



BOARD OF TRUSTEES MEETING

February 17, 2021

3:00 P.M. – Zoom

Registration: https://wvc.zoom.us/webinar/register/WN_txd-xgKzSpSHakOO29Q77w

AGENDA

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PUBLIC COMMENT

Persons wishing to address the board must sign up and limit their remarks to three minutes.

ADJOURNMENT

NOTE: An Executive Session may be called for any reason allowed under the Open Public Meetings Act (RCW 42.30)

BOARD MEETING: **February 17, 2021**

AGENDA ITEM : **#1 - Action**

CATEGORY: **APPROVAL OF MINUTES**

Board Minutes of February 17, 2021

BACKGROUND:

Attached are the minutes from the January 20, 2021 regular board meeting for approval.

RECOMMENDATION:

That the minutes from the January 20, 2021 regular board meeting be approved.



District No. 15
Wenatchee, Washington

WENATCHEE VALLEY COLLEGE BOARD OF TRUSTEES

Regular Board Meeting

January 20, 2021 – 3:00 P.M.

Virtual Meeting

MINUTES

ATTENDANCE via Zoom

Trustees Present:

Phyllis Gleasman, Chair
Tamra Jackson, Vice Chair
Steve Zimmerman
Wilma Cartagena
Paula Arno Martinez

Also Present:

Cabinet Members
Faculty Members
Classified Employees
Students

CALL TO ORDER: 3:00 P.M.

APPROVAL OF MINUTES

1. November 18, 2020, Board Meeting Minutes

MOTION NO. 2353

Steve Zimmerman moved that the minutes of the November 18, 2020 board of trustees meeting be approved. The motion was seconded by Paula Arno Martinez and carried unanimously.

CELEBRATING SUCCESS

2. Transforming Lives Nominee

Briana Pardo, a Wenatchee Valley College at Omak alumna, was selected as the WVC nominee for the Transforming Lives Award. She will be honored at a virtual ceremony by the Washington State Association of College Trustees (ACT) on Jan. 26. She received a \$250 award from the ACT and an additional \$250 award from the WVC president and the WVC Foundation.

At WVC at Omak, Briana completed her associate of technical science in nursing and bachelor of science in nursing (BSN). Briana graduated in 2018 as part of the inaugural BSN class. While attending WVC at Omak, Briana's mother died from terminal cancer and her brother died from a drug overdose. Her father and sister also died while she was a teenager.

“I lost my mom, but I knew she wouldn't have wanted me to quit,” Briana wrote in her application. “I graduated in 2018, fulfilling my dream of becoming a registered nurse and completing my BSN. I can now affect change at a systems-level, increasing access to care, reducing overdose deaths and changing lives.”

Despite her family losses and being a single mom, Briana became heavily involved in student government and extracurricular groups and graduated with a 3.9 GPA. She received the president’s medal award at graduation in 2018. The award is given to one student from each of the WVC campuses every year.

“Currently, I am working as the nurse care manager for the opioid treatment network at Family Health Centers in Omak. I have the privilege of working with people who suffer from opioid use disorder,” she said. “When I care for patients, I see someone's loved one — not cancer, heart disease, or substance use. I have community college to thank for my education. There is a world of opportunities in the nursing field and I can't wait to see where my career takes me.”

The ACT created the Transforming Lives Awards program in 2012 to recognize current or former students whose lives have been transformed by pursuing higher education at a community or technical college.

NEW EMPLOYEES/PROGRAM UPDATES

3. Regan Bellamy introduced new employee Luis Martinez Rocha, Financial Aid.

Dr. Flores presented the following position updates: Cheyenne Dirks, Student Employment and Career Navigator; Noah Fortner, Allied Health and Nursing Navigator; Sandra Villareal, TRiO SS Director; Maria Navarrete, CAMP Director.

Dr. Treat presented the following position updates: Yuritzi Lozano, Dean for Allied Health and Professional and Technical Programs; Julie Fitch, Transitional Studies Coordinator; Riva Morgan, Associate Dean of Transitional Studies and Workforce Grants

SPECIAL REPORTS

4. **Lina Mercado-Tejada, ASWVC Wenatchee President**
Lina Mercado-Tejada was not present to add to her report.

5. **Belinda Brown Raub, ASWVC Omak President**
Belinda Brown Raub reported that ASWVO has a new treasurer.

6. **Heather Ryan, AHE President**
Heather Ryan gave an update on house bills that impact faculty and shared about the work her and Dr. Treat are doing to work on faculty morale.

7. **Mike Nelson, WPEA Chief Shop Steward**
Mike Nelson was not present to give a verbal report.

STAFF REPORTS

8. **Brett Riley, Vice President of Administrative Services**
Brett Riley shared that slight revisions were needed in order to submit the FEMA report.

9. **Tod Treat, Vice President of Instruction**
Tod Treat recognized the faculty for a seamless winter quarter startup. He also acknowledged the work of Dr. Karina Vega-Villa in organizing health clinics targeting the Latinx community. He also thanked Aimee Pope for her lead with ctcLink in instruction.

10. **Chio Flores, Vice President of Student Services**

Chio Flores thanked Belinda Brown Raub for presenting her concerns regarding the bookstore issues.

11. **Jim Richardson, President**

President Richardson recognized Dr. Treat and Dr. Flores for their talents and leadership within their departments. He also thanked all staff involved with ctcLink.

PUBLIC COMMENTS

No public comments

ADJOURNMENT – 3:40 P.M.

Secretary

Chair

BOARD MEETING: **February 17, 2021**
AGENDA ITEM: **#2 - Information**
CATEGORY: **CELEBRATING SUCCESS**
ctcLink Go-Live: Jason Hetterle

BACKGROUND:

As we stand in the door and are ready to step boldly toward the future, I think back over the last 21 months and the amount of dedication given to this project. It is astounding! Roughly fifty people were involved in varying capacities and thirteen gave the greatest commitment. At times it was very dark and we couldn't see the path ahead. We could only see the next step. We walked what seemed to be a never-ending path of defeat and victory to get to this point.

As we stand ready to accept this new challenge, we are both confident and a bit anxious. Anxious for the unknown obstacles that we will confront and confident that we have the ability to surmount them. I will always look back on this journey with fondness and awe for people who walked it together. My deepest thank you goes out to all who contributed, but especially to these people:

Reagan Bellamy - Executive Sponsor
Tim Marker - Human Capital Management Lead
Carie Fisk - Payroll Lead
Beth Hayes - Finance and Student Financials Lead
Maggi Fletcher - Student Financials
Jonathan Barnett - Campus Solutions Core Pillar Lead
Jaima Kuhlmann - Testing and Advising Lead
Aimee Pope - Instruction Lead
Kevin Berg - Financial Aid Lead
Cheryl Fritz - Financial Aid
Chad Evans - DataLink Analyst
Wendy Glenn - Project Assistant
Kara Meloy - Project Coordinator

Sincerely,

Jason Hetterle

BOARD MEETING: **February 17, 2021**

AGENDA ITEM: **#3 – Information**

CATEGORY: **SPECIAL REPORTS**

Lina Mercado-Tejeda, ASWVC President

BACKGROUND:

CURRENT MEMBERS:

President: Lina Mercado-Tejeda

Treasurer: Ashley Agren

Director of Campus Activities: Piper Younie

Director of Public Relations: Dayan Acevedo

Director of Health and Wellness: Mason Renslow

Student Ambassador: Eleno Mendez

Vice President: Sebastian Garcia

Secretary: Lucero Cuevas-Peregrino

Director of Diversity: Karina Tobar

Director of Social & Civic Responsibility: Lizbeth Rivera

Student Ambassador: Nicole Maloney

UPDATES:

- ❖ Senate is currently operating entirely remotely. All meetings are being held over Zoom.
- ❖ The emails of the first two Faculty nominated for the Faculty Spotlight have been sent out. We are excited to be highlighting the great work of faculty to help support student learning online.
- ❖ Senate team has been working closely with Danny to provide gym access to students through Planet Fitness.
- ❖ Senate is also working with Danny to provide 4 corporate passes to the RiverFront Rock Climbing Gym because of the huge success with the Mission Ridge passes.
- ❖ Senate has been meeting with administration to discuss student concerns with college resources such as the bookstore, financial aid and registration.
- ❖ The Sustainability Committee will be putting on events throughout the week for Earth Day.
- ❖ Senate has been updated on the CTCLink transition and is planning to go through training a few weeks after its up and running. We also gave feedback on how to communicate out to students more successfully.
- ❖ The Senate team is supporting the CTC Advocacy Week and has asked students to email their state representatives about different current House and Senate bills as well as the student priorities that came out of the CTC legislative work.

EVENT UPDATES:

- ❖ The I'm Possible Project with Joshua Rivald was successful and had a great turnout with 53-58 people attending. Student Senate members also recorded self-care videos and posted them on Instagram in an effort to promote self-care with our students.
- ❖ Emails have been sent out to campus promoting Black History Month and spreading awareness about Black history both the struggle and success through music, film, and writing.

UPCOMING EVENTS:

- ❖ February- Health and Wellness Monthly Challenge.
- ❖ February- Black History Event.
- ❖ February 11- Couples Bake off.
- ❖ March 12- Zoom Painting Class.

SENATE ACTIONS AND APPROVALS:

- ❖ Senate approves collaboration with Foundation to put on a Fundraising Fun Run.
- ❖ Senate approves \$150 from the 1B53 fundraising account for faculty gift cards for the faculty spotlights.
- ❖ Senate approves \$200 in addition to the suicide prevention self-care packages to be sent out to raffle winners.
- ❖ Senate approves a committee to explore gym membership opportunities for students. Including \$15,000 to pay for those gym memberships through spring quarter.
- ❖ Senate approves a month-long weekly challenge event to motivate and encourage students to eat healthier, allocating \$1,500 for prizes from the 1P06 budget and sending emails weekly.
- ❖ Senate approves \$800 from the 1P06 events budget and \$70 from the fundraising for the couples bake off.
- ❖ Senate approves \$4,000 for the rock climbing memberships out of the Rec Center budget.
- ❖ Senate approves the use of the Rec Center by Athletics for practices.

BOARD MEETING: **February 17, 2021**

AGENDA ITEM: **#4 – Information**

CATEGORY: **SPECIAL REPORTS**

Belinda Brown Raub, ASWVCO President

BACKGROUND:

Current cabinet: President: Belinda Brown Raub, Vice President: Christa McCormick, Treasurer: David Raub, Secretary: Patrice Cloman-Ezell, Director of Campus Activities: Elizabeth J Rocel, Advisor: Livia Millard.

January:

- January 28- Student Government Omak teamed with Wenatchee’s Senate for a live webinar on suicide prevention with Joshua Riverdale in hopes to continue raising awareness about the struggles of mental health for college students and to build community through learning to support one another.
- Student Government will be hosting a Virtual Game Night for students in February. Games are to include Bingo, Trivia, Jeopardy, and Pictionary. We are looking into holding an event in this manner more often and looking for other games so we may have a larger variety.
- Student Government is planning two events for the week of Valentine's Week. A Virtual Vision Board with Ryan Poortinga as a Co-host and a Virtual Paint Night on Co-hosted by Teresa Jensen. Student Government will mail the products to the students for each event for safety reasons.
- Interclub Council- Plans to hold a spring Club Expo the tentative date is March 9th. As part of Women’s History Month, the theme will be surrounding women that have made a difference at WVCO.
- Selections – The chair and committee started the process for the two remaining positions of the team. Selections are scheduled for the first week of February.
- Red Road Association -Potential plans to show the film ‘The Sweetheart Dance’, about an LBGQT couple who attends a Pow-Wow, and dances at the event. The film will hope to quell fears and potentially help take a stand against prejudice.
- Student Government continues to search for ways to engage students with events centered around wellbeing. We aim to keep students at Omak stress-free as much as possible during these times of COVID and .mid-term
- Student Government found a platform for having a Movie night without having video lag. In late February or early March, we will create an Event surrounding this platform.
- Student Government continues to work with our students and faculty in helping solve any issues that may occur surrounding the Bookstore.
- Team Building- Student Cabinet decided to each pick books on diversity equity and inclusion along with other leadership qualities to read for the winter quarter. We are also still in the process of planning a team-building trip. We hope to come together as a strong team in preparation for what the rest of the quarter will entail.
- Black History Month- Student Government purchased 40 A History of Racial Justice Calendars from Equity Justice Initiative to give out to students via email or Food Pantry as part of Black History Month
- Community Collaboration- Student Government is working with the Okanogan County Retired Teachers Association. The organization recently gave the Red Rooster Café \$250 for WVCO students. WVCO student government is providing \$15.00 gift certificates to students.

The Knights Corner: Student Pantry is fully operational. The quarter we will be functional on Tuesday and Thursday from 10 am to 12 noon with hygiene, Pampers and wipes. This Students call and we transport items to their vehicles, this is also for safety reasons. The Knights Corner Student Pantry has been successful thus far, with several students using these resources.

Green Campus Committee: The Green Campus Committee with Joe Fortier and Belinda Raub as Co-Chairs has created a Fun Fact Weekly News Letter about sustainable and healthy ways to connect to the environment. In doing this three new members have joined the Green Campus Committee. The Green Campus Committee is planning several events along with working within the Tree Campus, Arbor Day, Earth Day, and the Sustainability Committee. We are looking forward to holding new events.

Respectfully Submitted,
Belinda Brown Raub
ASWVCO Student Body President

BOARD MEETING: **February 17, 2021**

AGENDA ITEM: **#5 – Information**

CATEGORY: **SPECIAL REPORTS**

Heather Ryan, AHE President

BACKGROUND:

A written report was not submitted by Heather Ryan, AHE President.

AGENDA ITEM: **#6 – Information**

CATEGORY: **SPECIAL REPORTS**

Michael Nelson, WPEA Chief Shop Steward

BACKGROUND:

A written report was not submitted by Michael Nelson, WPEA Chief Shop Steward

BOARD MEETING: **February 17, 2021**

AGENDA ITEM: **#7 – Information**

CATEGORY: **STAFF REPORTS**

Brett Riley, Vice President of Administrative Services

BACKGROUND:

Administrative Services

- Administrative Services, as with many areas of the college, are engaged with ctclink conversion by participating in many status and mitigation meetings as we prepare to go live on 2/7/2021. Staff continue to participate in statewide COVID meetings as well as weekly Business Affairs Commission (BAC) meeting. Additionally, Admin. Services agreed to participate in NWCCU's new Policies, Regulations, and Finance Review (PRFR) committee. This committee will be engaged in year-six accreditation standards and evaluation. Administrative Service has also been asked to participate in the Chelan Douglas EPA Brownfield Advisory Committee. This committee, led by the Chelan Douglas Regional Port Authority, is engaged in evaluation and recommending land restoration and revitalization.
- WVC was notified on January 28th that the State Auditor's Office was a victim of a security breach that may impact the college. The data breach is still being investigated, however there does not appear to be any exposure or release of sensitive material.

Budget & Internal Auditing

- Budget staff is working closely with ctclink and Fiscal Services staff on migration to ctclink. Budget staff is also working with IT to establish comparable budget reports to FMSQuery that college budget managers have come to rely on.

Fiscal Services

- CtcLink activities remain the primary focus for Fiscal Services staff and will remain the primary focus for staff through February. We expect most Fiscal Services staff will be on-site Sunday February 7 for the go-live event and will be testing and validating data as well as ensuring accuracy of security roles. The Fiscal Services teams has demonstrated superior performance among the various pillars and deployment groups throughout this transition period.
- Fiscal Services continue to work with SAO office on the college's financial statement audit. The audit team is still in testing and document gathering phase of the audit at this time. Administrative Services and Fiscal Services leadership continue to meet with SAO representatives weekly to discuss pending request as well as any additional concerns. No issues to report at this time.

Facilities and Capital

- Wells Hall-
 - The Well Hall project is still going well with Facilities staff beginning the furniture and technology selection process. Administrative Services hopes to share pictures and/or video of the progress at the February Board meeting.

- Minor Works-
 - The college has been approached by SBCTC staff again to defer some maintenance projects to next biennium due to statewide decline in enrollment. Facilities and Administrative Services have evaluated our minor works project for potential deferment and have responded to SBCTC's request.

Safety and Security

- SSEM staff remain in communication with local health official ensuring that the college has the latest information concerning COVID-19 infections and best practices related to containment and contact tracing.

BOARD MEETING: February 17, 2021

AGENDA ITEM #8 – Information

CATEGORY: STAFF REPORTS

Tod Treat, Vice President of Instruction

BACKGROUND:

Educational Achievement

Nursing students continue to achieve! 2020 100% NCLEX PN pass rate (37 test takers), 96.5% NCLEX RN pass rates (58 test takers)

The Bachelor of Applied Science-Engineering Technology degree received **Career Launch Endorsement** by the SBCTC. This endorsement will continue to enhance program development of the program by providing funding for outreach and equipment.

WVC is making progress on **Guided Pathways** on several fronts. We have coaches provided by the State Board who are helping us move forward on our plan. We are taking steps that will lead to the creation of degree maps, which are an essential part of Guided Pathways. We also have a plan in place to allocate funds to faculty who apply and are approved to do projects in direct support of our Guided Pathways plan. We also have plans to get student input both by adding a student to the committee and holding focus groups about barriers they face. We will make those focus groups available to all faculty.

Support for Learning

Nursing HEET Grant applications will be submitted this week with two goals:

1. To complete a needs assessment for the implementation of a Licensed Practical Nurse to Bachelor of Science in Nursing (LPN to BSN) Pathway in North Central Washington to be housed out of the Omak Campus
2. To enhance the expertise of faculty and staff utilization of the high fidelity manikins at WVC in the nursing and allied health programs.

The grant funds and activities have a short turnaround time, and expected completion of these aims are June 30, 2020.

The **Library** addressed *many* problems with database and ebook access this quarter that we anticipated will only get worse, Tria Skirko successfully moved the hosting of our EZproxy services (which provides authentication for our electronic journals and books) from our IT department to OCLC. This relieves IT of the time (and knowledge) burden of supporting a resource that is used only by libraries, and shifts it to a national resource specifically designed to provide this support. IT and the Library agree that the time and effort saved will justify that cost over time. This shift was a *huge* undertaking, as it required that Tria update *all* of the database and ebook access points on our website, but she managed to take care of what is normally a 3-week process in about 3 days.

The **Machining** department received and used funds from the WVC Foundation to purchase tool kits for 4 students. Machining tools for students are very costly and this allows the program to purchase equipment the students will continue to benefit throughout the program.

Diversity and Cultural Enrichment

The **Diversity and Cultural Enrichment in Nursing** (DCEN) has been meeting twice a month to review admissions requirements and trends to better understand if there are possible barriers to acceptance into the nursing program at WVC. Dr. Kristen Hosey is also supporting a BSN student complete an assessment on current student and alumni perceptions of their experiences in the nursing program, specifically looking at underrepresented group feedback.

WVC's One College, One Book (OCOB) program is moving forward nicely. The WVC Foundation generously contributed \$1,000 toward the author fee to bring Cristina Henriquez in for a virtual visit on April 15. We have partnered with NCW Libraries for the author event, and they are covering the bulk of the author fee. President Richardson also contributed \$650 toward purchasing 50 copies of the book selection, *The Book of Unknown Americans*, from A Book for All Seasons in Leavenworth. Members of the Instruction team will also be purchasing copies to be given out to program participants. OCOB is intended for faculty and staff (and interested Board members, of course), as a community- and empathy-building activity, and internal book club discussions will be scheduled to take place in March. The author event is open to the public.

Responsiveness to Local Needs

The Nursing response to COVID in the community has been outstanding.

- 20+ students participate in COVID Vaccine clinic at Confluence
- 10+ students participate in the COVID Drive Thru Vaccine Clinics with Lake Chelan
- 2 RN-BSN students doing Flu vaccines at WVC Rec center for Latinx and flu vaccines to homeless shelters
- 4 RN-BSN students doing N95 fit testing at long term care centers and adult family homes

Continuous Improvement

Leadership from Student Services and Instruction met in January to being discussion and collaborative work. Issues discussed included CTC Link, Advising, accommodations for students, revision of SAP appeal process, etc. Leadership group agreed to meet on monthly basis to continue efforts to communicate more effectively and assist one another with shared processes and needs. Microsoft Teams folder was created for file sharing and communication. Next meeting is scheduled to be held Feb. 24th.

Dean Bringman collaborated with Erin Tofte and Student Senate to create a "**Faculty Spotlight**" intended to recognize exemplary efforts from faculty to provide quality learning experiences for students in the remote environment. Student senate members nominate the faculty that have made learning more accessible and equitable during these difficult times. Faculty are provided opportunity to make a statement about their approach and why they implement certain approaches. Then recognition is sent out in a campus wide email, honoring the faculty's efforts.

BOARD MEETING: **February 17, 2021**

AGENDA ITEM **#9 – Information**

CATEGORY: **STAFF REPORTS**

Chio Flores, Vice President of Student Services

BACKGROUND:

ATHLETICS

Athletes and coaches have begun returning to campus in NWAC protocol phases in preparation for competition which they hope will begin in April for all sports

Fall quarter grades for student-athletes were exceptional, with the department posting an overall GPA of 3.16, its highest mark in at least 3 years

EDUCATIONAL PLANING/CAREER SERVICES

Winter quarter placement and advising & registration for new students

A total of 71 new students were signed up for the winter quarter English Directed Self-Placement course in Canvas; 47 completed by the Dec 21 enrollment deadline (1 additional student was allowed to completed after).

New student registration began Dec 1. A total of 75 new students signed up for the required Online Advising and Registration (O.A.R.) tutorial for winter quarter and 61 completed by the Dec 21 enrollment deadline (1 was allowed to completed after). For comparison, last winter there was a total of 103 new students that did group in-take sessions and 20 completed O.A.R. for a total of 123 new students' winter 2020

Jan 4 was Cheyenne's first day in her new role as Student Employment and Career Services Navigator; and the first day of Noah's promotion to Allied Health and Nursing Navigator.

Cheyenne spent most of her time meeting with different staff for training in her new role. She also worked to notify student employees about important timesheet deadlines due to the ctLink changeover.

Noah spend a lot of time this month processing Rad Tech applications. He received 38 applications this year which is a 52% increase over last year (25 applications received in 2020). 16 students were sent acceptance packets.

Interviews for the new College Navigator position were held Jan 13; Enedelia Nicholson was selected for the position; she will start Feb 1.

Interviews for the Program Assistant position were held Jan 14; Karina Mendoza-Flores was selected for the position; she will start Feb 16.

At the request of Mike Choman, Jaima organized an Educational Planning In-Service with Mike for Student Services staff and business advisers to meet via Zoom to learn more about advising for the Associates in Business DTA degree. About 13 attended, including Mike. Mike later recorded another version of the presentation to share out to those who could not attend. It will also be a great training resource for new faculty and staff.

On Jan 20 Jaima attended the first SSLT/Dean Team meeting. It was informative and helpful. Future collaborations can potentially greatly improve communication between Student Services and Instruction.

Jan 29 was the Advising and Counseling Counsel's winter training and meeting via Zoom. Jaima attended part of the Leading with Racial Equity training with trainers from the Puget Sound Educational Service District in the morning; and the business meeting in the afternoon. There was some helpful information shared about ctLink

Jan 8 Jaima and other Student Services staff attended the ctcLink Advisor Center Introduction via Zoom hosted by Highline – it was a helpful overview of the new tool

This month Jaima worked with Jason, Chad, and Wendy to determine access to advising tools and MyWVC after Go Live. Jaima worked on gathering information and drafting an email to faculty updating them on what access they'll have for spring quarter advising (with additional input from Jonathan and a great video made by Ben Sorenson). Jaima sent the email Feb 1

Early in the month Jaima registered all current international students in SEVIS for winter quarter. There are 8 enrolled students; one is a new transfer-in student on the basketball team, another is in his last quarter and plans to graduate in March

WCCCSA made the decision to postpone the planned spring 2021 Berlin study abroad program to winter 2022

TRIO/SSS

Currently the 2020-2021 cohort is 56% full (78/140 participants)

Director, Sandra Villarreal met with Lavelle Wright from the US Dept. Of Education to review Program objectives and grant budget

Two students have been accepted into 4-year universities- CWU

TRIO SSS hosted two virtual events in January and mailed out materials to students for Winter Welcome social
TRIO Team is preparing and planning for upcoming events covering topics such as: Financial literacy, Mentoring, and Zoom etiquette for interviews

TRIO SSS Team is reaching out to all current students for quarterly check-ins and engagement

Weekly drop in hours have been established and promoted to all students, for access to a TRIO Team member
Program Assistant, Jenna Shrewsbury has created weekly emails with content reminding students of upcoming scholarship deadlines

GENERAL UPDATES

Several departments (Admission/Registration, Financial Aid and Education & Career Planning) have been immersed in preparing for the Peoplesoft implementation scheduled for Monday, February 8

Dr. Flores and Cecilia Escobedo have been working closely with a newly formed group that was created to assist the above departments while they learn and process in this new environment. The ctclaunch group has been meeting for several weeks, working to ensure the set up needs are met and appropriate communication channels are in place. The group will be answering calls and responding to emails. They will work closely with the PIO and IT (Brad Cushman & Jason Hetterle). The ctclaunch group consists of Cindi Martin and the following staff, each assigned to a home department:

Admission/Registration

Michelle Cannaday (lead)

Belen Bazan Delgado

Erika Schenkvonstauffenberg

EDCP

Sandra Villarreal (lead)

Andrew Behler

Julie Fitch

Financial Aid

Maria Navarette (lead)

Nayeli Cabrera

Tina Gavin

Kris King

BOARD MEETING: **February 17, 2021**

AGENDA ITEM **#10 – Information**

CATEGORY: **STAFF REPORTS**

Jim Richardson, President

BACKGROUND:

- WVC's Incident Command team continues to meet about issues surrounding COVID and the governor's higher education reopening plan and how it effects students and staff learning and working remotely. We have had more positive COVID tests and are working through that and supporting people as best we can.
- With our COVID safety plan in place and the knowledge of the area's COVID infections, WVC will continue to operate mostly remotely for spring quarter. We will make the decision for summer and fall quarters when we know more about how the vaccine will roll out to everyone including students. The State Board and WACTC will hold an academy on COVID and reopening for fall quarter next week.
- The Wells Replacement project continues and good progress is being made. They are starting to hang dry wall now. The project remains on budget and close to the timeline.
- I continue to attend the SBCTC's weekly presidents' updates on COVID, budgets, enrollment and state and national directives that we have held since the beginning of March, 2020. We have now committed much of our time to the budget issues colleges are facing that the legislature. The state revenue forecast in February will inform the legislators' budgets when they are released later this month. We are working with legislators to support CTCs.
- Community colleges fared well in the new COVID relief package from the federal government. WVC's second round of relief funds from the federal government are more than \$4.4 million, and we are planning the use of these one-time funds. About \$1.2 million will go to support students during this COVID environment.
- The Foundation executive committee and full board have continued meeting through Zoom and I have attended and updated them on the situation at the college.
- Have attended Omak foundation board meetings by Zoom.
- WVC has gone live with CTCLink. The team who have been working on this conversion for 21 months met with the state board staff Sunday, February 7 to run through any bugs and finish anything needed to move forward. We have had mostly minor issues and most of the management software is working well so far. PeopleSoft is the backbone for everything from HR and payroll to financials, students financial aid, registration, advising, and cashiering.
- The PACE task force continues meeting to map out the way to discuss the faculty and staff climate survey, and map our way forward. They will be making recommendations in early March.
- Phyllis and I met with the state auditors as they exited the Accountability Audit. WVC did very well (clean audit) over the four-year period covered.
- I have continued to meet with Erin Tofte to have conversations surrounding equity and inclusion at WVC.
- I attended the WACTC and ACT meetings in January by Zoom. I continue as a member of the Capital Budget Committee. Overall, the upcoming legislative session is the focus of our meetings. We are also continuing our overarching focus on equity and inclusion. I also attended the "New trustee Orientation" with Wilma. It was a very good presentation and discussions.
- Met with Salvador Salazar from the Governor's office to discuss WVC's needs and the Governor's budget and how it effects WVC. Also met with Congresswoman Schrier's representative to discuss federal legislation and community college needs. Paula and Maria also attended.
- Discussed college athletics and returning to play with presidents. We discussed possible requirements for testing to return to play. We will continue to discuss as spring deadlines loom.

BOARD MEETING: **February 17, 2021**

AGENDA ITEM **#11 – Action**

CATEGORY: **TITLE IX CODE REVISIONS**

**Revised WAC 132W-112-060 Freedom from sexual misconduct and WAC 132W-115-080
Code of Conduct: Reagan Bellamy, Executive Director of Human Resources**

BACKGROUND:

A code revision public hearing was held on January 20, 2021 at 3:30 pm via Zoom.

RECOMMENDATION:

That the board approve proposed revisions to WAC 132W-112-060 Freedom from sexual misconduct and WAC 132W-115-080 Code of Conduct

WAC 132W-112-060 Freedom from sexual ((harassment)) misconduct.

~~It is the responsibility of Wenatchee Valley College to ((provide and maintain a work and academic community which is free from sexual harassment. Sexual harassment violates federal and state law and will not be tolerated by Wenatchee Valley College. Any student or employee in violation of this policy and who engages in unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, where such behavior offends the recipient, causes discomfort or humiliation, or interferes with job or academic performance, will be subject to disciplinary action up to and including expulsion from the school or dismissal from employment))~~ maintain an academic work environment free of sexual harassment, which includes sexual harassment, sexual intimidation and sexual violence. Sexual harassment of faculty, staff or students is against the law and will not be tolerated. Sexual harassment violates the dignity of individuals and impedes the realization of the college's educational mission. The college is committed to preventing and addressing sexual harassment of faculty, staff and students through education and by encouraging faculty, staff and students to report any concerns or complaints about sexual harassment. Prompt corrective measures will be taken to stop sexual harassment whenever and wherever it occurs.

WAC 132W-115-080 Code of conduct. Wenatchee Valley College expects that its students, both on and off campus, conduct themselves in a manner that maintains high standards of integrity, honesty and morality at all times. A student who does not follow college rules will be subject to such action as may be deemed appropriate by designated college authorities. Conduct, either on or off campus, should be of such nature as not to reflect adversely on the reputation of the individual or the college. Students arrested for violation of criminal law on or off campus may also be subject to disciplinary action by the college. The following misconduct on college facilities is subject to disciplinary action:

(1) Intentionally or recklessly endangering, threatening, or causing physical harm to any person or oneself, or intentionally or recklessly causing reasonable apprehension of such harm.

(2) Harassment, bullying, abuse: No student shall physically, sexually, or emotionally harass, bully, abuse, coerce, intimidate, seriously embarrass, assault, or recklessly endanger any other person.

(3) Students engaging in any activity which inhibits or interferes with the orderly operation of Wenatchee Valley College or the ability of students and/or college personnel to perform their functions in an orderly environment shall be subject to disciplinary action. No student shall intentionally or recklessly interfere with normal college or college-sponsored activities or any form of emergency services.

(4) Unauthorized entry or use of college facilities.

(5) Knowingly violating the term of any disciplinary sanction imposed in accordance with the code.

(6) Theft of property or services; knowing possession of stolen property.

(7) Violating college policies or procedures by any student or by the guest of any student.

(8) Using tobacco products on the college premises.

(9) The consumption of alcoholic beverages on college property, except in accordance with state of Washington liquor license procedures. The unlawful (as a matter of local, state or federal law) manufacture, distribution, dispensing, possession or use of alcohol, legend drugs, narcotic drugs, or controlled substances including marijuana, on college property or during college-sponsored events, whether on or off campus except when use or possession of a legend drug, narcotic drug, or controlled substance other than marijuana is specifically prescribed by an appropriately licensed health care provider.

(10) Academic dishonesty, including cheating, plagiarism, or knowingly furnishing false information to the college.

(11) Forgery, alteration, or misuse of college documents, records, funds, or instruments of identification.

(12) Refusal to comply with the direction of college officials acting in the legitimate performance of their duties.

(13) Possession or use of firearms (licensed or unlicensed), explosives, dangerous chemicals, or other dangerous weapons or instruments. Legal defense sprays are not covered by this rule. Exceptions to this rule are permitted when the weapon is used in conjunction with an approved college instructional program or is carried by a duly commissioned law enforcement officer.

(14) Failure to comply with the college's network acceptable use policy, WashingtonOnline (WAOL) memorandum of understanding and/or misuse of computing equipment services and facilities, including use of electronic mail and the internet.

(15) Ethics violation: The breach of any generally recognized and published code of ethics or standards of professional practice that governs the conduct of a particular trade, skill, craft or profession for which the student is taking courses or is pursuing as their educational goal or major. These ethics codes must be distributed to students as part of an educational program, course, or sequence of courses and the student must be informed that a violation of such ethics codes may subject the student to disciplinary action by the college.

(16) Hazing: Conspiracy to engage in hazing or participation in hazing another. Hazing shall include any method of initiation into a student organization or living group, or any pastime or amusement engaged in with respect to such an organization or living group, that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm to any student or other person attending Wenatchee Valley College. Consent is no defense to hazing. The term does not include customary athletic events or other similar contests or competitions. Hazing is also a misdemeanor, punishable under state law.

(17) Initiation violation: Conduct associated with initiation into a student organization, association, or living group, or any pastime or amusement engaged in with respect to an organization, association or living group not amounting to a violation under the definition of hazing. Conduct covered by this definition may include embarrassment, ridicule, sleep deprivation, verbal abuse, or personal humiliation. Consent is no defense to initiation violation.

(18) Animals, with the exception of service animals, are not allowed on or in college facilities. All service animals on campus shall be under direct physical control, leashed by their owner or custodian and registered with the special populations coordinator.

(19) Gambling: Any form of gambling is prohibited.

(20) Sexual misconduct: The term "sexual misconduct" includes sexual harassment, sexual intimidation, and sexual violence. Sexual harassment prohibited by Title IX is defined in the supplemental procedures to this code. See WAC 132W-115-110 (supplemental Title IX student conduct procedures).

(a) Sexual harassment. The term "sexual harassment" means unwelcome sexual or gender based conduct, including unwelcome sexual advances, requests for sexual favors, quid pro quo harassment, and other verbal, nonverbal, or physical conduct of a sexual or a gendered nature that is sufficiently severe, persistent, or pervasive as to:

(i) Deny or limit the ability of a student to participate in or benefit from the college's educational program;

(ii) Alter the terms or conditions of employment for a college employee(s); and/or

(iii) Create an intimidating, hostile, or offensive environment for other campus community members.

(b) Sexual intimidation. The term "sexual intimidation" incorporates the definition of "sexual harassment" and means threatening or emotionally distressing conduct based on sex including, but not limited to, nonconsensual recording of sexual activity or the distribution of such recording.

(c) Sexual violence. "Sexual violence" is a type of sexual discrimination and harassment. Nonconsensual sexual intercourse, noncon-

sensual sexual contact, domestic violence, dating violence, and stalking are all types of sexual violence.

(i) 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.

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

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

(iv) Statutory rape. Consensual intercourse between a person who is eighteen years of age or older, and a person who is under the age of sixteen.

(v) Domestic violence. Physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state of Washington, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the state of Washington, RCW 26.50.010.

(vi) Dating violence. Physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person:

(A) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) 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.

(vii) Stalking. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

(A) Fear for their safety or the safety of others; or

(B) Suffer substantial emotional distress.

(d) For purposes of this code, "consent" means knowing, voluntary, and clear permission by word or action, to engage in mutually agreed upon sexual activity. Each party has the responsibility to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be at the time of the act of sexual intercourse or sexual contact actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact. A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that

the other person is physically or mentally incapacitated has engaged in nonconsensual conduct. Intoxication is not a defense against allegations that an individual has engaged in nonconsensual sexual conduct.

AMENDATORY SECTION (Amending WSR 01-12-015, filed 5/25/01, effective 6/25/01)

WAC 132W-115-110 Procedures for resolving disciplinary violations. (1) The dean of student services is responsible for initiating disciplinary proceedings. The dean of student services may delegate this responsibility to members of his/her staff, and he/she may also establish committees or other hearing bodies to advise or act for him/her in disciplinary matters.

(2) In order that any informality in disciplinary proceedings not mislead a student as to the seriousness of the matter under consideration, the student involved shall be informed at the initial conference or hearing of the sanctions that may be involved.

(3) Upon initiation of formal disciplinary proceedings, the dean of student services or designee shall provide written notification to the student, either in person or by delivery via regular mail to the student's last known address, specifying the violations with which the student is charged. The dean of student services or designee shall set a time and place for meeting with the student to inform the student of the charges, the evidence supporting the charges, and to allow the student an opportunity to be heard regarding the charges and evidence.

(4) After considering the evidence in a case and interviewing the student or students involved, the dean of student services or designee may take any of the following actions:

(a) Terminate the proceeding, exonerating the student or students;

(b) Dismiss the case after whatever counseling and advice may be appropriate; not subject to the appeal rights provided in this code;

(c) Dismiss the case after verbally admonishing the student, not subject to the appeal rights provided in this code;

(d) Direct the parties to make a reasonable attempt to achieve a mediated settlement;

(e) Impose disciplinary sanctions directly, subject to the student's right of appeal as described in this chapter. The student shall be notified in writing of the action taken except that disciplinary warnings may be given verbally;

(f) Refer the matter to the academic regulations committee requesting their recommendation for appropriate action. The student shall be notified in writing that the matter has been referred to the academic regulations committee.

(5) This section shall not be construed as preventing the appropriate official from summarily suspending a student.

(6) If the dean of student services or his or her designee(s) has cause to believe that any student:

(a) Has committed a felony; or

(b) Has violated any provision of this chapter; and

(c) Presents an imminent danger either to himself or herself, other persons on the college campus or to the educational process; that student shall be summarily suspended and shall be notified by

certified and regular mail at the student's last known address, or shall be personally served.

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

(7) During the summary suspension period, the suspended student shall not enter campus other than to meet with the dean of student services or to attend the hearing. However, the dean of student services or the college president may grant the student special permission to enter a campus for the express purpose of meeting with faculty, staff, or students in preparation for a probable cause hearing.

(8) When the president or his/her designee exercises the authority to summarily suspend a student, he/she shall cause notice thereof to be served upon that student by registered or certified mail at the student's last known address, or by causing personal service of such notice upon that student. The notice shall be entitled "notice of summary suspension proceedings" and shall state:

(a) The charges against the student including reference to the provisions of the student code or the law involved; and

(b) That the student charged must appear before the designated disciplinary officer at a time specified in the notice for a hearing as to whether probable cause exists to continue the summary suspension. The hearing shall be held as soon as practicable after the summary suspension.

(9) The summary suspension hearing shall be considered an emergency adjudicative proceeding. The proceeding must be conducted as soon as practicable with the dean of student services or designee presiding. At the summary suspension hearing, the dean of student services shall determine whether there is probable cause to believe that continued suspension is necessary and/or whether some other disciplinary action is appropriate.

(10) If the dean of student services, following the conclusion of the summary suspension proceedings, finds that there is probable cause to believe that:

(a) The student against whom specific violations of law or of provisions of this chapter are alleged has committed one or more of such violations; and

(b) That summary suspension of said student is necessary for the protection of the student, other students or persons on college facilities, college property, the educational process, or to restore order to the campus; and

(c) Such violation or violations of the law or of provisions of this chapter constitute grounds for disciplinary action, then the dean of student services may, with the written approval of the president, continue to suspend such student from the college and may impose any other disciplinary action as appropriate.

(11) A student who is suspended or otherwise disciplined pursuant to the above rules shall be provided with a written copy of the dean of student services' findings of fact and conclusions, as expressly concurred in by the president, which constituted probable cause to believe that the conditions for summary suspension existed. The student suspended pursuant to the authority of this rule shall be served a copy of the notice of suspension by personal service or by registered mail to said student's last known address within three working days following the conclusion of the summary suspension hearing. The notice of suspension shall state the duration of the suspension or nature of

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

(12) The dean of student services is authorized to enforce the suspension of the summarily suspended student in the event the student has been served pursuant to the notice requirement and fails to appear at the time designated for the summary suspension proceeding.

(13) Any student aggrieved by an order issued at the summary suspension proceeding may appeal to the academic regulations committee. No such appeal shall be entertained, however, unless:

(a) The student has first appeared at the student hearing in accordance with subsection (9) of this section;

(b) The student has been officially notified of the outcome of the hearing;

(c) Summary suspension or other disciplinary sanction has been upheld; and

(d) The appeal conforms to the standards set forth in chapter 132W-109 WAC. The academic regulations committee shall, within five working days, conduct a formal hearing in the manner described in chapter 132W-109 WAC.

(14) Sexual misconduct proceedings. Both the respondent and the complainant in cases involving allegations of sexual misconduct shall be provided the same procedural rights to participate in student discipline matters, including the right to participate in the initial disciplinary decision-making process and to appeal any disciplinary decision.

(15) Order of precedence. Both the respondent and the complainant in cases involving allegations of sexual misconduct shall be provided the same procedural rights to participate in student discipline matters, including the right to participate in the initial disciplinary decision-making process and to appeal any disciplinary decision. This procedure applies to allegations of sexual harassment 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 hearing procedures conflict with Wenatchee Valley College's standard disciplinary procedures in this section.

(16) Prohibited conduct under Title IX. 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 who commits, attempts to commit, or aids, abets, incites, encourages, or assists another person to commit, an act(s) of "sexual harassment."

For purposes of this procedure, "sexual harassment" encompasses the following conduct:

(a) Quid pro quo harassment. A college employee conditioning the provision of an aid, benefit, or service of the college on an individual's participation in unwelcome sexual conduct.

(b) Hostile environment. Unwelcome conduct that a reasonable person would find to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the college's educational programs or activities, or employment.

(c) Sexual assault. Sexual assault includes the following conduct:

(i) 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.

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

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

(iv) Statutory rape. Consensual sexual intercourse between someone who is eighteen years of age or older and someone who is under the age of sixteen.

(d) Domestic violence. Physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state of Washington, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the state of Washington, RCW 26.50.010.

(e) 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:

(A) The length of the relationship;

(B) The type of relationship; and

(C) The frequency of interaction between the persons involved in the relationship.

(f) Stalking. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress.

(17) Title IX jurisdiction.

(a) This procedure applies only if the alleged misconduct:

(i) Occurred in the United States;

(ii) Occurred during a college educational program or activity;
and

(iii) Meets the definition of sexual harassment as that term is defined in this procedure.

(b) For purposes of this procedure, an "educational program or activity" is defined as locations, events, or circumstances over which the college exercised substantial control over both the respondent and the context in which the alleged sexual harassment occurred. This definition includes any building owned or controlled by a student organization that is officially recognized by Wenatchee Valley College.

(c) Proceedings under this procedure must be dismissed if the decision maker determines that one or all of the requirements of subsection (1)(a) through (c) of this section have not been met. Dismissal under this procedure does not prohibit the college from pursuing other

disciplinary action based on allegations that the respondent violated other provisions of the college's student conduct code, WAC 132W-115-080.

(d) If the student conduct officer determines the facts in the investigation report are not sufficient to support Title IX jurisdiction and/or pursuit of a Title IX violation, the student conduct officer will issue a notice of dismissal in whole or part to both parties explaining why some or all of the Title IX claims have been dismissed.

(18) Initiation of discipline.

(a) Upon receiving the Title IX investigation report from the Title IX coordinator, the student conduct officer will independently review the report to determine whether there are sufficient grounds to pursue a disciplinary action against the respondent for engaging in prohibited conduct under Title IX.

(b) If the student conduct officer determines that there are sufficient grounds to proceed under these procedures, the student conduct officer will initiate a Title IX disciplinary proceeding by filing a written disciplinary notice with the chair of the student conduct committee and serving the notice on the respondent and the complainant, and their respective advisors. The notice must:

(i) Set forth the basis for Title IX jurisdiction;

(ii) Identify the alleged Title IX violation(s);

(iii) Set forth the facts underlying the allegation(s);

(iv) Identify the range of possible sanctions that may be imposed if the respondent is found responsible for the alleged violation(s);

(v) Explain that the parties are entitled to be accompanied by their chosen advisors during the hearing and that:

(A) The advisors will be responsible for questioning all witnesses on the party's behalf;

(B) An advisor may be an attorney; and

(C) The college will appoint the party an advisor of the college's choosing at no cost to the party, if the party fails to do so.

(c) Explain that if a party fails to appear at the hearing, a decision of responsibility may be made in their absence.

(19) Prehearing procedure.

(a) Upon receiving the disciplinary notice, the chair of the student conduct committee will send a hearing notice to all parties, in compliance with WAC 132W-115-010. In no event will the hearing date be set less than ten days after the Title IX coordinator provided the final investigation report to the parties.

(b) A party may choose to have an attorney serve as their advisor at the party's own expense. This right will be waived unless, at least five days before the hearing, the attorney files a notice of appearance with the committee chair with copies to all parties and the student conduct officer.

(c) In preparation for the hearing, the parties will have equal access to all evidence gathered by the investigator during the investigation, regardless of whether the college intends to offer the evidence at the hearing.

(20) Rights of parties.

(a) The college's student conduct procedures, WAC 132W-115-110 and this procedure shall apply equally to all parties.

(b) The college bears the burden of offering and presenting sufficient testimony and evidence to establish that the respondent is responsible for a Title IX violation by a preponderance of the evidence.

(c) The respondent will be presumed not responsible until such time as the disciplinary process has been finally resolved.

(d) During the hearing, each party shall be represented by an advisor. The parties are entitled to an advisor of their own choosing and the advisor may be an attorney. If a party does not choose an advisor, then the Title IX coordinator will appoint an advisor of the college's choosing on the party's behalf at no expense to the party.

(21) Evidence. The introduction and consideration of evidence during the hearing is subject to the following procedures and restrictions:

(a) Relevance: The committee chair shall review all questions for relevance and shall explain on the record their reasons for excluding any question based on lack of relevance.

(b) Relevance means that information elicited by the question makes facts in dispute more or less likely to be true.

(c) 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:

(i) Is asked or offered to prove someone other than the respondent committed the alleged misconduct; or

(ii) Concerns specific incidents of prior sexual behavior between the complainant and the respondent, which are asked or offered on the issue of consent.

(d) Cross-examination required: If a party or witness does not submit to cross-examination during the live hearing, the committee must not rely on any statement by that party or witness in reaching a determination of responsibility.

(e) No negative inference: The committee may not make an inference regarding responsibility solely on a witness's or party's absence from the hearing or refusal to answer questions.

(f) Privileged evidence: The committee shall not consider legally privileged information unless the holder has effectively waived the privilege. Privileged information includes, but is not limited to, information protected by the following:

(i) Spousal/domestic partner privilege;

(ii) Attorney-client and attorney work product privileges;

(iii) Privileges applicable to members of the clergy and priests;

(iv) Privileges applicable to medical providers, mental health therapists, and counselors;

(v) Privileges applicable to sexual assault and domestic violence advocates; and

(vi) Other legal privileges identified in RCW 5.60.060.

(22) Initial order.

(a) In addition to complying with this section, the student conduct committee will be responsible for conferring and drafting an initial order that:

(i) Identifies the allegations of sexual harassment;

(ii) Describes the grievance and disciplinary procedures, starting with filing of the formal complaint through the determination of responsibility, including notices to parties, interviews with witnesses and parties, site visits, methods used to gather evidence, and hearings held;

(iii) Makes findings of fact supporting the determination of responsibility;

(iv) Reaches conclusions as to whether the facts establish whether the respondent is responsible for engaging in sexual harassment in violation of Title IX;

(v) Contains a statement of, and rationale for, the committee's determination of responsibility for each allegation;

(vi) Describes any disciplinary sanction or conditions imposed against the respondent, if any;

(vii) Describes to what extent, if any, complainant is entitled to remedies designed to restore or preserve complainant's equal access to the college's education programs or activities; and

(viii) Describes the process for appealing the initial order to the college president.

(b) The committee chair will serve the initial order on the parties simultaneously.

(23) Appeals.

(a) The parties shall have the right to appeal from the initial order's determination of responsibility and/or dismissal of an allegation(s) of sexual harassment in a formal complaint. The right to appeal will be subject to the same procedures and time frames set forth in this section.

(b) The president or their delegate will determine whether the grounds for appeal have merit, provide the rationale for this conclusion, and state whether the disciplinary sanction and condition(s) imposed in the initial order are affirmed, vacated, or amended, and, if amended, set forth any new disciplinary sanction and/or condition(s).

(c) President's office shall serve the final decision on the parties simultaneously.