

2017

Campus Security

and

Fire Report

Reporting Calendar Years 2014-2016

An informed community is a safer community

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ENVIRONMENTAL SAFETY
SECURITY
EMERGENCY MANAGEMENT

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ANNUAL CLERY REPORT

For a community of about 2,000 students and up to 380 full- and part-time employees, Big Bend Community College is a relatively safe place to be. However, it is subject to many of the same problems that occur in the greater Moses Lake suburban community in which it is located.

Each year before October 1, Big Bend Community College produces a report of crime statistics and College policies, procedures and programs related to campus safety and security issues, as required by the Clery Act. We hope that you will find the information in this document helpful and that it answers questions you may have about crimes occurring on campus, fire safety and other concerns of a personal safety nature.

Big Bend Community College's Department of Campus Safety prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. This report is prepared in cooperation with the local law enforcement agencies surrounding our campus. Each entity provides updated information on their educational efforts and programs to comply with the Act.

Campus crime, arrest and referral statistics include those reported to the BBCC Campus Safety, designated campus officials (including but not limited to directors, deans, department heads, designated staff, judicial affairs, advisors to students/student organizations, athletic coaches), and local law enforcement agencies.

Each year, an e-mail notification is made to all enrolled students and employees that provides the web site to access this report. Copies of the report may also be obtained at the Campus Safety Director's office located at 7468 Chanute St NE Room 6116, Moses Lake, Wash. 98837, by calling 509-793-2299, or by emailing a request to kylef@bigbend.edu. All prospective employees may obtain a copy from Human Resources or by calling 509-793-2008.

WHAT IS THE CLERY ACT?

The Jeanne Clery Disclosure Act of Campus Security and Campus Crime Statistics Act (the Clery Act) requires that post-secondary schools, participating in Title IV student financial aid programs, publish a statistical report of crimes occurring on or near the institution's campus and provide information about security policies, procedures and programs. To comply with the Clery Act, every institution must:

- **Collect, classify and count crime reports and crime statistics.**
- **Issue campus alerts.** To provide the campus community with information necessary to make informed decisions about their health and safety, we must:
 - **Issue a *timely warning*** for any Clery Act crime that represents an ongoing threat to the safety of students or employees;
 - **Issue an *emergency notification*** upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.
- **Publish an annual security report containing safety- and security-related policy statements and crime statistics and distribute it to all current students and employees.** Schools also must inform prospective students and employees about the availability of the report. This report includes data from two years prior to the most recent year. In this particular report you will see data for calendar years 2014, 2015 and 2016.
- **Submit crime statistics to the U.S. Department of Education.** Each year in the fall we must participate in a Web-based data collection to disclose crime statistics by type, location and year.

- In addition to the requirements for all institutions listed above, since BBCC maintains a campus security department, we must keep a **daily crime log of alleged criminal incidents** that is open to public inspection.

In addition to the requirements for all institutions listed above, since BBCC has on-campus student housing facilities, we must also:

- **Disclose missing student notification procedures** that pertain to students residing in those facilities;
- Disclose **fire safety information** related to those facilities;
- Keep a **fire log** that is open to public inspection;
- Publish an **annual fire safety report** containing **policy statements** as well as **fire statistics** associated with each on-campus student housing facility, including number of fires, cause, injuries, deaths and property damage. Schools also must inform prospective students and employees about the availability of the report; and
- Submit **fire statistics** to U.S. Department of Education each fall.

FINES AND PENALTIES FOR NON-COMPLIANCE

The Department of Education may impose upon an institution a maximum civil monetary penalty (CMP) of \$54,789 for each violation of the Clery Act or misrepresentation.

In addition, for violations of the Clery Act, an institution faces potential loss of federal student financial aid programs.

HOW BBCC COMPILES CLERY CAMPUS CRIME STATISTICS

PREPARING AND REPORTING CRIME STATISTICS

The Clery Act is a complicated law that includes many requirements. One of the requirements is to produce a comprehensive annual report which includes crime statistics for the three previous calendar years.

The statistics include the occurrence of the following criminal offenses reported to campus security authorities or to local law enforcement agencies that occurred on campus, in or on non-campus building or property, and on public property including streets, sidewalks and parking facilities within the campus or immediately adjacent to and accessible from the campus.

BBCC Campus Safety discloses all incidents reported to the department that fall into any of the required reporting classifications as a statistic in this annual report.

The Director of Campus Safety and Security culls the statistical data for this report from multiple sources, including internal Law Enforcement Unit Records and records maintained by the Grant County Sheriff's Office. The Director of Campus Safety and Security also requests statistical information from all campus security authorities (as defined by federal law) and from deans, directors and department heads. The campus security authorities include the professional counselors on campus who are not required to report but may do so voluntarily.

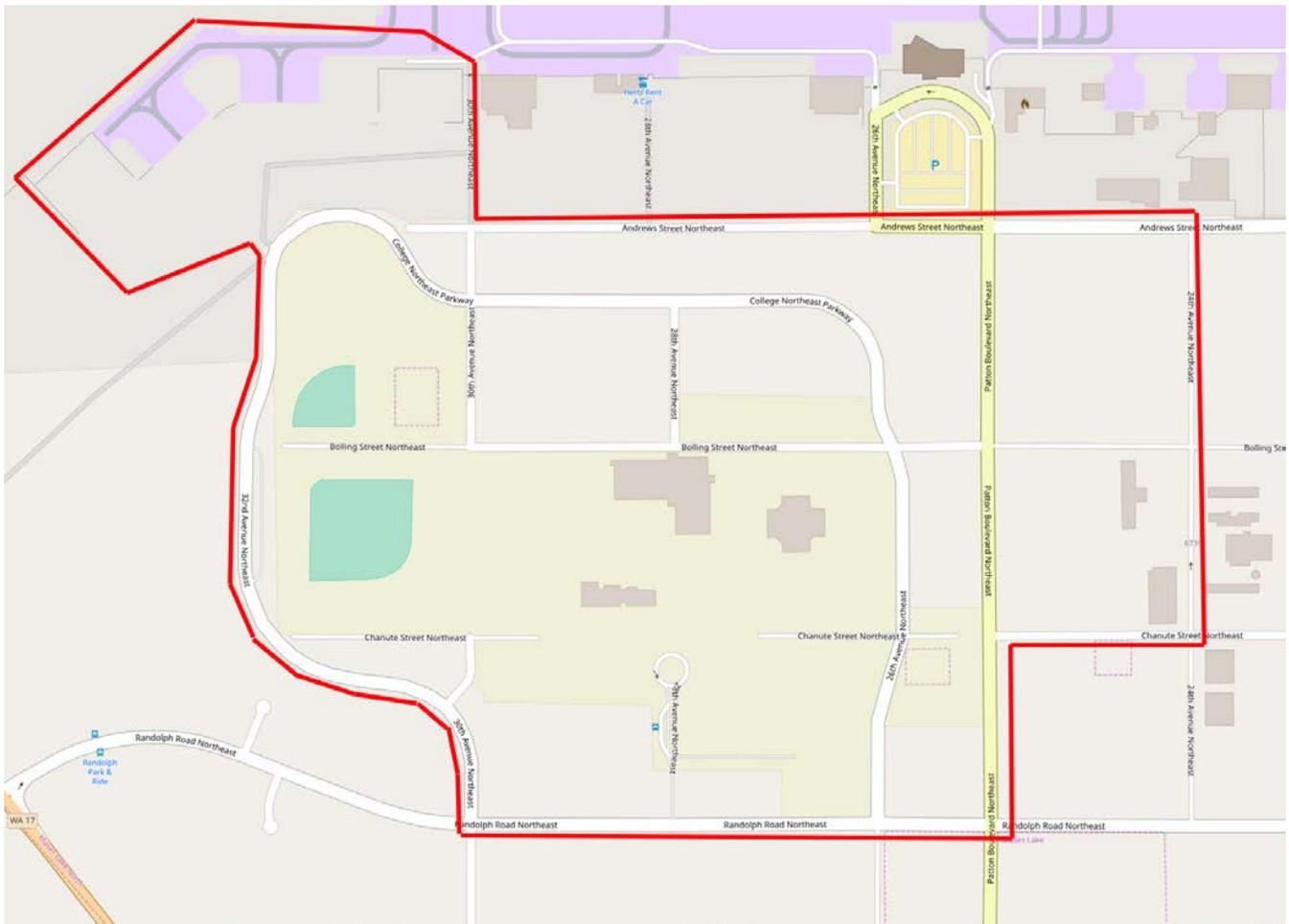
Crime statistics are disclosed for the year they were reported in and not the year in which incidents occurred.

The college discloses the availability of this annual report to enrolled students, potential students and current employees on an annual basis electronically. All enrolling students registering for class(es) receive information about this report during the registration process. This information includes a brief summary of the contents of this report and its location online as well as information on how to obtain a hard copy of this report. All current college employees receive an electronic notice that includes a brief summary of the contents of this report and its location online. The notice also contains information on how to obtain a hard copy of this report. The report is disclosed to potential employees by the college’s Human Resources Department.

The intent of the report is to inform you of the extent of reported crimes occurring in the previous three calendar years and gives you information about safety on campus.

CLERY REPORTING GEOGRAPHY

Area within the red border is the BBCC on campus Clery reporting geography.



The statistics are categorized separately as offenses that occur in the following locations:

- **On Campus** – This includes any buildings and facilities owned or controlled by Big Bend Community College, which are within the same reasonably contiguous geographic area and used to meet or support the institution’s educational purpose. This includes: Residence halls, administrative buildings, buildings that house classrooms, labs, shops, childcare centers, support facilities, undeveloped property and parking lots. Specifically, this includes any facility or address of:
 - 7200 - 7500 Andrews St NE, Moses Lake
 - 6500 - 6600 28 Ave NE, Moses Lake
 - 6500 - 6800 26 Ave NE, Moses Lake
 - 6800 - 6900 30 Ave NE, Moses Lake
 - 7300 - 8000 Bolling St NE, Moses Lake
 - Any address on College Parkway NE, Moses Lake
 - 7500 - 7900 Chanute St NE, Moses Lake
- **Non-Campus** – This area includes buildings and facilities that are near campus or are either owned or controlled by the College, such as fraternities, sororities, cooperative housing facilities, rented classrooms and other administrative facilities that are used for student activities.
 - 1775 State Route 17 North, Moses Lake (not frequently used by students, no statistics gathered)
 - Skillsource, 309 E 5th Ave, Moses Lake, WA. Classes: Adult Basic Education (ABE), Date/Time: MW 6-9pm
 - Grant County Jail, 35 C NW, Ephrata, WA. Classes: Adult Basic Education. Date/Time: TTh 6-9pm
 - Inspire Center, 310 4th St, Mattawa, WA. Classes: English as a Second Language (ESL). Date/Time: MTTh 6-9pm
 - Othello High School, 340 S 7th Ave, Othello, WA. Classes: ABE & ESL. Date/Time: TWTh 6-9pm
 - High Tech High, 404 1st Ave SW, Quincy, WA. Classes: ABE & ESL. Date/Time: TWTh 6-9pm
 - Royal City Intermediate School, 6261 Rd 12 SW, Royal City, WA. Classes: ESL. Date/Time: MW 6-9pm
 - Smokiam Alternative High School, 120 Main Ave E, Soap Lake, WA. Classes: ABE. Date/Time: MW 6-9pm
 - Warden High School, 101 Beck Way, Warden, WA. Classes: ABE & ESL Date/Time: TWTh 6-9pm
 - McCain Foods, 100 Lee St, Othello, WA. Classes: ESL. Date/Time: TBD
- **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. BBCC does not have any obstructions that would exclude a portion of its bordering streets from inclusion in the annual report.
- **Off-Campus** – Big Bend Community College does not own or control any off-campus housing or off-campus student organization facilities.

CLERY CRIMES

Statistics are gathered and counted based on the following criteria:

Crimes	Counted by number of
Homicide and non-negligent manslaughter	Complainant-victims
Negligent manslaughter	Complainant-victims
Sex offenses	Complainant-victims
Robbery	Incidents
Aggravated assault	Complainant-victims
Burglary	Incident
Motor vehicle theft	Vehicles
Arson	Incidents
Hate crimes	Hate Crimes
Liquor, drug and weapon law offenses	Arrests or Referred to VP of Learning and Student Success

In the case of liquor, drug and weapon offenses, the numbers are tallied in two groups. The first set of numbers is for those individuals who are arrested, and the second is for those who received College disciplinary sanctions alone. 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 the section above, 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-victim was intentionally selected because of his or her actual or perceived race, sex, religion, sexual orientation, ethnicity or disability.

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

HIERARCHY RULE

When we examine incidents to determine if they should be included in the annual report, a portion of the Clery Act called the Hierarchy Rule comes into effect. Occasionally, a person who is arrested may have committed more than a single offense. The Hierarchy Rule requires in this situation that we count the offense which is of the most serious nature and not count an offense of lesser significance. For example, if a person committed a burglary and a murder in the course of a single act then only the murder would be counted. An exception to this rule exists for hate crimes. If a person commits any reportable offense and while doing this also commits a hate crime, then both incidents will be reported.

EXCLUDED CRIMES

In some cases an incident that is reported as a crime may not be included in the annual report. Each of the following five standards must be met for an incident to be included in the annual report:

- 1) **Reported to the Proper Authorities** – Incidents must be reported to law enforcement or a person who, according to the Clery Act, is defined as a Campus Security Authority (CSA). A person designated as a CSA does not only mean a person employed by the Campus Safety department. The term is applied to any person who works for the College in a paid or volunteer status and has significant responsibility for student activities. If you are someone whom a student reasonably believes that he or she can report a crime to and expect that the matter will be addressed directly through your intervention or that you will contact law enforcement for a response, then you are a Campus Security Authority.
- 2) **Listed Crimes** – The crime must be one of those listed in the Clery Act as a reportable crime. (See the list above.)
- 3) **Reportable Area** – The crime must have occurred in one of the reportable areas. Every reportable crime occurring within the boundaries of campus is in the reportable area. The two remaining areas are a little more difficult to define. Perimeter streets are described in the following way: “Sidewalk – Street – Sidewalk.” This means that a reportable crime occurring on the sidewalk on either side of a perimeter street is reportable, as are incidents occurring in the street. But an incident occurring in a building (a privately owned store) on the distant side of a perimeter street would not be included. Unfortunately, most law enforcement agencies do not distinguish where a crime occurs with this degree of detail. Crimes are usually located by street and house numbers. With regard to Non-Campus Buildings, crimes occurring in those buildings or on the property of that location are reportable. Incidents occurring on the sidewalk or on streets in front of that building would not be included.
- 4) **Made in Good Faith** – For an incident to be included there must be a determination that the report is made in good faith. Supporting evidence makes this determination easy, but such evidence is not always available. In such a case the credibility of the person making the report is considered. When the incident is reported to us through a law enforcement agency, we assume that this determination has already been made.
- 5) **Unfounded** – If law enforcement determines that a particular reported incident could not have occurred or did not occur, i.e., a false report, the crime is not included in the annual report. Only law enforcement can rule a case “unfounded.”

CLERY CRIME DEFINITIONS¹

The crimes definitions listed below are taken from the Handbook for Campus Safety and Security Reporting. These definitions guide Big Bend Community College on defining and classifying crimes.

- **Homicide and non-negligent manslaughter** is the willful killing of one human being by another.
- **Negligent manslaughter** is the killing of another person by gross negligence.

¹ 34 CFR 668.46(c)

- **Sexual Assault (Sex Offenses).** Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. There are four types of forcible sex offenses:
 1. **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.
 2. **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.
 3. **Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 4. **Statutory Rape** is sexual intercourse with a person who is under the statutory age of consent.
- **Robbery** is 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 complainant-victim in fear.
- **Aggravated assault** is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. Includes assaults or attempts to kill or murder, poisoning (including the use of date rape drugs), assault with a dangerous or deadly weapon, maiming, mayhem, assault with explosives, and assault with disease.
- **Burglary** is the unlawful entry of a structure to commit a felony or a theft. Includes offenses that are classified by local law enforcement agencies as burglary (any degree); unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts at these offenses; forcible entry; unlawful entry – no force; and attempted forcible entry.
- **Motor vehicle theft** is the theft or attempted theft of a motor vehicle.
- **Arson** is 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.
- **Hate crimes** are any of the aforementioned offenses, and any other crimes involving bodily injury reported to local police agencies or to a campus security authority that manifests evidence that the complainant-victim was intentionally selected because of the perpetrator’s bias. Categories of bias are:

– Race	– Sexual Orientation
– Gender	– Ethnicity/National Origin
– Religion	– Disability
- **Liquor, drug and weapon law offenses** are any violation of liquor, drug or weapon laws. Driving Under the Influence (DUI) is not reportable because it is a driving crime and not a liquor crime unless the driver is also a minor or the means of intoxication is an illegal drug.

HATE CRIMES²

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, religion, disability, sexual orientation, or ethnicity/national origin.
- 2) Crimes that result in bodily injury and that law enforcement determines has a biased motive.
- 3) Any of the (below) non-required crimes, where it was determined by Law Enforcement that the motive was bias:
 - a) **Larceny/Theft** –
 - 1) *Pocket Picking* – theft of articles from another person’s physical possessions by stealth where the complainant-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 complainant-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 complainant-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.

VIOLENCE AGAINST WOMEN ACT (VAWA) OFFENSES³

Dating Violence is defined as 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.

² 34 CFR 668.46(c)(4)

³ 34 CFR 668.46(c)(1)(iv)

For the purposes of this definition—

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence is defined as 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 categorize an incident 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.

Stalking is defined as 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
- Suffer substantial emotional distress.

For the purposes of this definition—

- *Course of conduct* means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.
- *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
- *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

DAILY CRIME LOG

The Daily Crime Log records activity reported to the Big Bend Community College Campus Safety Office. The log includes a summary of the incident, the date, time and general location of each incident, 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 Activity Log, in these cases:

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

CLERY CRIME STATISTICS CY2014-CY2016

Criminal Offenses

	ON CAMPUS			RESIDENCE HALLS			PUBLIC PROPERTY			NON CAMPUS		
	2014	2015	2016	2014	2015	2016	2014	2015	2016	2014	2015	2016
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Sex offenses - Forcible	2	0	0	0	0	0	0	0	0	0	0	0
Sex offenses - Non-forcible	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	1	0	0	0	0	0	0	0	0	0	0	0
Motor vehicle theft	0	0	1	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	1	0	0	1	0	0	0	0	0	0
Dating Violence	0	1	0	0	1	0	0	0	0	0	0	0
Stalking	0	0	1	0	0	0	0	0	0	0	0	0

Hate Crimes Any crimes reported to have occurred that manifested evidence of prejudice based on race, gender, religion, sexual orientation, ethnicity/national origin, gender identity or disability.

2014: One on-campus simple assault incident characterized by race bias.

2015: No hate crimes reported.

2016: No hate crimes reported.

Arrests for each of the following crimes

	ON CAMPUS			RESIDENCE HALLS			PUBLIC PROPERTY			NON CAMPUS		
	2014	2015	2016	2014	2015	2016	2014	2015	2016	2014	2015	2016
Illegal Weapons Offense	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violation	0	0	2	0	0	1	0	0	0	0	0	0
Liquor Law Violation	1	0	0	0	0	0	0	0	0	0	0	0

Disciplinary Actions/Judicial Referrals for each of the following law violations. *(These figures are not included in the arrest figures.)*

	ON CAMPUS			RESIDENCE HALLS			PUBLIC PROPERTY			NON CAMPUS		
	2014	2015	2016	2014	2015	2016	2014	2015	2016	2014	2015	2016
Illegal Weapons Offense	1	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violation	2	12	1	1	2	1	0	0	0	0	0	0
Liquor Law Violation	0	1	4	0	0	4	0	0	0	0	0	0

The statistics in the table above are based on BBCC records and records from the Grant County Sheriff's Office or the jurisdiction where the facility is located. Reported crimes may involve individuals not associated with Big Bend Community College.

OVERALL CRIME STATISTICS CY2016

Although the Clery Act requires us to disclose statistics for certain crimes, we believe it is important for students to know the entire picture when it comes to crimes happening at BBCC. The following statistics are for all crimes which happened at BBCC in 2016.

[Code] Criminal Offenses	Total 2016
[13C] Intimidation (incl. threats, bomb threats)	6
[23D] Larceny: Theft from Building	4
[290] Destruction/Damage/Vandalism	3
[23H] Other Larceny	3
[90C] Disorderly Conduct	3
[13B] Simple Assault	2
[23F] Larceny: Theft from Motor Vehicle	2
[90Z] All Other Offenses	2
[23E] Larceny: Theft from Coin Operated Machine	1
[90E] Drunkenness	1
[90J] Trespass of Real Property	1
[510] Bribery	0
[250] Counterfeiting/Forgery	0
[270] Embezzlement	0
[210] Extortion/Blackmail	0
[26A] Fraud: False Pretenses/Confidence Game	0
[26B] Fraud: Credit Card/ATM Fraud	0
[26C] Fraud: Impersonation	0
[39A] Gambling: Betting/Wagering	0
[39B] Gambling: Operating/Promoting	0
[100] Kidnapping/Abduction	0
[23A] Larceny: Pocket Picking	0
[23B] Larceny: Purse Snatching	0
[23C] Larceny: Shoplifting	0
[23G] (6Xe) Larceny: Theft of Motor Vehicle Parts/Accessories	0
(6Xf) Larceny: Theft of Bicycle	0
[370] Pornography/Obscene Material	0
[40A] Prostitution	0
[40B] Assisting/Promoting Prostitution	0
[90A] Bad Checks	0
[90B] Curfew/Loitering/Vagrancy Violations	0
[90D] Driving Under the Influence	0
[90F] Family Offenses - Cruelty Toward Child, Child Neglect	0
[90H] Peeping Tom	0
Vehicle Collisions	
Non-injury	1
Injury	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

Big Bend Community College 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, inside or outside campus buildings and residential halls.

The Campus Safety Office may be contacted as follows:

- Telephone: 509-793-2286
- In person at Building 6000, room 6116 (please call 793-2286 first since Building 6000 is locked 24/7)

The Grant County Sheriff's Office may be contacted as follows:

- Emergency telephone: 9-1-1
- Non-emergency telephone: 509-762-1160

CAMPUS SECURITY AUTHORITY

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—a broad designation that potentially includes many institutional personnel.

The 1999 final regulations define a campus security authority as:

- 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 BBCC, the Director of Campus Safety & Security is the lead Campus Security Authority as well as the Campus Security Survey Administrator.

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

- Activity Center Coordinator
- All Athletic Coaches
- All Campus Safety Staff
- All Childcare Learning Center Staff
- All Program Advisors
- All Resident Hall Assistants
- All Student Club Advisors
- Assistant Activity Center Coordinator
- Athletic Director
- Custodians (security as a secondary responsibility)
- Dean Coordinator of Workforce Education Services
- Dean of Arts and Sciences
- Dean of Student Services
- Dean of Transitional Studies
- Dean of Workforce Education
- Director of Facilities and Capital Projects
- Director of Health Education Programs
- Director of Library Resources
- Director of NOA Grant
- Director of Residence Halls
- Director of STEM Grant
- Director of Student Activities
- Director of Title V Grant
- Director of Transforming STEM Pathways
- Director of TRiO Student Support Services
- Director of TRiO Upward Bound
- Groundskeepers (security as a secondary responsibility)
- Landra Kosa (JATP duties)
- Maintenance Mechanics (security as a secondary responsibility)
- President of the College
- TRiO Academic Advisors
- TRiO Upward Bound staff
- Vice President for Finance and Administration
- Vice President of Learning and Student Success

VOLUNTARY ANONYMOUS REPORTING

The Campus Safety Office encourages anyone who is a complainant-victim or witness to any crime to promptly report the incident as described above. Because these reports are public records under state law, the Campus Safety Office cannot hold reports of crime in confidence.

If you are the *complainant-victim* of a crime and do not want to pursue action within the College system or the criminal justice system, you may still want to consider making an anonymous report. Anonymous reports for purposes of inclusion in the annual disclosure of crime statistics can generally be made as described below.

- **BBCC Counseling Center** provides limited confidential counseling services. These services include providing information on how to file an official report for investigation.
- Counseling Center professionals are not “Campus Security Authorities” and are not required to report crimes for inclusion in the annual Clery report. However, BBCC encourages Counseling Center professionals to inform recipients of their services about how to provide anonymous reports.
- **New Hope Domestic Violence and Sexual Assault Services** in Moses Lake can assist sexual assault complainant-victims and provide similar information on how to file an official report for investigation. New Hope can also assist complainant-victims of sexual assault, domestic violence, dating violence and stalking obtain protection orders through the court system.

HOW BBCC PROVIDES TIMELY WARNINGS AND EMERGENCY NOTIFICATIONS

EDUCATION OF MEMBERS OF THE COLLEGE COMMUNITY

Campus Safety presentations are provided at new student orientation by Campus Safety staff. Campus Safety also provides several types of training for employees and students. These courses include:

- The core principles of Emergency Management (ICS 100, 200, 300, 700, 800);
- Analysis/discussion of what is occurring at BBCC in regards to emergency management;
- Continuity of Operations Planning; and
- Resources to develop plans, mitigate problems and create an active dialogue on difficult issues.

BBCC also offers local public safety agencies the opportunity to train and practice tactics on the BBCC campus. These trainings include police tactical response to targeted violence situations, drug canine training, and strategic planning between the college and public safety. Where appropriate, employees and students may participate as actors in these trainings.

NOTIFICATION TO BBCC AND LARGER COMMUNITY ABOUT AN IMMEDIATE THREAT

The Campus Alert System provides BBCC with a robust emergency communication mechanism. Any BBCC student, faculty or staff may update their information on the BBCC Alert emergency notification system by logging into www.bigbend.edu/alerts.

The Campus Alert System is an emergency notification system used to send emergency alerts, notifications and updates to campus community via text, e-mail and social media. BBCC community members can add multiple points of contact (text and email) to their Campus Alert System notification system account. This mechanism is used to provide the BBCC community with timely and accurate information.

In the event of an emergency, (fire, inclement weather, etc.) Campus Safety begins coordinating response. Campus Safety alerts the senior college administrators of the situation. Campus Safety then confers with appropriate College personnel to craft an appropriate message to send to the College Community via the Campus Alert System. Some messages are also pre-scripted for immediate use.

Taking into account the safety of the community, BBCC will determine the content of the notification and immediately initiate the notification system.

CONFIRMATION OF EMERGENCY OR DANGEROUS SITUATION

Upon notification of a possible emergency or dangerous situation, BBCC officials will attempt to confirm such an incident or risk exists. Their confirmations methods may include, but are not limited to:

- Personal observation by BBCC employees;
- Consultation with local law enforcement agencies or other agencies; and/or
- Victim/witness statements.

Neighboring agencies and organizations will be consulted to confirm emergencies at nearby facilities. These include:

- Job Corps – contact their administration office or safety officer.
- Moses Lake School District – contact their administration office.

- Grant County International Airport – contact their administration officer, Security Director or Public Safety Department.
- Family Services of Grant County/Head Start – contact their administration officer, Security Director or Public Safety Department.

Persons at BBCC who can initiate the confirmation and alert process are:

- The Director of Campus Safety and Security
- The President
- Any Vice President
- The Director of Residence Halls
- The Director of Communications
- The Director of Facilities and Capital Projects

CONTENT OF INFORMATION CONTAINED IN EMERGENCY NOTIFICATIONS

Big Bend Community College will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

Campus Safety has prepared several pre-scripted emergency notification messages which can be sent out quickly. Updated information will be sent throughout the incident in order to keep recipients informed.

For special emergencies such as campus-wide illness, Campus Safety works with appropriate outside agencies and the college public information officer to quickly develop and send out messages appropriate for the emergency.

The warnings will include all information that would promote safety and that would aid in the prevention of similar crimes. Issuing a warning that cautions the campus community to be careful or to avoid certain practices or places is not sufficient. Warnings will include information about the crime that triggered the warning.

TIMELY WARNINGS

When Campus Safety learns and verifies that a crime covered by the Clery Act has occurred within the Campus Clery Geography, it will issue a campus-wide “timely warning” via the BBCC Campus Alert System. The purpose of a Timely Warning is to alert the community of a crime or crimes to aid in the prevention of similar crimes and to enable people to protect themselves. Timely Warnings will be issued as soon as the pertinent information is available.

A “timely warning” will be issued if, in the judgment of the Director of the Campus Safety or a College administrator, a crime or potential crime constitutes a serious or continuing threat to the campus community. Timely warnings may be issued in a variety of methods, depending on the circumstances of the crime. These can include:

- **BBCC Campus Alert System** (Campus-wide E-Mail, Text Messages, Twitter, Facebook and RSS- capable devices) – Disseminated by the Campus Safety Office, Big Bend Technology Department or the Office of Public Information.
- **Printed Notice** – when appropriate may be posted at campus locations affected by the emergency.
- **Website Posting** – public safety issues of on-going concern to the campus community are posted on the Campus Safety Office web site, www.bigbend.edu/safety.
- **Social Media** – public safety issues of on-going concern to the campus community are posted on the BBCC 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.

Timely warnings are not limited to violent crimes or crimes against persons. Timely warnings can be issued for threats to persons or to property. For example, it's possible to have a rash of dormitory burglaries or motor vehicle thefts that merit a warning because they present a continuing threat to the campus community. A number of incidents involving the possession of "date rape" drugs may also trigger the need for a warning.

EMERGENCY NOTIFICATIONS

If any other significant emergency or dangerous situation is verified to have occurred on or near campus that, in the judgment of the Director of the Campus Safety or a College administrator, creates an immediate threat to the health or safety of students or employees, or otherwise warrants a notification, an "**emergency notification**" will be issued via the BBCC Campus Alert System. For example, emergency notifications may include notices of a fire, gas leak, bomb threat or an outbreak of a communicable disease, as well as a notice of a Clery-reportable crime. An emergency notification will be sent to the areas of campus subject to the threat. This may include part or all of the campus or may be rolling as the threat changes. Emergency notifications will be broadcast via the BBCC Campus Alert System.

BBCC encourages all students, faculty and staff to sign up for the BBCC Campus Alert System by logging into www.bigbend.edu/alerts.

COMPLAINANT/VICTIM NAMES HELD IN CONFIDENCE

BBCC will protect the identity of persons who report having been complainant-victims of sexual assault, domestic violence, dating violence, or stalking to the fullest extent of the law.

Regarding Timely Warnings and Emergency Notifications, BBCC will not disclose the names of crime complainant-victims, and the college will withhold the names of complainant-victims as confidential to the fullest extent of the law.

EMERGENCY RESPONSE & EVACUATION PROCEDURES

MULTI-HAZARD PLAN

BBCC's Multi-Hazard Plan includes information about how BBCC employees and students should respond to emergencies on campus.

Campus Safety staff and many of the administrators have received training in Incident Command and Responding to Critical Incidents on Campus. When a serious incident occurs that causes an immediate threat to the campus, the first responders to the scene are usually Campus Safety staff and Maintenance & Operations staff, and they typically respond and work together to manage the incident. Depending on the nature of the incident, other BBCC departments and other local agencies could also be involved in responding to the incident.

The BBCC Multi-Hazard Plan establishes an organizational structure for response to emergencies that cause a significant disruption of College "normal operations." This plan reflects Big Bend Community College's efforts to coordinate response internally and with external response agencies (i.e., City, County, etc.).

LOCKDOWN PROCEDURES

During certain emergency situations, you will be directed via BBCC ALERT to "Lockdown" rather than evacuate the building, until an "all clear" has been given.

From the BBCC Multi-Hazard Plan 2014.1, Appendix V: Lockdown

The purpose of a lockdown is to minimize accessibility to rooms on campus to reduce the risk of injury or danger to faculty, staff, students or visitors.

With few exceptions, crises and emergencies such as lockdowns are sudden, unexpected and will cause temporary inconvenience to students and staff. This is to be expected.

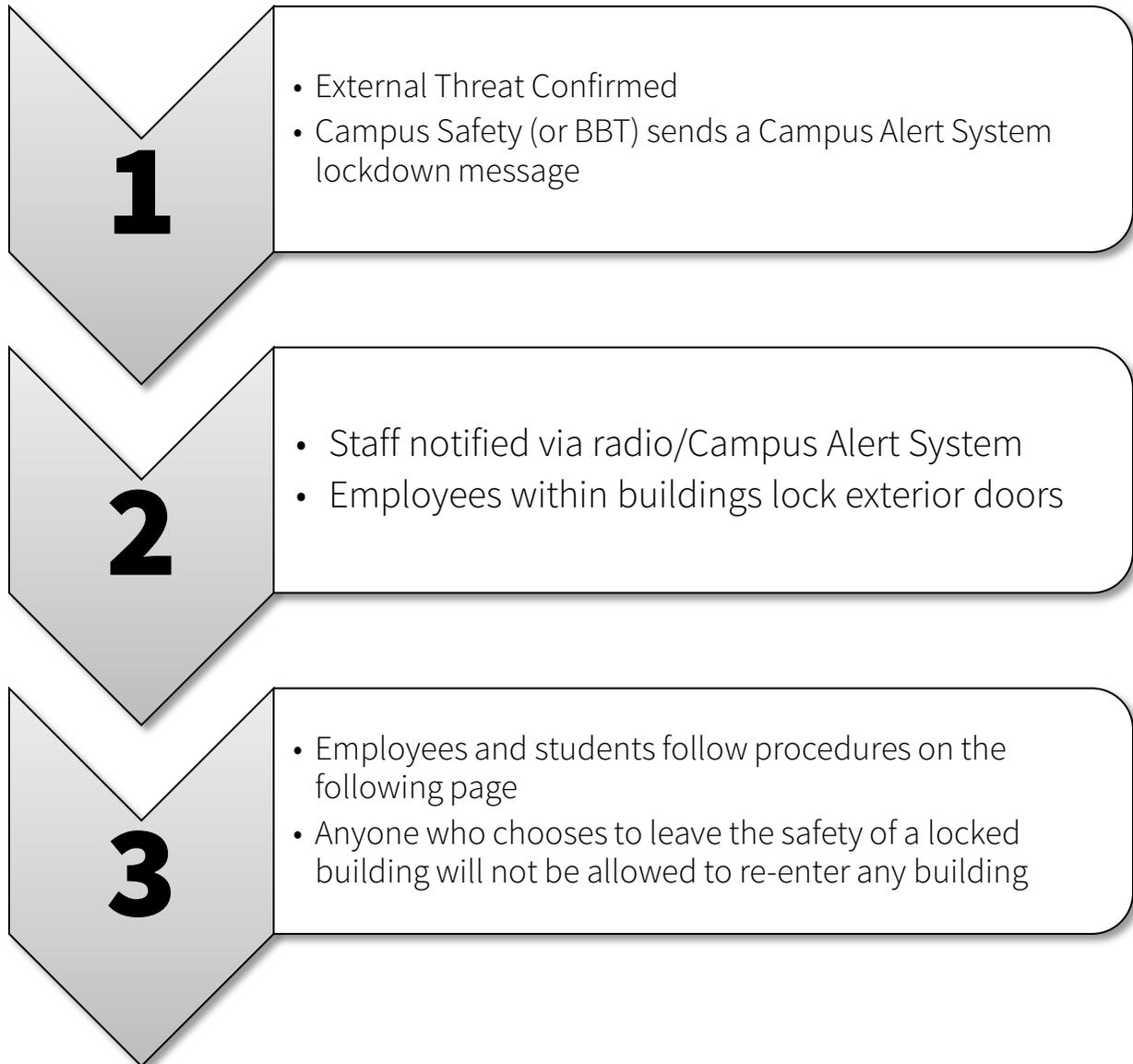
This lockdown procedure will be initiated under the following conditions:

- In the event a violent criminal incident (shooting, stabbing, pursuit of criminals) or when other human-caused or natural disasters happen at or near the College, such as
 - Hostile person on the BBCC campus (weapons offenses included);
 - Police activity regarding a hostile person or potentially dangerous situation near the BBCC campus;
 - Any time a nearby Moses Lake School District facility is locked down (Longview Elementary, Endeavor Middle School, North Elementary, Larson Heights Elementary);
 - Any time the Job Corps facility is locked down;
 - Any time the Grant County International Airport is locked down;
 - Any time intelligence is received that a threat is coming to the college;
 - Any time a lockdown is deemed necessary by BBCC administration or Campus Safety staff.

BBCC Staff Actions

1. BBCC receives notification from law enforcement of a dangerous situation meeting the criteria above.
2. Do not call Security, M&O or the Business Office unless there is an emergency. This ties up limited phone lines needed for incident management.

Follow procedures in flow chart.



TESTING AND EXERCISES

The purpose of evacuation test is to prepare building occupants for an organized evacuation in case of an emergency. At BBCC, evacuation tests are used as a way to educate and train occupants on issues specific to their building. During the test, occupants practice evacuation procedures and familiarize themselves with the location of exits and the sound of the fire alarm. In addition to educating the occupants of each building about the evacuation procedures during the drills, the process also provides BBCC an opportunity to test the operation of fire alarm system components.

Evacuation tests are monitored by the Campus Safety, Maintenance and Operations and the Residence Halls staff to evaluate egress and behavioral patterns. Reports are prepared by the drill administrator which identify deficient equipment so that repairs can be made immediately. Recommendations for improvements are also submitted to the appropriate departments/offices for consideration.

Students receive information about evacuation and lockdown during new student orientation and during other educational sessions that they can participate in throughout the year. In dorms, Resident Assistants (RAs) members are trained in these procedures as well and act as an on-going resource for the students living in residential facilities.

Campus Safety publishes a summary of its emergency response and evacuation procedures in conjunction with each test.

To comply with the Clery requirement, BBCC's tests meet the following criteria:

- **Be scheduled.** Actual emergency situation or a false emergency alarm do not count.
- **Contain drills.** Our drills test a single procedural operation (e.g., a test of initiating the Campus Alert System or a test of personnel conducting a fire drill).
- **Contain exercises.** Our drills test involving coordination of efforts (e.g., a test of the coordination of first responders, including police, firefighters and emergency medical technicians).
- **Contain follow-through activities.** Our tests are designed to review the test (e.g., a survey or interview to obtain feedback from participants).
- **Be designed for assessment of emergency plans and capabilities.** Our tests have measureable goals. For example, "Everyone involved in the emergency response and notification procedures will understand his or her role and responsibility."
- **Be designed for evaluation of emergency plans and capabilities.** Our drills are designed so that, using the assessments, we can judge whether or not the test met its goals. For example, "The evacuation process accounted for/did not account for the diverse needs of all members of the campus community."

Tests of the Campus Alert System are conducted monthly. These tests ensure the operation of the system and raise community awareness of the system.

Fire evacuation drills are conducted annually. These drills provide students and employees with a chance to familiarize themselves with evacuation routes and meeting points.

- Each campus building conducts at least one drill per year.
- Based on fire code classification, some campus buildings are drilled more frequently.
- Residence halls hold quarterly fire drill evacuations.

Campus Safety and Maintenance use these drills as a chance to test systems and egress strategies.

In addition, the Grant County Sheriff's Office and other local and regional law enforcement agencies train on the BBCC campus and allow BBCC staff to participate or observe these trainings.

TESTING DORMITORY EMERGENCY RESPONSE AND EVACUATION PROCEDURES

An evacuation drill is coordinated by Campus Safety and Residence Halls for all residential facilities are tested quarterly. Students learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. Staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes.

FOLLOW-UP AND RECORD KEEPING

After each fire evacuation test or on-campus exercise, a report is generated and disclosed to campus employees identifying successes and areas for improvement. The Director of Campus Safety and Security maintains these records.

SECURITY OF CAMPUS FACILITIES, INCLUDING RESIDENCE HALLS

During business hours, the College (excluding certain housing facilities) will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours, access to all College facilities is by key, if issued, or by admittance via the Department of Campus Safety or Residence Life staff.

Residence halls are secured 24 hours a day. Over extended breaks, the doors of both halls will be secured around the clock.

Some facilities may have individual hours, which may vary at different times of the year. Examples are the 1900 Art Building, the Library, and 2000 Activities Center. In these cases, the facilities will be secured according to schedules developed by the department responsible for the facility.

Emergencies may necessitate changes or alterations to any posted schedules.

Areas that are revealed as problematic may have enhanced security (surveillance cameras and more-frequent security patrols). There are over 60 surveillance cameras on the BBCC campus. Video is live streamed and recorded.

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. Big Bend Community College utilizes keys to control entry into all operational buildings, computer labs, and classrooms. The key control system is administered by the Business Office.

The Business Office provides direction and oversight to the planning, management, and coordination of key control for the College facilities *except residence halls*. Individual units and departments determine who is authorized to request and obtain a key to their respective areas and submit appropriate approvals to the Business Office. 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 Business Office.

Residence hall access is controlled by keys issued by the Residence Hall Director.

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 College faculty, staff, students and visitors;
- Prevent crime where possible, deter crime that cannot be prevented;
- Provide tools and information to support investigations and law enforcement;

- Protect College property and assets commensurate with their value;
- Protect and secure College records;
- Protect the integrity and operation of College systems and related infrastructure;
- Protect the integrity of College 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.

The purpose is to establish procedures/policies pertaining to granting Access Devices to College facilities; assign responsibility of authorizing access; and implement procedures for the physical security and control of access that has been granted.

SECURITY CONSIDERATIONS USED IN MAINTENANCE OF CAMPUS FACILITIES

Maintenance and Operations (M&O) provides maintenance, repair, landscaping and custodial services for academic facilities and grounds, provides construction and renovation project support, and manages tenant-occupied spaces on campus. M&O's role in Access Control includes repairing and installing locks, and installing and maintaining card access readers.

Installation of additional outside lighting on campus was completed in in 2014 in order to provide safer outdoor areas.

CAMPUS LAW ENFORCEMENT AUTHORITY

Big Bend Community College Campus Safety employs full-time and part-time Campus Security Officers. These officers are non-commissioned and unarmed pursuant to state law. Officers are granted authority by the College President to:

- Patrol and protect all persons and facilities on campus;
- Demand identification to determine if a person is a student (WAC 132R-04-019);
- 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 132R-117-020); and
- Impound illegally parked vehicles (WAC 132R-116-070).

The Grant County Sheriff's Office (GCSO) is a fully empowered law enforcement agency and has jurisdiction throughout the campus. BBCC and GCSO work together closely to provide law enforcement and security services to the campus.

The GCSO has full responsibility for investigation of criminal activity on campus, including reports of sexual violence on campus.

WORKING RELATIONSHIP WITH LOCAL LAW ENFORCEMENT AGENCIES

BBCC recognizes that laws and rules are necessary for society to function and supports the enforcement of law by governmental agencies and rules by officials of the College. All persons on the campus are subject to these laws and rules at all times. While the College is state property, and Constitutional protections apply, law enforcement officers may enter the campus to conduct business as needed. Additionally, the officers are invited to patrol the campus to assist Campus Safety in deterring crime.

Campus Safety enjoys an especially good relationship with the Grant County Sheriff's Office. The response time of the GCSO to campus averages less than two minutes for emergency calls. As a matter

of course, serious crimes are the responsibility of the GCSO. A Memorandum of Understanding is maintained between the college and the GCSO.

Campus Security Officers are expected to render all possible assistance provided such assistance can be given without significantly endangering the officer or others not involved in the crime.

As noted in the introduction and the emergency policies, GCSO is notified of all serious crime on campus, and is immediately notified of major crimes. All victims are offered an opportunity to report crimes to GCSO.

Annually, the Sheriff of Grant County is provided with a summary of all crime occurring on campus. Frequent meetings or telephone conversations between the Sheriff (or his designee) and the Director of Campus Safety allow for exchanges of routine information on a timely basis. Additionally, special needs are communicated between agencies as they occur.

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. The Campus Safety office 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.

During start-of-quarter Student Orientation, students are informed of services offered by the College. During these sessions, the Campus Safety office provides information and tips to maintain personal and property safety. Throughout the school year, the Campus Safety office, 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 assistants (RAs), 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 Building 1400 lobby, as well as distributed in resource fairs and other events.

The Big Bend Community College Campus Safety office places campus security and safety as important priorities. The Campus Safety office strives to provide students with a safe environment in which to learn.

ALCOHOL AND ILLEGAL DRUGS

ALCOHOL USE POLICY

As part of its educational mission, the College is committed to providing an environment which promotes academic, social, and personal development and recognizes that faculty and staff all contribute to learning. The College holds the belief that the illegal use or abuse of alcohol, and the use of illegal drugs, poses a direct threat to its learning environment.

Under BBCC's student code of conduct violations (WAC132R-04-057) *"Any student shall be subject to immediate disciplinary action provided for in code procedures and summary suspension rules who, either as a principal actor or aider or abettor... Commits any of the following acts which are hereby prohibited: Possessing, consuming, being demonstrably under the influence of, or furnishing any form of alcoholic beverages on college-owned or controlled property or at college-sponsored or supervised*

functions where prohibited by the college's current alcohol policy." The College recognizes that the irresponsible use of alcohol places the individual and the community at a greater risk for injury, health problems, and other damage. Alcohol use is not an excuse for infringing on the rights of others or damaging College property. The College will pursue sanctions for alcohol-related misconduct, through the Student Code of Conduct or employee disciplinary procedures, as appropriate.

It is the express policy of Big Bend Community College to prohibit alcoholic consumption by employees, officers, or volunteers during normal working hours (or when performing normal job duties). Limited exceptions exist for some alcohol use during events on College-owned property and grounds. Such use is strictly regulated and will be allowed only with the appropriate prior approvals and in compliance with all applicable laws.

DRUG USE POLICY

Under BBCC's Student code of conduct violations WAC 132R-04-057, Misconduct for which the college may impose sanctions includes, but is not limited to, any of the following:

(13) Marijuana: The use, possession, delivery, sale, or being visibly under the influence of marijuana or the psychoactive compounds found in marijuana and intended for human consumption, regardless of form. While state law permits the recreational use of marijuana, federal law prohibits such use on college premises or in connection with college activities.

(14) Being observably under the influence of any legend drug, narcotic drug or controlled substance as defined in chapters 69.41 and 69.50 RCW, or otherwise using, possessing, delivering, or selling any such drug or substance, except in accordance with a lawful prescription for that student by a licensed health care professional.

DRUG AND ALCOHOL ABUSE PREVENTION POLICY

BBCC's Administrative Process (AP) 3019

This procedure establishes standards and regulations for the prevention of drug and alcohol abuse as prescribed by the Drug-Free Schools and Communities Act of 1989. In addition, this procedure describes the college and individual requirements relative to compliance with the Drug-Free Workplace Act of 1988.

This procedure applies to all college employees and students, and to all campus visitors, including guests, contractors, subcontractors, volunteers, service providers, and all persons affiliated with federally funded grants, cooperative agreements, or other financial assistance.

Big Bend Community College prohibits the unlawful manufacture, delivery, possession, or use of alcohol, marijuana in any form, other controlled substances, and drug paraphernalia while on college property, while conducting college business, and while participating in any college-sponsored activities whether on campus or not.

ALCOHOL:

The use, possession, delivery, and sale of alcohol while on college-owned or controlled property is prohibited except as authorized by the president in accordance with AP 8051, Big Bend Community College Facility Use Policy. Any authorized use must comply with state and federal laws, and all college policies, rules, and regulations.

Alcohol use must not infringe on the privacy and peace of another individual, and must not disrupt or obstruct the course of teaching, administration, disciplinary proceedings, freedom of movement or other lawful activities on the college campus.

Employees, students, and visitors are prohibited from being under the influence of alcohol while on college property, performing job duties, conducting college business, driving an official vehicle, or participating in any on or off-campus college activity.

Being “under the influence” is defined as exhibiting impaired behavior which may limit a personal’s ability to perform their expected tasks or which poses a threat to the safety or well-being of the person or others.

CONTROLLED SUBSTANCES:

“Controlled substances,” as used in this procedure, refers to those substances designated as schedule I through V under the Controlled Substances Act. Marijuana is still an illegal controlled substance under federal law. As an institution of higher education that distributes federal financial aid and administers various federal grants, BBCC is required to comply with federal law on this issue.

Controlled substances are prohibited, while on any college-owned or controlled property, including within residence halls, while conducting college business, or during any college-sponsored activity, for any person to use, possess, distribute, manufacture, sell, or to be under the influence of, a controlled substance. This prohibition includes marijuana in any form.

Being “under the influence” is defined as exhibiting impaired behavior which may limit a person’s ability to perform expected tasks or which poses a threat to the safety or well-being of the person or others.

PRESCRIPTION & OVER-THE-COUNTER (OTC) DRUGS:

The use of prescription and over-the-counter (OTC) drugs is permitted when taken as prescribed, or for OTC drugs, as directed by package instructions, so long as the medications do not adversely affect the ability, performance, or safety of the consumer or others. The use of prescription and OTC drugs in excess of the prescribed amount or contrary to package instructions, is a violation of this procedure. The use of prescription drugs by individuals other than the individual to whom the drug was prescribed is a violation of this procedure.

If an employee’s use of medication could adversely affect the employee’s ability, performance, or workplace safety, the employee must follow appropriate personnel procedures (e.g. call in sick, use leave, request change of duty, notify supervisor). The employee need only disclose that he or she is taking medication. The medical reason or drug name need not be disclosed to the supervisor. In cases where the employee will be working while using medication(s) which could adversely affect their ability, performance, or workplace safety, the employee may be required to disclose the name of the medication(s) to human resources so that appropriate measures can be taken.

If a student’s use of medication could adversely affect the student’s ability, performance, or safety, the student should inform an advisor, instructor, or the VP of Instruction & Student Services. Students may consult the Disability Support Services Office for advice and support in arranging reasonable accommodations for their medical needs.

OTHER REQUIREMENTS:

1. Individual Responsibility:

Employees and students are responsible for resolving their own alcohol or drug abuse problems. The college will make reasonable efforts to assist persons who self-report an alcohol or drug abuse problem. Employees and students who have performance or attendance problems resulting from alcohol or drug abuse or intentional misuse are subject to disciplinary action, up to and including termination/expulsion.

2. Reporting:

Students and employees are expected to report suspected violations of this policy to their supervisor, appropriate dean, VP of Instruction & Student Services, or the VP of Human Resources & Labor and report suspected illegal activities to campus security or local law enforcement agencies. Anyone who is concerned that an employee or a student may have an alcohol or drug-related problem is encouraged to consult with their supervisor, Human Resources, the Employee Assistance Program (EAP), or other appropriate resources.

3. Enforcement:

Supervisors are responsible for enforcing this policy with respect to the employees they supervise. The VP of Instruction & Student Services has the primary responsibility for enforcing this procedure with respect to students.

4. Confidentiality:

Complaints and investigations regarding violations of this procedure will be maintained in a confidential manner to the extent permitted by law.

5. Driver's License Revocation/Suspension:

Employees who are required to have a valid driver's license must notify their immediate supervisor of any revocation or suspension of their driver's license on the first work day following the license suspension or revocation.

No employee, student, visitor, contractor, etc., may operate a vehicle on state property or in the conduct of college business if their driver's license has been revoked or suspended.

6. Treatment/Assistance:

The college encourages employees and students to voluntarily seek appropriate assistance if they are dependent on alcohol or drugs. All requests and referrals for assistance must be kept confidential consistent with applicable law.

Employees needing assistance in dealing with alcohol and/or drug related problems are encouraged to contact the Human Resources Office or the college's Employee Assistance Program (EAP).

First Choice EAP

1-800-777-4114 or TTY 1-800-777-4969

www.FirstChoiceEAP.com

Students needing assistance with dealing with alcohol and/or drug related problems are encouraged to contact the ***BBCC Counseling Center*** at 509-793-2035 for information and referral.

Both students and employees may contact the Grant County Prevention and Recovery Center (PARC) for assistance with alcohol and/or drug-related problems.

Grant County PARC
840 E. Plum
Moses Lake, WA 98837
509-765-5402

ENFORCEMENT AND COMPLIANCE:

BBCC upholds all state and federal laws pertaining to alcohol and controlled substances.

BBCC will take action against any person who violates state law, federal law, or any college regulation or policy concerning alcohol or controlled substances when such violation:

1. Occurs in or on property controlled or owned by BBCC;
2. Involves college business or activities; or
3. Affects the fitness of college employees to perform the duties of their job or position.

SANCTIONS AND REMEDIAL ACTIONS:

Employees

1. Violation of this procedure may result in disciplinary action, up to and including termination of employment and/or the requirement of satisfactory participation in evaluation and/or treatment in an approved drug/alcohol abuse assistance or rehabilitation program.
2. Actions under this policy shall be taken in accordance with applicable personnel rules, state laws and regulations, the *Negotiated Agreement*, and other Board Policy and shall conform to the provisions of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990.

Students

Violation of this policy may result in appropriate disciplinary sanctions as provided in the *Code of Student Rights and Responsibilities*.

Campus Visitors

The college may enforce this policy and take action against guests, contractors, sub-contractors, volunteers, or service providers who violate this policy.

Employees, students, and campus visitors may also be subject to criminal prosecution under federal, state, and local laws that could result in fines, imprisonment, and/or loss of student financial aid. These legal sanctions are in addition to any disciplinary sanctions imposed by the college.

FEDERALLY FUNDED ACTIVITIES:

College Responsibilities

As a recipient of federal financial awards in the form of grants and/or cooperative agreements, Big Bend Community College must comply with the Drug-Free Workplace Act of 1988.

Notification and Reporting Requirements

Employees convicted of a criminal alcohol or drug offense that occurred on BBCC owned or controlled property or while conducting college business must report the conviction to their supervisor in writing within five (5) days of the conviction. The supervisor will contact the Office of the President within three (3) business days to determine whether the crime occurred during the conduct of any federally funded award activity.

Supervisors, department heads, and vice presidents who are aware of any drug crime convictions of individuals (students or employees) who work on a sponsored project, for violations that occurred in the workplace, must report that information to the Office of the President.

College Response Requirements

If an employee, who is directly engaged in the performance of work under a federally funded award (as described in 34 C.F.R. Part 84), is convicted of a drug violation in the workplace, BBCC shall:

- a. Notify, in writing, within ten (10) calendar days after learning of the conviction, every federal agency on whose award the convicted employee was working; and
- b. Within thirty (30) calendar days of learning about the conviction, either
 1. Take appropriate personnel action against the employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973 (29 U.S.C. 794), or
 2. Require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for these purposes by a federal, state or local health, law enforcement, or other appropriate agency.

NOTIFICATIONS:

Each year, BBCC will provide written notification of its alcohol and drug policies, programs and information to every student and employee. The annual notification will contain, at a minimum, the following information:

1. BBCC's standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on BBCC property or as part of any college activities;
2. A description of applicable sanctions for violations of federal, state, and local law;
3. A clear statement that BBCC will impose disciplinary sanctions on students and employees (consistent with local, State, and Federal law), and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violations of this procedure. For the purposes of this procedure, a disciplinary sanction may include the completion of an appropriate rehabilitation program;
4. A description of health risks associated with alcohol and other drug use; and
5. A description of available counseling treatment, or rehabilitation or re-entry programs.

Representatives from student services and human resources shall jointly prepare/review contents of the annual notification as needed.

The notification will be delivered in a manner that will enhance visibility and provide a means for verifying distribution.

Student services and human resources shall prepare a record of the annual notification, to include a copy of the notification contents, a description of the notification method, and a description of the results/responses.

INITIAL NOTIFICATIONS:

The VP of Instruction & Student Services shall ensure all new students are provided with the annual notification.

The VP of Human Resources & Labor shall ensure all new employees are provided with the annual notification.

OTHER NOTIFICATIONS:

The Vice President for Administrative and Financial Services shall ensure that all contactors and service providers performing work on BBCC property are provided with the information contained in the annual notification.

The Office of the President shall ensure that workers and volunteers affiliated with federally funded activities are provided with a copy of the drug-free workplace statement.

BIENNIAL REVIEW:

The VP of Instruction & Student Services and the VP of Human Resources & Labor shall coordinate preparation of a biennial review of BBCC's drug and alcohol abuse prevention programs. Per 34 C.F.R. Part 86, the biennial review shall address program effectiveness, consistency of disciplinary sanctions, and program changes.

BBCC departments and offices shall cooperate fully with this process and shall provide timely responses to the persons preparing the report.

The VP of Instruction & Student Services shall maintain official files of biennial reviews and shall distribute those files as needed for college operations or as requested by the Department of Education.

STATE AND FEDERAL DRUG LAWS

Washington State Drug Laws (RCW 69.50)

The following is a partial list of illicit drugs considered to be controlled substances by the State of Washington: Narcotics (opium and cocaine, and all drugs extracted, derived or synthesized from opium and cocaine, including crack cocaine and heroin); Methamphetamine; Barbiturates; and Hallucinogenic Substances (LSD, peyote, mescaline, psilocybin, PCP).

- 1) *State Penalties for Illegal Sale of Controlled Substances:* The illegal sale of any controlled substance is punishable by up to 5 years in prison, \$10,000 fine, or both.
- 2) *State Penalties for Illegal Manufacture or Delivery of Controlled Substances:* Schedule I or II Narcotics or flunitrazepam — Up to 10 years in prison, \$25,000 to \$100,000 fine, or both. Any other controlled substances under Schedule I, II, III, IV or V, except flunitrazepam — Up to 5 years in prison, \$10,000 fine, or both.
- 3) *State Penalties for Possession of Controlled Substances:* Possession of any controlled substance is punishable by up to 5 years in prison, a \$10,000 fine, or both.

More severe penalties are provided for persons convicted of providing controlled substances to minors, to repeat offenses and to offenses on or near schools or parks.

Special Note Regarding Marijuana: Marijuana remains illegal for minors (persons under 21 years of age) to possess, sell or use and is illegal to possess for a person of any age in amounts over 28.3 grams. Marijuana remains illegal under federal law and policies concerning marijuana at the college remain unchanged. It is illegal to produce, distribute or use marijuana on college property or during college-sponsored activities.

Federal Drug Laws

Persons convicted of federal drug trafficking charges may face

- The loss of federal benefits, including school loans, grants, contracts and licenses. (21 USC §862 and 20 USC 1091 (r) (1);
- Forfeiture of personal property and real estate (21 USC §853);
- Other federal drug penalties (21 USC §841, §844).

ALCOHOL AND DRUG ABUSE EDUCATION PROGRAMS

The College is committed to the provision of substance abuse education and prevention activities. In compliance with the Drug Free Schools Act Amendment of 1989, the College annually publishes and distributes to faculty and staff “AN INFORMATION GUIDE TO ALCOHOL AND OTHER DRUG PROBLEMS.”

Alcohol and Drug Education: Employee Assistance Program

- **Counseling Services:** Student Development Counselors, Employee Assistance Program.
- **Referral Services:** Counselors, Employee Assistance Program.
- **College Disciplinary Actions:** Faculty/Student Judicial Review Committee;

SECURITY AND ACCESS TO RESIDENCE HALLS

The college employs a full-time Residence Halls director, a head resident, and several resident advisors in Philips and Viking Halls, which house up to 273 students. The residence staff distributes residence hall security procedures to all students living on campus (see Residence Hall Handbook). A security officer is stationed in the dorms nightly to ensure building and occupant safety.

Residence halls are secured 24 hours a day. Only student residents and appropriate staff are issued keys for the residence halls. Residence hall students 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. The following are prohibited in the residence halls:

- Use or possession of alcoholic beverages 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.

The college may terminate the contract of residence hall students for disorderly, illegal, 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, dining hall staff, or college students.

MISSING DORM STUDENT POLICY & NOTIFICATION PROCEDURES

Note that this policy focuses on students residing in on-campus student housing.

If a student living in BBCC on-campus student housing is determined to be missing, the College will initiate notification procedures. There is no time period that will delay this notification procedure. Below is the Residential Hall policy on missing residents and the Campus Safety missing resident policy and procedure.

For purposes of this policy, a student may be considered to be a "missing person" if the person's absence is contrary to his/her usual pattern of behavior and/or unusual circumstances may have caused the absence. Such circumstances could include, but not be limited to, a report or suspicion that the missing person may be the victim of foul play, has expressed suicidal thoughts, where there are concerns for drug or alcohol use, is in a life-threatening situation, or has been with persons who may endanger the student's welfare.

Residence Hall 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 BBCC 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, Residence Hall staff gives them the option to name a contact person as well. Information on how to register a contact or contacts can be found by contacting the Residence Hall Director.

REPORTING A MISSING DORM STUDENT

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 the Big Bend Community College Campus Safety at 509-793-2286. Campus Safety will generate a missing person report and initiate an investigation as well as notify the Grant County Sheriff's Office.

If a student has been missing for 24 hours, and the student is under age 18 and not emancipated, BBCC will notify the student's custodial parent or guardian and the student's emergency contact, if he or she has registered one.

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 complainant-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 complainant-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 complainant-victim of a boating, swimming or other similar accident, or may be a complainant-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.

REPORT ACCEPTANCE AND INITIAL INVESTIGATION

There is no waiting period. Campus Safety 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) The person(s) has been missing for a short period of time;
- 4) The person(s) has been missing for a long period of time;
- 5) There is no indication that the missing person(s) was on campus at the time of the disappearance.

The employee gathering this information will ensure that the Grant County Sheriff's Office is immediately notified to conduct and coordinate the investigation. Employees will assist at the direction of the Sheriff's Office.

STALKING, DOMESTIC VIOLENCE, DATING VIOLENCE AND RAPE POLICY; PREVENTION PROGRAMS

POSITION STATEMENT

Big Bend Community College prohibits rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking.

THE FEDERAL CAMPUS SEXUAL ASSAULT VICTIMS' BILL OF RIGHTS

1. Survivors shall be notified of their options to notify law enforcement.
2. Accuser and accused must have the same opportunity to have others present.
3. Both parties shall be informed of the outcome of any disciplinary proceeding.
4. Survivors shall be notified of counseling services.
5. Survivors shall be notified of options for changing academic and living situations.

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 (both public and private) participating in federal student aid programs afford sexual assault victims certain basic rights. Schools found to have violated this law can be fined up to \$35,000 or lose their eligibility to participate in federal student aid programs. Complaints about schools that have failed to comply with this law should be made to the U.S. Department of Education.

PRIMARY AND ONGOING PREVENTION AND AWARENESS PROGRAMS

Awareness programs means community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

Beginning in 2015, BBCC is utilizing two online sources to create awareness and to educate the campus community in order to help reduce risky student behavior and prevent sexual assault on your campus:

- Campus Clarity for students, and
- Law Room for employees.

SAFE AND POSITIVE ACTIONS FOR BYSTANDER INTERVENTION

A bystander is someone other than the victim who is present when an act of dating violence, domestic violence, stalking or sexual assault is occurring or when a situation is occurring in which a reasonable person feels as though some protective action is required to prevent sexual assault, dating violence, domestic violence or stalking. Bystanders, if active, can prevent harm or intervene before a situation gets worse. Examples of active bystander intervention include: not leaving an overly intoxicated person in a bar/party alone, walking a classmate to his/her car after class, calling police when a potentially violent situation is unfolding, not leaving an unconscious person alone (alerting an RA, EMS, campus police, etc.), or intervening when someone is being belittled, degraded or emotionally abused (walking victim away from abuser, contacting others for help, like counseling center, RA, Campus Safety).

CAMPUS SAFETY OFFICE

Campus Safety provides response for safety concerns including sexual violence. This service may not be available 24/7. The office is located in Building 6000, room 6116. Please call 509-793-2286 for access to Building 6000.

A Memorandum of Understanding exists between the BBCC and the Grant County Sheriff's Office which specifies the GCSO is the primary criminal investigation agency on campus.

RESIDENCE HALLS

The Residence Hall Director can assist with changes in living situations for students living on campus. BBCC is obligated to comply with a student complainant-victim's reasonable request for a living situation change following an alleged sex offense.

WHAT TO DO IF YOU ARE ATTACKED

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

- 1) **Get Help!** This is not the time to be alone. Get in touch with someone you trust. You can call Campus Safety for assistance, 509-793-2286.
- 2) **Get medical attention.** You can call 9-1-1 for an ambulance or have someone take you to Samaritan Hospital, 801 E Wheeler Road, Moses Lake. In both cases completely confidential services are provided. Samaritan Hospital will have SANE (Sexual Assault Nurse Examiner) nurses.
- 3) **Preserve evidence.** It is better if you DO NOT shower, clean yourself or change clothes. Go as soon as possible, to Samaritan Hospital to be examined and treated for possible sexually transmitted diseases. You may have internal injuries which you are not aware of. If you decide to press charges, physical specimens collected soon after the rape will be valuable evidence. Completing the evidence collection does not commit you to filing charges.
- 4) **New Hope Domestic Violence and Sexual Assault Services** in Moses Lake provides the following confidential services:
 - 24-Hour Crisis Line: Available for complainant-victims of domestic violence and sexual assault, 24 hours a day, seven days a week. 1-888-560-6027
 - Medical Advocacy: Trained advocates will accompany complainant-victims of domestic violence and sexual assault to medical facilities.
 - Legal Advocacy: Advocates support the individual's choice regarding reporting the crime. Advocates provide information about the legal system and are available to accompany and support the complainant-victim throughout the legal process.
 - Community Advocacy: New Hope can provide referrals to therapists who are experts in providing care to survivors of sexual assault. New Hope makes referrals to other agencies that can provide help and support to complainant-victims of domestic violence and sexual assault. Trained advocates can provide personal support, emergency shelter, food and clothing. Therapy sessions can be offered to survivors so they may express their feelings, thoughts and fears.
 - Support Groups: New Hope provides peer support groups for complainant-victims of domestic violence and sexual assault. Call for the location of the one nearest you.

5) **Report the attack to BBCC Campus Safety**, whether or not you plan to pursue criminal charges or an on-campus complaint. Have someone go with you. Sexual assault is a crime, and we encourage all students and employees to report. College officials will help you file charges with the police and/or with the campus authorities.

- Title IX Coordinator: 509-793-2010
- Campus Safety: 509-793-2286
- Grant County Sheriff: 9-1-1 or 509-762-1160
- Student Conduct: 509-793-2077

REPORTING PROCEDURES FOR SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE AND STALKING

Big Bend Community College has procedures in place that serve 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 as well as the availability of medical, counseling and support services, and additional remedies to prevent contact between a complainant and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available.

Although BBCC strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim's choice whether or not to make such a report and victims have the right to decline involvement with the police. Officers with BBCC Campus Safety will assist any victim with notifying local police if they so desire. The Grant County Sheriff's Office may also be reached directly by calling 9-1-1.

- 1) Reporting to Big Bend Community College Campus Safety
 - 509-793-2286
 - 7468 Chanute St NE, Moses Lake - Building 6000, Room 6116
 - Director Kyle Foreman, 509-361-3111, kylef@bigbend.edu
- 2) Reporting directly to the Grant County Sheriff's Office
 - Emergency number: 9-1-1
 - Non-emergency number: 509-762-1160
 - BBCC will assist complainant-victims in notifying GCSO, if the student requests assistance.
- 3) Reporting anonymously to the Counseling Center
 - By phone: 509-793-2035
 - In person at Building 1400, first floor
- 4) Filing a Student Conduct Code Complaint with Dawna Haynes, Dean of Student Services (for incidents perpetrated by BBCC students)
 - By phone: 509-793-2077
 - 7662 Chanute St NE, Moses Lake - Building 1400, first floor
- 5) Filing a complaint with Kim Garza, Big Bend Community College's Title IX Coordinator
 - By phone: 509-793-2010
 - 7662 Chanute St NE, Moses Lake - Building 1400, second floor

PROCEDURES BBCC WILL FOLLOW IN THE CASE OF ALLEGED DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT OF STALKING

To the greatest extent possible, BBCC will

1. Protect the confidentiality of victims and other necessary parties,
2. Not include in any public record the victim's personally identifying information, including Clery Act reporting and disclosures such as the annual security report and the daily crime log,
3. Complete publicly available recordkeeping, including Clery Act reporting and disclosures, without inclusion of personally identifying information about the victim; and
4. Maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

BBCC recognizes that, in some cases, the college may need to disclose some information about a victim to a third party to provide necessary accommodations or protective measures. The Title IX Coordinator is responsible for determining what information about a victim should be disclosed and to whom this information will be disclosed. The decision will be made based upon the evidence presented and the need for accommodation. The complainant/victim will be notified about which information will be shared, with whom it will be shared and why.

PROHIBITED RETALIATION POLICY

Clery Act: There shall be no retaliation against anyone who exercises rights under the Clery Act.

Title IX: AP6115 §3.3 Complaints against students. Reports of discriminatory conduct or related retaliation that involve students, including student-to-student complaints, will be handled by the Vice President of Instruction and Student Services and will be guided by the provisions of the Student Conduct Code, Chapter 132R-04 WAC.

PROHIBITED DISCRIMINATION & HARASSMENT POLICY

AP 6115: Prohibition of Discrimination, Sexual Harassment, Sexual Misconduct, Domestic Violence, Stalking, and Retaliation

1.0 PURPOSE

1.1 General

Big Bend Community College (BBCC) is committed to providing equal opportunity and fair treatment in employment and education. BBCC does not discriminate on the basis of a person's protected status. Further, no person may discriminate against another person on the basis of a person's protected status when acting or speaking on behalf of BBCC. Enforcement of this policy is subject to constitutional protections related to freedom of speech, association, and press.

This procedure establishes the reasonable measures BBCC will use to implement BBCC Board Policy 6115—*Policy Prohibiting Discrimination, Harassment, Sexual Misconduct and Retaliation*.

1.2 Scope

All persons, including students, employees, contractors, visitors, and guests are required to comply with this policy while on campus or participating in college activities. BBCC students and employees are required to comply with this policy while conducting college business off campus, such as business trips, field trips, and internships.

The college may consider a student's gender, marital status, or the existence of dependent children in making assignments to residence halls and other college housing in accordance with RCW 49.60.222.

2.0 DEFINITIONS

- 2.1 **Complainant:** employee(s), contractor(s), student(s), visitor(s), or guest(s) of BBCC who alleges that he/she has been subjected to discrimination, sexual harassment, sexual misconduct, domestic violence, dating violence, stalking, and/or retaliation.
- 2.2 **Complaint:** for the purpose of this procedure, a description of facts that allege violation of BBCC's policy against discrimination, sexual harassment, sexual misconduct, domestic violence, dating violence, stalking, and/or retaliation
- 2.3 **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.

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 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.

- 2.4 **Discrimination:** conduct, by any means, directed to any individual or group on the basis of a protected status that is so severe, pervasive, persistent, and objectively offensive that it substantially interferes with another's ability to work, study, participate in, or benefit from the BBCC's programs or activities, such that the person or group is effectively denied equal access to BBCC's resources and opportunities based on protected status.
- 2.5 **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 their perceived membership in a protected class. Harassment occurs when the conduct is sufficiently severe, persistent 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 BBCC's educational and/or social programs, and/or student housing. Petty slights, annoyances, offensive utterances, and isolated incidents (unless extremely serious) typically do not qualify as harassment. Examples that may be considered harassment include, but are not limited to:

2.5.1 Racial epithets, "jokes", offensive or derogatory comments, or other verbal or physical conduct based on an individual's race/color.

2.5.2 Ethnic slurs, workplace graffiti, or other offensive conduct directed towards an individual's birthplace, ethnicity, culture, or foreign accent.

2.5.3 Verbal or physical abuse, "jokes" or offensive comments based on an individual's age, gender, disability, or sexual orientation.

2.5.4 Marking, posting, emailing, or circulating demeaning or offensive pictures, cartoons or other materials in the workplace that relate to race, ethnic origin, gender or one of the other protected categories listed above.

2.6 **Protected class:** race, creed, color religion, national or ethnic origin, age, sex, marital status, pregnancy, pregnancy status or families with children, status as a mother breastfeeding her child, AIDS/HIV or hepatitis C, honorably discharged veteran status, sexual orientation, gender identity or expression, disability, use of trained guide dog or service animal by a person with disability, genetic information, or any other legally protected classification.

2.7 **Resolution:** the means by which the complaint is finally addressed. This may be accomplished through informal or formal processes, including counseling, mediation, or the formal imposition of discipline.

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

2.9 **Retaliation:** includes any actual or threatened retaliation or any act of intimidation against any participant (accused, accuser, or witness) intended to prevent or otherwise obstruct the reporting, subsequent investigation, or enforcement of a complaint under this procedure.

2.10 **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. It includes sexual assault and can involve persons of the same or opposite sex. There are two types of sexual harassment:

2.10.1 **Quid Pro Quo** occurs when a person with authority over a student or employee explicitly or implicitly conditions a term or condition of the student or employee's education or employment on the victim's submission to unwelcome sexual advances, requests for sexual advance, requests for sexual favors, or other verbal or physical conduct of a sexual nature. This includes instances where submission to or rejection of such sexual conduct by a victim is used as the basis for educational or employment decisions affecting the victim. In determining whether such harassment exists, it is immaterial whether the victim resists and suffers the threatened harm or submits and thus avoids the threatened harm. Examples of behaviors that may rise to the level of quid pro quo harassment and therefore are prohibited include, but are not limited to:

- a. Physical assault.
- b. Direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendation.

2.10.2 **Hostile environment** occurs when another's unwelcomed conduct of sexual nature is sufficiently severe, persistent or pervasive and objectively offensive that: 1) it substantially interferes with another's ability to work, study, participate in, or benefit from BBCC's programs or activities; or 2) the conduct has the purpose or effect of unreasonably interfering with another individual's work performance or creating an

intimidating, hostile or offensive working environment. This second alternative only applies in the context of employment. Examples of behaviors that may rise to the level of hostile environment and, therefore, are prohibited include, but are not limited to the following:

- a. Comments of a sexual nature.
- b. Sexually explicit statements, questions, jokes, or anecdotes.
- c. Unnecessary or undesirable touching, patting, hugging, kissing, or brushing against an individual's body.
- d. Remarks of a sexual nature about an individual's clothing, body, or speculations about previous sexual experiences.
- e. Persistent, unwanted attempts to change a professional relationship to an amorous relationship.
- f. Subtle propositions for sexual activity or direct propositions of a sexual nature.
- g. Uninvited letters, emails, telephone calls, texts, or other correspondence referring to or depicting sexual activities.

2.11 **Sexual misconduct:** 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.

2.11.1 **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.

2.11.2 **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 in a sexual manner.

2.11.3 **Domestic violence** includes (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.

2.11.4 **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 or interaction.

2.11.5 **Stalking** means intentionally and repeatedly harasses or follows 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. In addition to

any other form of communication or conduct, the sending of an electronic communication may constitute stalking.

3.0 COMPLAINT PROCEDURES

3.1 **Who may file a complaint?** Employees, contractors, guests, or visitors of BBCC may file a complaint.

3.2 **Reporting obligations for BBCC supervisors, administrators, faculty, and employees.** Supervisors, administrators, faculty, and employees perform a key role in preventing and responding to discriminatory acts and behaviors, including sexual harassment. When a supervisor, administrator, faculty, or employee (except licensed professionals) becomes aware of incidents of discrimination, s/he will report the incident to the Title IX/EO Officer or designee as soon as possible, but no later than 36 hours after becoming aware of the incident regardless of victim's desire for the matter to remain confidential and regardless of whether a report is made to campus security or local law enforcement. Individuals who fail to report such incidents based on a standard of reasonable care or who fail to cooperate fully with the complaint processes are subject to disciplinary action.

3.3 **Complaints against students.** Reports of discriminatory conduct or related retaliation that involve students, including student-to-student complaints, will be handled by the Vice President of Instruction and Student Services and will be guided by the provisions of the Student Conduct Code, Chapter 132R-04 WAC.

3.4 **Complaints against employees, contractors, guests or visitors.** BBCC will follow the provisions of this administrative procedure, and, if necessary other applicable statutes, administrative procedures, and board policies.

3.5 **Confidentiality and right to privacy.** BBCC will seek to protect the privacy of all parties involved 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 BBCC policies and procedures. Anonymity and complete confidentiality cannot be guaranteed once a complaint is made or unlawful behavior is alleged. However, to the extent possible, proceedings will be conducted in a discreet and sensitive manner. Files pertaining to the complaint will be maintained in confidence to the extent provided by law. Further, all files are considered public records and will be released as required by the Public Records Act, Chapter 42.56 RCW. BBCC cannot guarantee complete confidentiality.

3.6 **Procedures for reporting a complaint.** Complaints may be submitted in writing or verbally to the Title IX/EO Officer. If the complaint involves a member of the Human Resources Office, the complainant may file such complaint directly with the Presidents' offices. A complaint can be filed at any time; however, BBCC encourages timely reporting of any incidents of discrimination or harassment to maximize BBCC's opportunity to respond and investigate.

Name: Kim Garza, Vice President of Human Resources

Title: Title IX / EO Officer

Office: Human Resource Office

Contact info: Building 1400, Office 1451, 509-793-2010

3.6 **Investigation procedures for complaints against employees, guests, and visitors.**

3.6.1 **Initial review.** The Title IX/EO Officer or his/her designee will conduct an initial assessment of the complaint to decide whether it alleges any conduct that may be prohibited by BBCC Policies, Procedures, Collective Bargaining (CBA) provisions, or other employee contractual provisions. If the investigator concludes that an investigation is not warranted, the investigator will prepare a written summary detailing why the matter will be closed without further action and provide it to the complainant. If the investigator concludes that an investigation is not warranted under this procedure but may be warranted under other BBCC policies, procedures, CBA provisions or other employee contractual provisions, he/she will refer it for further review pursuant to Section 6.0 below. BBCC has an independent duty to conduct an investigation regardless of whether law enforcement is conducting an investigation. Although some alleged conduct may not violate federal or state law, such incidents may qualify as a violation of BBCC policies, procedures or contract provisions and constitute improper behavior, unprofessional conduct, or a failure to engage in conduct supportive of an environment of mutual respect and professionalism in violation. Such complaints will be taken seriously and considered under this procedure.

3.6.2 **Appointment of an investigator.** The Title IX/EO Officer may appoint a designee to investigate the complaint. The Title IX/EO Officer shall inform the complainant and respondent(s) of the appointment of a designee.

3.6.3 **Interim measures.** Following receipt of a complaint, the Title IX/EO Officer may determine whether immediate interim measures are necessary to protect the complainant prior to the completion of the investigation and the resolution of the complaint. Interim measures may include, but are not limited to, separating the respondent from the complainant, adjusting schedules, placing an employee on administrative leave, providing counseling and/or taking action per Chapter 132R-04 WAC.

3.6.4 **Informal dispute resolution.** Informal dispute resolution may be utilized where both the complainant and respondent agree to do so in writing. 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 harassment or sexual misconduct.

3.6.5 **Initial notifications.**

3.6.5.1 **Sexual violence complaints.** If a formal investigation is initiated on a matter involving sexual violence, the Title IX/EO Officer or his/her designee shall send an initial notification to both the complainant and respondent simultaneously that the matter is under investigation. Both the complainant and respondent shall be informed of their rights during the investigative and disciplinary processes as well as BBCC's policy against retaliation. The complainant must also be apprised of additional rights including:

- a. Options to avoid contact with respondent

- b. Procedures to follow to preserve evidence of the alleged incident and seek medical treatment;
- c. Who will receive a report of the complaint;
- d. Right to file a criminal complaint as detailed in Section 5.0 below and notification that he/she is not required to file a criminal complaint with local law enforcement;
- e. A list of resources for obtaining protective, no contact, restraining, or similar orders, if applicable;
- f. A list of existing on and off-campus counseling, mental health, victim advocacy legal assistance or other victim services that are available for victims on campus and in the community
- g. The procedures BBCC will follow to determine if discipline is appropriate;
- h. Steps BBCC will take to ensure confidentiality and the limits this may place on BBCC's ability to investigate and respond, as set forth above;
- i. A list of options and resources to assist the complainant regarding academic, living, transportation and working situations; and,
- j. Information about BBCC's policy against retaliation and how the complainant should report retaliation or new incidents.

3.6.5.2 **Discrimination, Harassment, and/or Retaliation Complaints:**

- a. **Notification to Respondent.** If a formal investigation is undertaken, the respondent will be notified in writing to the existence of a formal complaint and that an investigation of the complaint is underway. During the investigative process, the accused will be informed of his/her right to representation during any investigatory meeting and will be informed of BBCC's policy against retaliation.
- b. **Notifications to Complainant.** The complainant shall be informed of BBCC's policy against retaliation.

3.6.6 **Investigation.** If it is determined after initial review that the matter warrants investigation pursuant to this procedure, the Title IX/ EO Officer or his/her designee will determine the appropriate process necessary to ensure all relevant evidence is obtained and all critical elements are addressed. The investigation will include, but is not limited to, interviewing the complainant, the respondent, and relevant witnesses, and reviewing relevant documents. The investigation shall be concluded within a reasonable time, normally sixty (60) days, barring exigent circumstances. Employees, as a condition of employment, are required to be truthful and to fully cooperate in the investigation process.

3.6.7 **Investigative Findings Report.** At the conclusion of the investigation, the investigator shall set forth his/her findings and recommendations in writing. If the investigator is a designee, he/she shall send a copy of the findings and recommendation to the Title IX/EO Officer. All discrimination, harassment, sexual misconduct, domestic violence, dating violence, stalking, and retaliation complaints and the records related to a subsequent formal investigation of those

complaints conducted pursuant to this procedure, if any, shall be maintained confidentially to the extent allowed by law for an indeterminate period of time in the Human Resources Office. Additionally, the Title IX/EO Officer or designee will make a reasonable effort to meet with the complainant and accused to inform him or her of the results of the investigation in summary form.

- 3.6.8 **Corrective Action.** BBCC will take appropriate corrective and/or disciplinary action in situations where it is proven or is reasonable to believe that harassment or discrimination took place. The appropriate BBCC authority shall consider the findings and determine, based on preponderance of evidence, whether a violation of this policy has occurred or whether any other violations of BBCC policies, procedures, rules, or contract provisions have occurred. The appointing authority shall then consider the findings and determine what steps should be taken to resolve the complaint, remedy the effects on any victim(s), and prevent its recurrence. Violations may result in disciplinary action or revocation of permission to be on BBCC premises or at BBCC sponsored activities. Employees who are found to have violated these procedures will be subject to disciplinary action up to and including termination from employment; contractors will be subject to a breach of contract and may be “trespassed” from the BBCC Campus and other facilities utilized by the District; guests and volunteers will be subject to being “trespassed” from the BBCC campus and other facilities leased or utilized by BBCC. Corrective action for students will be handled pursuant to BBCC Chapter 132R-04 WAC.
- 3.7 **Final Decision/Reconsideration.** Either the complainant or the respondent may seek reconsideration of the decision by the Title IX/EO Officer. Requests for reconsideration shall be submitted in writing to the Title IX/EO Officer within seven days of receiving the decision. Requests must specify which portion of the decision should be reconsidered and the basis for reconsideration. If no request for reconsideration is received within seven days, the decision becomes final. If a request for reconsideration is received, the Title IX/EO Officer shall respond within 10 business days. The Title IX/EO Officer shall either deny the request or, if the Title IX/EO Officer determines that the request for reconsideration has merit, issue an amended decision. Any amended decision is final and no further reconsideration is available.

3.8 **Disclosure of disciplinary results**

- 3.8.1 **Disclosure of student discipline.** Generally, information regarding the discipline of a student found guilty of the BBCC Code of Conduct for Students constitutes a student educational record and is protected from disclosure under the Family Educational Rights and Privacy Act (FERPA). However, information contained in a record which directly relates to the complainant, such as an order requiring the student harasser not to contact the complainant, will be disclosed to the complainant. Additionally, if the information contained in the record involves a crime of violence or sexual assault, including rape, dating violence, domestic violence or stalking, BBCC is required to provide the complainant and the accused with simultaneous written notice of the outcome of the student conduct hearing, the appeal procedures for the complainant and respondent to appeal the

decision, any change to the results that occur prior to the results becoming final, and when such results become final.

3.8.2 **Disclosure of employee discipline.** Consistent with the requirements of 20 U.S.C. §1092(f)(8)(B)(iv) if the discipline relates to sexual assault, dating violence, domestic violence or stalking, BBCC is required to provide the complainant and the accused with simultaneous written notice of the outcome of the institutional disciplinary hearing, the appeal procedures for the complainant and respondent to appeal the decision, any change to the results that occur prior to the results becoming final, and when such results become final. Further, information contained in a record which directly relates to the complainant, such as an order requiring the employee harasser to not contact the complainant, will be disclosed to the complainant.

3.8.3 **Disclosures regarding volunteers, guests, and contractors.** BBCC will notify the complainant of any actions it takes which relate directly to complainant, such as a No Trespass Order prohibiting the volunteer, guest or contractor from being on campus. Additionally, if the matter involves a crime of violence or sexual assault, including rape, dating violence, domestic violence or stalking, BBCC may elect to terminate the contract or license for the individual to be on campus. BBCC will provide the complainant and the respondent with simultaneous written notice of such decisions; advisement of appeal procedures, if any; any change to the results that occur prior to the results becoming final; and when such results become final.

4.0 **LIMITS TO AUTHORITY**

Nothing in this procedure shall prevent the President of BBCC from taking, if he/she determines appropriate, immediate disciplinary action in accordance with BBCC policies and procedures, collective bargaining agreements, and federal, state, and municipal rules and regulations.

5.0 **CRIMINAL AND ADMINISTRATIVE COMPLAINT OPTIONS FOR SEXUAL MISCONDUCT**

5.1 **Criminal complaints.** Any person who believes he/she has been the victim of sexual misconduct also has the option to pursue a criminal complaint by contacting local law enforcement.

5.2 **Consecutive or concurrent complaints.** Any person who believes he/she has been the victim of sexual misconduct, may pursue an administrative complaint through BBCC and a criminal complaint with law enforcement consecutively or concurrently.

6.0 **COMPLAINTS NOT COVERED**

Complaints that are not closed as part of the initial review and which allege conduct not covered by this procedure will be reviewed and processed pursuant to the policies, procedures and/or collective bargaining agreement provisions applicable to the conduct identified in the complaint.

6.1 Matters will be remanded to the appropriate administrator for further consideration and investigation.

6.2 Harassment or discrimination allegations based upon union activities are not included in this procedure, but covered by the various collective bargaining agreements between the Board of Trustees and its recognized employee representatives.

7.0 **PUBLICATION OF COMPLAINT PROCEDURES AND SEXUAL VIOLENCE POLICY**

The policies and procedures regarding complaints of discrimination 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 this policy will be provided a copy of these policies and procedures. During the initial meeting with a sexual violence complainant, the Title IX /EO Officer or designee will provide the complainant with a copy of the College's policies regarding sexual violence.

8.0 **EXTERNAL COMPLAINT**

State and federal agencies have their own processes for responding to and processing complaints, including their own prescribed timeframes for submission of complaints. Filing a complaint with a state or federal agency listed below may be done in lieu of or in addition to BBCC's complaint procedure. Individuals may always file a complaint with:

- 8.1 Washington State Human Rights Commission at 800.233.3247 or TDD 800.300.7525, 905 Riverside, Suite 416, Spokane, WA 99201, www.hum.wa.gov.
- 8.2 US Department of Education Office for Civil Rights at 800.421.3481 or TDD 877.521.2172, 2910 3rd Avenue, Mail Stop 106, Seattle, WA 98174-1099, OCR@ed.gov
- 8.3 Equal Employment Opportunity Commission at 800.669.4000 or TDD 800.669.6820, 1321 2nd Avenue, 7th Floor, Seattle, WA 98101, www.eeoc.gov.
- 8.4 Office of Federal Contract Compliance at (206) 398-8005, Room 3038, Regional Office, 909 First Avenue, Seattle, WA, 98104, www.dol.gov/ofccp/index.htm
- 8.5 U.S. Department of Labor at (206) 398-8039, Wages and Hour Division, 300 Fifth Avenue, Suite 1130, Seattle, WA , 98104, www.dol.gov/WHD/index.htm

CAMPUS DISCIPLINARY PROCEDURES

DISCIPLINARY ACTIONS FOR DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT OR STALKING

Whether or not criminal charges are filed, BBCC or a person may file a complaint under *WAC 132R-125-100* alleging that a student violated the college's Code of Student Conduct. Reports of all domestic violence, dating violence, sexual assault and stalking made to Campus Safety will automatically be referred to the Title IX Coordinator for investigation regardless of if the complainant chooses to pursue criminal charges.

The BBCC disciplinary process will include a prompt, fair, and impartial investigation and resolution process. Investigators and hearing board members are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking and taught how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability. Officials will not have a conflict of interest or bias for or against the accuser or the accused.

Misconduct for which the college may impose sanctions includes, but is not limited to, any of the following:

- 1) Assault, physical abuse, verbal abuse, threat(s), intimidation, harassment, bullying, stalking or other conduct which harms, threatens, or is reasonably perceived as threatening the health or safety of another person or another person's property. For purposes of this paragraph:
 - a) **Bullying** is physical or verbal abuse, repeated over time, and involving a power imbalance between the aggressor and complainant-victim.
 - b) **Stalking** is intentional and repeated harassment or repeated following of another person, which places that person in reasonable fear that the stalker intends to injure the person, another person, or the property of the person or another person, and the stalker either intends to frighten, intimidate, or harass the person, or knows or reasonably should know that the person is frightened, intimidated or harassed, even if the stalker lacks such an intent. 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.
 - c) **Cyber-stalking, cyber-bullying or on-line harassment.** Use of electronic communications, including, but not limited to, electronic mail, instant messaging, electronic bulletin boards, and social media sites, to harass, abuse, bully or engage in other conduct which harms, threatens, or is reasonably perceived as threatening the health or safety of another person. Prohibited activities include, but are not limited to, unauthorized monitoring of another's email communications directly or through spyware, sending threatening emails, disrupting electronic communications with spam or by sending a computer virus, sending false messages to third parties using another's email identity, non-consensual recording of sexual activity, and non-consensual distribution of a recording of sexual activity.
 - d) **Sexual violence:** The term "sexual violence" incorporates the definition of "sexual harassment" and means a physical sexual act perpetrated without clear, knowing, and voluntary consent, such as committing a sexual act against a person's will, exceeding the scope of consent, or where the person is incapable of giving consent, including rape, sexual assault, sexual battery, sexual coercion, sexual exploitation, gender- or sex-based stalking. The term further includes acts of dating or domestic violence. A person may be incapable of giving consent by reason of age,

threat or intimidation, lack of opportunity to object, disability, drug or alcohol consumption, or other cause.

- e) **Sexual harassment:** Conduct includes, but is not limited to, engaging in unwelcome sexual advances, requests for sexual favors, or other sexual conduct, including verbal, nonverbal, electronic or social media communication, or physical touching that would substantially interfere with a reasonable person's work or educational performance, or to create an intimidating, hostile, or offensive educational environment.
- f) **Harassment:** Unwelcome and offensive conduct, including verbal, nonverbal, or physical conduct, that is directed at a person because of such person's protected status and that is sufficiently serious as to deny or limit, and that does deny or limit, the ability of a student to participate in or benefit from the college's educational program or that creates an intimidating, hostile, or offensive environment for other campus community members. Protected status includes a person's race; color; national origin; sensory, mental or physical disability; use of a service animal; gender, including pregnancy; marital status; age (40+); religion; creed; genetic information; sexual orientation; gender identity; veteran's status; or any other legally protected classification. See Supplemental Definitions: "Sexual Misconduct" for the definition of "sexual harassment." Harassing conduct may include, but is not limited to, physical conduct, verbal, written, social media and electronic media.

STANDARD OF EVIDENCE

BBCC's standard of evidence is "preponderance of the evidence", i.e. "more likely than not to have occurred" standard. In other words, the conduct process asks: "is it more likely than not that the accused student violated the college's Code of Student Conduct?"

PROTECTIVE MEASURES FOR COMPLAINANTS/VICTIMS

Following an allegation of dating violence, domestic violence, sexual assault, or stalking, the following protective measures are available to complainants:

1. Title IX No-Contact Order:

A college-issued no-contact order (NCO) is an interim protective measure for complainants, meaning that it can be issued even in cases where a respondent has not been found formally responsible for violating college policy. The NCO will usually state that the college has received a report stating that the respondent may be in violation of college policy. Therefore, the college must have good cause to issue an NCO, but does not need to have finished a formal investigation. In fact, an NCO can be issued for a complainant even if no formal investigation has begun. The NCO may state that the respondent is prohibited from contacting the complainant:

- in person
- by phone (including text messages)
- voicemail
- via third party
- notes, letters, or other written communication
- by email or internet messenger or any other internet based communication

The NCO will usually be in the form of a letter which the respondent must sign. The NCO will state that any violation will result in formal disciplinary action. Survivors should be aware, however, that disciplinary action usually refers to the beginning of a formal investigation through the college rather than immediate suspension or arrest. If a complainant desires more immediate consequences for the breaking of a NCO, he/she may want to seek a civil NCO/restraining order through local law enforcement (see below). A college NCO may be an alternative for those who do not want to see the respondent in court in order to have some protections. A complainant may still be able to call Campus Safety under a college NCO if a respondent approaches him/her in person or will not leave an area. The complainant should ask the person who issues the NCO to explain school policy on what to do if he/she is approached. It is the choice of the complainant to report suspected contact to the college's Title IX coordinator after the NCO is issued.

2. Civil or Criminal Court No-Contact Orders

A complainant may also seek a protection order through Grant County District Court (35 C Street NW, Ephrata). Such orders may prohibit the respondent from contacting or harassing a complainant. To seek assistance with requesting a court order, contact New Hope Domestic Violence and Sexual Assault Services, or you can file your request yourself at the Grant County Clerk's Office, 35 C St NW, Ephrata, Wash. 98823.

3. Safety Action Plan

A complainant may meet with Campus Safety to develop a Safety Action Plan, which is a plan for campus officers and the complainant to reduce risk of harm while on campus or coming and going from campus. This plan may include, but not limited to: escorts, special parking arrangements, or changing classroom location.

To the extent of the complainant's cooperation and consent, BBCC will work cooperatively to ensure that the complainant's health, physical safety, work and academic status are protected, pending the outcome of a formal college investigation of the complaint. For example, if reasonably available, a complainant may be offered changes to academic, living, or working situations in addition to counseling, health services and assistance in notifying appropriate local law enforcement.

SANCTIONS

The following is a list of all the possible sanctions BBCC may impose following the results of any institutional disciplinary proceedings for an allegation of dating violence, domestic violence, sexual assault, or stalking;

Disciplinary actions include, but are not limited to, the following sanctions that may be imposed upon students according to the procedure outlined in WAC 132R-04-063.

- 1) **Warning:** A verbal statement to a student that there is a violation and that continued violation may be cause for further disciplinary action.
- 2) **Reprimand:** Notice in writing that the student has violated one or more terms of this code of conduct and that continuation of the same or similar behavior may result in more severe disciplinary action.
- 3) **Disciplinary probation:** Formal action placing specific conditions and restrictions upon the student's continued attendance depending upon the seriousness of the violation and which may include a deferred disciplinary sanction. If the student subject to a deferred disciplinary sanction is

found in violation of any college rule during the time of disciplinary probation, the deferred disciplinary sanction, which may include, but is not limited to, a suspension or a dismissal from the college, shall take effect immediately without further review. Any such sanction shall be in addition to any sanction or conditions arising from the new violation. Probation may be for a limited period of time or may be for the duration of the student's attendance at the college. Other conditions and restrictions may include, but not be limited to, restrictions from being present on certain parts of the campus or in certain college buildings; restriction from attending certain college activities; orders of no contact between the student under probation and other students, college employees, or other persons.

A student who is on disciplinary probation may be deemed “not in good standing” with the college. If so the student shall be subject to the following restrictions:

- a) Ineligible to hold an office in any student organization recognized by the college or to hold any elected or appointed office of the college.
 - b) Ineligible to represent the college to anyone outside the college community in any way, including representing the college at any official function, or any forms of intercollegiate competition or representation.
- 4) **Restitution:** Reimbursement for damage to or misappropriation of property, or for injury to persons, or for reasonable costs incurred by the college in pursuing an investigation or disciplinary proceeding. This may take the form of monetary reimbursement, appropriate service, or other compensation.
 - 5) **Suspension:** Dismissal from the college and from student status for a stated period of time. There will be no refund of tuition or fees for the quarter in which the action is taken.
 - 6) **Professional evaluation:** Referral for drug, alcohol, psychological or medical evaluation by an appropriately certified or licensed professional may be required. The student may choose the professional within the scope of practice and with the professional credentials as defined by the college. The student will sign all necessary releases to allow the college access to any such evaluation. The student's return to college may be conditioned upon compliance with recommendations set forth in such a professional evaluation. If the evaluation indicates that the student is not capable of functioning within the college community, the student will remain suspended until future evaluation recommends that the student is capable of reentering the college and complying with the rules of conduct.
 - 7) **Dismissal:** The revocation of all rights and privileges of membership in the college community and exclusion from the campus and college-owned or controlled facilities without any possibility of return. There will be no refund of tuition or fees for the quarter in which the action is taken.

SEX OFFENDER REGISTRATION INFORMATION

Big Bend Community College is required to inform the campus community that a list of enrolled or employed sex offenders is maintained and available at the office of the Vice President of Learning and Student Success in the 1400 Administration Building and in the Office of the Director of Campus Safety and Security in the 6000 building.

BBCC provides a link to the Grant County Sheriff's Sex Offender Registry:
<http://www.sheriffalerts.com/wa/grant>

ANNUAL FIRE REPORT

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, campuses 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 STATISTICS FOR RESIDENTIAL FACILITIES

For the previous year, there were no fires reported in the residential facilities.

FIRE SAFETY SYSTEM FOR RESIDENTIAL FACILITIES

The fire safety system in each residential facility includes:

- Multiple fire extinguishers on each floor,
- Battery-powered smoke detectors in each room,
- Horns located throughout the building, and
- Pull stations at each entrance that are connected to a 24-hour externally-monitored system.

FIRE DRILLS COMPLETED

In the previous year, there was one annual fire drill held in the residence facilities.

POLICIES FOR RESIDENTS OF ON-CAMPUS HOUSING

The following is a list of items and activities that are prohibited in the Residence Halls:

- No cooking appliances are allowed in rooms; the only exception being a microwave oven, providing it does not have a toaster element. The use of cooking appliances in rooms is extremely dangerous, and anyone caught cooking in their room will be subject to a major infraction fine and forfeiture of cooking appliance.

- No open flames are allowed in rooms, this includes candles, incense burners, candle warmers and smoking.
- If the electrical breaker in a room is tripped by overloading electrical circuits, a room inspection is mandatory prior to the breaker being reset. Any breakers tripped outside of normal office hours will not be reset until the next regular business day. It is vitally important that residents do not draw too much electricity by using too many appliances at once.
- Do not store combustible materials, gasoline, ammunition or other highly flammable materials in the room. Please do not allow garbage to accumulate in the room; this can be a fire hazard.
- No firearms, weapons, fireworks, ammunition or other highly flammable material are allowed in the dorms. This includes knives other than pocket or kitchen knives. We do not allow guns of any description; this includes pellet, air paint, replica, air soft, potato, or water guns.

PROCEDURES FOR STUDENT HOUSING EVACUATION

On every door in the residence facilities, there is a removable notification that informs students of the locations of the pull alarms and the numbers to call in case of an emergency. The evacuation procedures list the nearest exit and the meeting location for all students.

POLICIES FOR FIRE SAFETY EDUCATION AND TRAINING PROGRAMS

The Campus Safety 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. As needed and available, information will be presented to students and staff.

WHO TO NOTIFY IN THE CASE OF FIRE

In the case of fire, call 911 and notify Campus Safety & Security at 509-793-2286. Residents can also contact Maintenance and Operations at 509-793-2277. If in a residence hall, contact the Resident Director at 509-793-2291.

PLANS FOR FIRE SAFETY

All new construction on campus will include some type of fire alarm and fire suppression system. All current buildings have fire pull stations, usually located near the main exits to the building. There are fire extinguishers located in public areas in each building and the locations of these items are noted on the evacuation maps posted in the buildings. Any monies procured for improvements in safety will be used in part to help improve current fire safety measures.

FIRE STATISTICS

Residential Facility	Total Fires	Fire Number	Cause of Fire	Number of Injuries Requiring Treatment at a Medical Facility	Number of Fire Related Deaths	Value of Property Damaged by Fire
Bldg. 5000 Philips Hall 7502 Chanute St NE	0	0	N/A	0	0	\$0
Bldg. 6000 Viking Hall 7468 Chanute St NE	0	0	N/A	0	0	\$0

DEFINITIONS OF TERMS USED IN THIS REPORT**2014 VAWA NEGOTIATED RULEMAKING FINAL CONSENSUS LANGUAGE****CRIMINAL ACTS** *DEFINITIONS FROM THE UNIFORM CRIME REPORTING HANDBOOK*

- **Murder/Non-Negligent Manslaughter:** the willful (non-negligent) killing of one human being by another. NOTE: Deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides are excluded.
- **Negligent Manslaughter:** the killing of another person through gross negligence.
- **Robbery:** the taking or attempting to take anything from value of the care, custody or control of a person or persons by force or threat of force or violence and/or by putting the complainant-victim in fear.
- **Aggravated Assault:** 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.
- **Burglary:** 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.
- **Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access, even though the vehicles are later abandoned – including joy riding)
- **Arson:** The willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another kind.
- **Weapon Law Violations:** The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.
- **Drug Abuse Violations:** Violations of state and local laws 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).
- **Liquor Law Violations:** The violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to A minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

CLERY ACT DEFINITIONS

SEX OFFENSES –

Any sexual act directed against another person, without the consent of the complainant-victim, including instances where the complainant-victim is incapable of giving consent.

- **Rape:** 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 complainant-victim, including instances in which the complainant-victim is incapable of giving consent.
- **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the complainant-victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.
- **Incest:** Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** Nonforcible sexual intercourse with a person who is under the statutory age of consent.

The above listed crime definitions from the Uniform Crime Reporting Handbook, 2013 Revised UCR definition of Rape, as prescribed by 2014 VAWA Negotiated Rulemaking Final Consensus Language.

HATE CRIMES

BBCC is also required to report statistics for hate (bias) related crimes by the type of bias as defined below for the following classifications: murder/non-negligent manslaughter, negligent manslaughter, sex offenses (forcible and non-forcible), robbery, aggravated assault, burglary, motor vehicle theft, arson (see definitions above) and larceny, vandalism, intimidation, and simple assault (see definitions below).

- **Larceny:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.
- **Vandalism:** To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.
- **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 complainant-victim to actual physical attack.
- **Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the complainant-victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.
- **Domestic violence, dating violence and stalking:** See definition below.

If a hate crime occurs where there is an incident involving intimidation, vandalism, larceny, simple assault or other bodily injury, the law requires that the statistic be reported as a hate crime even though there is no requirement to report the crime classification in any other area of the compliance document.

A hate or bias related crime is not a separate, distinct crime, but is the commission of a criminal offense which was motivated by the offender's bias. For example, a subject assaults a complainant-victim, which is a crime. If the facts of the case indicate that the offender was motivated to commit the offense because of his bias against the complainant-victim's race, sexual orientation, etc... the assault is then also classified as a hate/bias crime.

OTHER OFFENSES (PER SECTION 40002(A) OF THE VIOLENCE AGAINST WOMEN ACT OF 1994)

- **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant-victim. a) 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. b) For the purpose of this definition, dating violence includes but is not limited to, sexual or physical abuse or the threat of such abuse and does not include acts covered under the definition of domestic violence.
- **Domestic Violence:** A felony or misdemeanor crime of violence committed a) By a current or former spouse or intimate partner of the complainant-victim. b) By a person with whom the complainant-victim shares a child in common. c) By a person who is cohabitating with or has cohabitated with the complainant-victim as a spouse or intimate partner. d) By a person similarly situated to a spouse of the complainant-victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred. e) By any other person against an adult or youth complainant-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.
- **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to a) Fear for the person's safety or the safety of others; or b) Suffer substantial emotional distress. For the purpose of this definition, course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. Reasonable person means a reasonable person under similar circumstances and with similar identities to the complainant-victim.

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.
- **Age of Consent.** Under Washington State law, a 16-year-old is legally capable of consenting to having sexual contact. There are some exceptions. A person could be guilty of indecent liberties if someone with supervisory authority causes another to have sexual contact. The third-degree child molestation law – the charge that applies for sexual contact with teens 14 up to age 16 – applies to perpetrators at least four years older than the complainant-victim.
- **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 complainant-victim; or (c) Inflicts serious physical injury, including but not limited to physical injury which renders the complainant-victim unconscious; or (d) Feloniously enters into the building or vehicle where the complainant-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 complainant-victim is incapable of consent by reason of being physically helpless or mentally incapacitated; (c) When the complainant-victim is a person with a developmental disability and the perpetrator is a person who is not married to the complainant-victim and who: (i) Has supervisory authority over the complainant-victim; or (ii) Was providing transportation, within the course of his or her employment, to the complainant-victim at the time of the offense; (d) When the perpetrator is a health care provider, the complainant-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 complainant-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 complainant-victim and has supervisory authority over the complainant-victim; or (f) When the complainant-victim is a frail elder or vulnerable adult and the perpetrator is a person who is not married to the complainant-victim and who: (i) Has a significant relationship with the complainant-victim; or (ii) Was providing transportation, within the course of his or her employment, to the complainant-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 complainant-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 complainant-victim's words or conduct, or (b) Where there is threat of

substantial unlawful harm to property rights of the complainant-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 complainant-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 complainant-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 complainant-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 complainant-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 complainant-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 complainant-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 complainant-victim, is in a significant relationship to the complainant-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 complainant-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 complainant-victim, is in a significant relationship to the complainant-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 complainant-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 complainant-victim is a person with a developmental disability and the perpetrator is a person who is not married to the complainant-victim and who: (i) Has supervisory authority over the complainant-victim; or (ii) Was providing transportation, within the course of his or her employment, to the complainant-victim at the time of the offense; (d) When the perpetrator is a health care provider, the complainant-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 complainant-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 complainant-victim and has supervisory authority over the

complainant-victim; or (f) When the complainant-victim is a frail elder or vulnerable adult and the perpetrator is a person who is not married to the complainant-victim and who: (i) Has a significant relationship with the complainant-victim; or (ii) Was providing transportation, within the course of his or her employment, to the complainant-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 complainant-victim or members of the complainant-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 complainant-victim is or was a law enforcement officer; judge; juror; attorney; complainant-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 complainant-victim to retaliate against the complainant-victim for an act the complainant-victim performed during the course of official duties or to influence the complainant-victim's performance of official duties; or (vi) the stalker's complainant-victim is a current, former, or prospective witness in an adjudicative proceeding, and the stalker stalked the complainant-victim to retaliate against the complainant-victim as a result of the complainant-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** 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.⁴
- **Physically helpless** means a person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act.⁵
- **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.⁶

Sexual assault: Includes any of the following:

- Any intentional and unconsented touching, or threat or attempt thereof, of: (i) an intimate bodily part of another person, such as a sexual organ, buttocks or breast; (ii) any bodily part of another person with a sexual organ; or (iii) any part of another person's body with the intent of accomplishing a sexual act; or
- Unwanted, inappropriate disrobing of another person or purposeful exposure of one's genitals to another without the other's consent; or
- Forcing, or attempting to force, any other person to engage in sexual activity of any kind without her or his consent.

BBC DEFINITIONS

SEX OFFENSES - (*Definitions per BBCC Administrative Process #6115*)

- **Non-consensual sexual intercourse:** 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.
- **Non-consensual sexual contact:** 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 in a sexual manner.

⁴ RCW 9A.44.010

⁵ RCW 9A.44.010

⁶ RCW 9A.44.010

