordinator had a conflict of interest or bias for or against a respondent or complainant individually or respondents or complainants generally.

(3) Upon receiving a timely appeal, the appeal authority will promptly 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 a written response addressing the issues raised in the appeal to the president or a designee, and serve it on all parties. Failure to file a timely response constitutes a waiver of the right to participate in the appeal.

(4) If necessary to aid review, the appeal authority may ask for additional briefing from the parties on issues raised on appeal. The appeal authority's review shall be restricted to the hearing record made before the student conduct committee and will normally be limited to a review of those issues and arguments raised in the appeal.

(5) The appeal authority shall serve a written decision on all parties and their attorneys, if any, within twenty (20) calendar days after receipt of the appeal. This decision shall be final and subject to judicial review pursuant to Chapter 34.05 RCW, Part V.

(6) In cases involving allegations of sex-based harassment, the appeal decision must be served simultaneously on all parties and the Title IX Coordinator.

(7) The appeal authority shall not engage in an ex parte communication with any of the parties regarding an appeal.

## Resources

Contact  
Us

### STUDENT SUPPORT

ctcLink  
Student Email  
My Green River  
Navigate 360  
Financial Aid  
Holman Library  
Center for  
Transformational  
Wellness  
Student Remote  
Access  
Career & Advising  
Center  
Office of the  
Registrar  
Disability Support  
Services  
Counseling Services  
e-Learning  
Placement & Testing  
Center

### EMPLOYEE RESOURCES

Human Resources  
Institutional  
Effectiveness  
ctcLink Sign In  
GatorNet  
Curriculog (formerly  
CAR/PAR)  
Faculty eLearning  
Canvas  
Gator News  
Employee Password  
Reset

### CAMPUS SAFETY

Emergency & Safety  
Alerts  
Just Report It

### CONNECT WITH GREEN RIVER

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