

Annual Security and Campus View Village Fire Safety Report

Reporting 2021-2023
Prepared August 2024



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ANNUAL SECURITY AND CAMPUS VIEW VILLAGE FIRE SAFETY REPORT

Each year before October 1, Skagit Valley College (SVC) produces this annual report as required by the Clery Act. Campus Security, Administrative Services, Human Resources, Student Services and the Resident Director review and update this report annually. We hope the information in this document will be helpful and that it will answer questions about safety, security, resident hall fire safety, concerns of a personal safety nature, and crimes occurring within the geographical boundaries of the college as delineated by the Clery Act.

This report provides information about the extent of reported crimes occurring in the previous three calendar years and gives the college community information about safety on campus. Information in this report also includes data requested and collected from the Cities of Mount Vernon, Oak Harbor and Anacortes Police Departments, Skagit, Island and San Juan County Sheriff's Offices and SVC Security.

WHAT IS THE CLERY ACT?

The Clery Act, formerly known as the Crime Awareness and Campus Security Act, was signed in 1990 and is named after 19-year-old Jeanne Clery, who was raped and murdered in her Lehigh University residence hall in 1986. Clery's parents lobbied Congress to enact the law when they discovered students at Lehigh hadn't been notified about 38 violent crimes that had occurred on campus in the three years prior to Clery's murder.

The Clery Act requires Skagit Valley College (SVC) to provide timely warnings of crimes that represent a threat to the safety of students or employees and to make their campus security policies available to the public. The act also requires SVC to collect, report, and disseminate crime data to everyone on-campus and to the Department of Education annually.

When the Higher Education Opportunity Act (HEOA) was signed into law in 2008, it amended the Clery Act by adding a number of safety- and security-related requirements to the Higher Education Act of 1965. In addition, the Violence Against Women Reauthorization Act (VAWA) and the Campus Sexual Violence Act (also known as the "SaVE Act") created new obligations for reporting.

To be in full compliance with the law, SVC must do the following:

1. Publish and distribute an Annual Security Report to current and prospective students and employees by October 1 of each year. The report must provide crime statistics for the past three years, detail campus and community policies about safety and security measures, describe campus crime prevention programs, and list procedures to be followed in the investigation and prosecution of alleged sex offenses.
2. Provide students and employees with timely warnings of crimes that represent a threat to their safety. The SVC Security Department must also keep and make available to the public a detailed crime log of all crimes reported to them in the past 60 days. Crime logs must be kept for seven years, and logs older than 60 days must be made available within two business days upon request.
3. Keep the past three years of crime statistics detailing crimes that have occurred: on-campus; in residential facilities; in public areas on or near campus; and in certain non-campus buildings, such as Head Start and remote classrooms. SVC must also report liquor and drug law violations and illegal weapons possession if they result in a disciplinary referral or arrest.

4. Disclose missing student notification procedures that pertain to students residing in any on-campus student housing facilities.
5. Disclose fire safety information related to any on-campus student housing facilities. This includes maintaining a fire log that is open to public inspection and publishing an Annual Fire Safety Report containing policy statements and fire statistics associated with each on-campus student housing facility. These statistics must include the location, cause, injuries, deaths and property damage of each fire.
6. Submit the collected crime and fire statistics to the Department of Education each fall.
7. Inform prospective students and employees about the availability of the Annual Fire Safety Report. Report domestic violence, dating violence, and stalking.
8. Adopt certain student discipline procedures, such as for notifying purported complainants of their right.
9. Adopt certain institutional policies to address and prevent campus sexual violence, including providing training in specific aspects of VAWA to identified institutional personnel.

SVC has a vested interest in campus security and the personal safety of its students and employees. The following pages contain specific information, including crime prevention, fire safety, law enforcement authority, crime reporting policies, disciplinary procedures and other matters of importance related to security and safety on campus. This report also contains information about campus crime statistics.

Members of the campus community are encouraged to use this report as a guide for safe practices on and off campus. The report is available on the Internet at <https://www.skagit.edu/security-services/safety-security-reports-manuals.html>. Every member of SVC receives an email that describes the report and provides its website address. For more information, contact the SVC's Security Department at 360-416-7777

The regulatory requirements regarding this report are discussed in detail in *The Handbook for Campus Safety and Security Reporting* ed.gov/sites/ed/files/admins/lead/safety/handbookfsa.pdf.

TYPES OF LOCATIONS FOR WHICH SVC COMPILES CRIME STATISTICS

As specified in the Clery Act, the following property descriptions are used to identify the location of crimes on and around SVC's campus.

On-Campus Buildings or Property

1. Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution's educational purposes, including residence halls.
2. Any building or property that is within or reasonably contiguous to the area identified in the above paragraph, that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or retail vendor).
3. The following locations are considered On-Campus areas for SVC:
 - Mount Vernon Campus, 2405 East College Way, Mount Vernon, WA

- McIntyre Hall, 2501 East College Way, Mount Vernon, WA
- Whidbey Island Campus, 1900 SE Pioneer Way, Oak Harbor, WA
- San Juan Center, 221 Weber Way, Friday Harbor, WA
- Cardinal Craft Brewing Academy, 15579 Peterson Road, Burlington, WA
- Marine Technology Center, 1606 R Avenue, Anacortes, WA
- Campus View Village Student Housing, 2410 Sigmar Lane #100, Mount Vernon, WA

Non-Campus Buildings or Property

1. Any building or property owned or controlled by a student organization that is officially recognized by the institution; or
2. Any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Public Buildings or Property

All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus.

SVC statistics do not include crimes that occur in privately owned homes or businesses within or adjacent to the campus boundaries.

Statistics are counted by the calendar year in which the crime was reported to SVC Security.

Refer to **Appendix A1** for more information regarding the locations for which SVC compiles crime statistics.

CLERY CRIME DEFINITIONS AND COUNTING

Following are the definitions used by SVC for purposes of Clery reporting:

Aggravated assault is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed

Arson – any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Burglary is the unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic violence is a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred. To be classified as domestic violence, the relationship between the perpetrator and the victim must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

Drug abuse violations are defined as the violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

Hate crimes are criminal offenses that manifest evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, or disability.

Larceny-Theft is the unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another. Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.

Liquor law violations are defined as the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness. Violations include: manufacture, sale, transporting, furnishing, possessing, etc., of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; underage possession, using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned.

Motor vehicle theft – the theft or attempted theft of a motor vehicle.

Murder and non-negligent manslaughter – the willful (non-negligent) killing of one human being by another.

Manslaughter by negligence – the killing of another person by gross negligence.

Robbery – the taking or attempt to take anything of value from the care, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Sex offenses are defined as any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- **Rape** is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.

- **Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- **Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory rape** is sexual intercourse with a person who is under the statutory age of consent.
- **Stalking** is 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

Unfounded Crimes are considered unfounded only if sworn or commissioned law enforcement personnel make a formal determination that the report is false or baseless. A reported crime cannot be designated “unfounded” if no investigation was conducted or the investigation was not completed. Nor can a crime report be designated unfounded merely because the investigation failed to prove that the crime occurred; this would be an inconclusive or unsubstantiated investigation.

Weapons violations are defined as violations of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. Violations include: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; using, manufacturing, etc., of silencers; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the above.

Crimes	Counted by number of
Homicide and non-negligent manslaughter	Victims
Negligent manslaughter	Victims
Sex offenses*	Victims
Robbery	Incidents (including attempts)
Aggravated assault	Victims
Burglary	Incidents
Motor vehicle theft	Vehicles
Arson	Incidents
Hate crimes**	Hate Crimes and also counted on the statistics for each specific crime
Liquor, drug and weapon law offenses**	Arrests or Referred to VP of Student Services

* See **Appendix C** for more information concerning sex offenses.

** See **Appendix A2** for more information concerning hate crimes; and liquor, drug and weapon law offenses.

Under VAWA crimes and incident statistics reported to Campus Security Authorities or to local law enforcement agencies include:

Crimes/Incidents	Counted by number of
Domestic Violence	Incidents
Dating Violence	Incidents
Stalking	Incidents

HIERARCHY RULE AND EXCLUDED CRIMES

The Clery Act provides that when a person has committed more than a single Clery offense, the institution should count the offense which is of the most serious nature and not count an offense of lesser significance. An exception to this rule exists for hate crimes and VAWA related offenses. If a person commits any reportable offense and while doing this also commits a hate crime or a VAWA offense, then both incidents will be reported.

DAILY CRIME LOG

The Daily Crime Log records activity reported to SVC Security. The log will include a summary of the incident, the date, time and general location of each incident, officers responding, and the disposition, if known.

The Daily Crime Log is open to the public for inspection at all times during normal business hours. Any portion of the log that is older than 60 days must be made available within two business days of a request for public inspection.

Information may be withheld from the Daily Crime Log in cases where:

- Disclosure of the information is prohibited by law.
- Disclosure would jeopardize the confidentiality of the complainant.
- There is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual.

CRIME STATISTICS

PREPARATION AND DISCLOSURE OF CRIME STATISTICS FOR 2021-2023

SVC is responsible for preparing and disclosing crime statistics in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), 20 U.S.C. Section 1092. This federal mandate requires the disclosure of certain crime statistics so current and potential families, students, and employees can be knowledgeable about the safety of college campuses.

The Vice President for Administrative Services and the Director of Security and Emergency Management are responsible for collecting and reporting the annual crime statistics from the local police agencies and campus security authorities. This information is included in SVC's Annual Security and Fire Safety Report (ASFSR). By October 1 of each year, notification of the new ASFSR is emailed to current students and employees. A hard copy of the report is available upon request at the Office of the Vice President for Administrative Services. The crime statistics are also submitted to the U.S. Department of Education on an annual basis.

The security department collects its own statistics, and accepts supplemental numbers from recognized student conduct administrators and other campus security authorities (CSA) in their subordinate reporting roles. A working relationship between the Security Office and specific departments that routinely provide services at non-campus locations has been established. Additionally, the Director of Security and Emergency Management sends an annual notice to these departments and the college community to solicit additional on-campus location information. The Director of Security and Emergency Management then annually requests statistical information from the appropriate law enforcement agencies for non-campus operations.

Clery reporting covers the preceding calendar year, January 1 to December 31.

SVC protocols specify that aggravated assault, arson, negligent manslaughter, burglary, motor vehicle theft, murder/non-negligent manslaughter, robbery, and any case classified as a hate crime under the Clery Act are

reported to the security office, either by having a CSA or the student contact the security office. In cases of sexual assault, domestic violence, dating violence, and stalking, the victim or witness may report to the Security Office, the Title IX coordinator, or file as an anonymous report (a statistical notation absent any names). Anonymous reports are reviewed at the end of the year for reporting purposes. All relevant crime data is compiled by Director of Security and Emergency Management and is included in SVC's submission to the Department of Education annually by October 13. The Clery Crime Report for 2021, 2022 and 2023 includes campus crime, arrest and disciplinary referral statistics reported to SVC Security, Campus Security Authorities (as defined by federal law) and law enforcement authorities in whose jurisdiction SVC properties reside.

Online reporting of crimes is also received via the Maxient™ Reporting System operated by the College.

Based on SVC records and records from the Mount Vernon Police Department, Skagit County Sheriff's Office, Oak Harbor Police Department, Island County Sheriff's Office, Anacortes Police Department, and San Juan Island Sheriff's Office the Annual Security Report is developed. **Exhibit 1** includes the Clery Crime Statistics sheets for 2021-2023. Reported crimes may involve individuals not associated with Skagit Valley College.

Skagit Valley College 2023 Annual Security Report and Campus View Village Fire Safety Report

EXHIBIT 1

Skagit Valley College - Annual Campus Security Report										
You have the right to know about the safety of your college campus. The following is a report of the crimes reported on each campus during the last year.										
Locations: Mount Vernon Campus (MVC), Whidbey Island Campus (WIC), San Juan Center (SJC), Mount Vernon Residence Hall - Campus View Village (CVV), Marine Technology Center (MTC), Cardinal Craft Brewing Academy										
Hate crimes include incidents of murder, forcible rape, and aggravated assault in which individuals were victimized intentionally on the basis of their actual or perceived race, gender, gender identity, religion, sexual orientation, ethnicity, national origin or disability.										
2023 Mount Vernon Campus and Campus View Village Residence Hall										
Criminal Offense	MVC	MVC Hate Crime	MVC Non-Campus Property	MVC Non-Campus Property Hate Crime	MVC Public Property	MVC Public Property Hate Crime	CVV	CVV Hate Crime	MVC and CVV Combined	MV and CVV Crimes and Hate Crimes Combined
a. Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0
c. Sex Offenses - Forcible										
Rape	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0
d. Sex Offenses - Non-Forcible										
Incest	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0
e. Robbery	0	0	0	0	0	0	0	0	0	0
f. Aggravated Assault	0	0	0	0	0	0	0	0	0	0
g. Burglary	3	0	0	0	0	0	1	0	4	4
h. Motor Vehicle Theft	2	0	0	0	0	0	0	0	2	2
i. Arson	0	0	0	0	0	0	0	0	0	0
Hate Crimes - Other										
j. Simple Assault		0		0		0		0		0
k. Larceny Theft		0		0		0		0		0
l. Intimidation		0		0		0		0		0
m. Destruction/Damage/Vandalism of property		0		0		0		0		0
VAWA Offenses										
Domestic Violence	0		0		0		0		0	
Dating Violence	0		0		0		0		0	
Stalking	1		0		0		0		1	
Arrests										
Weapons: carrying, possessing, etc	0		0		0		0		0	
Drug law violation	0		0		0		0		0	
Liquor law violation	0		0		0		0		0	
Disciplinary Referrals										
Weapons: carrying, possessing, etc	0		0		0		0		0	
Drug law violation	7		0		0		7		14	
Liquor law violation	45		0		0		44		89	
Fires On-Campus Student Housing							0		0	

EXHIBIT 1 (continued)

Hate crimes include incidents of murder, forcible rape, and aggravated assault in which individuals were victimized intentionally on the basis of their actual or perceived race, gender, gender identity, religion, sexual orientation, ethnicity, national origin or disability.

2023 Whidbey Island Campus							
Criminal Offense	WIC	WIC Hate Crime	WIC Non-Campus Property	WIC Non-Campus Hate Crime	WIC Public Property	WIC Public Hate Crime	WIC Crimes and Hate Crimes Combined
a. Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0
c. Sex Offenses - Forcible							
Rape	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0
d. Sex Offenses - Non-Forcible							
Incest	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0
e. Robbery	0	0	0	0	0	0	0
f. Aggravated Assault	0	0	0	0	0	0	0
g. Burglary	1	0	0	0	0	0	0
h. Motor Vehicle Theft	0	0	0	0	0	0	0
i. Arson	0	0	0	0	0	0	0
Hate Crimes - Other							
j. Simple Assault		0		0		0	0
k. Larceny Theft		0		0		0	0
l. Intimidation		0		0		0	0
m. Destruction/damage/vandalism of property		0		0		0	0
VAWA Offenses							
Domestic Violence	0		0		0		
Dating Violence	0		0		0		
Stalking	0		0		0		
Arrests							
Weapons: carrying, possessing, etc	0		0		0		
Drug law violation	0		0		0		
Liquor law violation	0		0		0		
Disciplinary Referrals							
Weapons: carrying, possessing, etc	0		0		0		
Drug law violation	0		0		0		
Liquor law violation	0		0		0		

EXHIBIT 1 (continued)

Skagit Valley College - Annual Campus Security Report										
You have the right to know about the safety of your college campus. The following is a report of the crimes reported on each campus during the last year.										
Locations: Mount Vernon Campus (MVC), Whidbey Island Campus (WIC), San Juan Center (SJC), Mount Vernon Residence Hall - Campus View Village (CVV), Marine Technology Center (MTC), Cardinal Craft Brewing Academy										
Hate crimes include incidents of murder, forcible rape, and aggravated assault in which individuals were victimized intentionally on the basis of their actual or perceived race, gender, gender identity, religion, sexual orientation, ethnicity, national origin or disability.										
2023 San Juan Center and Marine Technology Center										
Criminal Offense	SJC	SJC Hate Crime	SJC Public Property	SJC Public Property Hate Crime	MTC	MTC Hate Crime	MTC Public Property	MTC Public Property Hate Crime	SJC and MTC Combined	SJC and MTC Crimes Combined
a. Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0
c. Sex Offenses - Forcible										
Rape	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0
d. Sex Offenses - Non-Forcible										
Incest	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0
e. Robbery	0	0	0	0	0	0	0	0	0	0
f. Aggravated Assault	0	0	0	0	0	0	0	0	0	0
g. Burglary	0	0	0	0	0	0	0	0	0	0
h. Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0
i. Arson	0	0	0	0	0	0	0	0	0	0
Hate Crimes - Other										
j. Simple Assault		0		0		0		0		0
k. Larceny Theft		0		0		0		0		0
l. Intimidation		0		0		0		0		0
m. Destruction/damage/vandalism of property		0		0		0		0		0
VAWA Offenses										
Domestic Violence	0		0		0		0		0	
Dating Violence	0		0		0		0		0	
Stalking	0		0		0		0		0	
Arrests										
Weapons: carrying, possessing, etc	0		0		0		0		0	
Drug law violation	0		0		0		0		0	
Liquor law violation	0		0		0		0		0	
Disciplinary Referrals										
Weapons: carrying, possessing, etc	0		0		0		0		0	
Drug law violation	0		0		0		0		0	
Liquor law violation	0		0		0		0		0	

EXHIBIT 1 (continued)

Skagit Valley College - Annual Campus Security Report					
You have the right to know about the safety of your college campus. The following is a report of the crimes reported on each campus during the last year.					
Locations: Mount Vernon Campus (MVC), Whidbey Island Campus (WIC), San Juan Center (SJC), Mount Vernon Residence Hall - Campus View Village (CVV), Marine Technology Center (MTC), Cardinal Craft Brewing Academy					
Hate crimes include incidents of murder, forcible rape, and aggravated assault in which individuals were victimized intentionally on the basis of their actual or perceived race, gender, gender identity, religion, sexual orientation, ethnicity, national origin or disability.					
2023 Cardinal Craft Brewing Academy					
	Cardinal Craft Brewing Academy	Cardinal Craft Brewing Academy Hate Crime	Cardinal Craft Brewing Academy Public Property	Cardinal Craft Brewing Academy Public Hate Crime	Cardinal Craft Brewing Academy Crimes and Hate Crimes Combined
Criminal Offense					
a. Murder/Non-negligent Manslaughter	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0
c. Sex Offenses - Forcible					
Rape	0	0	0	0	0
Fondling	0	0	0	0	0
d. Sex Offenses - Non-Forcible					
Incest	0	0	0	0	0
Statutory Rape	0	0	0	0	0
e. Robbery	0	0	0	0	0
f. Aggravated Assault	0	0	0	0	0
g. Burglary	0	0	0	0	0
h. Motor Vehicle Theft	0	0	0	0	0
i. Arson	0	0	0	0	0
Hate Crimes - Other					
j. Simple Assault		0		0	0
k. Larceny Theft		0		0	0
l. Intimidation		0		0	0
m. Destruction/damage/vandalism of property		0		0	0
VAWA Offenses					
Domestic Violence	0		0		0
Dating Violence	0		0		0
Stalking	0		0		0
Arrests					
Weapons: carrying, possessing, etc	0		0		0
Drug law violation	0		0		0
Liquor law violation	0		0		0
Disciplinary Referrals					
Weapons: carrying, possessing, etc	0		0		0
Drug law violation	0		0		0
Liquor law violation	0		0		0

EXHIBIT 1 (continued)

Skagit Valley College - Annual Campus Security Report										
You have the right to know about the safety of your college campus. The following is a report of the crimes reported on each campus during the last year.										
Locations: Mount Vernon Campus (MVC), Whidbey Island Campus (WIC), San Juan Center (SJC), Mount Vernon Residence Hall - Campus View Village (CVV), Marine Technology Center (MTC), Cardinal Craft Brewing Academy										
Hate crimes include incidents of murder, forcible rape, and aggravated assault in which individuals were victimized intentionally on the basis of their actual or perceived race, gender, gender identity, religion, sexual orientation, ethnicity, national origin or disability.										
2022 Mount Vernon Campus and Campus View Village Residence Hall										
Criminal Offense	MVC	MVC Hate Crime	MVC Non-Campus Property	MVC Non-Campus Property Hate Crime	MVC Public Property	MVC Public Property Hate Crime	CVV	CVV Hate Crime	MVC and CVV Combined	MV and CVV Crimes and Hate Crimes Combined
a. Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0
c. Sex Offenses - Forcible										
Rape	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0
d. Sex Offenses - Non-Forcible										
Incest	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	1	0	0	0	1	1
e. Robbery	0	0	0	0	0	0	0	0	0	0
f. Aggravated Assault	0	0	0	0	0	0	0	0	0	0
g. Burglary	4	0	0	0	0	0	1	0	5	5
h. Motor Vehicle Theft	0	0	0	0	3	0	0	0	3	3
i. Arson	0	0	0	0	0	0	0	0	0	0
Hate Crimes - Other										
j. Simple Assault		0		0		0		0		0
k. Larceny Theft		0		0		0		0		0
l. Intimidation		0		0		0		0		0
m. Destruction/Damage/Vandalism of property		2		0		0		0		2
VAWA Offenses										
Domestic Violence	0		0		0		0		0	
Dating Violence	0		0		0		0		0	
Stalking	0		0		0		0		0	
Arrests										
Weapons: carrying, possessing, etc	0		0		0		0		0	
Drug law violation	0		0		0		0		0	
Liquor law violation	0		0		0		0		0	
Disciplinary Referrals										
Weapons: carrying, possessing, etc	0		0		0		0		0	
Drug law violation	3		0		0		3		6	
Liquor law violation	47		0		0		47		94	
Fires On-Campus Student Housing							0		0	

EXHIBIT 1 (continued)

Skagit Valley College - Annual Campus Security Report							
You have the right to know about the safety of your college campus. The following is a report of the crimes reported on each campus during the last year.							
Locations: Mount Vernon Campus (MVC), Whidbey Island Campus (WIC), San Juan Center (SJC), Mount Vernon Residence Hall - Campus View Village (CVV), Marine Technology Center (MTC), Cardinal Craft Brewing Academy							
Hate crimes include incidents of murder, forcible rape, and aggravated assault in which individuals were victimized intentionally on the basis of their actual or perceived race, gender, gender identity, religion, sexual orientation, ethnicity, national origin or disability.							
2022 Whidbey Island Campus							
Criminal Offense	WIC	WIC Hate Crime	WIC Non-Campus Property	WIC Non-Campus Property Hate Crime	WIC Public Property	WIC Public Property Hate Crime	WIC Crimes and Hate Crimes Combined
a. Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0
c. Sex Offenses - Forcible							
Rape	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0
d. Sex Offenses - Non-Forcible							
Incest	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0
e. Robbery	0	0	0	0	0	0	0
f. Aggravated Assault	0	0	0	0	0	0	0
g. Burglary	1	0	0	0	0	0	0
h. Motor Vehicle Theft	0	0	0	0	0	0	0
i. Arson	0	0	0	0	0	0	0
Hate Crimes - Other							
j. Simple Assault		0		0		0	0
k. Larceny Theft		0		0		0	0
l. Intimidation		0		0		0	0
m. Destruction/damage/vandalism of property		0		0		0	0
VAWA Offenses							
Domestic Violence	0		0		0		
Dating Violence	0		0		0		
Stalking	0		0		0		
Arrests							
Weapons: carrying, possessing, etc	0		0		0		
Drug law violation	0		0		0		
Liquor law violation	0		0		0		
Disciplinary Referrals							
Weapons: carrying, possessing, etc	0		0		0		
Drug law violation	0		0		0		
Liquor law violation	0		0		0		

EXHIBIT 1 (continued)

Skagit Valley College - Annual Campus Security Report										
You have the right to know about the safety of your college campus. The following is a report of the crimes reported on each campus during the last year.										
Locations: Mount Vernon Campus (MVC), Whidbey Island Campus (WIC), San Juan Center (SJC), Mount Vernon Residence Hall - Campus View Village (CVV), Marine Technology Center (MTC), Cardinal Craft Brewing Academy										
Hate crimes include incidents of murder, forcible rape, and aggravated assault in which individuals were victimized intentionally on the basis of their actual or perceived race, gender, gender identity, religion, sexual orientation, ethnicity, national origin or disability.										
2022 San Juan Center and Marine Technology Center										
Criminal Offense	SJC	SJC Hate Crime	SJC Public Property	SJC Public Property Hate Crime	MTC	MTC Hate Crime	MTC Public Property	MTC Public Property Hate Crime	SJC and MTC Combined	SJC and MTC Crimes Combined
a. Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0
c. Sex Offenses - Forcible										
Rape	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0
d. Sex Offenses - Non-Forcible										
Incest	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0
e. Robbery	0	0	0	0	0	0	0	0	0	0
f. Aggravated Assault	0	0	0	0	0	0	0	0	0	0
g. Burglary	0	0	0	0	0	0	0	0	0	0
h. Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0
i. Arson	0	0	0	0	0	0	0	0	0	0
Hate Crimes - Other										
j. Simple Assault		0		0		0		0		0
k. Larceny Theft		0		0		0		0		0
l. Intimidation		0		0		0		0		0
m. Destruction/damage/vandalism of property		0		0		0		0		0
VAWA Offenses										
Domestic Violence	0		0		0		0		0	
Dating Violence	0		0		0		0		0	
Stalking	0		0		0		0		0	
Arrests										
Weapons: carrying, possessing, etc	0		0		0		0		0	
Drug law violation	0		0		0		0		0	
Liquor law violation	0		0		0		0		0	
Disciplinary Referrals										
Weapons: carrying, possessing, etc	0		0		0		0		0	
Drug law violation	0		0		0		0		0	
Liquor law violation	0		0		0		0		0	

EXHIBIT 1 (continued)

Skagit Valley College - Annual Campus Security Report					
You have the right to know about the safety of your college campus. The following is a report of the crimes reported on each campus during the last year.					
Locations: Mount Vernon Campus (MVC), Whidbey Island Campus (WIC), San Juan Center (SJC), Mount Vernon Residence Hall - Campus View Village (CVV), Marine Technology Center (MTC), Cardinal Craft Brewing Academy					
Hate crimes include incidents of murder, forcible rape, and aggravated assault in which individuals were victimized intentionally on the basis of their actual or perceived race, gender, gender identity, religion, sexual orientation, ethnicity, national origin or disability.					
2022 Cardinal Craft Brewing Academy					
	Cardinal Craft Brewing Academy	Cardinal Craft Brewing Academy Hate Crime	Cardinal Craft Brewing Academy Public Property	Cardinal Craft Brewing Academy Public Hate Crime	Cardinal Craft Brewing Academy Crimes and Hate Crimes Combined
Criminal Offense					
a. Murder/Non-negligent Manslaughter	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0
c. Sex Offenses - Forcible					
Rape	0	0	0	0	0
Fondling	0	0	0	0	0
d. Sex Offenses - Non-Forcible					
Incest	0	0	0	0	0
Statutory Rape	0	0	0	0	0
e. Robbery	0	0	0	0	0
f. Aggravated Assault	0	0	0	0	0
g. Burglary	0	0	0	0	0
h. Motor Vehicle Theft	0	0	0	0	0
i. Arson	0	0	0	0	0
Hate Crimes - Other					
j. Simple Assault		0		0	0
k. Larceny Theft		0		0	0
l. Intimidation		0		0	0
m. Destruction/damage/vandalism of property		0		0	0
VAWA Offenses					
Domestic Violence	0		0		0
Dating Violence	0		0		0
Stalking	0		0		0
Arrests					
Weapons: carrying, possessing, etc	0		0		0
Drug law violation	0		0		0
Liquor law violation	0		0		0
Disciplinary Referrals					
Weapons: carrying, possessing, etc	0		0		0
Drug law violation	0		0		0
Liquor law violation	0		0		0

EXHIBIT 1 (continued)

Skagit Valley College - Annual Campus Security Report										
You have the right to know about the safety of your college campus. The following is a report of the crimes reported on each campus during the last year.										
Locations: Mount Vernon Campus (MVC), Whidbey Island Campus (WIC), San Juan Center (SJC), Mount Vernon Residence Hall - Campus View Village (CVV), Marine Technology Center (MTC), Cardinal Craft Brewing Academy										
Hate crimes include incidents of murder, forcible rape, and aggravated assault in which individuals were victimized intentionally on the basis of their actual or perceived race, gender, gender identity, religion, sexual orientation, ethnicity, national origin or disability.										
2021 Mount Vernon Campus and Campus View Village Residence Hall										
Criminal Offense	MVC	MVC Hate Crime	MVC Non-Campus Property	MVC Non-Campus Property Hate Crime	MVC Public Property	MVC Public Property Hate Crime	CVV	CVV Hate Crime	MVC and CVV Combined	MV and CVV Crimes and Hate Crimes Combined
a. Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0
c. Sex Offenses - Forcible										
Rape	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0
d. Sex Offenses - Non-Forcible										
Incest	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0
e. Robbery	0	0	0	0	0	0	0	0	0	0
f. Aggravated Assault	0	0	0	0	0	0	0	0	0	0
g. Burglary	0	0	0	0	0	0	0	0	0	0
h. Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0
i. Arson	1	0	0	0	0	0	0	0	1	1
Hate Crimes - Other		0		0		0		0		0
j. Simple Assault		0		0		0		0		0
k. Larceny Theft		0		0		0		0		0
l. Intimidation		0		0		0		0		0
m. Destruction/Damage/Vandalism of property		0		0		0		0		0
VAWA Offenses										
Domestic Violence	0		0		0		0		0	
Dating Violence	0		0		0		0		0	
Stalking	1		0		0		0		1	
Arrests										
Weapons: carrying, possessing, etc	0		0		0		0		0	
Drug law violation	0		0		0		0		0	
Liquor law violation	0		0		0		0		0	
Disciplinary Referrals										
Weapons: carrying, possessing, etc	0		0		0		0		0	
Drug law violation	0		0		0		0		0	
Liquor law violation	23		0		0		23		46	
Fires On-Campus Student Housing							0		0	

EXHIBIT 1 (continued)

Skagit Valley College - Annual Campus Security Report							
You have the right to know about the safety of your college campus. The following is a report of the crimes reported on each campus during the last year.							
Locations: Mount Vernon Campus (MVC), Whidbey Island Campus (WIC), San Juan Center (SJC), Mount Vernon Residence Hall - Campus View Village (CVV), Marine Technology Center (MTC), Cardinal Craft Brewing Academy							
Hate crimes include incidents of murder, forcible rape, and aggravated assault in which individuals were victimized intentionally on the basis of their actual or perceived race, gender, gender identity, religion, sexual orientation, ethnicity, national origin or disability.							
2021 Whidbey Island Campus							
Criminal Offense	WIC	WIC Hate Crime	WIC Non-Campus Property	WIC Non-Campus Hate Crime	WIC Public Property	WIC Public Hate Crime	WIC Crimes and Hate Crimes Combined
a. Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0
c. Sex Offenses - Forcible							
Rape	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0
d. Sex Offenses - Non-Forcible							
Incest	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0
e. Robbery	0	0	0	0	0	0	0
f. Aggravated Assault	0	0	0	0	0	0	0
g. Burglary	0	0	0	0	0	0	0
h. Motor Vehicle Theft	0	0	0	0	0	0	0
i. Arson	0	0	0	0	0	0	0
Hate Crimes - Other							
j. Simple Assault		0		0		0	0
k. Larceny Theft		0		0		0	0
l. Intimidation		0		0		0	0
m. Destruction/damage/vandalism of property		0		0		0	0
VAWA Offenses							
Domestic Violence	0		0		0		
Dating Violence	0		0		0		
Stalking	0		0		0		
Arrests							
Weapons: carrying, possessing, etc	0		0		0		
Drug law violation	0		0		0		
Liquor law violation	0		0		0		
Disciplinary Referrals							
Weapons: carrying, possessing, etc	0		0		0		
Drug law violation	1		0		0		
Liquor law violation	0		0		0		

EXHIBIT 1 (continued)

Skagit Valley College - Annual Campus Security Report										
You have the right to know about the safety of your college campus. The following is a report of the crimes reported on each campus during the last year.										
Locations: Mount Vernon Campus (MVC), Whidbey Island Campus (WIC), San Juan Center (SJC), Mount Vernon Residence Hall - Campus View Village (CVV), Marine Technology Center (MTC), Cardinal Craft Brewing Academy										
Hate crimes include incidents of murder, forcible rape, and aggravated assault in which individuals were victimized intentionally on the basis of their actual or perceived race, gender, gender identity, religion, sexual orientation, ethnicity, national origin or disability.										
2021 San Juan Center and Marine Technology Center										
	SJC	SJC Hate Crime	SJC Public Property	SJC Public Property Hate Crime	MTC	MTC Hate Crime	MTC Public Property	MTC Public Property Hate Crime	SJC and MTC Combined	SJC and MTC Crimes and Hate Crimes Combined
Criminal Offense										
a. Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0
c. Sex Offenses - Forcible										
Rape	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0
d. Sex Offenses - Non-Forcible										
Incest	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0
e. Robbery	0	0	0	0	0	0	0	0	0	0
f. Aggravated Assault	0	0	0	0	0	0	0	0	0	0
g. Burglary	0	0	0	0	0	0	0	0	0	0
h. Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0
i. Arson	0	0	0	0	0	0	0	0	0	0
Hate Crimes - Other		0		0		0		0		0
j. Simple Assault		0		0		0		0		0
k. Larceny Theft		0		0		0		0		0
l. Intimidation		0		0		0		0		0
m. Destruction/damage/vandalism of prop		0		0		0		0		0
VAWA Offenses										
Domestic Violence	0		0		0		0		0	
Dating Violence	0		0		0		0		0	
Stalking	0		0		0		0		0	
Arrests										
Weapons: carrying, possessing, etc	0		0		0		0		0	
Drug law violation	0		0		0		0		0	
Liquor law violation	0		0		0		0		0	
Disciplinary Referrals										
Weapons: carrying, possessing, etc	0		0		0		0		0	
Drug law violation	0		0		0		0		0	
Liquor law violation	0		0		0		0		0	

EXHIBIT 1 (continued)

Skagit Valley College - Annual Campus Security Report					
You have the right to know about the safety of your college campus. The following is a report of the crimes reported on each campus during the last year.					
Locations: Mount Vernon Campus (MVC), Whidbey Island Campus (WIC), San Juan Center (SJC), Mount Vernon Residence Hall - Campus View Village (CVV), Marine Technology Center (MTC), Cardinal Craft Brewing Academy					
Hate crimes include incidents of murder, forcible rape, and aggravated assault in which individuals were victimized intentionally on the basis of their actual or perceived race, gender, gender identity, religion, sexual orientation, ethnicity, national origin or disability.					
2021 Cardinal Craft Brewing Academy					
	Cardinal Craft Brewing Academy	Cardinal Craft Brewing Academy Hate Crime	Cardinal Craft Brewing Academy Public Property	Cardinal Craft Brewing Academy Public Property Hate Crime	Cardinal Craft Brewing Academy Crimes and Hate Crimes Combined
Criminal Offense					
a. Murder/Non-negligent Manslaughter	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0
c. Sex Offenses - Forcible					
Rape	0	0	0	0	0
Fondling	0	0	0	0	0
d. Sex Offenses - Non-Forcible					
Incest	0	0	0	0	0
Statutory Rape	0	0	0	0	0
e. Robbery	0	0	0	0	0
f. Aggravated Assault	0	0	0	0	0
g. Burglary	0	0	0	0	0
h. Motor Vehicle Theft	0	0	0	0	0
i. Arson	0	0	0	0	0
Hate Crimes - Other					
j. Simple Assault		0		0	0
k. Larceny Theft		0		0	0
l. Intimidation		0		0	0
m. Destruction/damage/vandalism of property		0		0	0
VAWA Offenses					
Domestic Violence	0		0		0
Dating Violence	0		0		0
Stalking	0		0		0
Arrests					
Weapons: carrying, possessing, etc	0		0		0
Drug law violation	0		0		0
Liquor law violation	0		0		0
Disciplinary Referrals					
Weapons: carrying, possessing, etc	0		0		0
Drug law violation	0		0		0
Liquor law violation	0		0		0

CRIME AND EMERGENCY REPORTING PROCEDURES

The following describes current campus policies regarding procedures for students and others to report criminal actions or other emergencies occurring on campus.

TO REPORT CRIMES OR EMERGENCIES

SVC strongly encourages accurate and prompt reporting of all crimes and public safety related information and takes all such reports seriously. Information to be reported should not be limited to actual crimes; it also includes any suspicious activity or person seen anywhere on or near campus, including in parking lots, athletic fields, inside or outside campus buildings and residential halls.

SVC Security in the district may be reached as follows:

- Telephone: 360.416.7777 (Mount Vernon), 360.679.5383 (Oak Harbor), 360.378.3220 (San Juan Center)
- In person at SVC Security:
 - Mount Vernon Campus – Gary Knutson Cardinal Center room C-110 (weekdays/weekends and evenings)
 - Oak Harbor Campus - Old Main building room B-114 (weekdays/weekends)
 - San Juan Center Main Office (weekdays)
 - Marine Technology Center Main Office (weekdays)
- Via the Maxient™ Online Reporting Program. Six versions of reporting forms may be found at: <https://www.skagit.edu/incident-reporting/>
- The Mount Vernon Police Department, Skagit County Sheriff's Office, and Anacortes Police Department may be contacted as follows:
 - Emergency telephone: **9-1-1**
 - Non-emergency telephone: **360.428.3211 (Mount Vernon, Anacortes and Skagit County)**
360.679.9567 (Oak Harbor) **360.678.4422 (Island County)**; **360.378.4151 (Friday Harbor/San Juan County)**

The following SVC positions are our institution's preferred crime and misconduct report takers:

- Director of Security
- Title IX Coordinator
- Director of Student Housing
- Director of Student Life and Student Conduct
- Associate VP of Human Resources
- Associate VP of Equity and Inclusion

Reporting crime, other misconduct, or general safety concerns is accomplished through in-person, email or phone contact with one of the above listed SVC Departments or can also be done via on-line tools. Reports can be made by accessing designated reporting tools on the SVC Security and Emergency Management web page.

To report a theft, for example; select the Security & Safety Incident reporting button. Activating the button opens a reporting page in Maxient, our college's reporting documentation and routing tool. Fill in the requested information and submit the report. If necessary, a Security officer may contact you for additional information.

Other types of incidents and concerns are reported via the same web page by activating the appropriately designated buttons for Bias Incidents, Student Code of Conduct, Campus View Village (housing), and CARE Team

(academic, social and personal issues). Reports are reviewed and the appropriate designated department reviews reports to respond as needed.

Using the online tools does afford the reporting person to report anonymously.

Because sexual assault and misconduct are often private and difficult issues for the persons reporting them, contacting the Title IX Coordinator is the preferred method for making Title IX reports.

WHO MUST REPORT CAMPUS CRIMES

To ensure that campus crime is not underreported, the Clery Act requires campus crime statistics include any crime that is reported to local police agencies or **Campus Security Authorities**, which is a broad designation that potentially includes many institutional personnel.

A Campus Security Authority is—

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

At SVC, the Director of Security and Emergency Management is the lead Campus Security Authority as well as the Campus Security Survey Co-Administrator (Administrative Assistant, Administrative Services). The Office of the Director of Security and Emergency Management has primary responsibility for coordinating the tracking and reporting efforts across the district. However, every faculty, staff or student member of the community is strongly encouraged to report crimes. Procedures for doing so are available at every campus and center of the College and links for filing an Incident Report are available at <https://www.skagit.edu/incident-reporting/>.

At SVC, the following employees also fall into the category of Campus Security Authority because they have significant responsibility for student and campus activities:

- All individuals who work for the Campus Security Department
- Any person responsible for student and campus activities
 - CVV Resident Advisors
 - Counselors
 - Club Advisors
 - Navigators
 - Athletic Coaches
 - Director of Whidbey Island Campus
 - Director of Marine Technology Center
 - Craft Brew Lab Supervisor
- Any person specified in SVC’s statement of campus security policy as a person to which students and employees should report criminal offenses.
 - Members of SVC’s Cabinet Plus

All employees of institutions of higher education, not considered academic or athletic department employees, who have reasonable cause to believe a child has suffered abuse or neglect, must report such abuse or neglect immediately to the appropriate administrator or supervisor, as designated by the institution.

Information Gathering

Campus Security Authorities are given annual notification of their responsibility to report crimes. When Security personnel receive a report of a crime, the following process will be followed:

Federal law requires that higher education institutions shall report incidents of certain crimes committed on or near College property.

If a security officer becomes aware of an incident that may constitute a crime the incident shall be documented.

SVC Security is responsible by law to document any of the listed crimes from any of the SVC campuses, centers, or satellite areas of learning. If a security officer is notified of any of the listed crimes, the officer shall immediately initiate an investigation. The local law enforcement agency having jurisdiction will be notified to conduct a law enforcement investigation when appropriate.

If the security officer receives a SVC Incident Report from any student, staff member or visitor at any SVC campus, the officer shall initiate an investigation. A SVC Security case number shall be assigned. If appropriate, the Security Officer will notify the local law enforcement agency having jurisdiction over the incident.

If a security officer receives a report or becomes aware of an incident that may constitute a VAWA or Title IX-related violation, the office of the Vice President of Human Resources or Title IX Coordinator will be notified immediately. Institutional officials who are trained to conduct investigations in these matters will be assigned to do so; Security officers at any level, outside of taking the initial report to the point of determining that the incident relates to VAWA or Title IX classification, will not independently investigate these incidents. Instead, the Vice President of Human Resources or Title IX Coordinator will direct investigative efforts, and Security staff will cooperate fully. In the event of the determination that a crime may have or has been committed in these categories, the local police agency of jurisdiction will be informed in such a manner as to protect physical and due process rights of both the complainant and respondent, and with respect to the rights of confidentiality of the complainant.

In January of every year, the Director of Security and Emergency Management collects reports from SVC Security on the Mount Vernon Campus and the Administration Office on the Whidbey Island Campus. The Director also secures crime statistics from all police precincts in Community College District No. 4 that detail crimes on any campus or center or at off campus College events. Reports on disciplinary findings are obtained from Student Services, and reports from the Maxient™ online reporting system are also obtained and classified as Clery-qualified or non-reportable.

VOLUNTARY ANONYMOUS REPORTING

SVC Security encourages anyone who is a complainant or witness to any crime to promptly report the incident as described on page 22. Because these reports are public records under state law, SVC Security cannot hold reports of crime in confidence.

Victims of a crime who do not want to pursue action within the College system or the criminal justice system, may still want to consider making an anonymous report to SVC Security or Campus Security Authorities. SVC's policy/procedure for Prevention and Remediation of Discrimination and Harassment (**Appendix D**) indicates that complainants or witnesses may report crimes on a voluntary, confidential basis. Reports of any type can be

made anonymously through the Maxient system on incident specific reporting buttons on the SCV Security and Emergency Management web page.

If a victim of a crime elects not to report or is unable to report a crime, other members of the college community are encouraged to report crimes of which they are aware.

SVC Counseling and Career Center provides limited, confidential counseling services. These services include providing information on how to file an official report for investigation. Credentialed counseling professionals are not Campus Security Authorities and are not required to report crimes for inclusion in the annual Clery report, but only to the extent that they are functioning under the authority as a credentialed counselor. If they are functioning outside of their credentials, for example as a navigator or supervisor of other duties outside their counseling credentials, they have the same duty to report as other CSA's.

While SVC will attempt to honor complainant's request for confidentiality, it cannot guarantee complete confidentiality. Determinations regarding how to handle requests for confidentiality will be made on a case by case basis. If the College is unable to honor a complainant's request for confidentiality, the College will notify the complainant of the decision and ensure that complainant's identity is disclosed only to the extent reasonably necessary to effectively conduct and complete the investigation.

SVC encourages counselors (when they deem it appropriate), to inform the persons that they are counseling of any procedures to report crimes on a voluntary confidential basis for inclusion in the annual disclosure of crime statistics.

Alternatives to Immediately Filing a Police Report

- Report the crime at a later date.
- Make a complaint to the Office of Student Rights and Responsibilities. Such a complaint may be used for
- Actions which include, but are not limited to, on-campus disciplinary proceedings.
- Make an anonymous report to the police
- Contact a referral agency for help: the Housing Office, or the Title IX Coordinator.
- Make a complaint to the Title IX coordinator. Such a complaint may be used for actions which include, but are not limited to, on-campus disciplinary proceedings.

Victims and witnesses may report a crime through the College system or criminal justice system at a later date.

HOW TO BE AN ACTIVE BYSTANDER

Bystanders play a critical role in the prevention of sexual and relationship violence. They are individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it. We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some ways to be an active bystander. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another, and it is not safe for you to interrupt.

- Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
- Confront people who seclude, hit on, try to make out with, initiate unwelcome advances or touching of others, or have sex with people who are incapacitated.
- Speak up when someone discusses plans to take advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

(Bystander intervention strategies adapted from Stanford University)

HOW SVC PROVIDES TIMELY WARNINGS AND EMERGENCY NOTIFICATIONS

TIMELY WARNING

SVC will issue a timely warning when it receives a report of a crime that represents a serious or continuing threat to the safety of members of the campus community. SVC may also issue a warning to the campus community when other instances pose a safety concern (see Emergency Response and Evacuation section).

Initiating Timely Warnings First responders and personnel in the Security department are responsible for initiating timely warning procedures and make notifications to the President and Vice President of Administrative Services. Those responsible include, but are not limited to: Director of Security and Emergency Management (or their designee) or members of the Emergency Operations Center when activated.

The College in conjunction with various campus offices will distribute timely warning announcements when there appears to be a threat to the safety and security of persons on campus for the following crimes:

- Aggravated assault
- Arson
- Burglary
- Negligent manslaughter
- Motor vehicle theft
- Murder/non-negligent manslaughter
- Robbery
- Sexual offenses
- Domestic violence, dating violence, and stalking
- Violations of liquor law, drug law, or weapons possession law
- Any other crime in which the victim was chosen on the basis of race, gender, gender identity, religion, disability, sexual orientation, ethnicity, or national origin.

Decisions concerning whether to issue a timely warning will be made on a case-by-case basis using the following criteria:

- Nature of the crime
- Continuing danger to the campus community
- Possible risk of compromising law enforcement efforts

If the threat is sudden and serious, a warning will be issued immediately and will be continually updated until the threat is contained or neutralized. If a threat is less immediate, the warning will be fully developed and distributed after that point in time.

Crimes that could constitute a continuing threat include, but are not limited to:

- Serial crimes that target certain campus populations such as sex crimes or race-based crimes in which the perpetrator has not been apprehended, and
- Ongoing criminal activity in which there is no apparent connection between perpetrator and victim.

Crimes that would not constitute a continuing threat include, but are not limited to:

- Crimes in which the perpetrator has been apprehended, thereby eliminating the threat, and
- Crimes in which an identified perpetrator targets specific individuals to the exclusion of others, such as domestic violence.

Contents of a Timely Warning

The warning will contain sufficient information about the nature of the threat to allow members of the campus to take protective action:

- A succinct statement of the incident
- Possible connection to previous incidents if applicable
- Date, time, and location of the warning
- Description and drawing of the suspect, if available
- Risk reduction and safety tips
- Other relevant and important information

In some cases the security department and administration may need to keep some facts confidential to avoid compromising an ongoing investigation

Timely Warnings will be released by the President or designee. Timely warnings may be issued in a variety of methods, depending on the circumstances of the crime. These can include:

- **SVC Campus Alert System** - Campus-wide E-Mail, Text Messages, Twitter, Facebook, RSS- capable devices and the RAVE Alert system.
- **Printed Notice** – when appropriate may be posted at campus locations affected by the emergency.
- **Social Media** – public safety issues of on-going concern to the campus community are posted on the SVC Facebook page and Twitter feed.
- **Local Media** – may also be provided information when the risk of harm in a particular incident can reasonably be expected to extend to off-campus areas.

EMERGENCY NOTIFICATIONS

SVC's Emergency Notification Systems (ENS) are described in detail in the All Hazards Emergency Response Plan <https://www.skagit.edu/security-services/safety-security-reports-manuals.html>, including emergency testing and evacuation procedures.

The Emergency Notification System is operationally and routinely tested for performance. Procedures and training for the launch of the Emergency Notification System is limited to staff specifically trained in the system's operation and the Emergency Response Plan. The ENS may also be launched by cell or land-line phone.

The Emergency Response Planning (ERP) committee meets regularly, where warned and unwarned drills are planned for the purposes of emergency testing and evacuation procedures. These drills are de-briefed by the ERP Committee, the District Safety Committee and other involved parties. Fire drills are also conducted; The Director of Security and Emergency Management schedules and oversees these drills through an approved annual training and drill calendar.

The ENS system is activated by select staff to immediately inform the campus community of basic life safety directions depending on the type of incident occurring on or near campus. Depending on the emergency encountered, pre-loaded messages are sent from SVC RAVE Alert. RAVE is programmed to send texts, phone calls, emails and social media messages warning campus community members to Lockdown, Evacuate or Shelter

in place. All community members are automatically enrolled to receive emergency emails and elect what other devices and messaging means to receive emergency information.

Additionally, depending on the type of emergency (and message selected by SVC personnel), RAVE causes the activation of Alertus, a system used to send SVC networked devices the aforementioned RAVE messages. Alertus is also programmed to send out indoor and outdoor loud speaker messages, and a loud siren blast, when the emergency situation warrants these features.

VICTIM NAMES HELD IN CONFIDENCE

SVC will protect the identity of persons who report sexual assault, domestic violence, dating violence, or stalking to the fullest extent of the law. Regarding Timely Warnings and Emergency Notifications, SVC will not disclose the names of crime complainants and the college will withhold the names of complainants as confidential to the fullest extent of the law.

SECURITY OF CAMPUS FACILITIES, INCLUDING RESIDENCE HALLS

The College is committed to the safety and security of all members of its community by maintaining the security of its facilities and physical environs. SVC utilizes keys and electronic access systems to control entry into buildings, computer labs, offices and classrooms. The system is administered by the Facilities and Operations Office, and supported by SVC Security. There is no on-site security staff at the San Juan or Anacortes Centers. For further information, please see **Appendix A4**.

ACCESS TO AND SECURITY OF CAMPUS FACILITIES

SVC is a public institution and, with the exception of restricted and high security areas, is accessible to the public during normal building hours (time, place, and manner restrictions apply). With the exception of essential personnel and services, and others as designated, buildings are locked and access is permitted only with proper authorization and identification after normal building hours.

Building hours may vary. Buildings will be secured according to schedules developed by the department responsible for the building. A building safety and security representative, building manager or an emergency contact is responsible for providing the building schedule to the Security Office and Facilities Management when changes occur.

Facilities Management is the only entity that may make changes, additions, or alterations to College approved or installed mechanical access systems (equipment). Hasps, padlocks, or other privately supplied locking devices are not allowed. These devices will be removed by Facilities Management and the department or individual responsible will be charged for all costs incurred.

Facilities personnel and the Security Office have access to all areas with the exception of specifically identified restricted or high security areas.

In order to protect the safety and welfare of students and employees of the College and to protect the property of the College, all persons on property under the jurisdiction of the College behaving in a suspicious or threatening manner may be asked to identify themselves by a College official. A person identifies himself/herself by giving his/her name, complete address, and stating truthfully his/her relationship to the College. A person may be asked to provide proof of identification which is subject to verification.

If any person refuses or fails upon request to present evidence of his/her identification and proof of his/her authorization to be in the building or on the campus, or if it is determined that the individual has no legitimate

reason to be in the building or on campus, the person will be asked to leave and may be removed from the building or campus. The Security Office is available to assist with this request.

Persons who behave in a suspicious or threatening manner or are involved in suspicious or threatening activities should be reported to the Security Office.

Security Considerations

Proper lighting and building security are major factors in reducing crime on campus. Facilities Management maintains the College buildings and grounds with a concern for safety and security. Inspections of campus facilities are conducted regularly, and repairs are made as quickly as possible. All members of the campus community are encouraged to report safety hazards, such as broken locks and windows, to their supervisor or to Facilities Management, the safety committee, or the Security Office.

SVC completes campus lighting checks regularly. Facilities Management is notified when there are burned out or damaged street and building lights. This inspection ensures maximum lighting for the public at night in SVC's jurisdiction.

Keys/electronic door access (EDA) devices must be secured at all times. Assigned keys/EDA devices should remain in the care, custody and control of the assigned employee and not be given to other individuals.

CAMPUS LAW ENFORCEMENT AUTHORITY

SVC Security employs full-time Campus Security Officers and part-time Campus Security Guards. These officers are non-sworn, non-commissioned, unarmed and without arrest authority pursuant to state law. There is no on-site Security staff at San Juan, Craft Brew, and Anacortes Centers.

Officers are granted limited authority by the College President under Washington Administrative Code to:

- patrol and protect all persons and facilities on campus;
- demand identification to determine if a person is a student (WAC 132D-140-160);
- question violators or witnesses to crimes when necessary;
- give Notice Against Trespass to a person, persons, or group of persons against whom the license or privilege has been withdrawn or who have been prohibited from entering onto or remaining upon all or any portion of a college facility, which college facility is owned and/or operated by the college (WAC 132D-140-160); and
- call for the towing and impound of illegally parked vehicles (WAC 132D-116-210).

The Mount Vernon Police Department, Oak Harbor Police Department, Anacortes Police Department, Skagit County Sheriff's Office, Island County Sheriff's Office and San Juan County Sheriff's Office are fully empowered law enforcement agencies and have jurisdiction throughout the campuses and centers of Community College District #4. SVC does not have any standing memorandum of understandings with any law enforcement agency. However, SVC works cooperatively with and partners with all law enforcement agencies within the district. Additionally, these agencies have full responsibility for investigation of criminal activity on campuses and centers within their respective jurisdictions, including reports of sexual violence, domestic violence and stalking in or affecting these areas.

SVC does not recognize any student organizations in non-campus locations.

CRIME AND SECURITY AWARENESS AND PREVENTION PROGRAMS

Crime prevention programs on personal safety and theft prevention are sponsored by various campus organizations throughout the year. SVC Security facilitates programs for student, parent, faculty and new employee orientations. Student and community organizations provide a variety of educational strategies and tips on how to protect oneself from sexual assault, theft and other crimes. Security safety bulletins are broadcast on static closed-circuit television monitors on a looped message format in various buildings where students, employees and visitors congregate. Security messages and informational presentations are made in Spanish on KSVR Radio as necessary. As trends affecting safety and security are noted, Campus Security Alerts are issued by the Director of Security and Emergency Management or his designee to warn readers of local criminal activity, or to inform the campus community about the prevailing conditions that could influence their safety and security.

During start-of-quarter Student Orientation, students are informed of services offered by the College. Outside of these sessions, SVC Security provides information and tips to maintain personal and property safety. Throughout the school year, SVC Security, in cooperation with other college organizations and groups, present crime prevention awareness sessions addressing concerns such as sexual assault and theft. These groups include housing Resident Advisors, staff, faculty, international students, and student organizations.

Students and employees are provided crime awareness and prevention information through brochures and handouts that are available in the SVC Security office, as well as distributed in resource fairs and other events.

SVC Security places campus security and safety as important priorities. SVC Security strives to provide students and staff with a safe environment for teaching and learning.

ENFORCEMENT POLICIES RELATED TO ALCOHOL AND ILLEGAL DRUGS

Information about SVC's policies and procedures related to alcohol and illegal drugs can be found at the following links:

- SVC Code of Student Conduct (<https://www.skagit.edu/policies/5700.html>)
- SVC Operational Policies and Procedures (<https://www.skagit.edu/policies/>)
- Consumer and Disclosure Information (<https://www.skagit.edu/policies/consumer-disclosure-information.html>)

SECURITY AND ACCESS TO RESIDENCE HALLS

The College Foundation employs a full-time Resident Director, an Administrative Services Manager, and several Resident Advisors in Campus View Village (CVV) apartments, which house up to 140 students. The residence staff distributes residence hall security procedures to all students living on campus (see CVV (Residence Life) Handbook <https://www.skagit.edu/campus-life/housing/on-campus-housing/policies-student-conduct.html>). A Campus Security Officer patrols CVV nightly in tandem with a Resident Advisor (RA) to ensure building and occupant safety.

CVV is intended to be secured 24 hours a day. Only student residents and appropriate staff are issued keys for the residence halls.

CVV residents are advised to shut and lock their doors and facility entry doors whenever possible to prevent the loss of any valuables. Residents are encouraged to mark expensive items with their driver's license number. An engraver can be checked out through the Resident Director.

The following are prohibited in the residence halls:

- Use or possession of alcoholic beverages in common spaces for all residents and in bedrooms for those under 21 years of age or controlled substances or their containers,
- Gambling, firearms or explosives, animals or pets, and stolen property.
- Students are prohibited from using their rooms or residence hall facilities for commercial or illegal purposes, soliciting, or distribution of published materials.

CVV may terminate the contract of CVV residents for disorderly, illegal, immoral or improper conduct; misuse, abuse, theft, or destruction of college property or property of fellow residents; possession or use of firearms or explosives in or near the facility; the inability to adjust to the requirement of group living; harboring of pets or animals; harming or intimidating college staff, or college students.

MISSING DORM STUDENT POLICY & NOTIFICATION PROCEDURES

The SVC policy on accepting reports and initiating investigations about missing dorm students is that SVC Security will accept all reports of missing resident hall students, regardless of the missing person's age, the period of time that the person has been missing, or circumstances surrounding the disappearance.

If a member of the college community has reason to believe that a student who resides in on-campus housing is missing, he or she should immediately notify SVC Security at 360.416.7777 and contact the Associate Director for Residence Life at 360.416.7650. SVC Security will generate a missing person report and initiate an investigation as well as notify the Mount Vernon Police Department.

Campus View Village staff advises every student who lives in on-campus student housing, regardless of age, that he or she may register one or more individuals to be a confidential contact strictly for missing persons' purposes. The contact person can be anyone. Students are given this option even if they have already identified a general emergency contact. A student may identify the same individual for both purposes, but Skagit Valley College will not assume that a general emergency contact is also the missing person contact. Students are offered this option annually during the housing application process, regardless of whether they chose to register a contact the previous year. If any students move into on-campus student housing mid-year, Campus View Village gives them the option to name a contact person as well. If a missing person is under 18 years of age and not emancipated, SVC must notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student. Information on how to register a contact or contacts can be found by contacting the Associate Director for Residence Life. See **Appendix A5** for detailed definitions and investigation procedures regarding a missing dorm student.

PREVENTION AND RESPONSE – SEXUAL ASSAULT, DATING VIOLENCE, DOMESTIC VIOLENCE AND STALKING

The college prohibits all forms of sexual harassment and sexual violence, which include but are not limited to the offenses of sexual assault, dating violence, stalking and domestic violence. College officials respond swiftly to all reports of these incidents to provide support services for those who have experienced sexual or relationship violence or stalking; to protect the rights of all students under our Title IX and Clery obligations; to apply our Code of Student Conduct; and to cooperate fully with local law enforcement.

These offenses are crimes under the federal Clery Act and Washington State Statutes, violations of the SVC Code of Student Conduct, and prohibited behavior as forms of discrimination on the basis of sex under federal Title IX laws. For federal, state and conduct code definitions and terminology for these offenses, see: SVC's policy/procedure for Prevention and Remediation of Discrimination and Harassment (**Appendix D**).

VICTIMS' RIGHTS

The Federal Campus Sexual Assault Victims' Bill of Rights

The Campus Sexual Assault Victims' Bill of Rights was signed into law by President George Bush in July of 1992. This law requires that all colleges and universities participating in federal student aid programs afford sexual assault complainants certain basic rights. The "Campus Sexual Assault Victims' Bill of Rights" exists as a part of the campus security reporting requirements, commonly known as the Jeanne Clery Act. From The Clery Center for Security on Campus:

- Complainants shall be notified of their options to notify law enforcement.
- Complainant and respondent must have the same opportunity to have others present at any disciplinary proceeding.
- Both parties shall be informed of the outcome of any disciplinary proceeding.
- Complainants shall be notified of counseling services.
- Complainants shall be notified of options for changing academic and living situations.

On March 7, 2013, President Obama signed a bill that strengthened and reauthorized the Violence Against Women Act (VAWA). Included in the VAWA legislation were amendments to the Clery Act that afford additional rights to campus complainants of sexual violence, dating violence, domestic violence and stalking.

A student or employee complainant of sexual assault, dating violence, domestic violence or stalking shall be afforded the following rights:

- Complainants shall be notified of their option to decline to notify law enforcement.
- Complainant and respondent are entitled to the same opportunities to have others present at any disciplinary proceeding or related meeting including an advisor of their choice.
- Both parties shall be notified simultaneously of the outcome of any disciplinary hearing, procedures to appeal, any change of results prior to final result and final results.
- Written notification to complainants about complainant rights, options, and assistance the school is required to provide, including the institution's obligation to arrange appropriate academic, living, working and transportation accommodations, after an alleged sexual assault, dating violence, domestic violence or stalking.
- Written notification to students and employees about existing resources and services on campus and within the local community, including counseling, medical, and mental health services, immigration and visa assistance and legal services.
- Information regarding how the institution will protect the confidentiality of complainants, including how publicly-available recordkeeping will be accomplished without the inclusion of identifying information about the complainant, to the extent permitted by law.
- Written information provided to complainants of sexual assault, dating violence, domestic violence and stalking, providing all of the above information, regardless of whether the complainant chooses to report the crime to police or law enforcement or whether the offense occurred on or off campus.

SVC's policy/procedure for Prevention and Remediation of Discrimination and Harassment (**Appendix D**) is posted on the SVC website and is provided to all new employees.

RETALIATION

There shall be no retaliation by an institution or an officer, employee, or agent of an institution against any individual for exercising their rights or responsibilities under any provision of the Clery Act.

WHAT TO DO AS A COMPLAINANT OF OR WITNESS TO A CRIME OF DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT AND/OR STALKING

The following advice is applicable for all forms of assaults, whether sexual or the result of domestic violence, dating violence, or stalking:

- If in immediate danger, call 9-1-1
- Get to a place of safety as soon as possible
- Contact someone trustworthy for support
- Call Campus Security for assistance at 360.416.7777 on the Mount Vernon Campus or Craft Brewing Academy. Call 360.679.5383 for Whidbey Island Campus, San Juan Center or Marine Technology Center. A staff member at SVC can help with guidance through the process, provide emotional support and explain options. For information on important services and resources for complainants of sexual assault, dating violence, domestic violence and stalking, contact Student Services or Human Resources.
- Preserve any physical evidence. Preserving evidence is important because evidence can be key in identifying the perpetrator in a sexual assault case, especially those in which the offender is a stranger, may assist in proving the alleged criminal offense occurred, and may be helpful in obtaining a protection order. Sexual assault forensic evidence is an integral part of a law enforcement investigation that can build a strong case and so it is important to preserve evidence in case the decision is made to take legal action or press charges. Sexual assault physical evidence must be collected in a timely manner by a certified medical facility (see **Get medical attention...** section below). If a decision is made to press charges, physical specimens collected soon after the assault will be valuable evidence. Completing the evidence collection phase does not commit the complainant to filing charges.

Complainants of the crimes above are also encouraged to preserve evidence by saving text messages, instant messages, social networking pages, emails, notes and other communications, and keeping pictures, logs or other copies of documents that would be useful to college hearing boards, investigators, or the police.

- **Preserving sexual assault evidence.** Do not shower, bathe, change clothes, douche, wash or use the toilet (if possible). Do not smoke or brush teeth. Do not eat or drink. Do not wash clothes or clean the bed/linens/area or other items. Place anything of evidentiary value in a paper bag.
- **Preserving evidence for complainants of dating and domestic violence.** Preserving evidence may be necessary to prove criminal domestic or dating violence, or in obtaining a protection order. Take photographs of injuries and damage. If complainants do not opt for forensic evidence collection, health care providers can still treat injuries. Examples of other types of evidence to preserve can be threatening e-mails or phone messages, medical records, records of police responses to the home, witnesses, or any other form of evidence that would be helpful.
- **Preserving evidence for complainants of stalking.** Documentation is necessary. Keep a record of the details or call the police and to have the incident documented by police. Complainants of stalking should save evidence such as any letters, notes, e-mails, phone calls, videos, photos, texts, social media postings, computer screenshots, voicemails, gifs, or any other form of evidence that would be helpful.

- **Get medical attention as soon as possible.** Unknown internal injuries may exist. Medication to prevent pregnancy and sexually transmitted infections is available. Physical evidence should be collected immediately, ideally within the first 24 hours. A medical sexual assault forensic exam may be completed within 48 hours to collect evidence in case the complainant decides to report the assault at a later date. **Call 9-1-1 for an ambulance or seek other transportation to the local hospital or clinic in the vicinity. Completely confidential services are provided.** When seeking medical attention, bring clothes worn at the time of the assault and immediately after the assault, especially undergarments, bring a change of clothes, and bring a support person if that would be helpful.
- **Consider the options for assistance, support, resources and on- and off-campus services.** The college will provide options for, and available assistance in, changing applicable academic, living, transportation and/or work situations, if those changes are requested by the complainant and reasonably available, regardless of whether the complainant chooses to report the crime to police or law enforcement or whether the offense occurred on or off campus.

Explore the options for assistance and learn about resources and services:

Resource information is available on the SVC website under Counseling and Advising www.skagit.edu/student-resources/counseling-career-center/. For more information about services and resources provided by the college and the local community, contact:

- Vice President of Student Services, 360.416.7738
- Title IX Coordinator, 360.416.7923
- Counseling and Career Center, 360.416.7654

Students and Employees

- Skagit Domestic Violence and Sexual Assault Services (Mount Vernon, at 888.336.9591) or Citizens Against Domestic Abuse (CADA) (Whidbey Island, at 360.675.2232) provide the following confidential services: a 24-hour crisis line, medical, legal and community advocacy, and support groups all aimed at helping survivors.

National Hotlines

Sexual Assault

- National Sexual Assault Hotline
 - 800.656.HOPE (4673)
 - 866.331.8453 (TTY)

Dating and Domestic Violence

- National Domestic Violence Hotline
- 800.799.SAFE (7233)
- 800.787.3224 (TTY)

Employees

- Employee Assistance Plan – Health Promotion Northwest 360.788.6565 or 800.244.6142.
- Title IX Coordinator, 360.416.7923

CONFIDENTIALITY

This section addresses how confidentiality is protected by the institution if the complainant of a sexual assault, dating violence, domestic violence or stalking chooses to report in a non-confidential manner. The college will

protect the confidentiality of complainants of sexual assaults, dating violence, domestic violence and stalking in accordance with federal and state laws. The confidentiality of students is also protected by the Family Educational Rights and Privacy Act (FERPA), which means that the institution cannot disclose confidential information outside of an educational need to know basis without the written consent of the complainant. SVC will protect the confidentiality of complainants and other necessary parties as provided in the policy/procedure for Prevention and Remediation of Discrimination and Harassment (Appendix D). This includes completing publicly available record keeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the complainant.

REPORTING OPTIONS

Complainants have multiple reporting options. Complainants have the right to choose, or decline, to report the incident to the police. Complainants may choose to report the incident to the appropriate institutional department, a SVC faculty or staff member, or confidential and/or anonymous reporting options. Reporting options are provided in detail below; some options are available to students only, or employees only, or both and are indicated as such.

If the complainant is unsure what to do or how to report, please consider the following reporting options:

Reporting to Law Enforcement (Students and Employees)

Strongly consider reporting the incident to the police even if the decision is not to press charges. Any member of the SVC community, who has experienced unwanted sexual behavior, sexual assault, dating violence, domestic violence or stalking, is encouraged to report the incident as soon as possible to:

- SVC Security: 460.416.7777
- Mount Vernon Police Department: 360.336.6271
- Skagit County Sheriff's Office: 360.336.9450
- Anacortes Department of Public Safety: 360.293.4684
- Oak Harbor Police Department: 360.279.4600
- Island County Sheriff's Office: 360.678.4422
- San Juan County Sheriff's Office: 360.378.4151

Although SVC strongly encourages all members of its college community to report violations of the law to police, it is the complainant's choice whether or not to make such a report and complainants have the right to decline involvement with the police. When a sexual assault, dating violence, domestic violence or stalking is committed, the first concern is the complainant's safety and well-being. The college recognizes the sensitive nature of these crimes and respects the complainant's right to privacy and choice.

SVC Security will assist any complainant with notifying local police if the complainant so desires.

Reporting to the Institution

Whether or not the decision is made to report to the police, the complainant may report the incident to the institution. Report the crime either in person or through the Maxient™ online system. College officials will help with filing charges with the police and/or with the campus authorities, which include:

- Title IX Coordinator: 360.416.7923
- Vice President of Student Services: 360.416.7738

Employee's Obligation to Report

SVC employees have the ethical obligation and are strongly encouraged to report any incidences they are aware of concerning discrimination and/or harassment. This includes incidents involving sexual harassment, sexual assault, dating violence, domestic violence and stalking. If the employee is unsure, they may direct their questions to the Vice President of Human Resources.

Obtaining a Protective Order (Students and Employees)

Complainants of sexual assault, dating violence, domestic violence or stalking, have the right to obtain a protective, stalking, or restraining order.

Students have the option of requesting the assistance of SVC Security, the Office of the Vice President of Student Services and the Title IX Coordinator.

Students and employees may directly contact:

- SVC Security (Mount Vernon Campus): 360.416.7777
- SVC Security (Whidbey Island Campus & Centers) 360.679.5383
- Mount Vernon Police Department: 360.336.6271
- Skagit County Sheriff's Office: 360.336.9450
- Anacortes Department of Public Safety: 360.293.4684
- Oak Harbor Police Department: 360.279.4600
- Island County Sheriff's Office: 360.678.4422
- San Juan County Sheriff's Office: 360.378.4151

WRITTEN NOTIFICATION

SVC employs procedures to be sensitive to those who report sexual assault, domestic violence, dating violence and stalking, including informing individuals about their right to file criminal charges.

Upon filing a complaint, students and employees are notified of existing support services that may include: counseling, health, mental health, complainant advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to complainants both within the institution and in the community. Additional options and assistance will be provided on how to request changes and whom to contact at the institution for academic situations, living situation, transportation and working situations and protective measures, if reasonably available.

DISCIPLINARY PROCEDURES

SVC has established procedures for addressing instances of possible sexual assault, dating violence, domestic violence and stalking, through its policy prohibiting discrimination and through the SVC Code of Student Conduct and Policy and Policy for Prevention and Remediation of Sexual harassment and Discrimination.

College disciplinary process proceedings are conducted in a manner that is consistent with state and federal law, and supports the college's commitment to enhancing safety. Proceeding in a manner that is respectful of complainants of sexual assault, dating violence, domestic violence, and stalking. College disciplinary process proceedings ensure due process and support appropriate action to prevent future incidents of sexual assault, dating violence, domestic violence and stalking.

The Code of Student Conduct website <https://www.skagit.edu/policies/5700.html> and the Policy for Prevention and Remediation of Sexual Harassment and Discrimination (Appendix D), outline the steps, anticipated timeline and decision making process for discipline. The following procedural information is provided:

- Description of prohibited student conduct
- Description of types of disciplinary proceedings used by SVC
- Information on how to file a disciplinary complaint
- How the institution determines which type of proceeding to employ
- Description of the standard of evidence used during disciplinary proceedings
- Sanctions the institution may impose following the results of any disciplinary proceeding
- Range of protective measures SVC may offer to the complainant following an allegation

SVC will conduct a prompt, fair and impartial process from the initial investigation to the final result. Investigations will be conducted by officials who have received training on how to conduct an investigation and hearing process that protect the safety of complainants and promote accountability. SVC will provide the complainant and the respondent with the same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor/advocate of their choice.

The institution will simultaneously notify in writing both the complainant and the respondent of:

- The results of any disciplinary proceedings in an allegation of dating violence, domestic violence, sexual assault or stalking.
- SVC's procedures for the respondent and the complainant to appeal the result of the disciplinary proceeding.
- Any change in the result
- The results, when they become final

Disclosure of Results of Disciplinary Proceedings Policy Statement

Upon request, SVC will disclose the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of any crime of violence or a non-forcible sex offense to the alleged complainant, or the next of kin if the complainant is deceased.

PREVENTION PROGRAMS

SVC is constantly developing educational programs and campaigns to promote safety and the awareness of dating violence, domestic violence, sexual assault and stalking. The following list is augmented by new programs created by students, faculty and staff serving the student and employee populations:

Program Name: New Employee Orientation

Explanation: Orientation of new college employees, receiving presentations including emergency response and alert program, campus crime alerts, mandatory or required reporting of crimes, child abuse, and sexual harassment.

Audience(s): Employees

Frequency: At time of hire

Method: On-line orientation

Awareness and Prevention Targets: Crime reporting, reporting responsibility awareness, risk reduction, bystander intervention, sexual assault, robbery, burglary, theft

Primary Sponsor: Human Resources

Program Name: Student Orientation

Explanation: Orientation of students, receiving presentation including emergency response and alert program, campus crime alerts, mandatory or required reporting of crimes, child abuse, and sexual harassment.

Audience(s): Students

Frequency: At time of enrollment

Method: On-line orientation

Awareness and Prevention Targets: Crime reporting, reporting responsibility awareness, risk reduction, bystander intervention, sexual assault, robbery, burglary, theft

Primary Sponsor: Student Services

Program Name: International Student Orientation

Explanation: Experts from SVC present to international students on personal safety, property protection and crime prevention and reporting

Audience(s): Students

Frequency: At start of quarter

Method: In-person presentation

Awareness and Prevention Targets: Safety and security, sexual assault, drug and alcohol crimes, robbery, assault, burglary, theft, crime reporting, risk reduction

Primary Sponsor: International Programs

Program Name: Resident Advisor Training

Explanation: College Housing resident assistants are trained each year in safety and security protocols, intervention and reporting techniques, and other related expectations.

Audience(s): Students, employees

Frequency: Annually before fall term or at time of hire

Method: In-person presentations, with handbook

Awareness and Prevention Targets: Safety and security, sexual assault, assault, dating and partner violence, interpersonal violence, crimes and crime reporting, bystander intervention

Primary Sponsor: Student Housing

Program Name: Resident Orientation, Rules and Handbook

Explanation: Tenants of college apartments receive orientation. Tenants receive information on how to maintain security in the Resident Life Handbook upon check-in. Tenants continuing from one rental agreement year to the next receive an updated Resident Life Handbook.

Audience(s): Students

Frequency: New move-in or with updates

Method: Printed handbook, index card with security contact information including Resident Advisor and Maxient reporting information

Awareness and Prevention Targets: Safety and security, burglary, theft, crime reporting, risk reduction.

Primary Sponsor: Student Housing

SEX OFFENDER REGISTRATION INFORMATION

SVC is required to inform the campus community of enrolled or employed Level 2 and Level 3 sex offenders. The list of enrolled or employed Level 2 and Level 3 sex offenders is maintained and available at the office of the Vice President of Student Services in Lewis Hall, and in the Office of the Director of Security & Emergency Management in the Cardinal Center.

The Campus Sex Crimes Prevention Act (CSCPA) of 2000 is a federal law that provides for the tracking of convicted sex offenders enrolled at, or employed by, institutions of higher education. The CSCPA is an amendment to the *Jacob Wetterling Crimes Against Children and Sexually Violent Offender Act*. The federal law

requires state law enforcement agencies to provide SVC with a list of registered sex offenders who have indicated that they are enrolled, employed or carrying on a vocation at SVC.

Information regarding registered sex offenders in Skagit County, San Juan County and Island County is available at the following links:

Skagit County Sheriff's Office: skagitcounty.net/Departments/Sheriff/sex_offenders.htm

Island County Sheriff's office: <https://islandcountywa.gov/218/Sheriffs-Office>

San Juan County Sheriff's Office: www.sanjuanco.com/414/Sex-Offender-Registration

The CSCPA further amends the Family Educational Rights and Privacy Act of 1974 (FERPA) to clarify that nothing in the Act can prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders.

This statement is provided in compliance with the Campus Sex Crimes Prevention Act of 2000.

ANNUAL FIRE REPORT FOR RESIDENTIAL FACILITIES

President George W. Bush signed the *Higher Education Opportunity Act* in August 2008, including provisions from the *Campus Fire Safety Right-to-Know Act*, which requires higher education institutions to annually report fire safety information to the U.S. Department of Education.

Specifically, colleges are required to publicly provide:

- Statistics for each *on-campus student housing facility*, including the number of fires and causes; number of injuries and deaths related to fires; and the value of property damage caused by fires
- Descriptions of each on-campus student housing facility's fire safety systems
- The number of mandatory, supervised fire drills
- Policies or rules on portable electronic appliances; smoking and open flames; evacuation procedures; fire safety education and training programs provided to students, faculty and staff
- Plans for future fire safety improvements, if needed, and
- An annual report to the campus community.

FIRE LOG

A fire log is maintained in the Campus View Village office. It is available for public inspection during regular business hours or by request by emailing mv.cvv@skagit.edu. See **Appendix B1**.

FIRE STATISTICS FOR RESIDENTIAL FACILITIES

For the reporting year, there were zero fires reported at the residence halls. No fire damage was reported. No fire related injuries were reported. \$0 in property damage resulted from fire.

CAMPUS VIEW VILLAGE (STUDENT HOUSING) FIRE SAFETY

Resident Advisors are trained in Fire Safety Procedures. See **Appendix B2** to see these procedures.

All Residents receive a copy of the CVV "Residence Life" Handbook which covers fire safety. The CVV "Residence Life" Handbook can be found at this link: <https://www.skagit.edu/campus-life/housing/on-campus-housing/policies-student-conduct.html>.

FIRE SAFETY SYSTEM FOR RESIDENTIAL FACILITIES

The fire safety system in each residential facility includes:

- Multiple fire extinguishers on each floor (one in each kitchen/common area)
- Two Battery-powered smoke detectors in each hallway.

FIRE DRILLS COMPLETED

For the reporting year, one fire drill was completed in the residential facilities on September 28, 2023.

PROCEDURES FOR STUDENT HOUSING EVACUATION

On every door in the CVV, there is a removable notification that informs students of the locations of the numbers to call in case of an emergency. The evacuation procedures list the nearest exit(s) and the Assembly Area (meeting location) for all students.

POLICIES FOR FIRE SAFETY EDUCATION AND TRAINING PROGRAMS

Resident Advisors, SVC Security staff and the Maintenance staff have received fire extinguisher training and fire safety training and will receive refresher training as needed. There are no current policies for standardized Fire Safety Education or training. Information will be presented to students and staff when requested or as needed.

WHO TO NOTIFY IN THE CASE OF FIRE

In the case of fire on the Mount Vernon campus, call **9-1-1**, notify SVC Security at 360.416.7777 or Whidbey Security 360.679.5383, contact Facilities and Operations at 360.416.7979 and the Resident Director at 360.416.7650.

In the case of fire on the Whidbey Island Campus, call **9-1-1** and notify SVC Security at 360.679.5383,

CRIME DEFINITIONS

See **Appendix C** for the Washington State Crime Definitions. Federal definitions are included earlier in this report.

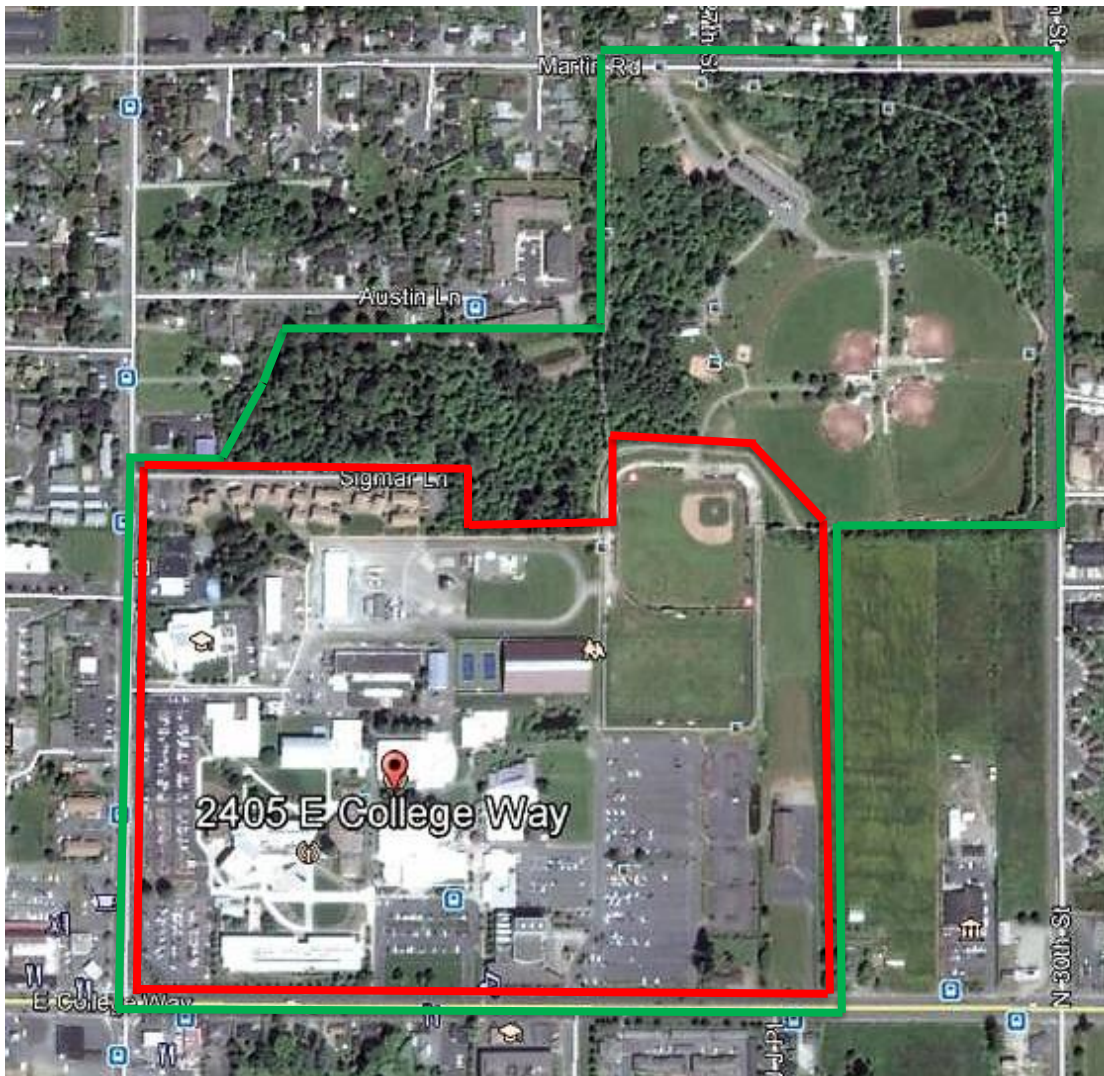
APPENDIX A: EXPANDED CLERY INFORMATION

APPENDIX A1: TYPES OF LOCATIONS FOR WHICH SVC COMPILES CRIME STATISTICS

- **On Campus** – This includes buildings and facilities owned or controlled by SVC that are within the same reasonably contiguous geographic area and used in direct support of, or in a manner related to the institution’s educational purposes. This includes: Residence halls, administrative buildings, buildings that house classrooms and labs, childcare centers, support facilities, undeveloped property and parking lots.
 - Mount Vernon Campus, 2405 East College Way, Mount Vernon, WA
 - McIntyre Hall, 2501 East College Way, Mount Vernon, WA
 - Whidbey Island Campus, 1900 SE Pioneer Way, Oak Harbor
 - San Juan Center, 221 Weber Way, Friday Harbor, WA
 - Marine Technology Center, 1606 R Avenue, Anacortes, WA
 - Cardinal Craft Brew Center, 15579 Peterson Rd, Burlington WA
 - Campus View Village Student Housing
- **Non-Campus** – This includes any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.
- **Public Property** – This area can be described as public streets that run through the campus, or form the border of campus. If portions of the bordering streets were not accessible because of a fence or other obstructions, then those portions would not be included in the annual report. SVC has examples of such obstructions that exclude a portion of its bordering streets from inclusion in the annual report; these areas can be described as generally existing in private properties north of Sigmar Lane to approximately 200 feet south of Austin Lane; and lands bordered by Austin Lane on the south, LaVenture Street on the west, Martin Road to the north, and a public trail that runs north and south beginning approximately 150 feet west of the entrance to the Skagit County Dream Fields off Martin Road. The college considers these described areas private land and therefore does not report statistics for these areas.

Statistics are counted by the calendar year in which the crime was reported to the SVC Security office. All incidents would be categorized under the appropriate category for the location involved.

CLERY REPORTING GEOGRAPHY



RED LINE = INDICATES CLERY-REPORTABLE GEOGRAPHY.
GREEN LINE = INDICATES PUBLIC PROPERTY (SIDEWALKS OR TRAILS) IMMEDIATELY ADJACENT TO AND ACCESSIBLE FROM CAMPUS.

Mount Vernon Campus
2405 East College Way
Mount Vernon, WA 98273



Whidbey Island Campus
1900 SE Pioneer Way
Oak Harbor, WA

RED LINE = INDICATES CLERY-REPORTABLE GEOGRAPHY.
**GREEN LINE = INDICATES PUBLIC PROPERTY (SIDEWALKS OR TRAILS)
IMMEDIATELY ADJACENT TO AND ACCESSIBLE FROM
CAMPUS.**



San Juan Center
221 Weber Way
Friday Harbor, WA

RED LINE = INDICATES CLERY-REPORTABLE GEOGRAPHY.
**GREEN LINE = INDICATES PUBLIC PROPERTY (SIDEWALKS OR TRAILS)
IMMEDIATELY ADJACENT TO AND ACCESSIBLE FROM
CAMPUS.**



Cardinal Craft Brewing Academy
15579 Peterson Road
Burlington, WA

RED LINE = INDICATES CLERY-REPORTABLE GEOGRAPHY.
**GREEN LINE = INDICATES PUBLIC PROPERTY (SIDEWALKS OR TRAILS)
IMMEDIATELY ADJACENT TO AND ACCESSIBLE FROM
CAMPUS.**



Marine Technology Center
1606 "R" Avenue
Anacortes, WA

RED LINE = INDICATES CLERY-REPORTABLE GEOGRAPHY.
**GREEN LINE = INDICATES PUBLIC PROPERTY (SIDEWALKS OR TRAILS)
IMMEDIATELY ADJACENT TO AND ACCESSIBLE FROM
CAMPUS.**

APPENDIX A2: HATE CRIMES AND LIQUOR, DRUG & WEAPON LAW OFFENSES

In the case of liquor, drug and weapon offenses the statistics are tallied in two groups. The first set of statistics is for those individuals who were arrested and the second is for those who received only College disciplinary sanctions. This is not a distinction between breaking the law and not breaking the law; the numbers in both groups are the result of a likely violation of the law. It is an attempt to reflect the actual impact of liquor, drug and weapon violations occurring in the campus community even when the incident does not result in an arrest. An officer or the district attorney may choose not to prosecute an individual for one of these offenses because there is insufficient evidence to reach a conviction or for other reasons, but the College may still sanction the individual for the conduct. The standard for being found liable or responsible in a civil proceeding is less than what is required for a conviction in a criminal proceeding.

The following statistics are collected and reported as a bias/hate crime: the Clery-reportable crimes described in **Appendix C**, as well as theft, simple assault, intimidation, destruction/damage /vandalism of property, and any other crimes involving bodily injury to any person, where the complainant was intentionally selected because of his or her actual or perceived race, gender, gender identity, religion, sexual orientation, ethnicity, national origin or disability.

The statistics are compiled using the definitions in the FBI's Uniform Crime Reporting system and modifications made pursuant to the Hate Crime Statistics Act.

HATE CRIMES

Hate Crimes reporting under the Clery Act may be divided into three general categories:

- 1) Any reportable crime that law enforcement determines has a biased motive. "Bias" means a bias based on race, gender, gender identity, religion, disability, sexual orientation, or ethnicity or national origin.
- 2) Crimes that result in bodily injury, and that law enforcement determines has a biased motive.
- 3) Any of the crimes below where it was determined that the motive was bias:
 - a. **Larceny/Theft** –
 - 1) *Pocket Picking* - theft of articles from another person's physical possessions by stealth where the victim usually does not become immediately aware of theft. (If use of force or threat of force is present, this will be counted as a strong arm robbery).
 - 2) *Purse Snatching* – grabbing or snatching of a purse, handbag, etc., from the physical possession of another person.
 - 3) *Shoplifting* – theft from within a building which is either open to the general public or where the offender has legal access.
 - 4) *Theft from Building* – theft from within a building which is either open to the general public or where the offender has legal access.
 - 5) *Theft from Coin Operated Machine or Device* – theft from a machine or device which is operated or activated by the use of coins.
 - 6) *Theft from a Motor Vehicle* – theft of articles from a motor vehicle, whether locked or unlocked.
Note: Do not count theft of motor vehicle parts or accessories.
 - 7) *All Other Larceny* – all thefts which do not fit any of the definitions of the specific subcategories of Larceny/Theft listed above.
 - b. **Simple Assault** – an unlawful physical attack by one person upon another where neither the offender displays a weapon, but the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.
 - c. **Intimidation** – to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct but without displaying a weapon or subjecting the victim to actual physical attack.

- d. ***Destruction/Damage/Vandalism of Property (Except Arson)*** – to willfully or maliciously destroy, damage, deface or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

APPENDIX A3: TIMELY WARNING

A “timely warning” may be issued if, in the judgment of the Director of Security or a College administrator, a crime or potential crime constitutes a serious or continuing threat to the campus community. *Timely Warnings will be issued by the President or Designee.* Whether to issue a timely warning (and the content of the warning) is decided on a case-by-case basis, considering all the facts, including the nature of the crime, the continuing danger to the campus community, the promotion of safety, and the possible risk of compromising law enforcement efforts. Additional information on timely warnings can be found in the policy/procedure for Prevention and Remediation of Discrimination and Harassment located in **Appendix D**.

The College community is notified of crimes occurring on or near campus that potentially impact the safety and security of the campus, property or individuals. This procedure is stated in the General Orders Manual of Security, which reads:

It shall be the responsibility of the President or designee to notify the College community of incidents and/or crimes involving personal safety. Notification will include incidents occurring on campus and in the surrounding community when appropriate. The notification will be made in the form of electronic mail messages and/or written notification placed in mailboxes and bulletin boards. As soon as possible upon learning of an incident, information will be released under the direction of the President or designee.

APPENDIX A4: SECURITY OF CAMPUS FACILITIES, INCLUDING RESIDENCE HALLS

The Director of Facilities and Operations provides direction and oversight to the planning, management, and coordination of key control for the College facilities including residence halls in cooperation with the Associate Director for Residence Life. Individual units and departments determine who is authorized to request and obtain a key to their respective areas and submit appropriate approvals to the Director of Facilities and Operations. Those individuals will receive a key(s), including, as appropriate, access cards or codes and/or brass keys. Key request forms are available in the Office of the Facilities and Operations Program Coordinator.

Residence hall access is controlled by keys issued by the Associate Director for Resident Life.

The overall goal of access control is to provide a reasonable level of security for the College and, at the same time, allow as much freedom of access as possible to the campus community. While maintaining a welcoming and hospitable campus environment, the College will control access to its facilities in an effort to accomplish the following objectives:

- Promote and maintain the safety and security of SVC faculty, staff, students and visitors;
- Prevent crime where possible, deter crime that cannot be prevented, and provide tools and information to support investigations and law enforcement;
- Protect SVC property and assets commensurate with their value;
- Protect and secure SVC records;
- Protect the integrity and operation of SVC systems and related infrastructure;
- Protect the integrity of SVC research projects; and
- Provide governance for access control, safety, and surveillance decisions during normal day-to-day campus operations, campus construction, and remodeling of campus spaces.

APPENDIX A5: REPORTING A MISSING DORM STUDENT

DEFINITIONS

Missing Person - Any person or child who is missing voluntarily, involuntarily or under circumstances not conforming to his or her ordinary habits or behavior and who may be in need of assistance.

At-Risk/Endangered - Includes, but is not limited to, evidence or indications of any of the following:

- 1) The person is missing under suspicious circumstances and may be the victim of a crime or foul play.
- 2) The person missing is in need of medical attention or medication without which he/she may experience serious medical problems.
- 3) The person missing has no pattern of running away or disappearing
- 4) The person missing may be the victim of a parental abduction or is otherwise believed to be in the company of a person considered to be dangerous to the missing person.
- 5) The person missing is mentally impaired or considered to be a danger to self or others.
- 6) The person is likely to have been the victim of a boating, swimming or other similar accident, or may be a victim of a natural disaster.

Child - While Washington considers a child to be a person under eighteen years of age, for purposes of this section, federal law considers any person under the age of twenty-one years to be a child.

POLICIES CONCERNING MISSING STUDENTS

The SVC policy on accepting reports and initiating investigations about missing dorm students is that SVC Security will accept all reports of missing resident hall students, regardless of the missing person's age, the period of time that the person has been missing, or circumstances surrounding the disappearance.

If a member of the college community has reason to believe that a student who resides in on-campus housing is missing, he or she should immediately notify SVC Security at 360.416.7777, and contact the Associate Director for Residence Life at 360.416.7650. SVC Security will generate a missing person report and initiate an investigation as well as notify the Mount Vernon Police Department.

Campus View Village staff advises every student who lives in on-campus student housing, regardless of age, that he or she may register one or more individuals to be a confidential contact strictly for missing persons' purposes. The contact person can be anyone. Students are given this option even if they have already identified a general emergency contact. A student may identify the same individual for both purposes, but Skagit Valley College will not assume that a general emergency contact is also the missing person contact. Students are offered this option annually during the housing application process, regardless of whether they chose to register a contact the previous year. If any students move into on-campus student housing mid-year, Campus View Village gives them the option to name a contact person as well. If a missing person is under 18 years of age and not emancipated, SVC must notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student. Information on how to register a contact or contacts can be found by contacting the Associate Director for Residence Life.

REPORT ACCEPTANCE AND INITIAL INVESTIGATION

There is no waiting period. SVC Security will accept all reports of missing persons and will not refuse to accept any report of missing person solely on the basis that:

- 1) The missing person(s) is an adult;
- 2) The circumstances do not indicate foul play;
- 3) There is no indication that the missing person(s) was on campus at the time of the disappearance.

SVC Security personnel will request initial information from the reporting party. Information or material likely to be useful in identifying the missing person including but not limited to:

- 1) The name of the missing person(s) (including alternative names used);
- 2) The date of birth;
- 3) Identifying marks (such as birthmarks, moles, tattoos, scars, etc.);
- 4) Height and weight;
- 5) Gender;
- 6) Race;
- 7) Current hair color and true or natural hair color;
- 8) Eye color;
- 9) Prosthetics, surgical implants, or cosmetic implants;
- 10) Physical anomalies;
- 11) Blood type (if known);
- 12) Driver's License number (if known);
- 13) Social Security number (if known); credit card numbers;
- 14) A photograph of the missing person(s) (recent full-face photographs are preferable; the agency is encouraged to attempt to ascertain the approximate date the photograph was taken);
- 15) A description of the clothing the missing person(s) was believed to have been wearing;
- 16) A description of items that might be with the missing person(s) (jewelry, accessories, shoes or boots, etc.);
- 17) Information on the missing person's(s') electronic communications devices, such as, but not limited to, cell phone numbers, e-mail addresses, etc.;
- 18) The reasons why the reporting person(s) believes that the person(s) is missing;
- 19) Name and location of the missing person's(s') school or employer (if known);
- 20) Any circumstances that may indicate that the disappearance of the missing person(s) was not voluntary;
- 21) Any circumstances that indicate that the missing person(s) may be at risk of injury or death;
- 22) A description of the possible means of transportation of the missing person(s) (including make, model, color, license plate number, and VIN of a vehicle);
- 23) Any identifying information about a known or possible abductor and/or person(s) last seen with the missing person(s), including:
 - a) Name;
 - b) Physical description;
 - c) Date of birth;
 - d) Identifying marks;
 - e) Description of a possible means of transportation (including make, model, color, license plate number, and VIN of a vehicle);
 - f) Known associates.
- 24) Any other information that can aid in locating the missing person(s); and
- 25) Date of last contact.

SVC Security will ensure that the Mount Vernon Police Department is immediately notified to conduct and coordinate the investigation. Employees will assist at the direction of the Police Department.

Appendix B: Campus View Village Fire Safety

APPENDIX B1: CAMPUS VIEW VILLAGE FIRE LOG

2023 Campus View Village Fire Log						
Date Reported	Case Number	Nature of Fire	Number of Injuries That Required Treatment at a Medical Facility	Date and Time of Fire	Location	Value of Property Damage
None	NA	NA	0	0	NA	\$0

APPENDIX B2: RESIDENT ADVISOR TRAINING MANUAL - FIRE SAFETY PROCEDURES

Fire Incidents

Fire incidents vary in severity, but all of them should be taken extremely seriously. Please use these guidelines when handling fire incidents.

To prevent fires:

1. Educate your residents about fire safety using researched data about on-campus fires.
2. Explain *why* the candles, incense, smoking, etc. policies exist.
3. Never ignore smoke alarms or minor fire incidents.
4. Campus View Village Residence Life Handbook clearly outlines the policies for electrical appliances, smoking, and open flames in sections 9.8 and 9.23.

In any fire incident:

1. Call 9-1-1 and inform them of the exact location and details of the issue.
2. Evacuate the residents of the apartment in which the fire is located and/or the building in which it is most active. **DO NOT PUT YOURSELF IN HARM'S WAY!**
3. Call Campus Security and inform them of the exact location and details of the issue.
4. Call the Associate Director and inform him of the exact location and details of the issue. This may happen before or after the fire is handled, depending on the size and severity of the fire.
5. After the incident is resolved, submit a Maxient incident report.

Minor fire incidents:

A "minor fire" is a fire that is controlled or controllable with a fire extinguisher. Do not underestimate the growth rate of minor fires.

1. After calling 9-1-1, grab the nearest fire extinguisher and spray.
 - a. To use a fire extinguisher, pull the tab, squeeze the handle, and spray directly at the *base* of the flame.
 - b. Yell: "Fire! Leave the area!" multiple times while spraying.
2. If the fire is fully extinguished, call 9-1-1 back and tell them the fire has been put out. The fire department will likely still come assess the situation. In your IR to the AD, include information about the fire extinguisher so that he may get it recharged.
3. If the fire is not fully extinguished, begin a full evacuation.

Major fire incidents:

A "major fire" is a fire that is not controlled or controllable with a fire extinguisher. Most residence hall fires are considered "major fires."

1. After calling 9-1-1, begin a full evacuation using the evacuation protocol.
2. Since fires spread quickly, it is important to evacuate all buildings until the situation is under control. **DO NOT EVACUATE ANY BUILDINGS/APARTMENTS WHERE YOU WOULD PUT YOURSELF IN DANGER.**

In case of a fire:

1. Crawl or stay low so that you do not inhale too much smoke.
2. Put the back of your hand on a door before leaving a room to see if it is too hot and there is a fire on the other side.
3. Keep residents away from buildings until the fire department indicates that it is safe to go inside.
4. If there is severe damage of the buildings, the Associate Director (or designee) will give you detailed instructions for relocating students.

APPENDIX C: CRIME DEFINITIONS

WASHINGTON STATE DEFINITIONS

Consent. RCW 9A.44.010. (7) "Consent" means that at the time of the act of sexual intercourse or sexual contact there are actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact.

Domestic Violence. RCW 26.50.010 (1) "Domestic violence" means: (a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members; (b) sexual assault of one family or household member by another; or (c) stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member. (2) "**Family or household members**" means spouses, domestic partners, former spouses, former domestic partners, persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past, persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, persons sixteen years of age or older with whom a person sixteen years of age or older has or has had a dating relationship, and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren. (3) "**Dating relationship**" means a social relationship of a romantic nature. Factors that the court may consider in making this determination include: (a) The length of time the relationship has existed; (b) the nature of the relationship; and (c) the frequency of interaction between the parties.

Rape in the first degree. RCW 9A.44.040. (1) A person is guilty of rape in the first degree when such person engages in sexual intercourse with another person by forcible compulsion where the perpetrator or an accessory: (a) Uses or threatens to use a deadly weapon or what appears to be a deadly weapon; or (b) Kidnaps the victim; or (c) Inflicts serious physical injury, including but not limited to physical injury which renders the victim unconscious; or (d) Feloniously enters into the building or vehicle where the victim is situated. (2) Rape in the first degree is a Class A felony.

Rape in the second degree. RCW 9A.44.050. (1) A person is guilty of rape in the second degree when, under circumstances not constituting rape in the first degree, the person engages in sexual intercourse with another person: (a) By forcible compulsion; (b) When the victim is incapable of consent by reason of being physically helpless or mentally incapacitated; (c) When the victim is a person with a developmental disability and the perpetrator is a person who is not married to the victim and who: (i) Has supervisory authority over the victim; or (ii) Was providing transportation, within the course of his or her employment, to the victim at the time of the offense; (d) When the perpetrator is a health care provider, the victim is a client or patient, and the sexual intercourse occurs during a treatment session, consultation, interview, or examination. It is an affirmative defense that the defendant must prove by a preponderance of the evidence that the client or patient consented to the sexual intercourse with the knowledge that the sexual intercourse was not for the purpose of treatment; (e) When the victim is a resident of a facility for persons with a mental disorder or chemical dependency and the perpetrator is a person who is not married to the victim and has supervisory authority over the victim; or (f) When the victim is a frail elder or vulnerable adult and the perpetrator is a person who is not married to the victim and who: (i) Has a significant relationship with the victim; or (ii) Was providing transportation, within the course of his or her employment, to the victim at the time of the offense. (2) Rape in the second degree is a class A felony.

Rape in the third degree. RCW 9A.44.060. (1) A person is guilty of rape in the third degree when, under circumstances not constituting rape in the first or second degrees, such person engages in sexual intercourse with another person: (a) Where the victim did not consent as defined in RCW 9A.44.010(7), to sexual intercourse with the perpetrator and such lack of consent was clearly expressed by the victim's words or conduct, or (b) Where there is threat of substantial unlawful harm to property rights of the victim. (2) Rape in the third degree is a class C felony.

Rape of a child in the first degree. RCW 9A.44.073. (1) A person is guilty of rape of a child in the first degree when the person has sexual intercourse with another who is less than twelve years old and not married to the perpetrator and the perpetrator is at least twenty-four months older than the victim. (2) Rape of a child in the first degree is a class A felony.

Rape of a child in the second degree. RCW 9A.44.076. (1) A person is guilty of rape of a child in the second degree when the person has sexual intercourse with another who is at least twelve years old but less than fourteen years old and not married to the perpetrator and the perpetrator is at least thirty-six months older than the victim. (2) Rape of a child in the second degree is a class A felony.

Rape of a child in the third degree. RCW 9A.44.079. (1) A person is guilty of rape of a child in the third degree when the person has sexual intercourse with another who is at least fourteen years old but less than sixteen years old and not married to the perpetrator and the perpetrator is at least forty-eight months older than the victim. (2) Rape of a child in the third degree is a class C felony.

Child molestation in the first degree. RCW 9A.44.083. (1) A person is guilty of child molestation in the first degree when the person has, or knowingly causes another person under the age of eighteen to have, sexual contact with another who is less than twelve years old and not married to the perpetrator and the perpetrator is at least thirty-six months older than the victim. (2) Child molestation in the first degree is a class A felony.

Child molestation in the second degree. RCW 9A.44.086. (1) A person is guilty of child molestation in the second degree when the person has, or knowingly causes another person under the age of eighteen to have, sexual contact with another who is at least twelve years old but less than fourteen years old and not married to the perpetrator and the perpetrator is at least thirty-six months older than the victim. (2) Child molestation in the second degree is a class B felony.

Child molestation in the third degree. RCW 9A.44.089. (1) A person is guilty of child molestation in the third degree when the person has, or knowingly causes another person under the age of eighteen to have, sexual contact with another who is at least fourteen years old but less than sixteen years old and not married to the perpetrator and the perpetrator is at least forty-eight months older than the victim. (2) Child molestation in the third degree is a class C felony.

Sexual misconduct with a minor in the first degree. RCW 9A.44.093. (1) A person is guilty of sexual misconduct with a minor in the first degree when: (a) The person has, or knowingly causes another person under the age of eighteen to have, sexual intercourse with another person who is at least sixteen years old but less than eighteen years old and not married to the perpetrator, if the perpetrator is at least sixty months older than the victim, is in a significant relationship to the victim, and abuses a supervisory position within that relationship in order to engage in or cause another person under the age of eighteen to engage in sexual intercourse with the victim; (b) the person is a school employee who has, or knowingly causes another person under the age of eighteen to have, sexual intercourse with an enrolled student of the school who is at least sixteen years old and not more than twenty-one years old and not married to the employee, if the employee is at least sixty months older than the student; or (c) the person is a foster parent who has, or knowingly causes another person under the age of eighteen to have, sexual intercourse with his or her foster child who is at least sixteen. (2) Sexual misconduct with a minor in the first degree is a class C felony. (3) For the purposes of this section: (a) "Enrolled student" means any student enrolled at or attending a program hosted or sponsored by a common school as defined in RCW 28A.150.020, or a student enrolled at or attending a program hosted or sponsored by a private school under chapter 28A.195 RCW, or any person who receives home-based instruction under chapter 28A.200 RCW. (b) "School employee" means an employee of a common school defined in RCW 28A.150.020, or a grade kindergarten through twelve employee of a private school under chapter 28A.195 RCW, who is not enrolled as a student of the common school or private school.

Sexual misconduct with a minor in the second degree. RCW 9A.44.096. (1) A person is guilty of sexual misconduct with a minor in the second degree when: (a) The person has, or knowingly causes another person under the age of

eighteen to have, sexual contact with another person who is at least sixteen years old but less than eighteen years old and not married to the perpetrator, if the perpetrator is at least sixty months older than the victim, is in a significant relationship to the victim, and abuses a supervisory position within that relationship in order to engage in or cause another person under the age of eighteen to engage in sexual contact with the victim; (b) the person is a school employee who has, or knowingly causes another person under the age of eighteen to have, sexual contact with an enrolled student of the school who is at least sixteen years old and not more than twenty-one years old and not married to the employee, if the employee is at least sixty months older than the student; or (c) the person is a foster parent who has, or knowingly causes another person under the age of eighteen to have, sexual contact with his or her foster child who is at least sixteen. (2) Sexual misconduct with a minor in the second degree is a gross misdemeanor. (3) For the purposes of this section: (a) "Enrolled student" means any student enrolled at or attending a program hosted or sponsored by a common school as defined in RCW 28A.150.020, or a student enrolled at or attending a program hosted or sponsored by a private school under chapter 28A.195 RCW, or any person who receives home-based instruction under chapter 28A.200 RCW. (b) "School employee" means an employee of a common school defined in RCW 28A.150.020, or a grade kindergarten through twelve employee of a private school under chapter 28A.195 RCW, who is not enrolled as a student of the common school or private school.

Indecent liberties. RCW 9A.44.100. (1) A person is guilty of indecent liberties when he or she knowingly causes another person to have sexual contact with him or her or another: (a) By forcible compulsion; (b) When the other person is incapable of consent by reason of being mentally defective, mentally incapacitated, or physically helpless; (c) When the victim is a person with a developmental disability and the perpetrator is a person who is not married to the victim and who: (i) Has supervisory authority over the victim; or (ii) Was providing transportation, within the course of his or her employment, to the victim at the time of the offense; (d) When the perpetrator is a health care provider, the victim is a client or patient, and the sexual contact occurs during a treatment session, consultation, interview, or examination. It is an affirmative defense that the defendant must prove by a preponderance of the evidence that the client or patient consented to the sexual contact with the knowledge that the sexual contact was not for the purpose of treatment; (e) When the victim is a resident of a facility for persons with a mental disorder or chemical dependency and the perpetrator is a person who is not married to the victim and has supervisory authority over the victim; or (f) When the victim is a frail elder or vulnerable adult and the perpetrator is a person who is not married to the victim and who: (i) Has a significant relationship with the victim; or (ii) Was providing transportation, within the course of his or her employment, to the victim at the time of the offense. (2)(a) Except as provided in (b) of this subsection, indecent liberties is a class B felony. (b) Indecent liberties by forcible compulsion is a class A felony.

Stalking. RCW 9A.46.110: 1) A person commits the crime of stalking if, without lawful authority and under circumstances not amounting to a felony attempt of another crime: (a) He or she intentionally and repeatedly harasses or repeatedly follows another person; and (b) The person being harassed or followed is placed in fear that the stalker intends to injure the person, another person, or property of the person or of another person. The feeling of fear must be one that a reasonable person in the same situation would experience under all the circumstances; and (c) The stalker either: (i) Intends to frighten, intimidate, or harass the person; or (ii) Knows or reasonably should know that the person is afraid, intimidated, or harassed even if the stalker did not intend to place the person in fear or intimidate or harass the person. 2) (a) It is not a defense to the crime of stalking under subsection (1)(c)(i) of this section that the stalker was not given actual notice that the person did not want the stalker to contact or follow the person; and (b) It is not a defense to the crime of stalking under subsection (1)(c)(ii) of this section that the stalker did not intend to frighten, intimidate, or harass the person. 3) It shall be a defense to the crime of stalking that the defendant is a licensed private investigator acting within the capacity of his or her license as provided by chapter 18.165 RCW. 4) Attempts to contact or follow the person after being given actual notice that the person does not want to be contacted or followed constitutes prima facie evidence that the stalker intends to intimidate or harass the person. "Contact" includes, in addition to any other form of contact or communication, the sending of an electronic communication to the person. 5) (a) Except as provided in (b) of this subsection, a person who stalks another person is guilty of a gross misdemeanor. (b) A person who stalks another is guilty of a class B felony if any of

the following applies: (i) The stalker has previously been convicted in this state or any other state of any crime of harassment, as defined in RCW 9A.46.060, of the same victim or members of the victim's family or household or any person specifically named in a protective order; (ii) the stalking violates any protective order protecting the person being stalked; (iii) the stalker has previously been convicted of a gross misdemeanor or felony stalking offense under this section for stalking another person; (iv) the stalker was armed with a deadly weapon, as defined in RCW 9.94A.825, while stalking the person; (v)(A) the stalker's victim is or was a law enforcement officer; judge; juror; attorney; victim advocate; legislator; community corrections' officer; an employee, contract staff person, or volunteer of a correctional agency; court employee, court clerk, or courthouse facilitator; or an employee of the child protective, child welfare, or adult protective services division within the department of social and health services; and (B) the stalker stalked the victim to retaliate against the victim for an act the victim performed during the course of official duties or to influence the victim's performance of official duties; or (vi) the stalker's victim is a current, former, or prospective witness in an adjudicative proceeding, and the stalker stalked the victim to retaliate against the victim as a result of the victim's testimony or potential testimony. 6) As used in this section: (a) "Correctional agency" means a person working for the department of natural resources in a correctional setting or any state, county, or municipally operated agency with the authority to direct the release of a person serving a sentence or term of confinement and includes but is not limited to the department of corrections, the indeterminate sentence review board, and the department of social and health services. (b) "Follows" means deliberately maintaining visual or physical proximity to a specific person over a period of time. A finding that the alleged stalker repeatedly and deliberately appears at the person's home, school, place of employment, business, or any other location to maintain visual or physical proximity to the person is sufficient to find that the alleged stalker follows the person. It is not necessary to establish that the alleged stalker follows the person while in transit from one location to another. (c) "Harasses" means unlawful harassment as defined in RCW 10.14.020. (d) "Protective order" means any temporary or permanent court order prohibiting or limiting violence against, harassment of, contact or communication with, or physical proximity to another person. (e) "Repeatedly" means on two or more separate occasions.

Mental incapacity. RCW 9A.44.010: (4) Mental incapacity is that condition existing at the time of the offense which prevents a person from understanding the nature or consequences of the act of sexual intercourse whether that condition is produced by illness, defect, the influence of a substance or from some other cause.

Physically helpless. RCW 9A.44.010: (5) Physically helpless means a person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act.

Sexual contact. RCW 9A.44.010: (2) Sexual contact means any touching of the sexual or other intimate parts of a person done for the purpose of gratifying sexual desire of either party or a third party.

Sexual assault. RCW 70.125.030 (7): Sexual assault means one or more of the following:

- a. Rape or rape of a child;
- b. Assault with intent to commit rape or rape of a child;
- c. Incest or indecent liberties;
- d. Child molestation;
- e. Sexual misconduct with a minor;
- f. Custodial sexual misconduct;
- g. Crimes with a sexual motivation;
- h. Sexual exploitation or commercial sex abuse of a minor;
- i. Promoting prostitution; or
- j. An attempt to commit any of the aforementioned offenses.

APPENDIX D: PREVENTION AND REMEDIATION OF SEXUAL HARASSMENT AND DISCRIMINATION

**SKAGIT VALLEY COLLEGE
NON-DISCRIMINATION AND HARASSMENT
POLICY AND PROCEDURES**

SECTION: 3070	INITIAL DATE OF APPROVAL: 7/20/11 REVISION DATE(S): 12/29/14; 5/11/15; 8/11/20; 3/18/22
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PURPOSE

Skagit Valley College recognizes its responsibility for investigation, resolution, implementation of corrective measures, and monitoring the educational environment and workplace to stop, remediate, and prevent discrimination on the basis of race, color, national origin, age, perceived or actual physical or mental disability, pregnancy, genetic information, sex, sexual orientation, gender identity, marital status, creed, religion, honorably discharged veteran or military status, or use of a trained guide dog or service animal, as required by Title VI of the Civil Rights Act of 1964, Title VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, Sections 504 and 508 of the Rehabilitation Act of 1973, the Americans with Disabilities Act and ADA Amendment Act, the Age Discrimination Act of 1975, the Violence Against Women Reauthorization Act and Washington State’s Law Against Discrimination, Chapter 49.60 RCW and their implementing regulations. To this end, Skagit Valley College (the College) has enacted this policy prohibiting discrimination against and harassment of members of these protected classes. Any individual found to be in violation of this policy will be subject to disciplinary action up to and including dismissal from the College or from employment.

This policy and related procedure addresses occurrences of discrimination and harassment based on membership or perceived membership in a protected class as well as gender-based discrimination that falls outside the jurisdiction of Title IX. Occurrences of sexual harassment falling within the jurisdiction of Title IX as defined in 34 C.F.R. §106.30 are addressed under the Title IX Grievance Procedure.

Any employee, student, applicant, or visitor who believes that they have been the subject of discrimination, harassment, or bullying should report the incident or incidents to the College’s Title IX/EEO Office identified below.

All District employees (faculty, staff, student employees and administrators) are designated

as “responsible employees” and must report actual or suspected discrimination or harassment immediately, subject to limited exceptions for employees who are statutorily barred from reporting. All details of the reports they receive must be shared promptly. If the complaint is against that Coordinator, the impacted party should report the matter to the president’s office for referral to an alternate designee.

REFERENCES

- Title IX of the Education Amendments of 1972
- Violence Against Women Reauthorization Act (VAWA)
- Americans with Disabilities Act and ADA Amendment Act (ADA & ADAA)
- Section 504 of the Rehabilitation Act of 1973
- Title VI and VII of the Civil Rights Act of 1964
- Age Discrimination in Employment Act of 1967 (ADEA)
- Washington Law Against Discrimination (WLAD), RCW 49.60
- Washington State and SVC Collective Bargaining Agreements
- RCW 28B.110
- RCW 26.50.010
- RCW 9A.44.093
- 34 CFR §668.46

TITLE IX /EEO OFFICE

Title: Vice President of Human Resources
Department: Human Resources/Title IX/EEO Office
Number: 360-416-7679

Title: Title IX/EEO Coordinator
Department: Human Resources/Title IX/EEO Office
Number: 360-416-7923

The Title IX/EEO Coordinator or designee:

- will accept all complaints and reports from college employees, students, applicants, and visitors
- will inform the complainant of resources and will assist with contacting law enforcement, if desired
- will provide information about Advocates
- will make determinations regarding how to handle requests by complainants for confidentiality.
- Will make determinations of whether the complaint meets the definition of sexual harassment as defined in 34 C.F.R §106.30 and must be pursued in accordance with the College’s Title IX Grievance Policy and procedures.
- will keep accurate records of all complaints and reports for the required time period

- may conduct or delegate investigations and oversee investigations conducted by a designee.
- may impose interim remedial measures to protect parties during investigations of discrimination or harassment.
- will make findings of fact on investigations completed
- may recommend specific corrective measures to stop, remediate, and prevent the recurrence of inappropriate conduct.

DEFINITIONS

The following definitions are specific to the terms of this procedure and do not modify or revise similar terms as used in related procedures or collective bargaining agreements.

Advocate: Individuals who assist members of the SVC community with concerns about their rights and the policies and procedures of Skagit Valley College. Advocates will:

- Provide information on college policies and Title IX obligations
- Provide resources about counseling and medical resources both on campus and in the community
- Upon request, assist complainant with filing a complaint
- Upon request, assist respondent with reviewing college policies and procedures
- Act as a neutral/impartial resource for student/staff
- Upon request, serve as advocate during investigation

Bullying: Workplace and/or Classroom bullying is defined as persistent, unwelcome, severe, and pervasive mistreatment that harms, intimidates, offends, degrades or humiliates an employee or student, whether verbal, physical or otherwise, including “cyber” bullying, in the course of employment or pursuit of education. Any employee found in violation of this policy will be disciplined up to and including immediate termination. Any student found in violation of the Code of Student Conduct, as it relates to this policy, will be disciplined. Examples of bullying behavior include, but are not limited to:

- Being held to a different standard than the rest of an employee’s work group;
- Consistent ignoring or interrupting of an employee in front of co-workers;
- Personal attacks (angry outbursts, excessive profanity, or name-calling);
- Encouragement of others to turn against, marginalize, or ostracize the targeted employee;
- Use of email, internet, or other “cyber” venues to denigrate the targeted employee.

Business Day: A week-day, excluding weekends and college holidays.

Calendar Day: Days on the calendar including weekends and holidays. “Day” refers to calendar days unless otherwise specified.

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

Coercion: using pressure (verbal or emotional), deception, or manipulation to cause someone to agree to sexual contact against their will, without the use of physical force.

Complainant: employee(s), student(s), applicants, or visitors(s) of Skagit Valley College who alleges that she or he has been subjected to discrimination or harassment due to their membership in a protected class.

Complaint: a description of facts that allege violation of the College’s policy against discrimination or harassment.

Conflict of Interest: If an advocate, designee or investigating authority has an actual or perceived conflict of interest, that individual may excuse themselves from the process. Once excused, that member will not have access to records/evidence pertaining to the case.

Consent: 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 he or she is unable to understand what is happening or is disoriented, helpless, asleep or unconscious for any reason, including due to alcohol or other drugs. An individual who engaged in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has engaged in nonconsensual sexual conduct.

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

Discrimination: Unfavorable treatment of a person based on that person’s membership or perceived membership in a protected class. Harassment is a form

of discrimination.

Harassment: a form of discrimination consisting of physical or verbal conduct that denigrates or shows hostility toward an individual because of their membership in a protected class or perceived membership in a protected class. Harassment occurs when the conduct is sufficiently severe and/or pervasive and so objectively offensive that it has the effect of altering the terms or conditions of employment or substantially limiting the ability of a student to participate in or benefit from the College's educational, social programs and/or student housing. Petty slights, annoyances, offensive utterances, and isolated incidents (unless extremely serious) typically do not qualify as harassment.

Examples of conduct that could rise to the level of discriminatory harassment include but are not limited to the following:

- A. Epithets, slurs, "jokes," mockery or other offensive or derogatory conduct focused upon an individual's membership in a protected category.
- B. Verbal or physical threats of violence directed toward an individual based upon their membership in a protected class.
- C. Making, posting, displaying, e-mailing, or otherwise circulating demeaning or offensive pictures, cartoons, graffiti, notes or other materials that relate to race, ethnic origin, gender or any other protected class.

Hate Crime: A crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purpose of this section, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

Hazing: acts likely to cause physical or psychological harm or social ostracism to any person within the College community, when related to admission, initiation, joining, or any other group—affiliation activity.

Hostile Environment: any situation in which there is harassing conduct that is based on protected class status and is sufficiently severe and/or pervasive and so objectively offensive that it has the effect of altering the terms or conditions of employment or substantially limiting the ability of a Complainant to participate in or benefit from the College's educational or social programs.

The determination of whether an environment is "hostile" must be based on all of the circumstances. These circumstances could include:

- The frequency of the conduct;
- The nature and severity of the conduct;
- Whether the conduct was physically threatening;

- Whether the conduct was directed at more than one person;
- Whether the statement is a mere utterance of an epithet which engenders offense in an employee or student, or offends by mere discourtesy or rudeness;
- Whether the speech or conduct deserves the protections of academic freedom or the 1st Amendment.

Investigation: The Title IX/EEO Office may appoint a designee to investigate the complaint. The Title IX/EEO Office shall inform the complainant and respondent of the appointment. The College representative shall conduct an investigation based upon the submitted complaint from the complainant or prepared by the Title IX/EEO Office.

Protected Class: persons who are protected under state or federal civil rights laws, including laws that prohibit discrimination on the basis of race, color, national origin, age, perceived or actual physical or mental disability, pregnancy, genetic information, sex, sexual orientation, gender identity, marital status, creed, religion, honorably discharged veteran or military status or use of a trained guide dog or service animal.

Reporter: employee(s), student(s), applicants or visitor(s) of Skagit Valley College who are aware of discriminatory practices or sexual misconduct.

Responsible Employee: an employee who:

- Has the authority to take action to redress harassment or discriminatory misconduct;
- Has been given the duty of reporting incidents of harassment or discriminatory misconduct by students; or
- A student could reasonably believe has this authority or duty.

Resolution: the means by which the complaint is finally addressed. This may be accomplished through informal or formal processes, including counseling, mediation (when appropriate), or the formal imposition of discipline sanction.

Retaliation: Retaliation occurs when an adverse action is either threatened or taken against an individual for engaging in protected activity. An adverse action is an action which might dissuade a reasonable person from making or supporting a complaint. Retaliation may include adverse actions taken against a person close to the complainant.

Resolution: the means by which the complaint is finally addressed. This may be accomplished through informal or formal processes, including counseling, resource referral, protective measures, reasonable changes to academic and housing situations, mediating, mediation, or the formal imposition of discipline. No complainant will be required to have face to face interaction with an alleged perpetrator in any informal resolution or mediation. Mediation will not be used in cases of sexual violence.

Respondent: person or persons who are members of the campus community who allegedly discriminated against or harassed another person or persons.

Sexual Exploitation: when one person takes non-consensual or abusive sexual advantage of another for their own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to: invasion of sexual privacy, engaging in voyeurism, non-consensual video or audio taping of sexual activity; sexually-based stalking and/or bullying may also be forms of sexual exploitation.

Sexual Misconduct: A range of behaviors including sexual harassment, sexual coercion or exploitation, sexual assault, sexual violence, domestic/dating violence, and gender-based stalking.

Sexual Harassment: a form of discrimination consisting of unwelcome, gender-based verbal, written, electronic and/or physical conduct. Sexual harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's gender. There are two types of sexual harassment.

- a. **Hostile Environment Sexual Harassment** occurs when the conduct is sufficiently severe and/or pervasive and so objectively offensive that it has the effect of altering the terms or conditions of employment or substantially limiting the ability of a student to participate in or benefit from the College's educational, social programs and/or student housing.
- b. **Quid Pro Quo Sexual Harassment** occurs when an individual in a position of real or perceived authority, conditions the receipt of a benefit upon granting of sexual favors.

Examples of conduct that may qualify as sexual harassment include:

- Persistent comments or questions of a sexual nature.
- A supervisor who gives an employee a raise in exchange for submitting to sexual advances.
- An instructor who promises a student a better grade in exchange for sexual favors.
- Sexually explicit statements, questions, jokes, or anecdotes
- Unwelcome touching, patting, hugging, kissing, or brushing against an individual's body.
- Remarks of sexual nature about an individual's clothing, body, or speculations about previous sexual experience.
- Persistent, unwanted attempts to change a professional relationship to an amorous relationship.
- Direct or indirect propositions for sexual activity.
- Unwelcomed letters, emails, texts, telephone calls, or other communications referring to or depicting sexual activities.

Sexual Violence: is a type of sexual discrimination and harassment. Nonconsensual sexual intercourse, nonconsensual sexual contact, domestic violence, dating violence, and stalking are all types of sexual violence.

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.

Nonconsensual sexual contact is any intentional sexual touching, however slight, with any object, by a person upon another person that is without consent and/or by force. Sexual touching includes any bodily contact with breasts, groin, mouth, or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

Domestic violence includes asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, persons similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

Dating violence means violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.

Stalking means intentional and repeated harassment or following of another person, which places that person in reasonable fear that the perpetrator intends to injure, intimidate or harass that person. Stalking also includes instances where the perpetrator knows or reasonably should know that the person is frightened, intimidated or harassed, even if the perpetrator lacks such intent.

WHO MAY FILE A COMPLAINT OR A REPORT?

ANY EMPLOYEE, STUDENT, APPLICANT OR VISITOR OF THE COLLEGE MAY FILE A COMPLAINT TO THE TITLE IX/EEO OFFICER OR DESIGNEE. COMPLAINTS MAY BE SUBMITTED IN WRITING OR VERBALLY, WHICH WILL BE CAPTURED IN WRITTEN FORM FOR PROCESSING. FOR COMPLAINANTS WHO WISH TO SUBMIT A WRITTEN COMPLAINT, A FORMAL COMPLAINT FORM IS AVAILABLE ONLINE AT [HTTPS://WWW.SKAGIT.EDU/INCIDENT-REPORTING/](https://www.skagit.edu/incident-reporting/) HARDCOPIES OF THE COMPLAINT FORM ARE AVAILABLE AT THE FOLLOWING LOCATIONS ON CAMPUS: TITLE IX/EEO, STUDENT SERVICES AND HUMAN RESOURCES.

Complaints shall be signed, dated, include names, description and date of the incident, and the remedy sought. If the complainant does not submit a written statement, the Title IX Office shall prepare a statement of facts which is reviewed by the complainant. All

reports of incident(s) will be forwarded to the Title IX/EEO Office for coordination and a determination on how to process the complaint.

Any person submitting a discrimination complaint shall be provided with a written copy of the College's anti-discrimination policies and procedures. The College encourages the timely reporting of any incidents of discrimination or harassment.

If at any time during the process described under this policy and procedure the complaint is determined to meet the definition of sexual harassment as defined in 34 C.F.R §106.30 the complaint will be evaluated pursuant to the College's Title IX Grievance Policy and supplemental procedures.

If the complaint is against the Coordinator or designee, or relative of the Coordinator or designee attending or working for the College, the complainant should report the matter to the President's Office or designee.

False and Malicious Accusations. Members of the college community who make false and malicious complaints of harassment, sexual harassment or discrimination may be subject to disciplinary action.

CONFIDENTIALITY AND RIGHT TO PRIVACY

Skagit Valley College will seek to protect the privacy of all the parties involved to the full extent possible, consistent with the legal obligation to investigate, take appropriate remedial and/or disciplinary action, protect against imminent risks to the safety, health, and welfare of members of the campus community, and comply with the federal and state law, as well as with Skagit Valley College policies and procedures. Skagit Valley College will attempt to honor complainants' requests for confidentiality, it cannot guarantee complete confidentiality.

Determinations regarding how to handle requests for confidentiality will be made by the Title IX/ EEO Coordinator.

Confidentiality Requests and Sexual Violence Complaints. The Title IX / EEO Coordinator will inform and obtain consent from the complainant before commencing an investigation into a sexual violence complaint. If a sexual violence complainant asks that their name not be revealed to the respondent or that the College not investigate the allegation, the Title IX /EEO Coordinator will inform the complainant that maintaining confidentiality may limit the college's ability to fully respond to the allegations and that retaliation by the respondent and/or others is prohibited. If the complainant still insists that their name not be disclosed or that the College not investigate, the Title IX /EEO Coordinator will determine whether the College can honor the request and at the same time maintain a safe and non-discriminatory environment for all members of the college community, including the complainant. Factors to be weighed during this determination may include, but are not limited to:

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

If the College is unable to honor a complainant's request for confidentiality, the Title IX /EEO Coordinator will notify the complainant of the decision and ensure that complainant's identity is disclosed only to the extent reasonably necessary to effectively conduct and complete the investigation.

If the College decides not to conduct an investigation or take disciplinary action because of a request for confidentiality, the Title IX / EEO Coordinator will evaluate whether other measures are available to limit the effects of the harassment and prevent its recurrence and implement such measures if reasonably feasible.

CLERY ACT-FEDERAL STATISTICAL REPORTING OBLIGATIONS

Certain campus officials have a duty to report criminal misconduct, including sexual misconduct, for federal statistical reporting purposes (Clery Act). All personal identifiable information is kept confidential, however, statistical information must be passed along to Campus Security regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given) for publication in the annual Campus Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety. Mandated federal reporters include: student/conduct affairs, campus law enforcement, local police, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations and any other official with significant responsibility for student and campus activities. The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the complainant and may be done anonymously.

CLERY ACT-FEDERAL TIMELY WARNING REPORTING OBLIGATIONS

Victims of sexual misconduct should also be aware that College administrators must issue immediate timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community. The College will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for

community members to make safety decisions in light of the danger. The reporters for timely warning purposes are exactly the same as detailed at the end of the above paragraph.

For more information on Clery Act reporting requirements please contact the Director of Security.

**NON-TITLE IX INVESTIGATION
PROCEDURE UNDER OPPM 3070**

Upon receiving a discrimination complaint, the College shall commence an impartial investigation. The Title IX / EEO Coordinator shall be responsible for overseeing all investigations and will assess the written complaint and determine the appropriate steps necessary to ensure all relevant evidence is obtained and all critical elements are pursued. Investigations may be conducted by the Title IX / EEO Coordinator or their designee. If the investigation is assigned to someone other than the Title IX / EEO Coordinator, the Title IX / EEO Coordinator shall inform the complainant and respondent(s) of the appointment of an investigator.

Interim Measures. The Title IX / EEO Coordinator may impose interim measures to protect the complainant and/or respondent pending the conclusion of the investigation. Interim measures may include, but are not limited to, imposition of no contact orders, rescheduling classes, temporary work reassignments, referrals for counseling or medical assistance, and imposition of summary discipline on the respondent consistent with the College's student conduct code or the College's employment policies and collective bargaining agreements.

Investigation. Complaints shall be thoroughly and impartially investigated. The investigation shall include, but is not limited to, interviewing the complainant and the respondent, relevant witnesses, and reviewing relevant documents. The investigation shall be concluded within a reasonable time, normally sixty days barring exigent circumstances. At the conclusion of the investigation, the investigator shall set forth their findings and recommendations in writing. If the investigator is a designee, the investigator shall send a copy of the findings and recommendations to the Title IX / EEO Coordinator. The Title IX / EEO Coordinator shall consider the findings and recommendations and determine, based on a preponderance of the evidence, whether a violation of the discrimination and harassment policy occurred, and if so, what steps will be taken to resolve the complaint, remedy the effects on any victim(s), and prevent its recurrence. Possible remedial steps may include, but are not limited to, referral for voluntary training/counseling, development of a remediation plan, limited contact orders, and referral and recommendation for formal disciplinary action. Referrals for disciplinary action will be consistent with the Code of Student Conduct or college employment policies and collective bargaining agreements.

Responding to Written Notice of Allegations. Once notice has been sent to alleged parties involved, parties have five (5) business days to respond and make an appointment with Title IX/EEO Coordinator or designee.

Written Notice of Decision. The Title IX / EEO Coordinator will simultaneously provide each party and the appropriate student services administrator or appointing authority with written notice of investigative findings, and of actions taken or recommended to resolve the complaint, subject to the following limitations.

Complainant Notice

The complainant shall be informed in writing of the findings and of actions taken or recommended to resolve the complaint, if any, only to the extent that such findings, actions or recommendations directly relate to the complainant, such as such as a finding that the complaint is or is not meritorious or a recommendation that the accused not contact the complainant. The complainant may be notified generally that the matter has been referred for disciplinary action.

Respondent Notice

The respondent shall be informed in writing of the findings and of actions taken or recommended to resolve the complaint and shall be notified of referrals for disciplinary action.

Both the complainant and the respondent are entitled to review any final findings, conclusions, and recommendations, subject to any FERPA confidentiality requirements.

Informal Dispute Resolution. Informal dispute resolution processes, like mediation, may be used to resolve complaints, when appropriate. Informal dispute resolution shall not be used to resolve sexual discrimination complaints without written permission from both the complainant and the respondent. If the parties elect to mediate a dispute, either party shall be free to discontinue mediation at any time. In no event shall mediation be used to resolve complaints involving allegations of sexual violence.

Final Decision/Appeals. Either the complainant or the respondent may seek review of the decision by the Title IX / EEO Coordinator. Appeals shall be submitted in writing to the Associate Vice President for Human Resources for employee complaints or the VP of Student Services for student complaints within ten (10) calendar days of receiving the decision. The administrator will designate an individual to handle the appeal. Appeals are limited to the following grounds:

1. A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g., substantiated bias, material deviation from established procedures).
2. To consider new evidence, unknown or unavailable during the original investigation, that could substantially impact the original finding or sanction. A summary of the new evidence and its potential impact must be included in the submitted appeal request.
3. The sanctions imposed fall outside the range of sanctions generally designated for this offense,

If no appeal is received within ten (10) calendar days, the decision becomes final. If an appeal is received, the individual handling the appeal shall respond within 21 calendar days. Both parties will be informed if an appeal has been filed. The request shall either be denied or, if found to have merit, an amended decision can be issued. Any amended decision is final and no further appeal is available.

PUBLICATION OF ANTI-DISCRIMINATION POLICIES AND PROCEDURES

The policies and procedures regarding complaints of discrimination and harassment shall be published and distributed as determined by the president or president's designee. Any person who believes he or she has been subjected to discrimination in violation of College policy will be provided a copy of these policies and procedures.

LIMITS TO AUTHORITY

Nothing in this procedure shall prevent the College President or designee from taking immediate disciplinary action in accordance with Skagit Valley College policies and procedures, collective bargaining agreement(s), and federal, state, and municipal rules and regulations.

Nothing in this policy or procedure limits the College from considering applicable policies of the College when investigating complaints, including but not limited to, the College's Code of Ethics policy, Nepotism policy, General Computing Procedures, or any other policy or procedure. For complaints involving students, nothing in this policy or procedure limits the College from evaluating the conduct of any student under the Student Code of Conduct.

NON-RETALIATION, INTIMIDATION AND COERCION

Retaliation by, for or against any known or suspected participant (including complainant, respondent, witness, Title IX/EEO Coordinator or investigator) is expressly prohibited. Retaliatory action of any kind taken against individuals as a result of seeking redress under the applicable procedures or serving as a witness in a subsequent investigation dealing with harassment/discrimination is prohibited and is conduct subject to discipline. Any person who thinks he/she has been the victim of retaliation should contact the Title IX/EEO Coordinator immediately.

RECORDS

A copy of the final complaint and investigation report including supplemental materials shall be maintained as confidential files located in the Title IX/EEO Office.

CRIMINAL COMPLAINTS

Discriminatory or harassing conduct may also be, or occur in conjunction with, criminal conduct. Criminal complaints may be filed with the following law enforcement authorities:

Mount Vernon Police Department

Oak Harbor Police Department
Friday Harbor Police Department
Skagit County Sheriff's Office
Island County Sheriff's Office
San Juan County Sheriff's Office

The College will proceed with an investigation of harassment and discrimination complaints regardless of whether the underlying conduct is subject to civil or criminal prosecution.

OTHER DISCRIMINATION COMPLAINT OPTIONS

The internal procedures described herein are internal College procedures and, as such, serve to resolve complaints within the college's administrative framework. These procedures do not replace an individual's timely complaint with an external agency. Discrimination complaints may also be filed with the following federal and state agencies:

[Washington State Human Rights Commission](http://www.hum.wa.gov/)
<http://www.hum.wa.gov/>

[US Dept of Education Office for Civil Rights,](http://www2.ed.gov/about/offices/list/ocr/index.html)
<http://www2.ed.gov/about/offices/list/ocr/index.html>

[Equal Employment Opportunity Commission,](http://www.eeoc.gov/) <http://www.eeoc.gov/>

**DISCRIMINATION AND HARASSMENT
FORMAL COMPLAINT FORM**

This form is designed to assist you with filing a discrimination and/or harassment complaint. If you wish to file a formal complaint involving alleged discrimination and/or harassment please write clearly and specifically focus on the alleged discrimination and/or harassing conduct.

The complaint should include as much information regarding the incident giving rise to the complaint as possible, including the location, date and time of the alleged incident(s); the name of the individual or group whom the complaint is against, if known; a description of the incident(s); and the remedy sought.

All formalized complaints shall be signed and dated

Skagit Valley College does not have a defined timeframe to report cases of sexual harassment and discrimination. However, it is important to note that the college's ability to investigate may be hampered if the complaint delays reporting.

Name filing the complaint

Date filing the complaint

Please describe the alleged incident:

Signature

Date

You may use the backside of this sheet if needed. Please return this form to the Title IX / EEO Coordinator or Designee.

TITLE IX GRIEVANCE PROCEDURES UNDER OPPM 3070

PURPOSE

Skagit Valley College recognizes its responsibility to investigate, resolve, implement corrective measures, and monitor the educational environment and workplace to stop, remediate, and prevent discrimination on the basis of sex, as required by Title IX of the Educational Amendments of 1972, Title VII of the Civil Rights Act of 1964, the Violence Against Women Reauthorization Act, and Washington State's Law Against Discrimination, and their implementing regulations. To this end, Skagit Valley College has enacted OPPM 3070 and adopted the following Title IX Grievance Procedure for receiving and investigating Sexual Harassment allegations arising during education programs and activities. Any individual found responsible for violating Skagit Valley College's Title IX policy is subject to disciplinary action up to and including dismissal from Skagit Valley College educational programs and activities and/or termination of employment.

Application of this Title IX Grievance Procedure is restricted to allegations of "Sexual Harassment," as that term is defined in 34 C.F.R. §106.30. Nothing in this procedure limits or otherwise restricts Skagit Valley College's ability to investigate and pursue discipline based on alleged violations of other federal, state, and local laws, their implementing regulations, and other college policies prohibiting gender discrimination through processes set forth in Skagit Valley College's code of student conduct, employment contracts, employee handbooks, and collective bargaining agreements.

DEFINITIONS

For purposes of this Title IX Grievance Procedure, the following terms are defined as follows:

1. **"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.

2. **"Complainant"** means an individual who is alleged to be the victim of conduct that could constitute Sexual Harassment.

3. **“Respondent”** means an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.
4. **“Formal Complaint”** means a writing submitted by the Complainant or signed by the Title IX coordinator alleging Sexual Harassment against a Respondent and requesting that Skagit Valley College conduct an investigation.
5. **“Education Program or Activity”** includes locations, events, or circumstances over which Skagit Valley College substantial control over both the Respondent and the context in which the alleged Sexual Harassment occurred. It also includes any building owned or controlled by a student organization officially recognized by Skagit Valley College.
6. **“Grievance Procedure”** is the process Skagit Valley College uses to initiate, informally resolve, and/or investigate allegations that an employee or student has violated Title IX provisions prohibiting sexual harassment.
7. **“Supportive Measures”** are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or Respondent regardless of whether the Complainant or the Title IX Coordinator has filed a Formal Complaint. Supportive Measures restore or preserve a party’s access to Skagit Valley College’s education programs and activities without unreasonably burdening the other party, as determined through an interactive process between the Title IX Coordinator and the party. Supportive Measures include measures designed to protect the safety of all parties and/or Skagit Valley College’s educational environment and/or to deter Sexual Harassment or retaliation. Supportive measures may include, but are not limited to, (i) counseling and other medical assistance, (ii) extensions of deadlines or other course-related adjustments, (iii) modifications of work or class schedules, (iv) leaves of absence, (v) increased security or monitoring of certain areas of campus, and (vi) imposition of orders prohibiting the parties from contacting one another in housing or work situations. Determinations about whether to impose a one-way no contact order must be made on a case-by-case basis. If supportive measures are not provided, the Title IX Coordinator must document in writing why this was clearly reasonable under the circumstances.
8. **“Summary Suspension”** means an emergency suspension of a student Respondent pending investigation and resolution of disciplinary proceedings pursuant to the procedure and standards set forth in WAC 132D-150-310.
9. **“Sexual Harassment,”** for purposes of these Title IX Grievance Procedures, Sexual Harassment occurs when a Respondent engages in the following discriminatory conduct on the basis of sex:
 - a. **Quid pro quo harassment.** A Skagit Valley College employee conditioning the provision of an aid, benefit, or service of the Skagit Valley 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 Skagit Valley College's educational programs or activities or Skagit Valley College 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 (18).
 - (iv) **Statutory rape.** Consensual intercourse between a person who is eighteen (18) years of age or older, and a person who is under the age of sixteen (16).
 - (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 (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.

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

10. **“Title IX Administrators”** are the Title IX Coordinator, Title IX investigators, the Student Conduct Officer, Student Conduct Committee members, administrators with authority under the generally applicable collective bargaining agreement or policy with disciplinary authority for an employee as pertaining to Title IX disciplinary proceedings only and Skagit Valley College - provided advisors assigned to the parties by Skagit Valley College and hearing officer(s) who oversee proceedings during Title IX disciplinary proceedings.

11. **“Title IX Coordinator”** is responsible for processing Title IX complaints and conducting and/or overseeing formal investigations and informal resolution processes under this Grievance Procedure. Among other things, the Title IX Coordinator is responsible for:

- a. Accepting and processing all Title IX reports, referrals, and Formal Complaints.
- b. Executing and submitting a Formal Complaint when appropriate and necessary.
- c. Handling requests for confidentiality.
- d. Determining during the Grievance Procedure (i) whether a Formal Complaint should be dismissed either in whole or in part, and if so, (ii) providing notice to both parties about why dismissal was necessary or desirable, and (iii) referring the complaint to the appropriate disciplinary authority for proceedings outside the jurisdiction of Title IX.
- e. Maintaining accurate records of all complaints, reports, and referrals, and retaining investigation files, complaints, reports, and referrals in compliance with the applicable records retention schedules or federal or state law, whichever is longer.
- f. Conducting investigations or assigning and overseeing investigations.
- g. Engaging in an interactive process with both parties to identify and provide supportive measures that ensure during the investigation

and disciplinary processes that the parties have equitable access to education programs and activities and are protected from further discrimination or retaliation.

- h. Upon completion of an investigation, issuing or overseeing the issuance of a final investigation report to the parties and the appropriate disciplinary authority in compliance with this Grievance Procedure.
- i. Recommending non-disciplinary corrective measures to stop, remediate, and/or prevent recurrence of discriminatory conduct to disciplinary authorities and other Skagit Valley College administrators.

C. PRINCIPLES FOR TITLE IX GRIEVANCE PROCEDURE

1. Respondent shall be presumed not responsible for the alleged conduct unless or until a determination of responsibility is reached after completion of the grievance and disciplinary processes.
2. Before imposing discipline, Skagit Valley College is responsible for gathering and presenting evidence to a neutral and unbiased decision maker establishing responsibility for a Title IX violation by a preponderance of the evidence.
3. Skagit Valley College shall treat both the Complainant and Respondent equitably by providing Complainant with remedies against Respondent who has been found responsible for Sexual Harassment through application of the institution's Title IX grievance and applicable Title IX disciplinary procedures and by providing Respondent with Title IX procedural safeguards contained in this Title IX Grievance Procedures and in the applicable Title IX disciplinary procedures.
4. The investigator shall base investigation results on all relevant evidence, including both exculpatory and inculpatory evidence.
5. Formal and informal resolutions will be pursued within reasonably prompt timeframes with allowances for temporary delays and extensions for good cause shown. Grounds for temporary delay include, but are not limited to, school breaks, campus closures, extraordinary disruptions to normal operations, availability of witnesses, and inclement weather. Good cause supporting a request for an extension includes, but is not limited to: a party, a party's advisor, or a witness being unavailable, concurrent law enforcement activity, and the need for language assistance or accommodation of disabilities. Both parties will receive written notice of any temporary delay or extension for good cause with an explanation of why the action was necessary.
6. A Respondent found responsible for engaging in Sexual Harassment may receive discipline up to and including dismissal from Skagit Valley College.

A description of other possible disciplinary sanctions and conditions that may be imposed against students can be found in WAC 132D-150-070. An employee found responsible for Sexual Harassment may receive discipline up to and including dismissal from employment. Possible disciplinary sanctions and conditions that may be imposed against employees include placing finding in personnel file, verbal or written reprimand, suspension, reduction in pay, demotions, and discharge. Relevant language can be found in the collective bargaining agreements that can be found at:

- WPEA Collective Bargaining Agreements: <https://ofm.wa.gov/state-human-resources/labor-relations/collective-bargaining-agreements>
- SVCFT Collective Bargaining Agreements: <https://www.skagit.edu/human-resources/labor-relations.html>

7. In proceedings against a student Respondent, the parties may appeal the Student Conduct Committee’s ruling to the President pursuant to WAC 132D-150-270 and Supplement Title IX Student Conduct Code Procedures, WAC 132D-150-500 through WAC 132D-150-580.

In proceedings against an employee Respondent, the parties may appeal the Employee Disciplinary Decision to the President or designee pursuant to (proposed) Supplemental Title IX Employee Disciplinary Hearing Procedure.

8. Title IX Administrators may not require, allow, rely upon, or otherwise use questions or evidence that seeks disclosure of privileged communications, unless the privilege has been effectively waived by the holder. This provision applies, but is not limited to information subject to the following:
 - a. Spousal/domestic partner privilege;
 - b. Attorney-Client and attorney work product privileges;
 - c. Privileges applicable to members of the clergy and priests;
 - d. Privileges applicable to medical providers, mental health therapists, and counselors;
 - e. Privileges applicable to sexual assault and domestic violence advocates; and
 - f. Other legal privileges identified in RCW 5.60.060.

TITLE IX ADMINISTRATORS – FREE FROM BIAS – TRAINING REQUIREMENTS

1. Title IX Administrators shall perform their duties free from bias or conflicts.
2. Title IX Administrators shall undergo training on the following topics:
 - a. The definition of Sexual Harassment under these procedures,

- b. The scope of Skagit Valley College’s educational programs and activities,
 - c. How to conduct an investigation,
 - d. How to serve impartially without prejudgment of facts, conflicts of interest, or bias,
 - e. Use of technology used during an investigation or hearing,
 - f. The relevance of evidence and questions, and
 - g. Effective report writing.
3. All Title IX Administrator training materials shall be available on Skagit ValleyCollege’s Title IX webpage.

FILING A COMPLAINT

Any employee, student, applicant, or visitor who believes that they have been the subject of Sexual Harassment should report the incident or incidents to Skagit Valley College’s Title IX Coordinators identified below. If the complaint is against the Title IX Coordinator, the Complainant should report the matter to the President’s office for referral to an alternate designee.

Carolyn Tucker
Vice President of Human Resources
Administrative Annex
2405 East College Way, Mount Vernon, WA 98273
Phone: 360.416.7679
Email: carolyn.tucker@skagit.edu

Sandy Jordan
Title IX Coordinator
2405 East College Way
Mount Vernon, WA 98273
Phone: 360.416.7923
Email: sandy.jordan@skagit.edu

TITLE IX DESIGNEE:

Claire Peinado
Vice President of Student Services
Lewis Hall (Mount Vernon) or Old Main (Whidbey Island)
2405 East College Way
Mount Vernon, WA 98273
Phone: 360.416.7691
Email: claire.peinado@skagit.edu

CONFIDENTIALITY

1. Skagit Valley College will seek to protect the privacy of the Complainant to the fullest extent possible, consistent with the legal obligation to investigate, take appropriate remedial and/or disciplinary action, and comply with the federal and state law, as well as Skagit Valley College policies and procedures. Although Skagit Valley College will attempt to honor Complainants' requests for confidentiality, it cannot guarantee complete confidentiality. Determinations regarding how to handle requests for confidentiality will be made by the Title IX Coordinator.
2. The Title IX Coordinator will inform and attempt to obtain consent from the Complainant before commencing an investigation of alleged Sexual Harassment. If a Complainant asks that their name not be revealed to the Respondent or that Skagit Valley College not investigate the allegation, the Title IX Coordinator will inform the Complainant that maintaining confidentiality may limit Skagit Valley College's ability to fully respond to the allegations and that retaliation by the Respondent and/or others is prohibited. If the Complainant still insists that their name not be disclosed or that Skagit Valley College not investigate, the Title IX Coordinator will determine whether Skagit Valley College can honor the request and at the same time maintain a safe and nondiscriminatory environment for all members of Skagit Valley College community, including the Complainant. Factors to be weighed during this determination may include, but are not limited to:
 - a. The seriousness of the alleged Sexual Harassment;
 - b. The age of the Complainant;
 - c. Whether the Sexual Harassment was perpetrated with a weapon;
 - d. Whether the Respondent has a history of committing acts of Sexual Harassment or violence or has been the subject of other Sexual Harassment or violence complaints or findings;
 - e. Whether the Respondent threatened to commit additional acts of Sexual Harassment or violence against the Complainant or others; and
 - f. Whether relevant evidence about the alleged incident can be obtained through other means (e.g., security cameras, other witnesses, physical evidence).
3. If Skagit Valley College is unable to honor a Complainant's request for confidentiality, the Title IX Coordinator will notify the Complainant of the decision and ensure that Complainant's identity is disclosed only to the extent reasonably necessary to effectively conduct and complete the investigation in compliance with this Grievance Procedure.
4. Skagit Valley College decides not to conduct an investigation or take

disciplinary action because of a request for confidentiality, the Title IX Coordinator will evaluate whether other measures are available to address the circumstances giving rise to the complaint and prevent their recurrence, and implement such measures if reasonably feasible.

G. COMPLAINT RESOLUTION

The Title IX resolution processes are initiated when the Title IX Coordinator's Office receives a written complaint alleging that a Respondent(s) sexually harassed a Complainant and requesting that Skagit Valley College initiate an investigation (a Formal Complaint). A Formal Complaint must be either submitted by the Complainant or signed by the Title IX Coordinator on behalf of the Complainant. Formal complaints submitted to the Title IX Coordinator may be resolved through either informal or formal resolution processes. Skagit Valley College will not proceed with either resolution process without a Formal Complaint.

For purposes of this Title IX Grievance Procedure, the Complainant must be participating in or attempting to participate in a Skagit Valley College education program or activity at the time the Formal Complaint is filed.

1. Informal Resolution:

Under appropriate circumstances and if the impacted and responding parties agree, they may voluntarily pursue informal resolution during the investigation of a concern. Informal resolution is not appropriate when the allegations involve a mandatory reporting situation, an immediate threat to the health, safety or welfare of a member of the *College* community, or in cases where an employee is alleged to have sexually harassed a student.

If an informal resolution is appropriate, the impacted party and the responding party may explore remedies or resolution through:

- Guided conversations or communications conducted by the Title IX coordinator /HRO representative or a mutually agreed upon third party;
- Structured resolution process conducted by a trained mediator; or
- Voluntarily agreed on alterations to either or both of the parties' work or class schedules or student housing arrangements.

If the parties agree to an informal resolution process, Skagit Valley College will commence the process within ten (10) days after the parties agree to this option and conclude within sixty (60) days of beginning that process; subject to reasonable delays and extensions for good cause shown. The informal process is voluntary. Either the impacted or responding party may withdraw from the informal resolution process at any time, at which point the formal investigation process will resume.

If the impacted and responding party voluntarily resolve a report, Skagit Valley College will record the terms of the resolution in a written agreement signed by both parties and provide written notice to both parties that the report has been closed.

2. Formal Resolution

Formal resolution means that the Complainant's allegations of Sexual Harassment will be subjected to a formal investigation by an impartial and unbiased investigator. The investigator will issue a report of the investigation findings. Upon completion of the investigation, the investigator will submit the final investigation report to the appropriate disciplinary authority to determine whether disciplinary proceedings are warranted.

EMERGENCY REMOVAL

If a student Respondent poses an immediate threat to the health and safety of the College Community or an immediate threat of significant disruption to Skagit Valley College operations, Skagit Valley College's student conduct officer may summarily suspend a Respondent pursuant to WAC 132D-150-330 pending final resolution of the allegations. Nothing in this Grievance Procedure prohibits Skagit Valley College from placing non-student employees on administrative leave pending final resolution of the allegations.

INVESTIGATION NOTICES

Upon receiving a Formal Complaint and determining that allegations comport with Title IX claims, Skagit Valley College will provide the parties with the following notices containing the following information:

1. Notice of formal and informal resolution processes. A description of Skagit Valley College's grievance resolution procedures, including the informal resolution procedure.
2. The investigator will serve the Respondent and the Complainant with a Notice of Investigation in advance of the initial interview with the Respondent to allow the Respondent sufficient time to prepare a response to the allegations and to inform the Complainant that Skagit Valley College has commenced an investigation. The investigation notice will:
 - a. Include the identities of the parties (if known), a description of the conduct alleged constituting Title IX Sexual Harassment, and the time and location of the incident (if known).
 - b. Confirm that the Respondent is presumed not responsible for the alleged conduct and that Skagit Valley College will not make a final determination of responsibility until after the grievance and disciplinary processes have been completed.
 - c. Inform parties that they are both entitled to have an advisor of their own choosing, who may be an attorney.
 - d. Inform parties they have a right to review and inspect evidence.

- e. Inform parties about student conduct code provisions and employment policies that prohibit students and employees from knowingly submitting false information during the grievance and disciplinary processes.
3. Amended investigation notice. If during the course of the investigation, Skagit Valley College decides to investigate Title IX Sexual Harassment allegations about the Complainant or Respondent that are not included in the investigation notice, Skagit Valley College will issue an amended notice of investigation to both parties that includes this additional information.
 4. Interview and meeting notices. Before any interviewing or meeting with a party about Title IX allegations, Skagit Valley College shall provide the party at least 48 hours in advance with a written notice identifying the date, time, location, participants, and purpose of the interview or meeting with sufficient time for the party to prepare for the interview or meeting.

INVESTIGATION PROCESS - DISMISSAL

1. Mandatory dismissal. The Title IX Coordinator will dismiss the Title IX allegations, if during the course of a formal investigation under the Title IX Grievance Process, the investigator determines that the alleged misconduct in the Formal Complaint:
 - a. Does not meet the definition of Sexual Harassment under Title IX, even if proved; or
 - b. Did not occur in the context of a College Education Program or Activity; or
 - c. Occurred outside the United States.
2. Discretionary dismissal. Skagit Valley College may dismiss a Title IX claim in whole or in part, if:
 - a. The Complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint in whole or in part;
 - b. Respondent is no longer enrolled with or employed by Skagit Valley College; or
 - c. Specific circumstances prevent Skagit Valley College from gathering evidence sufficient to complete the investigation of the Title IX allegations in whole or in part.
3. The Title IX Coordinator will provide both parties written notice if Title IX allegations are dismissed with an explanation for the dismissal. Either party may appeal the dismissal of a formal complaint pursuant to either the appeal process in the Title IX employee discipline procedure referenced in the document below if the respondent is an employee or the appeal process in the Title IX supplemental student conduct procedures found here: https://www.skagit.edu/wp-content/uploads/2020/10/Title_X_Model_Student_Conduct_Procedures_073120.pdf

if the respondent is a student.

4. Mandatory or discretionary dismissal of a Title IX claim does not preclude Skagit Valley College from investigating and pursuing discipline based on allegations that a Respondent violated other federal or state laws and regulations, Skagit Valley College conduct policies, and/or other codes and contractual provisions governing student and employee conduct.

INVESTIGATION PROCESS – CONSOLIDATION OF FORMAL COMPLAINTS

When multiple Sexual Harassment allegations by or against different parties arise out of the same facts or circumstances, Skagit Valley College may consolidate the investigation of Formal Complaints, provided consolidation can be accomplished in compliance with confidentiality protections imposed by the Family Educational Records and Privacy Act (FERPA). This includes instances in which Complainant and Respondent have lodged Formal Complaints against one another or when allegations of sexual assault are lodged by a single Complainant against multiple Respondents, or when multiple Complainants lodge sexual assault complaints against single or multiple Respondents.

INVESTIGATION PROCESS – REQUIRED PROCEDURES

During the investigation, the Investigator:

1. Will provide the parties with equal opportunity to present relevant statements, and other evidence in the form of fact or expert witnesses and inculpatory or exculpatory evidence.
2. Will not restrict the ability of either party to discuss the allegations under investigation or gather and present relevant evidence, except when a no contact order has been imposed based on an individualized and fact specific determination that a party poses a threat to the health, safety, or welfare of another party and/or witnesses or when contact with a party and/or witness is prohibited by court order. A Skagit Valley College-imposed no contact shall be no broader than is necessary to protect the threatened party or witness and must provide the impacted party or their advisor with alternative means of gathering and presenting relevant evidence from the protected witness and/or party.
3. Will allow each party to be accompanied by an advisor of their choosing, who may be an attorney, to any grievance related meeting or interview. Advisors' roles during the investigation meetings or interviews will be limited to providing support and advice to the party. Advisors will not represent or otherwise advocate on behalf of the parties during the investigation process. An attorney representing a party must enter a notice of appearance with the Title IX Coordinator and the Investigator at least five (5) business days before the initial interview or meeting they plan to attend, so that Skagit Valley College can secure its own legal representation, if necessary.

4. The investigator will provide both parties and their respective advisors with an equal opportunity to review the draft investigation report and to inspect and review any evidence obtained during the investigation that is directly related to the allegations raised in the Formal Complaint, including inculpatory or exculpatory evidence, regardless of its source, as well as evidence upon which the investigator does not intend to rely in the final investigation report. After disclosure, each party will receive ten (10) days in which to submit a written response, which the investigator will consider prior to completion of the investigation report. If a party fails to submit a written response within ten (10) days, the party will be deemed to have waived their right to submit comments and the investigator will finalize the report without this information.
5. The investigator will forward the final report to the Title IX Coordinator, who will distribute the report and evidence to the parties, as well as the disciplinary authority responsible for determining whether pursuing disciplinary action is warranted.

SUPPLEMENTAL TITLE IX EMPLOYEE DISCIPLINARY HEARING PROCEDURE UNDER OPPM 3070

I. ORDER OF PRECEDENCE

This supplemental employee discipline 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. § 106. Disciplinary proceedings against an employee respondent alleged to have engaged in sexual harassment in violation of Title IX shall be governed by Skagit Valley College's administrative hearing practices and procedures, Chapter WAC 132D-108-010, and this supplemental hearing procedure. To the extent the supplemental hearing procedure conflicts with WAC 132D-108-010 and/or provisions set forth in employment contracts, collective bargaining agreements, employee handbooks, and other Skagit Valley College employment policies and procedures, this supplemental hearing procedure will take precedence.

Notwithstanding the foregoing, if Respondent is a tenured or probationary faculty member and the *designated administrator appointed by the President/Vice President of Instruction* determines that the allegations in the investigation, if true, would warrant Respondent's dismissal from the College, the *designated administrator appointed by the President/Vice President of Instruction* will refer the matter to the Tenure Dismissal Committee for a hearing pursuant to RCW 28B.50.863 and applicable procedures set forth in the faculty union Collective Bargaining Agreement (CBA). To the extent the Tenure Dismissal Committee procedures are inconsistent or conflict with Sections II through VII of this Supplement Procedure, those Supplemental Procedure sections will prevail. At the end of the hearing, the Tenure Dismissal Committee will issue a Recommendation consistent with the provisions set forth in Section VIII. Complainant shall have the same right to appear and participate in the proceedings as the Respondent, including the right to present their position on the Recommendation to the *President or designee* before final action is taken.

II. PROHIBITED CONDUCT UNDER TITLE IX

Pursuant to Title IX of the Education Act Amendments of 1972, 20 U.S.C. §1681, Skagit Valley College may impose disciplinary sanctions against an employee 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 supplemental procedure, "Sexual Harassment" encompasses the following conduct:

- A. Quid pro quo harassment. A Skagit Valley College employee conditioning the provision of an aid, benefit, or service of Skagit Valley 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 Skagit Valley College's educational programs or activities, or employment.
- C. Sexual assault. Sexual assault includes the following conduct:

1. Nonconsensual sexual intercourse. Any actual or attempted sexual intercourse (anal, oral, or vaginal), however slight, with any object or body part, by a person upon another person, that is without consent and/or by force. Sexual intercourse includes anal or vaginal penetration by a penis, tongue, finger, or object, or oral copulation by mouth to genital contact or genital to mouth contact.
 2. 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.
 3. Incest. Sexual intercourse or sexual contact with a person known to be related to them, either legitimately or illegitimately, as an ancestor, descendant, brother, or sister of either wholly or half related. Descendant includes stepchildren and adopted children under the age of eighteen (18).
 4. Statutory rape. Consensual sexual intercourse between someone who is eighteen (18) years of age or older and someone who is under the age of sixteen (16).
- 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:
1. The length of the relationship;
 2. The type of relationship; and
 3. 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.

III. TITLE IX JURISDICTION

- A. This supplemental procedure applies only if the alleged misconduct:
1. Occurred in the United States;

2. Occurred during a Skagit Valley College educational program or activity; and
 3. Meets the definition of Sexual Harassment as that term is defined in this supplemental procedure.
- B. For purposes of this supplemental procedure, an “educational program or activity” is defined as locations, events, or circumstances over which Skagit Valley 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 Skagit Valley College.
- C. Proceedings under this supplemental procedure must be dismissed if the Hearing Officer(s) determines that one or all of the requirements of Section A (1)-(3) have not been met. Dismissal under this supplemental procedure does not prohibit Skagit Valley College from pursuing disciplinary action against a Respondent based on allegations that the Respondent engaged in other misconduct prohibited by federal or state law, employment contracts or handbooks, or other Skagit Valley College policies.
- D. If the Title IX Coordinator determines the facts in the investigation report are not sufficient to support Title IX jurisdiction and/or pursuit of a Title IX violation, the Title IX Coordinator 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.

IV. INITIATION OF DISCIPLINE

- A. Upon receiving the Title IX investigation report from the Title IX Coordinator, the designated administrator appointed by the President 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 *designated administrator appointed by the President* determines that there are sufficient grounds to proceed under these supplemental procedures, the *designated administrator appointed by the President* will initiate a Title IX disciplinary proceeding by filing a written disciplinary notice with the Hearing Officer(s) and by serving the notice on the Respondent and the Complainant, and their respective advisors. The notice must:
1. Set forth the basis for Title IX jurisdiction;
 2. Identify the alleged Title IX violation(s);
 3. Set forth the facts underlying the allegation(s);
 4. Identify the range of possible sanctions that may be imposed if the Respondent is found responsible for the alleged violation(s);
 5. Explain that each Party is entitled to be accompanied by an Advisor of their own choosing during the hearing and that:
 - a. Advisors will be responsible for questioning all witnesses on the Party’s behalf;

- b. An Advisor may be an attorney and/or, if the Party is a represented employee, a union representative;
 - c. A represented employee who chooses an Advisor who is not a union representative must submit a signed waiver of union representation that includes consent from the union; and
 - d. Skagit Valley College will appoint the Party an Advisor of Skagit Valley College's choosing at no cost to the Party, if the Party fails to choose an Advisor; and
6. Explain that if a Party fails to appear at the hearing, a decision of responsibility may be made in the Party's absence.
- C. Service of the disciplinary notice or any other document required to be served under this supplemental procedure may be done personally or by first class, registered, or certified mail, or by electronic mail to the Party's Skagit Valley College email address.

V. PRE-HEARING PROCEDURE

- A. Upon receiving the disciplinary notice, the Hearing Officer(s) will send a hearing notice to all parties in compliance with WAC 10-08-040. Pursuant to the Model Title IX Grievance Procedures, the hearing date may not be scheduled less than ten (10) days after the Title IX Coordinator provided the Final Investigation Report to the Parties. Skagit Valley College may, at its discretion, contract with an administrative law judge or other person to act as the decision maker.
- B. A Party is entitled to be accompanied by an Advisor of their choice during the disciplinary process at the party's own expense. The Advisor may be an attorney and/or, if the Party is a represented employee, a union representative.
1. If the Advisor is an attorney, the Advisor must file a notice of appearance with the Hearing Officer(s) with copies to all parties and the *designated Administrator appointed by the President* at least five (5) days before the hearing. If a notice of appearance is not filed within this timeframe, the Party will be deemed to have waived their right to have an attorney as an Advisor.
 2. If a Party is a represented employee who chooses not to use a union-provided Advisor, the Party must provide the Hearing Officer(s) with a signed waiver of union representation, including written consent from the union.
- 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 Skagit Valley College intends to offer the evidence at the hearing.

VI. RIGHTS OF PARTIES

- A. The provisions of this supplemental procedure shall apply equally to both parties.
- B. Skagit Valley 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 or, if the Respondent holds a represented position, a union representative. If a party does not choose an Advisor, then the Title IX Coordinator will appoint an Advisor of Skagit Valley College's choosing on the Party's behalf at no expense to the Party.

VII. 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 a fact 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:
 - 1. Is asked or offered to prove someone other than the Respondent committed the alleged misconduct; or
 - 2. Concerns specific incidents of prior sexual behavior between the Complainant and the Respondent, which are asked or offered on the issue of consent.
- D. **No negative inference:** The Hearing Officer(s) may not make an inference regarding responsibility solely on a witness's or party's absence from the hearing or refusal to answer questions.
- E. **Privileged evidence:** The Hearing Officer(s) 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:
 - 1. Spousal/domestic partner privilege;
 - 2. Attorney-Client and attorney work product privileges;
 - 3. Privileges applicable to members of the clergy and priests;
 - 4. Privileges applicable to medical providers, mental health therapists, and counselors;
 - 5. Privileges applicable to sexual assault and domestic violence advocates; and
 - 6. Other legal privileges identified in RCW 5.60.060.

VIII. INITIAL ORDER

- A. The Hearing Officer(s) will be responsible for drafting an Initial Order that:
1. Identifies the allegations of sexual harassment;
 2. 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;
 3. Makes findings of fact supporting the determination of responsibility;
 4. Reaches conclusions as to whether the facts establish whether the Respondent is responsible for engaging in Sexual Harassment in violation of Title IX;
 5. Contains a statement of, and rationale for, the Committee's determination of responsibility for each allegation;
 6. Describes any disciplinary sanction or conditions imposed against the Respondent, if any;
 7. Describes to what extent, if any, Complainant is entitled to remedies designed to restore or preserve Complainant's equal access to Skagit Valley College's education programs or activities; and
 8. Describes the process for appealing the Initial Order to Skagit Valley College President.
- B. The Hearing Officer(s) will serve the Initial Order on the Parties simultaneously.

IX. APPEALS

- A. All Parties, including the employee disciplinary officer, in their capacity as a representative of the College (*supervisor or manager who has delegated authority to issue discipline*), have the right to appeal from the determination of responsibility and/or from a dismissal, in whole or part, of a formal complaint, during the investigative or hearing process. Appeals must be in writing and filed with the appeal officer (*Individual appointed to hear appeals on behalf of Skagit Valley College*) within twenty-one (21) days of service of the initial order or notice of dismissal. Appeals must identify the specific findings of fact and/or conclusions of law in the initial order or dismissal being challenged and must contain argument as to why the appeal should be granted. Failure to file a timely appeal constitutes a waiver of the right to appeal and the initial order or dismissal shall be deemed final.
- B. Upon receiving a timely appeal, the appeal officer will serve a copy of the appeal on all non-appealing parties, who will have ten (10) days from the date of service to submit written responses to the appeal officer addressing issues raised in the appeal. Failure to file a timely response constitutes a waiver of the right to participate in the appeal. Upon receipt of written responses, the appeal officer shall serve copies of the responses to the appealing party.

- C. The appealing party shall have five (5) days from the date of service to submit a written reply addressing issues raised in the responses to the appeal officer.
- D. The appeal officer, based on their review of the parties' submissions and the hearing or investigative record, will determine whether the grounds for appeal have merit, provide the rationale for this conclusion, and state whether a dismissal if affirmed or denied, or if the disciplinary sanctions and conditions imposed in the initial order are affirmed, vacated, or amended, and, if amended, set forth the new disciplinary sanctions and conditions.
- E. The appeals officer shall serve the Final Decision on the parties simultaneously.
- F. All decisions reached through this process are final and may be judicially appealed pursuant to applicable provisions of RCW 34.05, including, but not limited to, the timelines set forth in RCW 34.05. No decisions or recommendations arising from this disciplinary procedure will be subject to grievance pursuant to any Collective Bargaining Agreement.