

ANNUAL SECURITY AND FIRE SAFETY REPORT 2023

Reporting calendar years 2020 through 2022

BIG BEND COMMUNITY COLLEGE
7662 Chanute St NE
Moses Lake WA 98837

This publication is intended to provide consumers, students and potential students, employees and potential employees with information on educational programs, safety practices, crime statistics, and policies regarding the reporting of emergencies and campus crime rates.

Should you have questions, comments, or suggestions regarding the information contained within this publication or any related public safety policies, procedures, or operations, contact the Campus Safety Department at 509.793.2286 or safety@bigbend.edu.

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CRIME STATISTICS

Crime statistics include all reported Criminal Offenses, Violence Against Women Act (VAWA) Offenses, and arrests and referrals for disciplinary action for Weapons, Drug Abuse and Liquor Law Violations that happened within BBCC's geographical reporting areas. The list includes the three most recent calendar years of statistics from college resources and law enforcement agencies.

The College made a reasonable and good faith effort to request and retrieve statistics from all local law enforcement agencies with jurisdiction over the College's identified Clery geography¹. Reportable Clery crime data received from agencies who responded to these requests are included in the crime statistics noted on the following pages.

The following agencies were asked to provide a response to the request:

- Grant County Sheriff's Office, which covers the Moses Lake main campus, residence halls, and a portion of the public property immediately surrounding the campus, and noncampus location #11.
- Moses Lake Police Department, which covers noncampus location #1.
- Soap Lake Police Department, which covers noncampus location #6.
- Quincy Police Department, which covers noncampus location #4 and #12.
- Royal City Police Department, which covers noncampus location #5.
- Warden Police Department, which covers noncampus location #7.
- Othello Police Department, which covers noncampus location #3.
- Mattawa Police Department, which covers noncampus location #8.
- *Location #2, #9 and #10 ended in CY2019.*
- *Locations #5, #6, and #7 ended in CY2020.*

¹ 34CFR668.46(c)(11)

On Campus

Stats provided by BBCC and Grant County Sheriff's Office. Grant County has not responded by date of this report for 2022.

CRIMINAL OFFENSES	2020	2021	2022
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Sex offense – Forcible Fondling	0	0	0
Sex offense – Incest	0	0	0
Sex offense – Rape	0	0	0
Sex offense – Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	1	0	0
Motor Vehicle Theft	0	0	0
Arson	1	0	0
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	1
HATE CRIMES	0	0	0
ARRESTS			
Illegal Weapons Offense	0	0	0
Drug Law Violation	2	0	0
Liquor Law Violation	0	0	0
DISCIPLINARY ACTION/JUDICIAL REFERRAL			
Illegal Weapons Offense	0	0	0
Drug Law Violation	2	0	0
Liquor Law Violation	0	0	1
UNFOUNDED CRIMES	0	0	0

Residence Halls

Building 5000, Philips Hall, 7502 Chanute St NE, and Building 6000, Viking Hall, 7468 Chanute St NE, Moses Lake.

Stats provided by BBCC and Grant County Sheriff's Office. Grant County has not responded by date of this report for 2022.

CRIMINAL OFFENSES	2020	2021	2022
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Sex offense – Forcible Fondling	0	0	0
Sex offense – Incest	0	0	0
Sex offense – Rape	0	0	0
Sex offense – Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	1
HATE CRIMES	0	0	0
ARRESTS			
Illegal Weapons Offense	0	0	0
Drug Law Violation	0	0	0
Liquor Law Violation	0	0	0
DISCIPLINARY ACTION/JUDICIAL REFERRAL			
Illegal Weapons Offense	0	0	0
Drug Law Violation	0	0	0
Liquor Law Violation	0	0	1
UNFOUNDED CRIMES	0	0	0

Public Property

Immediately accessible to the Main Campus, Moses Lake. Stats provided by BBCC and Grant County Sheriff's Office and Moses Lake Police. Grant County has not responded by date of this report for 2022.

CRIMINAL OFFENSES	2020	2021	2022
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Sex offense – Forcible Fondling	0	0	0
Sex offense – Incest	0	0	0
Sex offense – Rape	0	0	0
Sex offense – Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0
HATE CRIMES	0	0	0
ARRESTS			
Illegal Weapons Offense	0	0	0
Drug Law Violation	0	0	0
Liquor Law Violation	0	0	0
DISCIPLINARY ACTION/JUDICIAL REFERRAL			
Illegal Weapons Offense	0	0	0
Drug Law Violation	0	0	0
Liquor Law Violation	0	0	0
UNFOUNDED CRIMES	0	0	0

Noncampus Locations**Non-campus Location #1:****SkillSource, 309 E 5th Ave, Moses Lake.**

Moses Lake Police jurisdiction. MLPD provided stats.

CRIMINAL OFFENSES	2020	2021	2022
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Sex offense – Forcible Fondling	0	0	0
Sex offense – Incest	0	0	0
Sex offense – Rape	0	0	0
Sex offense – Statutory Rape	0	0	0
Sex offenses - All	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0
HATE CRIMES	0	0	0
ARRESTS			
Illegal Weapons Offense	0	0	0
Drug Law Violation	0	0	0
Liquor Law Violation	0	0	0
DISCIPLINARY ACTION/JUDICIAL REFERRAL			
Illegal Weapons Offense	0	0	0
Drug Law Violation	0	0	0
Liquor Law Violation	0	0	0
UNFOUNDED CRIMES	0	0	0

Noncampus Location #3 & #11:**Othello High School, Othello- #3; Desert Oasis High School, 825 Ash St-#11.**

Othello Police jurisdiction #3. OPD non-responsive to requests. Grant County jurisdiction #11. Grant County has not responded by date of this report for 2022.

CRIMINAL OFFENSES	2020-#3	2021-#11	2022-#3
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Sex offense – Forcible Fondling	0	0	0
Sex offense – Incest	0	0	0
Sex offense – Rape	0	0	0
Sex offense – Statutory Rape	0	0	0
Sex offenses - All	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0
HATE CRIMES	0	0	0
ARRESTS			
Illegal Weapons Offense	0	0	0
Drug Law Violation	0	0	0
Liquor Law Violation	0	0	0
DISCIPLINARY ACTION/JUDICIAL REFERRAL			
Illegal Weapons Offense	0	0	0
Drug Law Violation	0	0	0
Liquor Law Violation	0	0	0
UNFOUNDED CRIMES	0	0	0

Noncampus Location #4:**Port of Quincy, 101 F St., Quincy.**

Quincy Police responded that there were no statistics to report.

CRIMINAL OFFENSES	2020	2021	2022
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Sex offense – Forcible Fondling	0	0	0
Sex offense – Incest	0	0	0
Sex offense – Rape	0	0	0
Sex offense – Statutory Rape	0	0	0
Sex offenses - All	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0
HATE CRIMES	0	0	0
ARRESTS			
Illegal Weapons Offense	0	0	0
Drug Law Violation	0	0	0
Liquor Law Violation	0	0	0
DISCIPLINARY ACTION/JUDICIAL REFERRAL			
Illegal Weapons Offense	0	0	0
Drug Law Violation	0	0	0
Liquor Law Violation	0	0	0
UNFOUNDED CRIMES	0	0	0

Noncampus Location #5:**Royal City Intermediate School, 6261 Rd 12 SW, Royal City.**

Stats provided by Royal City Police.

CRIMINAL OFFENSES	2020
Murder/Non-negligent manslaughter	0
Negligent manslaughter	0
Sex offense – Forcible Fondling	0
Sex offense – Incest	0
Sex offense – Rape	0
Sex offense – Statutory Rape	0
Sex offenses - All	0
Robbery	0
Aggravated assault	0
Burglary	0
Motor Vehicle Theft	0
Arson	0
Domestic Violence	0
Dating Violence	0
Stalking	0
HATE CRIMES	0
ARRESTS	
Illegal Weapons Offense	0
Drug Law Violation	0
Liquor Law Violation	0
DISCIPLINARY ACTION/JUDICIAL REFERRAL	
Illegal Weapons Offense	0
Drug Law Violation	0
Liquor Law Violation	0
UNFOUNDED CRIMES	0

Noncampus Location #6:**Soap Lake High School, 527 2nd Ave SW, Soap Lake.**

Stats provided by Soap Lake Police.

CRIMINAL OFFENSES	2020
Murder/Non-negligent manslaughter	0
Negligent manslaughter	0
Sex offense – Forcible Fondling	0
Sex offense – Incest	0
Sex offense – Rape	0
Sex offense – Statutory Rape	0
Sex offenses - All	0
Robbery	0
Aggravated assault	0
Burglary	0
Motor Vehicle Theft	0
Arson	0
Domestic Violence	0
Dating Violence	0
Stalking	0
HATE CRIMES	0
ARRESTS	
Illegal Weapons Offense	0
Drug Law Violation	0
Liquor Law Violation	0
DISCIPLINARY ACTION/JUDICIAL REFERRAL	
Illegal Weapons Offense	0
Drug Law Violation	0
Liquor Law Violation	0
UNFOUNDED CRIMES	0

Noncampus Location #7:**Warden Public Library, Warden.**

2020 was last year space was used.

Warden Police Department did respond for CY2020.

CRIMINAL OFFENSES		2020
Murder/Non-negligent manslaughter		0
Negligent manslaughter		0
Sex offense – Forcible Fondling		0
Sex offense – Incest		0
Sex offense – Rape		0
Sex offense – Statutory Rape		0
Sex offenses - All		0
Robbery		0
Aggravated assault		0
Burglary		0
Motor Vehicle Theft		0
Arson		0
Domestic Violence		0
Dating Violence		0
Stalking		0
HATE CRIMES		0
ARRESTS		
Illegal Weapons Offense		0
Drug Law Violation		0
Liquor Law Violation		0
Illegal Weapons Offense		0
Drug Law Violation		0
Liquor Law Violation		0
UNFOUNDED CRIMES		0

Noncampus Location #8:**Wahlake High School, 505 N Boundary Ave., Mattawa**

Mattawa PD did not respond to request for stats in CY2020. Grant County has not responded by the date of this report for 2022.

CRIMINAL OFFENSES	2020	2021	2022
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Sex offense – Forcible Fondling	0	0	0
Sex offense – Incest	0	0	0
Sex offense – Rape	0	0	0
Sex offense – Statutory Rape	0	0	0
Sex offenses - All	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0
HATE CRIMES	0	0	0
ARRESTS			
Illegal Weapons Offense	0	0	0
Drug Law Violation	0	0	0
Liquor Law Violation	0	0	0
DISCIPLINARY ACTION/JUDICIAL REFERRAL			
Illegal Weapons Offense	0	0	0
Drug Law Violation	0	0	0
Liquor Law Violation	0	0	0
UNFOUNDED CRIMES	0	0	0

Noncampus Location #12:**Quincy Middle School, 16 6th Ave SE, Quincy**

Quincy Police has not responded for this location by the date of this report.

CRIMINAL OFFENSES			2022
Murder/Non-negligent manslaughter			0
Negligent manslaughter			0
Sex offense – Forcible Fondling			0
Sex offense – Incest			0
Sex offense – Rape			0
Sex offense – Statutory Rape			0
Sex offenses - All			0
Robbery			0
Aggravated assault			0
Burglary			0
Motor Vehicle Theft			0
Arson			0
Domestic Violence			0
Dating Violence			0
Stalking			0
HATE CRIMES			0
ARRESTS			
Illegal Weapons Offense			0
Drug Law Violation			0
Liquor Law Violation			0
DISCIPLINARY ACTION/JUDICIAL REFERRAL			
Illegal Weapons Offense			0
Drug Law Violation			0
Liquor Law Violation			0
UNFOUNDED CRIMES			0

Clery Geography²

The college's Clery geography is re-assessed each year and the Safety Office maintains the map.

On-Campus

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

- 7200 - 7500 Andrews St NE, Moses Lake
- 6500 - 6800 26 Ave NE, Moses Lake
- 7300 - 8000 Bolling St NE, Moses Lake
- 7500 - 7900 Chanute St NE, Moses Lake
- 6500 - 6600 28 Ave NE, Moses Lake
- 6800 - 6900 30 Ave NE, Moses Lake
- Any address on College Parkway NE, Moses Lake, *EXCEPT* 6801 College Parkway, which is a private business.

(3) Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility. This category is a considered a subset of the On-Campus category. Big Bend Community College has two on-campus student housing facilities:

- Building 5000, Philips Hall, 7502 Chanute St NE, Moses Lake
- Building 6000, Viking Hall, 7468 Chanute St NE, Moses Lake

Non-Campus Building or Property

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

This description for BBCC specifically includes:

- 1775 State Route 17 North, Moses Lake (not frequently used by students, no statistics gathered)
- SkillSource, 309 E 5th Ave, Moses Lake. (#1)
- Wahluke High School, 5050 N Boundary Rd Room 60, Mattawa. (#8)
- Othello, High School, 340 S 7th Ave, Othello. (#3)

² 34CFR668.46(a)

- Desert Oasis High School, 825 Ash St, Othello (#11)
- Port of Quincy, 101 F St, Quincy. (#4)
- Royal City Intermediate School, 6261 Rd 12 SW, Royal City. (#5)
- Soap Lake High School, 527 2nd Ave SW. (#6)
- Warden Public Library, Warden. (#7)
- Quincy Middle School, 16 6th Ave SE, Quincy (#12)

Public Property

(1) All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus or on-campus property/facilities.

Off Campus

BBCC has no off campus locations of student organizations officially recognized by the institution, including organizations with off campus housing.³

Daily Crime Log⁴ and Fire Log⁵

The Department of Campus Safety makes the Daily Crime and Fire Logs for the most recent 60-day period open to public inspection during normal business hours from 8am to 5pm Monday through Thursday and 8am to 2:30pm on Friday at the Campus Safety office located in Building 6000 at 7468 Chanute Street NE, Moses Lake. Please call 509.793.2286 to review the Daily Crime and Fire Log.

Any portion of these crime and fire logs that are older than 60 days are made available for public inspection within two business days of a request. The information in the crime and fire log includes the incident number, fire nature/classification, crime classification, date reported, date and time occurred, general location, and disposition of each reported crime and fire. All confirmed fires occurring on-campus and within the Clery geography will also be included in the Daily Crime and Fire Log. Faculty, staff, and students are encouraged to review these logs periodically to become more familiar with the types and locations of criminal incidents and fires which may impact the College's campus community.

The names of crime victims will not be listed on the Daily Crime and Fire Log.

Unless the disclosure is prohibited by law or would jeopardize the confidentiality of the victim, newly reported crimes/incidents within the college's Clery geography and updated information regarding previously reported crimes and fires are entered onto the Daily Crime and Fire Log within two business days of when it is reported to the Department of Campus Safety⁶. It is important to note that Campus Safety has no jurisdiction outside of its identified Clery geography. Anytime Campus Safety assists the local police or Campus Safety presence is otherwise requested by the police outside of the campus Clery geography jurisdiction, an incident report will be generated and the crime classification will be annotated on the Daily Crime and Fire Log.

BBCC may withhold information if there is clear and convincing evidence that the release of the information would:

1. Jeopardize an ongoing criminal investigation or the safety of an individual;
2. Cause a suspect to flee or evade detection; or

³ 34CFR668.46(b)(7)

⁴ 34CFR668.46(f)

⁵ 34CFR668.49(d)

⁶ 34CFR668.46(f)(2)

3. Result in the destruction of evidence.

BBCC will disclose any information withheld once the adverse effect described above is no longer likely to occur⁷.

⁷ 34CFR668.46(f)(3)(i) – (ii)

CRIME AND EMERGENCY REPORTING AND THE COLLEGE'S RESPONSE

Campus community members — students, faculty, staff, and guests — are encouraged to report all criminal actions, emergencies, or other public safety related incidents occurring within the College's Clery geography to the BBCC Department of Campus Safety in an accurate, prompt, and timely manner.

The Department of Campus Safety has been designated by BBCC as the official office for campus crime reporting. Campus Safety strongly encourages the accurate and prompt reporting of crimes. Accurate and prompt reporting ensures Campus Safety is able to evaluate, consider and send timely warning reports, disclose crimes through ongoing disclosure processes such as the posting of crimes in the Daily Crime Log and accurately documenting reportable crimes in its annual statistical disclosure.

BBCC further encourages accurate and prompt reporting to Campus Safety and/or the local police when the victim of a crime elects to, or is unable to, make such a report. This publication focuses on Campus Safety because it has primary responsibility for patrolling the BBCC campus and it has been designated as the institution's primary reporting structure for crimes and emergencies. However, criminal incidents or incidents off campus should be reported to the Grant County Sheriff's Office.

To report a crime or emergency, members of the community should:

- Call 9-1-1
- Contact Campus Safety at 509.793.2286
- Sex Offenses and other incidents of sexual or relationship violence may also be reported to the college's Title IX Officer, Kim Garza, by dialing 509.793.2010 or by email at kimg@bigbend.edu; or in person at the Human Resources Office, located on the second floor of Building 1400.
- Complete the online "Student Concern or Incident" reporting form at www.bigbend.edu/student-life/campus-safety/concern/ (This form should only be used for non-emergency or non-urgent reporting)

Campus Safety works closely with a full range of local and state resources to assure a complete and timely response to all emergency calls. Priority response is given to crimes against persons and personal injuries. Campus Safety responds to all reports of crimes and/or emergencies that occur in on-campus facilities, buildings, and residence halls. Campus Safety personnel also have the ability to notify Grant County emergency dispatchers via the telephone of emergency situations occurring on-campus.

Incidents occurring on-campus, within residence halls, or on recognized public property adjacent to or contiguous to the main campus are documented and processed for further investigation and review by the Department of Campus Safety and/or the Grant County Sheriff's Office and/or the Moses Lake Police Department. Depending upon the nature and location of the crime or emergency, additional information obtained via any investigation may also be forwarded to Student Conduct Officer Dr. Bryce Humpherys bryceh@bigbend.edu, or Title IX Coordinator Kim Garza kimg@bigbend.edu, or the college administration.

To obtain information or request any public safety or safety escort services, community members should call 509.793.2286. If a sexual assault or rape should occur on campus, staff on scene, including Campus Safety, will offer the victim a variety of resources and services. This publication contains information about on- and off-campus resources and services and is made available to the BBCC community. The information regarding "resources" is not provided to infer that those resources are "crime reporting entities" for BBCC.

The BBCC Department of Campus Safety, unless otherwise prescribed by law or as set forth within this Annual Security and Fire Safety Report, does not accept anonymous incident reports.

NOTIFYING THE BBCC COMMUNITY ABOUT CRIMES AND EMERGENCIES⁸

Campus Alert System

BBCC 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 judgement of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. BBCC is not required to issue a timely warning when an emergency notification is issued.

Although Big Bend Community College employs people who hold Counselor Agency Affiliated Registrations (defined in WAC 246-810-010(2)), BBCC does not employ Certified Counselors (defined in WAC 246-810-010(4)) or Pastoral Counselors in the Counseling Center. Certified Counselors and Pastoral Counselors are not required by law to provide statistics for this compliance document.

Since BBCC does not employ pastoral or certified counselors, the college is not required to issue a Timely Warning with respect to crimes reported to such professionals.

Timely Warning Campus Alerts

AP7704 Emergency Notification and Warning policy

- 6.1 If Campus Safety or administration confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the BBCC community, Campus Safety and at least one Vice President will collaborate to determine the content of the message.
- 6.2 Some or all of the systems described below will be used to communicate the threat to the BBCC community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population.
- 6.3 Campus Safety 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 judgment of the first responders (including, but not limited to Campus Safety, law enforcement or fire and emergency medical services), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.
- 6.4 In the event of a serious incident that poses an immediate threat to members of the BBCC community, the college has various systems in place for communicating initial and follow-up information quickly. Some or all of these methods of communication may be activated in the event of an immediate threat to the campus community. These methods of communication include network emails, emergency text messages that can be sent to a phone (individuals can sign up for this service on the Campus Alerts web site), and, through the KACE system, emergency messages that pop-up computer screens when logged into the college system. BBCC will post updates during a critical incident on the BBCC web site www.bigbend.edu.
- 6.5 Four criteria must be considered to determine message content, which communications will be utilized, and who authorizes activation of the system:

6.5.1 Hazard Type

- What is the hazard?
- What is the impact to the College? (Minor, major, catastrophic)
- What is the potential for the situation to worsen?

⁸ 34 CFR 668.46(e)

- Is the situation under control?
- Is there a mandate to disclose under the Clery Act? (Timely warning, emergency notification). See section 8.0 below.

6.5.2 Life Safety

- What is the potential for death?
- What is the potential for serious injury?
- What is the potential for minor injury?
- What is the potential for the incident to reoccur?

6.5.3 Property Protection

- What is the potential for damage?
- What is the potential for disruption to normal course of business?
- What is the potential for the incident to reoccur?

6.5.4 Urgency

- How soon does the message need to go out? (Seconds, hours, days)
- Is there time for approval?

7.1 Emergency Notifications. Under the Clery Act, BBCC is required to immediately notify the campus community upon 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. An “immediate” threat means an imminent or impending threat, such as an approaching forest fire, as well as a fire currently raging in one of our buildings.

7.1.1 BBCC will immediately notify the campus community upon confirmation of an emergency or dangerous situation. Some examples of significant emergencies or dangerous situations are:

- | | |
|--|--|
| • Fire in a building | • Terrorist incident |
| • Outbreak of meningitis, norovirus or other serious illness | • Armed intruder |
| • Severe weather conditions | • Bomb threat |
| • Earthquake | • Civil unrest or rioting |
| • Gas leak | • Explosion |
| • Utility emergency impacting any portion of the campus | • Nearby chemical or hazardous waste spill |

7.2 Timely Warning: Under the Clery Act, BBCC is required to immediately notify the campus community upon confirmation of certain crimes in a manner that is timely, that withholds the names of victims as confidential and will aid in the prevention of similar crimes. The intent of a timely warning regarding a criminal incident(s) is to enable people to protect themselves and will be issued as soon as the pertinent information is available. A timely warning for any Clery Act crime that occurs on BBCC’s Clery geography that is:

- Reported to campus security authorities or local law enforcement agencies; and
- Is considered by the institution to represent a serious or continuing threat to students and employees.

7.2.1 Timely warnings are not limited to violent crimes or crimes against persons. Timely warnings can be issued for threats to persons or to property.

7.2.2 The decision to issue a timely warning rests with the Director of Campus Safety and Security in consultation with the President and Vice Presidents and investigating law enforcement officials (if applicable).

7.2.3 Timely warnings are decided on a case-by-case basis in light of all the facts surrounding a crime, including factors such as:

- The nature of the crime
- The continuing danger to the campus community
- The possible risk of compromising law enforcement efforts

7.2.4 The warning will include all information that would promote safety and that would aid in the prevention of similar crimes, and will include information about the crime that triggered the warning.

7.2.5 Timely warnings may be issued in a variety of methods to both the campus and the greater community, depending on the circumstances of the crime. These can include:

7.2.5.1 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.

7.2.5.2 Printed Notice - when appropriate may be posted at campus locations affected by the emergency.

7.2.5.3 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.

7.2.5.4 Social Media - public safety issues of on-going concern to the campus community are posted on the BBCC Facebook page and Twitter feed.

7.2.5.5 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.

7.2.6 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.

7.2.7 The Family Educational Rights and Privacy Act (FERPA) does not preclude an institution's compliance with the timely warning provision of the campus security regulations. FERPA recognizes that information can, in case of an emergency, be released without consent when needed to protect the health and safety of others. In addition, if institutions utilize information from the records of a campus law enforcement unit to issue a timely warning, FERPA is not implicated as those records are not protected by FERPA. (4 CFR 99.31(b)(6) and 99.36)

8.0 Notifications Required by College Policy

8.1 Clery allows colleges the flexibility to issue notifications for other incidents or crimes that may impact the campus community. For the protection and knowledge of employees and students, BBCC includes the following types of notifications as part of its emergency response procedures:

8.1.1 Power or utilities outages impacting college operations;

8.1.2 Campus closures due to severe weather or other reason;

8.1.3 Incidents occurring near (adjacent to BBCC's Clery geography) which may impact college operations and/or the health and safety of people, such as emergencies at Job Corps, Grant County International Airport; Moses Lake School District facilities; or nearby businesses or industries.

8.1.4 Other incident or emergencies not described above but which may pose a risk to the campus community.

Timely Warning Message Content

Timely Warning messages will include all information that would promote safety and that would aid in the prevention of similar crimes, and will include information about the crime that triggered the warning.

9.0 Pre-Approved Scenarios, Testing, and Messages

9.1 The following emergency scenarios and associated BBCC CAMPUS ALERT messages are preapproved and eligible for immediate activation.

9.1.1 Dangerous Situation/Hazardous Condition

9.1.2 Severe Weather Alerts

9.1.3 Testing

9.1.3.1 Testing shall occur at a minimum 10 times per year.

9.2 Details regarding each scenario and the associated message text follow in this document.

10.0 Disseminating emergency information to the campus and larger community

10.1 BBCC utilizes the Campus Alert System to notify students, employees, parents and communities outside the campus. Campus Alerts are sent out via campus email, text message, Facebook and Twitter, as well as RSS-capable devices and webpages.

10.2 All messages are open information and anyone can see them. Because messages are posted to social media and webpages, it is likely local media and citizen viewers will see the messages and re-broadcast the messages through their broadcast methods.

10.3 The College Public Information Officer will be notified when Campus Alerts are broadcast and will prepare to answer media inquiries.

11.0 Emergency Notification Messaging Guidelines

11.1 Text messages should not be longer than 160 characters.

11.2 Tweets may not be longer than 280 characters.

11.3 Email, Facebook and homepage messages should generally be the same message.

11.4 Each message should consist of the following three components:

11.4.1 Alerting - calling the user's attention to the issue at hand

11.4.2 Informing - what is happening, and what the user should and should not do

11.4.3 Reassuring - be aware of the degree of sensitivity as to the audience.

Notification Regarding Nearby Off-Campus Emergencies

Campus Safety officials may receive emergency information from the Multi-Agency Communications 9-1-1 Center regarding incidents that could imminently impact the safety of the BBCC community. When appropriate, Campus Safety notifies the campus community of off-campus threats that could also represent a serious or continuing threat to students, employees, and visitors.

Testing and Registration

The Campus Alert System will be tested at least 10 times per year to ensure that all systems are working properly and that system administrators maintain a working knowledge of the system. These tests will also be educational moments for the campus community to remind them that this system does exist, and that it is a working and functioning system that they can rely upon.

Students, staff, and faculty are informed of the Campus Alert System program and evacuation processes annually during training and through written notification. This includes dissemination of information about how to respond during the activation of the Campus Alert System in response to a significant incident on campus or within the immediate area of the campus that potentially directly impacts the safety of campus community members. These information sessions have been built into first-year orientation, resident life student and staff training, and new employee/faculty orientations. Additionally, Campus Alert System business card-size notices and subscription instructions are posted in classrooms and public areas throughout campus. Tests may be announced or unannounced.

Students and employees' BBCC-issued email addresses are automatically subscribed by our IT department to receive Campus Alert messages. If a student or employee wishes to receive text messages or emails at another address, they must register those added devices. To add a cell phone or personal email address, they must:

- 1) Go to www.bigbend.edu/alerts
- 2) Click on "Please click here to sign up for Campus Alerts"
- 3) Use your BBCC login credentials
- 4) Add the desired email or cell phone number in their user profile
- 5) Users can opt out of receiving text messages at any time by texting STOP to 67283 or 226787.

The College's means of communicating during an emergency situation includes the following, although not all of these methods are always employed. The communications method used would depend on the type of emergency:

- Cell phone Text/Voice Messaging
- All Campus Email Alerts
- Computer Instant Pop-Up Emergency Screen Messages

- Emergency Website, Facebook, and Twitter Accounts
- Telephone Trees
- Public Media (TV, radio, news websites)
- Fire Alarm System Notification
- Public Address System from Siren and from Public Safety Vehicles
- Flyers posted throughout Campus
- Direct On-foot and In-person Notifications

PREPARATION OF ANNUAL DISCLOSURE OF CRIME STATISTICS AND CLERY COMPLIANCE^{9 10}

The following information provides context for the crime statistics reported as part of compliance with the Clery Act.

The BBCC Department of Campus Safety is primarily responsible for preparing the Annual Security and Fire Safety Report. This responsibility is specifically designated to the Vice President of Finance and Administration or designee. The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the college community obtained from Campus Security, Campus Security Authorities (CSAs), and local jurisdiction law enforcement agencies.

Campus Safety sends an email notification to every enrolled student and current employee on an annual basis informing them of the availability of the Annual Security and Fire Safety Report. The email and letter include a brief summary of the contents of this report. The email and letter also include the address for the Campus Safety website where the Annual Security and Fire Safety Report can be found online, and notification that a physical copy may be obtained by making a request to Campus Safety by calling 509.793.2286.

A Campus Security Authority (CSA) is:

- A campus police department or a campus security department of an institution.
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department, such as an individual who is responsible for monitoring entrance into institutional property.
- Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- 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.

Persons identified as Campus Security Authorities at Big Bend Community College must complete annual training on the following topics:

- Description of the Clery Act
- Description of the role of a CSA
- Understanding the reporting process
- Understanding the importance of documentation
- The need for timely report submission

The VP of Finance and Administration (VPFA) is the lead CSA and maintains a current list of CSAs. At the end of the spring quarter each year, the VPFA will send an email to each CSA asking them to reply via email with any information regarding any Clery crime reported to have occurred within the BBCC Clery geography. CSAs are expected to reply with any data. If the CSA does not have any data to report, the CSA must state that fact in a reply email.

During calendar year 2022, the following employees fell into the category of Campus Security Authority because they had significant responsibility for student and campus activities. The persons in these positions are to whom people are to report crimes for timely warning notifications and statistical report purposes¹¹:

⁹ 34CFR668.46(b)(2)

¹⁰ 34CFR668.41(e),(c)

¹¹ 34CFR668(b)(1)(iii)

- Activity Center Coordinators
- All Academic Advisors (faculty & staff)
- All Athletic Coaches
- All Campus Safety Staff
- All Childcare Learning Center Staff
- All Deans
- All Directors
- All Program Advisors
- All Resident Hall Advisors
- All Student Club Advisors
- All TRiO staff (all of TRiO)
- All VPs
- Athletic Director
- Maintenance & Operations staff (security as a secondary responsibility)
- President of the College
- Title IX Coordinator

Reported Crime Categories¹²

In compliance with the Clery Act, BBCC includes four categories of crime statistics:

- Criminal Offenses¹³ — Criminal Homicide, including Murder and Non-negligent Manslaughter, and Manslaughter by Negligence; Sexual Assault, including Rape, Fondling, Incest and Statutory Rape; Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; and Arson.
- Arrests and Referrals for Disciplinary Action for Weapons/Drugs/Liquor¹⁴ — Carrying, Possessing, Etc. Law Violations, Drug Abuse Violations and Liquor Law Violations.
- Hate Crimes¹⁵ — Any of the above-mentioned offenses, and any incidents of Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/ Vandalism of Property that were motivated by bias;
- VAWA Offenses¹⁶ — Any incidents of Domestic Violence, Dating Violence and Stalking. (Note that Sexual Assault is also a VAWA Offense but is included in the Criminal Offenses category for Clery Act reporting purposes).

Specific Information about Classifying Crime Statistics¹⁷

The statistics in this report are published in accordance with the standards and guidelines used by the FBI Uniform Crime Reporting Handbook, National Incident-Based reporting System (NIBRS), relevant federal law (the Clery Act), and applicable state law).

For Clery Act reporting purposes, the number of victims involved in a particular incident is indicated in the statistics column for the following crime classifications: Murder/Non-Negligent Manslaughter, Manslaughter by Negligence, Sex Offenses, and Aggravated Assault. For example, if an aggravated assault occurs and there are three victims, this would be counted as three aggravated assaults in the crime statistics chart. The number reflected in the statistics for the following crime categories includes one offense per distinct operation: Robbery, Burglary, Larceny, Vandalism, and Arson. For example, if five students are walking across campus together and they are robbed, this would count as one instance of robbery in the crime statistics chart. In cases of Motor Vehicle Theft, each vehicle stolen is counted as a statistic. In cases involving Liquor Law, Drug Law, and Illegal Weapons violations the

¹² 34CFR668.46(b)(1), 34CFR668.46(c)(1)-(2)

¹³ 34CFR668.46(c)(1)(i)

¹⁴ 34CFR668.46(c)(1)(ii)

¹⁵ 34CFR668.46(c)(1)(iii)

¹⁶ 34CFR668.46(c)(1)(iv)

¹⁷ 34CFR668.46(c)(9)

statistics indicate the number of people arrested or referred to the Student Conduct Officer for possible disciplinary action for violations of those specific laws.

Hate crimes are reported in narrative form and are separated by category of prejudice. A hate 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 victim, which is a crime. If the facts of the case indicate that the offender was motivated to commit the offense because of their bias against the victim's race, sexual orientation, gender, religion, ethnicity, national origin, gender identity, or disability, the assault is then also classified as a hate crime. For Clery Act Purposes, Hate Crimes include any of the following offenses that are motivated by the offender's bias: Murder and Non-negligent Manslaughter, Sexual Offenses (rape, fondling, incest and statutory rape), Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Larceny-Theft, Simple Assault, Intimidation, and Destruction/Damage/Vandalism of Property.

Unfounded Crimes¹⁸

If a crime is reported as occurring On Campus, in On-campus Residential Facilities, in or on Noncampus buildings or property, or on Public Property, and the reported crime is investigated by law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded."

For Clery Act purposes, the standard for unfounding a reported crime is very high. The college may classify a crime as unfounded only after a full investigation by sworn or commissioned law enforcement personnel. A crime is considered unfounded for Clery Act purposes only if sworn or commissioned law enforcement personnel make a formal determination that the report is false or baseless. Crime reports can be properly determined to be false only if the evidence from a complete and thorough investigation establishes that the crime reported was not, in fact, completed or attempted in any manner.

Crime reports can be determined to be baseless only if the allegations reported did not meet the elements of the offense or were improperly classified as crimes in the first place. A reported crime cannot be designated "unfounded" if no investigation was conducted or the investigation was not completed, nor can a crime report be designated unfounded merely because the investigation failed to prove that the crime occurred; this would be an inconclusive or unsubstantiated investigation. As such, for Clery Act purposes, the determination to unfound a crime can be made only when the totality of available information specifically indicates that the report was false or baseless.

Finally, determinations by a coroner, court or jury may not be used to unfound reports of offenses or attempts. A verdict that a particular defendant is not guilty of a particular charge (or, more technically, that there was not sufficient admissible evidence introduced demonstrating beyond a reasonable doubt that the accused committed the crime) does not mean that the crime did not occur. The inclusion of a reported crime in the Clery Act statistics is not based on the identity of a specific perpetrator.

Reporting Defined¹⁹

A crime should be considered *reported* when it is brought to the attention of a Campus Security Authority (CSA) or local police by a victim, witness, other third party or even an offender. This means that if a parent calls a resident assistant (RA) and tells the RA that a student was raped, the RA is required to file the appropriate report with the reporting structure identified by the institution. The reporting party and the individuals involved in the crime do not have to be affiliated with the institution for the crime to be reportable. There is no obligation for the police to investigate the report. If the report is made in good faith – meaning that there is reasonable basis for believing that the information is not rumor or hearsay – the incident is reportable.

¹⁸ 34CFR668.46(c)(2)(iii)

¹⁹ 34CFR668.46(c)(2)

Referred for Campus Disciplinary Action Defined

The referral of any person to any campus official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction²⁰.

Voluntary Confidential Reporting**Sexual Violence Complaints**

AP6115 §4.3 Confidentiality Requests and Sexual Violence Complaints²¹:

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

- The seriousness of the alleged sexual violence;
- The age of the complainant;
- Whether the sexual violence was perpetrated with a weapon;
- Whether the respondent has a history of committing acts of sexual violence or violence or has been the subject of other sexual violence complaints;
- Whether the respondent threatened to commit additional acts of sexual violence against the complainant or others; and
- Whether relevant evidence can be obtained through other means (e.g., security cameras, other witnesses, physical evidence).
- If BBCC is unable to honor a complainant's request for confidentiality, the Title IX/EEO Coordinator or his/her designee will notify the complainant of the decision and ensure that complainant's identity is disclosed only to the extent reasonably necessary to effectively conduct and complete the investigation.
- If BBCC decides not to conduct an investigation or take disciplinary action because of a request for confidentiality, the Title IX/EEO Coordinator will evaluate whether other measures are available to limit the effects of the harassment and prevent its recurrence and implement such measures if reasonably feasible.

Reporting a Crime to the Grant County Sheriff's Office or the Moses Lake Police Department

A person reporting a crime to Campus Safety has the right to report the crime to the Grant County Sheriff's Office or Moses Lake Police Department by calling 9-1-1. Campus Safety Officers regularly discuss this option with the victim of a crime and will assist the victim with that process.

²⁰ 34CFR668.46(a)

²¹ 34CFR668.46(b)(11)(iii)

Off-Campus Crime

If the Grant County Sheriff's Office or Moses Lake Police Department are contacted about criminal activity off-campus involving BBCC students, the police may notify Campus Safety. Students in these cases may be subject to arrest by the local law enforcement and college disciplinary proceedings through the Student Conduct process.

THE DEPARTMENT OF CAMPUS SAFETY

The Department of Campus Safety is responsible for policy enforcement, security, and emergency response on the campus. Campus Safety is under the leadership of the Vice President for Finance and Administration.

One full-time security officer and several part-time security staff the department. They are provided with educational programs on campus safety, preventative patrols, incident investigation and crime reporting, fire safety and prevention, crime prevention, and community policing, they are also required to be certified in first aid and the use of automated external defibrillators.

To be successful in providing the highest degree of public safety services on the campus, it is important that community members follow good safety practices and understand that safety is the responsibility of all community members, not just those officially and formally charged with enforcing the laws, policies, and rules. This includes using the escort service, locking your valuables, and reporting suspicious/criminal activities.

Enforcement Authority²²

Campus Safety investigates campus criminal incidents for administrative purposes as they relate to its campus judicial process. Criminal incidents may be investigated for possible criminal prosecution by any enforcement agency with jurisdiction. The Vice President for Learning and Student Success, the Dean of Student Services, Title IX Coordinator, and the Vice President Human Resources and Labor (as it relates to employee conduct) coordinate disciplinary action for matters that are violations of College rules.

Campus Safety has no jurisdiction or enforcement authority outside of its identified Clery reporting geography – this includes areas and/or properties that are not owned, rented, leased, recognized or otherwise controlled by the College.

For the purpose of determining identity of a person as a student any faculty member or other college personnel authorized by the college president may demand that any person on college facilities produce evidence of student enrollment at the college. Tender of the student identification card will satisfy this requirement. Refusal by a student to produce identification as required may subject the student to disciplinary action.

Arrest Authority²³

Campus Safety personnel are unsworn and non-commissioned security personnel for BBCC and have no official powers of arrest authority. Campus Safety will summon support from the Grant County Sheriff's Office or other applicable law enforcement entities to affect an arrest on or within campus owned, controlled, leased, or recognized property.

Jurisdiction²⁴

Campus Safety's jurisdiction encompasses on campus property that includes campus residence halls, buildings, and/or facilities; designated non-campus properties and facilities; public property adjacent to and accessible from on campus property, and leased, rented, or otherwise recognized and/or controlled buildings, spaces, and/or facilities.

Campus Safety's jurisdiction does not include noncampus locations.

²² 34CFR668.46(b)(4)

²³ 34CFR668.46(b)(4)(ii)(a)

²⁴ 34CFR668.46(b)(4)(i)

Working Relationships with Other Law Enforcement Agencies²⁵

The BBCC Campus Safety Department maintains a close working relationship with the Grant County Sheriff's Office, Moses Lake Police Department, all other local law enforcement agencies, and the Washington State Patrol. The college also enjoys a close relationship with local law enforcement due to our criminal justice instructional program. Law enforcement officers are regularly on campus helping with instruction.

In addition, collaborative meetings and training sessions are occasionally held to review issues and incidents occurring within the multiple local jurisdictions. Campus Safety is comfortable with and capable of reaching out to these responsive law enforcement entities for support and assistance as it relates to the safety and security of the campus community.

Campus Safety and local law enforcement officers communicate regularly on the scene of incidents that occur in and around the campus area. Campus Safety investigators work closely with local law enforcement investigators when incidents arise that require joint communication efforts.

Written Memorandums of Understanding with Local Law Enforcement²⁶

BBCC maintains a current Memorandum of Understanding (MOU) with the Grant County Sheriff's Office (GCSO). That agreement specifically addresses, among other specifics, that:

- 1) The GCSO has primary responsibility for handling all criminal investigations occurring on campus.
- 2) The GCSO will promptly notify the Campus Safety Office when students are identified as victims or suspects of sexual assault that occur off campus, so as to coordinate resources to minimize/prevent further victimization, to trigger appropriate institutional investigative action and disciplinary proceedings against alleged offenders, and to adequately inform the greater campus community of serious ongoing threats to student and employee health and safety. All such notification to campus authorities will be documented in police incident reports. Except in rare and exigent circumstances, personally identifying information will be shared only with the consent of the victim.²⁷

Criminal Background Checks

The College does not routinely conduct state and/or federal criminal background investigations on prospective students. However, it is the policy of the College that all new employees and faculty, as well as volunteers and interns who have significant interaction with BBCC students, have their criminal background records and sex and violent offender registries checked as soon as possible after an offer of employment has been accepted. Individuals who work with minors are required to complete additional background checks including a State Criminal Check, and FBI Check.

²⁵ 34CFR668.46(b)(4)(ii)

²⁶ 34CFR668.46(b)(4)(ii)(B)

²⁷ Section 40002(a)(20) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(20))

SECURITY OF AND ACCESS TO CAMPUS FACILITIES²⁸

Academic and Administrative Buildings

The BBCC campus is open to the public. Academic and administrative buildings are open during normal business hours (typically Monday through Thursday from 8 a.m. to 5 p.m., and Fridays 8 a.m. to 2:30 p.m., except holidays) and are typically secured during the late evening hours, depending upon event and instruction scheduling and community usage.

Academic buildings are typically secured from 11 p.m. to 6 a.m. each night, and access is gained to these buildings by use of college issued keys. Members of the Department of Campus Safety regularly patrol the interiors and exteriors of all campus facilities.

Residence Halls

Access to residence halls is restricted to BBCC students and authorized staff, and the halls are secured by key and lock systems 24 hours a day/7 days a week. Residence Hall Resident Advisors (RAs) regularly patrol the interior common areas, spaces, hallways of buildings, and the exteriors of all campus residence halls. Residence hall professional and student staff also enforce campus policies and security measures within the residence halls to achieve a community respectful of individual and group rights and responsibilities.

Maintenance of Campus Facilities

BBCC facilities and landscaping are maintained in a manner that minimizes hazardous conditions. Campus Safety regularly patrols the campus and reports malfunctioning lights and other unsafe physical conditions to Maintenance and Operations for correction. Campus community members can report hazards directly to Maintenance and Operations either via telephone at 509.793.2286 or via the college's work order system. The campus' overall safety and security program is supplemented by a variety of technological systems including access control, closed circuit television, fire detection, suppression, and reporting systems.

²⁸ 34CFR668.46(b)(3)

CRIME PREVENTION, FIRE SAFETY, AND SAFETY AWARENESS PROGRAMMING^{29 30}

BBCC offers many programs designed to inform students and employees about campus security procedures and practices and the prevention of crimes. A common theme of all awareness and crime prevention programs is to encourage students and employees to be responsible for their own safety and for the safety of others on campus.

Crime prevention programs on personal safety and security are sponsored by various campus organizations throughout the year. These programs include general crime prevention and security awareness programs, such as safety education forums, programs, and discussions about topics such as alcohol abuse, sexual assault awareness and prevention, relationship violence awareness and prevention, bystander intervention, fire safety, emergency response and evacuation procedures, and theft prevention.

When available, Campus Safety may participate in forums, panels, meetings, and programs to explain college security, campus safety, campus policies and expectations related to student conduct and behavior and fire safety measures and procedures. This information is usually presented:

- To all incoming students during the new student orientation program at the beginning of each quarter;
- During individual or group new-employee orientation sessions scheduled throughout the year; and
- During faculty in-service training days.

In addition, active shooter survival/response training is offered year-round for any student, employee or faculty group.

²⁹ 34 CFR 668.46(b)(5)

³⁰ 34 CFR 668.46(b)(6)

RESPONSIBILITIES OF THE COLLEGE COMMUNITY FOR THEIR OWN PERSONAL SAFETY³¹

Members of the BBCC community must assume responsibility for their own personal safety and the security of their personal property. The following precautions provide guidance.

- Report all suspicious activity to Campus Safety immediately.
- Never take personal safety for granted.
- Avoid walking alone at night. Use the Campus Safety escort service. Staff will accompany you to your car or classroom.
- Limit your alcohol consumption, and leave social functions that get too loud, too crowded, or that have too many people drinking excessively. Remember to call 9-1-1 for help at the first sign of trouble.
- Carry only small amounts of cash.
- Never leave valuables (wallets, purses, books, phones, etc.) unattended.
- Carry your keys at all times and do not lend them to anyone.
- Lock up bicycles and motorcycles.
- Lock car doors and close windows when leaving your car.
- Always lock the door to your residence hall room, whether or not you are there. Be certain that your door is locked when you go to sleep, and keep windows closed and locked when you are not at home. DO NOT PROP OPEN INTERIOR OR EXTERIOR DOORS.
- Engrave serial numbers or owner's recognized numbers, such as a driver's license number, on items of value.
- Inventory your personal property and insure it appropriately with personal insurance coverage.

³¹ 34CFR668.46(b)(5)

DRUGS AND ALCOHOL LAWS AND PENALTIES³²

As an institution receiving federal funding, BBCC has a Drug and Alcohol Abuse Prevention Program (DAAPP) as required by the Higher Education Act of 1965. When applying for federal assistance, institutions certify to the existence of such programs.

Washington State Laws

Alcohol: It is unlawful for any person under the age of twenty-one years to possess, consume, or otherwise acquire any liquor. A violation of this subsection is a gross misdemeanor punishable as provided for in chapter 9A.20 RCW.

Drugs: Legal sanctions for illegal possession or distribution of illicit drugs may result in penalties up to 10 years in prison and maximum fine of up to \$100,000.

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.

Marijuana: Legal sanctions for illegal possession or distribution of illicit drugs may result in penalties up to 5 years in prison and maximum fine of up to \$10,000.

Federal Drug Laws and Penalties

Persons convicted of federal drug trafficking charges may face up to 40 years in prison and a maximum fine of \$8 million as well as:

- 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).

College Drug and Alcohol Policies

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

AP 3019 Alcohol³³: The use, possession, delivery, and sale of alcohol while on college-owned or controlled property is prohibited except as authorized by the president. 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.

³² 34CFR668.46(b)(8)

³³ 34CFR668.46(b)(8)

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.

WAC 132R-04-057(10)(a) Alcohol. The use, possession, delivery, sale, or being visibly under the influence of any alcoholic beverage, except as permitted by law and applicable college policies.

Controlled Substances

AP 3019 Controlled Substances³⁴ 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.

WAC 132R-04-057(10)(b) Marijuana. The use, possession, delivery, or sale of marijuana or the psychoactive compounds found in marijuana intended for human consumption, regardless of form, or being observably 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.

WAC 132R-04-057(10)(c) Drugs. The use, possession, delivery, sale, or being observably under the influence of any legend drug (including anabolic steroids, androgens, or human grown hormones), narcotic drug or controlled substance as defined in chapters 69.41 and 69.50 RCW, except in accordance with a lawful prescription for that student by a licensed health care professional.

Prescription and Over-the-Counter (OTC) Drugs

AP 3019: 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 Vice President of Learning and Student Success. Students may consult the Accommodations & Accessibility Services Office for advice and support in arranging reasonable accommodations for their medical needs.

³⁴ 34CFR668.46(b)(9)

Residence Hall Drug and Alcohol Policies³⁵

6.4.1 Possessing, delivering, sharing, transporting, administering, consuming, selling, or knowingly being in the presence of any alcoholic beverage, illegal drug, or controlled substance is prohibited.

6.4.2 The illegal possession or use of paraphernalia and/or compounds which produce hallucinations or illusions when introduced into the body and all compounds covered under federal and state drug control laws is prohibited, except when the use or possession of a drug is specifically prescribed as medication by an authorized practitioner.

6.4.3 On-site use, medical use or possession of marijuana is prohibited (Federal Law).

6.4.4 Detectable intoxication within the BBCC Residence Halls is prohibited.

6.4.5 Residents may not display alcohol or drug paraphernalia. Paraphernalia will be confiscated and destroyed. This includes:

6.4.6 Rapid-consumption device or “beer bong”

6.4.7 Alcohol containers, such as beer cans, wine bottles, liquor bottles

6.4.8 Pipes designed for the use of illegal drug consumption

6.4.9 Hypodermic needles and related equipment designed for the use of illegal drug consumption

6.4.10 Residents are responsible for their own actions and the actions of others who are in the facility. Residents must immediately report all violations to the Director of Residence Halls. Withholding knowledge of suspected alcohol and drug misconduct is prohibited.

6.4.11 All 6.4 items are classified as a MAJOR INFRACTION

6.4.11.1 A fine of \$150 will be charged to the student’s account and the Residence Halls contract may be immediately terminated.

Other Requirements per AP 3019

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.

Reporting: Students and employees are expected to report suspected violations of this policy to their supervisor, appropriate dean, Vice President of Learning and Student Success, or the Vice President 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.

Enforcement: Supervisors are responsible for enforcing this policy with respect to the employees they supervise. The Vice President of Learning and Student Success has the primary responsibility for enforcing this procedure with respect to students.

³⁵ 2020 Residence Hall Handbook

Confidentiality: Complaints and investigations regarding violations of this procedure will be maintained in a confidential manner to the extent permitted by law³⁶.

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.

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:

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

AP 3019 Sanctions and Remedial Actions:

Employees

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.

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

Violations of this policy may result in appropriate disciplinary sanctions as provided in the Student Code of Conduct.

Big Bend Community College will impose disciplinary sanctions on students found accountable for violations of BP 3019, Drug Free/Alcohol Free Workplace Policy. Sanctions will be imposed in accordance with the provisions of the Student Code of Conduct. Sanctions that may be imposed include but are not limited to:

- Mandatory attendance at a prevention education program
- Loss of privileges, restitution, community service, and/or fines
- Eviction from college-owned or controlled housing
- Suspension and/or dismissal from the college
- If under 21, notification of the student's parents/guardians
- Or some combination of the above

³⁶ 34CFR668.46(b)(11)(iii)

- As required by federal law, the college cooperates with law enforcement authorities in referring for prosecution of unlawful possession, use or distribution of alcohol and illicit drugs by students or employees on college premises or as part of any of its activities.

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.

Loss of Student Financial Aid

People convicted of drug possession are ineligible for federal financial aid for one year from the date of the conviction after the first offense, two years after the second offense, and indefinitely after the third offense. People convicted for selling drugs are ineligible for federal financial aid for two years from the date of conviction after the first offense, and indefinitely after the second offense. People who lose eligibility for federal financial aid can regain eligibility early by successfully completing an approved drug rehabilitation program.

DRUG AND ALCOHOL ABUSE PREVENTION PROGRAM REQUIREMENTS³⁷

One of the most important social decisions a college student will make is to use or not use alcohol and other drugs. The choice is an individual decision.

Before making this decision, all college employees, students, and guests should be informed about the effects of alcohol and drugs and the potential consequences of using them.

BOARD POLICY 3019, DRUG FREE/ALCOHOL FREE WORKPLACE POLICY AND ADMINISTRATIVE PROCESS 3019, DRUG & ALCOHOL ABUSE PREVENTION are intended to meet, at a minimum, the requirements of all applicable federal and state laws, including but not limited to the Drug-Free Schools and Communities Act of 1989 and the Drug-Free Workplace Act Of 1988.

Health risks associated with the abuse of alcohol and use of illicit drugs

- **Alcohol** – Alcohol abuse is involved in the majority of violent behavior incidents: sexual assault, sexual misconduct, vandalism, fights, and driving under the influence. Alcohol (and other depressant) abuse results in impaired judgment and coordination, aggressive behavior, impairment in learning & memory, respiratory depression, coma, and possibly death when taken in excess or combined with other depressants.
- **Anabolic Steroids (Anadrol, Oxandrin, Durabolin, Stanozol, Dianabol)** – Man-made substances related to male sex hormones. Steroids are taken to improve physical performance as well as to enlarge muscles and increase strength. Negative effects of steroids include baldness, cysts, shrinking of testicles, oily hair and skin, acne, heart attack, stroke and change in voice. Hostility is also a frequent side effect of anabolic steroids.
- **Club Drugs (GHB, Rohypnol & Ecstasy)** – GHB is an illegal depressant (liquid or powder) which is odorless & colorless (therefore it can be easily slipped into drinks undetected). GHB can be used to facilitate rape because it causes impairments in judgment, sleepiness & amnesia. Rohypnol also known as “Roofies” is a strong depressant drug, commonly known as the “Date Rape” drug. When ingested with alcohol or other drugs, effects begin within three (3) minutes and peak within two (2) hours. MDMA/Ecstasy/XTC is a hallucinogenic mind-altering drug. Adverse effects include confusion, depression, sleep problems, severe anxiety & paranoia, nausea, blurred vision, faintness, and the possibility long-term brain damage.
- **Cocaine** – Use produces psychological & physical dependence. Adverse effects include elevated blood pressure, heart rate, respiratory rate & body temperature, increased risk of contracting HIV/AIDS (sharing needles), chronic use can result in ulceration and rupture of the mucous membrane.
- **Hallucinogens (LSD, Mescaline, Cannabis, Magic Mushrooms)** – Hallucinogens or psychedelics are mind-altering drugs which affect the mind’s perceptions, causing bizarre, unpredictable behavior and severe, sensory disturbances that may place users at risk of serious injuries or death. The combination of hallucinogens with other substances, like alcohol or marijuana, can increase the chances of adverse effects and the risk of overdose.
- **Inhalants (glue, paint thinner, gasoline, laughing gas, aerosol sprays)** – Psychoactive substances inhaled as gases. Adverse effects may include nausea, sneezing, coughing, nosebleeds, fatigue, lack of coordination, brain & nervous system damage and possibly death.
- **Marijuana** – The effects associated with marijuana use include: increased blood pressure, blood-shot eyes, dry mouth, hunger, impairment of short-term memory and concentration,

³⁷ 34CFR668.46(b)(10)

altered sense of time, decreased coordination and motivation, psychological dependence, lung cancer, and possibly chronic lung disease after long-term use.

- **Methamphetamines/Amphetamines & other Stimulants** – Symptoms of stimulant abuse include: increased heart & respiratory rates, elevated blood pressure, dilated pupils, excessive perspiration, headache, dizziness, sleepiness, anxiety, and loss of appetite, coma, and death may result
- **Opioids (Heroin, Morphine, Codeine, Fentanyl, Demerol, Percodan)** – Narcotics initially produce a feeling of euphoria followed by drowsiness, nausea, and vomiting. Overdose may cause slow and shallow breathing, clammy skin, convulsions, coma, and possibly death.
- **Ritalin** – A prescription drug used to treat ADHA, ADD and other conditions. It has similar effects to those of cocaine and amphetamines. Ritalin is often abused for appetite suppression and/or to stay awake.
- **Tranquilizers (Valium)** – Use of tranquilizers can induce calm and relaxation. Feelings will range from mild euphoria to drowsiness, confusion and light headedness. Hostility, blurred vision, hallucinations, lethargy, memory loss and irritability can also occur.

Information, Education, and Counseling

Big Bend Community College emphasizes the importance of information and education helping to prevent alcohol and drug abuse. The college is committed to helping students prevent and address alcohol and drug abuse problems. For additional information about counseling, assessment, and referral services, contact:

- BBCC Counseling Center 509.793.2035
- Renew 509.765.9239
- Alcoholics Anonymous 411.612.7718
- Dean of Student Services 509.793.2077
- Central Washington Area Narcotics Anonymous 877.664.0398

Available Counseling, Treatment or Rehabilitation

Students with alcohol or drug related problems are encouraged to contact the BBCC Counseling Office for information and referral. Students may also take advantage of services provided by Renew (Grant Behavioral Health & Wellness) 509.765.9239. The center provides such services as alcohol and drug assessments, individual counseling, family counseling, group therapy, an intensive outpatient program and an alcohol and other drug information school. Private practitioners and agencies are listed in the local telephone directory.

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) or Renew:

- First Choice EAP, 1.800.777.4114 or TTY 1.800.777.4969, www.FirstChoiceEAP.com
- Renew, 840 E Plum, Moses Lake, WA 98837, 509.765.9239

College Compliance Required to Participate in Federally Funded Activities

AP 3019 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.

AP 3019 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.

AP 3019 College Response Requirements: If an employee, who is directly engaged in the performance of work under a federally funded award (as described in 34 CFR Part 84), is convicted of a drug violation in the workplace, BBCC shall:

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

Within thirty (30) calendar days of learning about the conviction, either

- 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
- 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

AP 3019: 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:

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;

- A description of applicable sanctions for violations of federal, state, and local law;
- 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;
- A description of health risks associated with alcohol and other drug use; and
- 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.

The Vice President of Learning and Student Success shall ensure all new students are provided with the annual notification.

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

The Vice President for Finance and Administration 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 drug-free workplace statement.

Biennial Review

AP 3019: The Vice President of Learning and Student Success and the Vice President of Human Resources & Labor shall coordinate preparation of a biennial review of BBCC's drug and alcohol abuse prevention programs. Per 34 CFR 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 Vice President of Learning and Student Success 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.

WEAPONS POLICY

WAC 132R-117-010 Firearms and dangerous weapons.

- (1) Possession, carrying or discharge of any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, explosive device or any other weapon apparently capable of producing bodily harm (including shot guns, pistols, air guns, pellet guns, and paint-ball guns), whether loaded or unloaded, is prohibited on Big Bend Community College owned or controlled property, unless otherwise authorized in this provision.
- (2) Such persons who are authorized to carry firearms or other weapons as duly appointed and commissioned law enforcement officers in the state of Washington, legally authorized military personnel while in the performance of their duties, and other persons or entities authorized by contract to carry firearms in the course of their employment, may possess firearms or other weapons issued for their possession by their respective law enforcement agencies while on campus or other college controlled property, including residence halls.
- (3) An individual with a valid concealed weapons permit may store a pistol in his or her vehicle parked on campus in accordance with RCW 9.41.050 (2) or (3), provided the vehicle is locked and the weapon is concealed from view.
- (4) Anyone seeking to bring a firearm or other weapon onto campus for purposes directly related to a class or other educational or work activity must obtain prior written authorization from the vice president of learning and student success or any other person designated by the president of the college. The vice president of learning and student success or other designee shall review any such request and may establish conditions to the authorization. Any permission shall be in writing and subject to such terms or conditions incorporated into the written permission.
- (5) Any person may possess a personal protection spray device, as authorized by RCW 9.91.160, while on property owned or controlled by Big Bend Community College.
- (6) Violators shall be subject to appropriate disciplinary or legal action.

DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING

Sexual Misconduct Policies, Procedures and Resources

BBCC prohibits the crimes of domestic violence, dating violence, sexual assault and stalking³⁸ (as defined by the Clery Act) and reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all members of the college community. BBCC issues this statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault and stalking as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which will be followed regardless of whether the incident occurs on or off campus when it is reported to a College official.

Definitions of Consent, Dating Violence, Domestic Violence, Sexual Assault, and Stalking³⁹

Washington State

- 1) Consent. RCW 7.105.010. (5) "Consent" in the context of sexual acts means that at the time of the sexual contact, there are actual words or conduct indicating freely given agreement to that sexual contact. Consent must be ongoing and may be revoked at any time. Conduct short of voluntary agreement does not constitute consent as a matter of law. Consent cannot be freely given when a person does not have capacity due to disability, intoxication, or age. Consent cannot be freely given when the other party has authority or control over the care or custody of a person incarcerated or detained.
- 2) Dating Relationship
 - a) RCW 7.105.010 (8) "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.
- 3) Domestic Violence
 - a) RCW 7.105.010 (9) "Domestic violence" means: (a) Physical harm, bodily injury, assault, or the infliction of fear of physical harm, bodily injury or assault, nonconsensual sexual conduct or nonsexual sexual penetration; coercive control; unlawful harassment; or stalking of one intimate partner by another intimate partner; or (b) physical harm, bodily injury, assault, or the infliction of fear of physical harm, bodily injury or assault; nonconsensual sexual conduct or nonconsensual sexual penetration; coercive control; unlawful harassment; or stalking of one family or household member by another family or household member.
- 4) Sexual Assault
 - a) 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
 - b) Unwanted, inappropriate disrobing of another person or purposeful exposure of one's genitals to another without the other's consent; or
 - c) Forcing, or attempting to force, any other person to engage in sexual activity of any kind without her or his consent.

³⁸ 34CFR668.46(j)(1)(i)(A)

³⁹ 34CFR668.46(j)(1)(i)(B) & (C)

- i) 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.
 - ii) Rape in the second degree. RCW 9A.44.050. (1) A person is guilty of rape in the second degree when, under circumstances not constituting rape in the first degree, the person engages in sexual intercourse with another person:
 - (a) By forcible compulsion;
 - (b) When the victim is incapable of consent by reason of being physically helpless or mentally incapacitated;
 - (c) When the victim is a person with a developmental disability and the perpetrator is a person who:
 - (i) Has supervisory authority over the victim; or
 - (ii) Was providing transportation, within the course of his or her employment, to the victim at the time of the offense;
 - (d) When the perpetrator is a health care provider, the victim is a client or patient, and the sexual intercourse occurs during a treatment session, consultation, interview, or examination. It is an affirmative defense that the defendant must prove by a preponderance of the evidence that the client or patient consented to the sexual intercourse with the knowledge that the sexual intercourse was not for the purpose of treatment;
 - (e) When the victim is a resident of a facility for persons with a mental disorder or chemical dependency and the perpetrator is a person who has supervisory authority over the victim; or
 - (f) When the victim is a frail elder or vulnerable adult and the perpetrator is a person who:
 - (i) Has a significant relationship with the victim; or
 - (ii) Was providing transportation, within the course of his or her employment, to the victim at the time of the offense.
 - (2) Rape in the second degree is a class A felony.
 - iii) Rape in the third degree. RCW 9A.44.060. (1) A person is guilty of rape in the third degree when, under circumstances not constituting rape in the first or second degrees, such person engages in sexual intercourse with another person:
 - (a) Where the victim did not consent as defined in *RCW 9A.44.010(2), to sexual intercourse with the perpetrator; or
 - (b) Where there is threat of substantial unlawful harm to property rights of the victim.
 - (2) Rape in the third degree is a class C felony.
- 5) Stalking RCW 9A.46.110: (1)(a) A person commits the crime of stalking if, without lawful authority the person: (i) intentionally and repeatedly harasses another person; (ii) intentionally and repeatedly follows another person; (iii) intentionally contacts, follows, tracks, or monitors, or attempts to contact, follow, track, or monitor another person after being given actual notice that the person does not want to be contacted, followed, tracked, or monitored; or (iv) Knowingly and

without consent installs or monitors an electronic tracking device, or causes an electronic tracking device to be installed, placed, or used, to track the location of another person; and (b) The person being harassed, followed, tracked, or monitored suffers substantial emotional distress or is placed in fear that the stalker intends to injure him or her, or another person, or his or her property of the property of another person, or, in the circumstances identified in (a)(iv) of this subsection, the victim's knowledge of the tracking device would reasonable elicit substantial emotional distress or fear. The feeling of substantial emotional distress or fear must be one that a reasonable person in the same situation would experience give the totality of the circumstances.

RCW 9A.90.120 Cyber harassment (1) a person is guilty of cyber harassment if the person, with intent to harass or intimidate any other person, and under circumstance not constituting telephone harassment, makes an electronic communication to that person or a third party and the communication:

- (a) (i) Uses any lewd, lascivious, indecent, or obscene words, images, or language, or suggests the commission of any lewd or lascivious act;
- (ii) Is made anonymously or repeatedly;
- (iii) Contains a threat to inflict bodily injury immediately or in the future on the person threatened or to any other person; or
- (iv) Contains a threat to damage, immediately or in the future, the property of the person threatened or of any other person;

BBCC Policy Definitions⁴⁰

For purposes of this Title IX Grievance Procedure (AP 6113), the following terms are defined as follows:

3.1.9.3 Sexual assault includes the following conduct:

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

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

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

3.1.9.3.4 Statutory rape. Consensual intercourse between a person who is eighteen (18) years of age or older, and a person who is under the age of sixteen (16).

3.1.9.3.5 Domestic violence. Physical harm, bodily injury, assault, the infliction of fear of physical harm, sexual assault, or stalking committed by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Washington, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State of Washington, RCW 7.105.010.

⁴⁰ 34CFR668.46(j)(1)(i)(C)

3.1.9.3.6 Dating violence, Physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person

- (i) who is or has been in a social relationship of a romantic or intimate nature with the victim;
and
- (ii) where the existence of such a relationship shall be determined based on a consideration of the following factors
 - 1) the length of the relationship,
 - 2) the type of relationship, and
 - 3) the frequency of interaction between the persons involved in the relationship.

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

PROGRAMS TO PREVENT DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING⁴¹

Primary Prevention and Awareness Programs⁴²

The College provides primary prevention and awareness programs to all incoming students that involves the distribution of educational materials to new students, participating in and presenting information and materials during new student orientations, and making online training modules related to sexual assault and high risk drinking awareness and education available to incoming first-year students and returning second year students.

The College provides educational materials to new employees during new hire orientation. New employees receive information on the college's policy regarding the prohibition of harassment, sexual harassment, and sexual misconduct. Newly hired employees are required to complete online training related to Title IX. The college provides ongoing training to employees regarding the prohibition of harassment, sexual harassment, and sexual misconduct every three years.

These trainings cover the college's policy prohibiting discrimination on the basis of a protected status that is so severe, pervasive, persistent, and objectively offensive that it effectively bars the victim from the benefit of an educational or work opportunity or benefit. Protected status includes, but is not limited to, race, sex, sexual orientation, gender identity/expression, religion, age, color, creed, national or ethnic origin, the presence of any physical, mental or sensory disability, use of a trained guide dog or service animal by a person with a disability, marital status, pregnancy status or families with children, a mother breastfeeding her child, AIDS/HIV or hepatitis C, genetic information and/or protected veteran or military status, or any other legally protected classification.

Sexual harassment and sexual misconduct are other forms of discrimination that are prohibited. Sexual misconduct includes, but is not limited to, intimate partner/domestic violence, non-consensual sexual intercourse, non-consensual sexual contact, sexual assault, stalking, and dating violence. Sexual harassment may include unwelcome sexual advances, unwelcome requests for sexual favors or requests for sexual favors in exchange for some benefit, sexual assault, offensive remarks about a person's gender, and/or unwelcome verbal or physical conduct of a sexual nature by a male or female, of the same or differing sex.

Ongoing Prevention and Awareness Campaigns^{43,44}

BBCC sponsors activities for students and employees during National Sexual Assault Awareness month and provides ongoing training opportunities for faculty and staff throughout the year. The content of these programs mirrors the content of our Primary Prevention and Awareness Program.

Procedures Victims Should Follow if a Crime of Dating Violence, Domestic Violence, Sexual Assault, or Stalking Occurs⁴⁵

Victims should immediately notify one or more of the following:

- Campus Safety, 509.793.2286
- Title IX Coordinator, phone 509.793.2010, or in person in the Human Resources Office, Building 1400 second floor

⁴¹ 34CFR668.46(j)(1)(i)

⁴² 34CFR668.46(b)(6)

⁴³ 34CFR668.46(b)(6)

⁴⁴ 34CFR668.46(j)(1)(ii)

⁴⁵ 34CFR668.46(b)(11)(ii)

Involvement of Law Enforcement and Campus Authorities⁴⁶

- Although the College strongly encourages all members of its community to report violations of this policy to Campus Safety and the Grant County Sheriff's Office, it is the victim's choice whether or not to make such a report.
- Furthermore, victims have the right to decline to notify law enforcement. However, Campus Safety will assist any victim with notifying law enforcement if the victim so desires. The Grant County Sheriff's Office may also be reached directly by calling 509.762.1160 during normal business hours, or 9-1-1 during off hours or in emergency situations; or in person at the Grant County Sheriff's Office located at 35 C Street Northwest, Ephrata. Additional information about the Grant County Sheriff's Office may be found online at: www.grantcountywa.gov/sheriff.

NOTE: Mandatory Reporting of Child Abuse – Academic, administrative, and athletic employees, including student employees, must make any report directly to the proper law enforcement agency or the Department of Social & Health Services (DSHS) Hotline 1-866-ENDHARM. All other employees must make any report directly to the Vice President of Human Resources via phone, in person or email. The Vice President of Human Resources must make a report to the proper law enforcement agency or DSHS.

Preservation of Evidence⁴⁷

After an incident of sexual assault, dating violence, or domestic violence, the victim should consider seeking medical attention as soon as possible at the Samaritan Healthcare Emergency Department, 801 East Wheeler Road, Moses Lake. Sexual Assault Nurse Examiners (SANE) at the hospital are trained and certified in physical evidentiary recovery kit collection. Evidence may be collected even if the victim chooses not to make a report to law enforcement.

If a sexual assault victim does not currently wish to involve police, there is still an option to have the forensic evidence collected in a timely manner. As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. By providing victims with the opportunity to gather information, solidify their support system, and establish rapport with first responders, the county hopes to create an environment that encourages reporting, even for those victims who initially feel unable, unwilling, or unsure about doing so. Victims may report a sexual assault anonymously at Samaritan Healthcare in Moses Lake and have forensics evidence collected during the exam.

It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours, so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring, or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infections. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs, or other copies of documents, if they have any, that would be useful to College adjudicators/investigators or local police.

⁴⁶ 34CFR668.46(b)(11)(ii)(B) – (C)

⁴⁷ 34CFR668.46(b)(11)(ii)(A)

Reporting Incidents of Dating Violence, Domestic Violence, Sexual Assault, and Stalking⁴⁸

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Coordinator by calling, writing, or coming into the office to report in person.

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 review. The Title IX Coordinator is not a confidential reporting entity and is required to report criminal incidents to Campus Safety.

AP6115 4.1 Any employee, applicant, student, or visitor of the college may file a complaint with the Title IX Coordinator. If the complaint is against that Coordinator, the complainant should report the matter to the president's office for referral to an alternate designee. Complaints may be submitted in writing or verbally. The College encourages the timely reporting of any incidents of discrimination or harassment. For complainants who wish to submit a written complaint, a formal complaint form is available on the BBCC website. Hardcopies of the complaint form are available at the following locations: Counseling Center, Campus Security, and the Human Resources Office. Any person submitting a discrimination complaint shall be provided with a written copy of the College's anti-discrimination policies and procedures.

Bystander Intervention⁴⁹

Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

Bystanders play a critical role in the prevention of sexual and relationship violence. They are "individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it." We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some ways to be an active bystander. Further information regarding bystander intervention may be found. If you or someone else is in immediate danger, call 9-1-1. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

- Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
- Be direct, delegate responsibility, or cause a distraction when you see a person secludes, hits on, tries to make out with, or has sex with people who are incapacitated.
- Intervene when someone discusses plans to take sexual advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

⁴⁸ 34CFR668.46(b)(11)(ii)(B)

⁴⁹ 34CFR668.46(j)(1)(i)(D)

Risk Reduction⁵⁰

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one's risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, www.rainn.org)

Stay alert. When you're moving around on campus or in the surrounding neighborhood, be aware of your surroundings. Consider inviting a friend to join you or asking campus security for an escort. If you're alone, only use headphones in one ear to stay aware of your surroundings.

Be careful about posting your location. Many social media sites, like Facebook and Foursquare, use geolocation to publicly share your location. Consider disabling this function and reviewing other social media settings.

Make others earn your trust. A college environment can foster a false sense of security. They may feel like fast friends, but give people time earn your trust before relying on them.

Make a plan. If you're going to a party, go with people you trust. Agree to watch out for each other and plan to leave together. If your plans change, make sure to touch base with the other people in your group. Don't leave someone stranded in an unfamiliar or unsafe situation.

Think about Plan B. Spend some time thinking about back-up plans for potentially sticky situations. If your phone dies, do you have a few numbers memorized to get help? Do you have emergency cash in case you can't use a credit card? Do you have the address to your dorm or college memorized? If you drive, is there a spare key hidden, gas in your car, and a set of jumper cables?

Be secure. Lock your door and windows when you're asleep and when you leave the room. If people constantly prop open the main door to the dorm or apartment, tell security or a trusted authority figure.

Protect your drink. Don't leave your drink unattended, and watch out for your friends' drinks if you can. If you go to the bathroom or step outside, take the drink with you or toss it out. Drink from unopened containers or drinks you watched being made and poured. It's not always possible to know if something has been added to someone's drink. In drug-facilitated sexual assault, a perpetrator could use a substance that has no color, taste, or odor.

Know your limits. Keep track of how many drinks you've had, and be aware of your friends' behavior. If one of you feels extremely tired or more drunk than you should, you may have been drugged. Leave the party or situation and find help immediately.

It's okay to lie. If you want to exit a situation immediately and are concerned about frightening or upsetting someone, it's okay to lie. You are never obligated to remain in a situation that makes you feel uncomfortable, pressured, or threatened. You can also lie to help a friend leave a situation that you think may be dangerous. Some excuses you could use are needing to take care of another friend or family member, an urgent phone call, not feeling well, and having to be somewhere else by a certain time.

Be a good friend. Trust your instincts. If you notice something that doesn't feel right, it probably isn't. Learn more about how to keep your friends safe in social settings.

If you need to get out of an uncomfortable or scary situation, here are some things that you can try:

Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.

⁵⁰ 34CFR668.46(j)(1)(i)(E)

Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.

Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.

Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?

If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

PROCEDURES THE COLLEGE FOLLOWS WHEN A CRIME OF DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING IS REPORTED^{51 52 53 54 55}

The College has procedures in place that serve to be sensitive to victims 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 counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services on and/or off campus; as well as additional remedies to prevent contact between a complainant and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available. The College will make such accommodations, if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to local law enforcement.

Students and employees should contact the Title IX Coordinator by calling, writing, or coming into the office to report in person. The Title IX Coordinator may collaborate and coordinate with the Dean of Student Services, Campus Safety, and other college administrators and personnel to ensure a thorough investigation and protective measures.

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, including Board Policy 6115, this procedure, as well as BBCC's policy against retaliation. The complainant must also be apprised of additional rights including⁵⁶:

- 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 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 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.

If a report of dating violence, domestic violence, sexual assault, or stalking is reported to the College, below are the procedures that the College will follow.

⁵¹ 34CFR668.46(k)

⁵² 34CFR668.46(b)(11)(v)

⁵³ 34CFR668.46(b)(11)(iv)

⁵⁴ 34CFR668.46(b)(11)(vii)

⁵⁵ 34CFR668.46(b)(11)(vi)

⁵⁶ 34CFR668.46(b)(11)(v)

Dating Violence and Domestic Violence

- 1) Institution will assess immediate safety needs of victim
- 2) Institution will assist victim with contacting local police if victim requests AND provide the victim with contact information for local police department
- 3) Institution will provide written instructions on how to apply for Protective Order
- 4) Institution will provide written information to victim on how to preserve evidence
- 5) Institution will assess need to implement interim or long-term protective measures to protect the victim, if appropriate
- 6) Institution will provide the victim with a written explanation of the victim's rights and options
- 7) Institution will provide a "No trespass" or "No contact" directive to accused party if deemed appropriate

Sexual Assault

- 1) Depending on when reported (immediate vs delayed report), institution will provide victim with access to medical care
- 2) Institution will assess immediate safety needs of victim
- 3) Institution will assist victim with contacting local police if complainant requests AND provide the victim with contact information for local police department
- 4) Institution will provide victim with referrals to on- and off-campus mental health providers
- 5) Institution will assess need to implement interim or long-term protective measures, if appropriate.
- 6) Institution will provide the victim with a written explanation of the victim's rights and options
- 7) Institution will provide a "No trespass" or "No contact" directive to accused party if deemed appropriate
- 8) Institution will provide written instructions on how to apply for Protective Order
- 9) Institution will provide a copy of the policy applicable to sexual assault to the victim and inform the victim regarding timeframes for inquiry, investigation, and resolution
- 10) Institution will inform the victim of the outcome of the investigation, whether or not the accused will be administratively charged, and what the outcome of the hearing is
- 11) Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for reporting sex-based discrimination or for assisting in the investigation

Stalking

- 1) Institution will assess immediate safety needs of victim
- 2) Institution will assist victim with contacting local police if complainant requests AND provide the victim with contact information for local police department
- 3) Institution will provide written instructions on how to apply for Protective Order
- 4) Institution will provide written information to victim on how to preserve evidence
- 5) Institution will assess need to implement interim or long-term protective measures to protect the victim, if appropriate

- 6) Institution will provide the victim with a written explanation of the victim's rights and options
- 7) Institution will provide a "No trespass" (PNG) or "No Contact" directive to accused party if deemed appropriate

Anonymous Reporting through the Counseling Center/Pastoral Counselors

Big Bend Community College employs people who hold Counselor Agency Affiliated Registrations (defined in WAC 246-810-010(2)). BBCC does not employ Professional Counselors as defined in 34CFR668.46(a), and does not employ Certified Counselors (defined in WAC 246-810-010(4)) or Pastoral Counselors in the Counseling Center. Certified Counselors and Pastoral Counselors are not required by law to provide statistics for this compliance document. Because of these reasons, BBCC does not accept anonymous reports.

Employee Assistance Program

BBCC also provides an Employee Assistance Program (EAP) for use by employees. The EAP is available to provide full-time employees assistance with such problems as sexual or physical abuse, depression, marital and relationship conflict, stress, grief, critical incident stress, anxiety, and other personal matters. All full-time employees, regardless of performance, are eligible.

Domestic Violence Leave for Employees

Big Bend Community College provides leaves of absence with or without pay to employees who are victims of domestic violence, sexual assault or stalking, or for employees whose family members are victims, to participate in legal proceedings, receive medical treatment, or obtain other necessary services.

Family Member Definition: Any individual whose relationship to the employee can be classified as a child, spouse, WA State registered domestic partner, parent, parent-in-law, grandparent, or person with whom the employee has a dating relationship.

Registered Sex Offender Information⁵⁷

The Grant County Sheriff's Office is responsible for the tracking and address verification of Registered Sex Offenders living in Grant County. For information on the locations of registered sex offenders, go to www.sheriffalerts.com/wa/grant.

Rights of Victims and Succession of Rights

Under all circumstances, if the alleged complainant is deceased as the result of such crime or offense, the next of kin of such complainant shall be treated as the alleged victim for purposes of notifications regarding outcomes and sanctions.

Campus Sexual Assault Victims' Bill of Rights⁵⁸

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

⁵⁷ 34CFR668.46(b)(12)

⁵⁸ 34CFR668.46(k)(2)(iii)

Institutional Policies

AP6115 4.4.5 At the conclusion of the investigation, the investigator shall set forth their findings in writing. If the investigator is someone other than the Title IX/EEO Coordinator, the investigator will send a copy of the findings to the Title IX/EEO Coordinator.

The Title IX/EO or designee will provide each party and the appropriate student services administrator or appointing authority with written notice of the investigative findings subject to the following limitations. The complainant shall be informed in writing of the findings only to the extent that such findings directly related to the complainant's allegations. The complainant may be notified generally that the matter has been referred for disciplinary action. The respondent shall be informed in writing of the findings and of actions taken or recommended to resolve the complaint and shall be notified of referrals for disciplinary action.. Both the complaint and the respondent are entitled to review the investigative findings, subject to any FERPA confidentiality requirements

ACCOMMODATIONS AND PROTECTIVE MEASURES AVAILABLE FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING

AP6115 4.4.2 Interim measures. The Title IX/EEO Coordinator may impose interim measures to protect the complainant and/or respondent pending the conclusion of the investigation. Interim measure may include, but are not limited to, imposition of no contact orders, rescheduling classes, temporary work assignments, referrals for counseling or medical assistance, and imposition of a summary suspension in compliance with the College's student conduct code or an administrative leave of absence in compliance with the College's employment policies and collective bargaining agreements.

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 Title IX Coordinator issues no contact orders when the circumstances warrant.

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 WA 98823.

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.

Confidentiality^{59 60}

AP6113 4.13 Confidentiality

4.13.1 The college will seek to protect the privacy of the Complainant to the fullest extent possible, consistent with the legal obligation to investigate, take appropriate remedial and/or disciplinary action, and comply with the federal and state law, as well as college policies and procedures. Although the college will attempt to honor Complainants' requests for confidentiality, it cannot guarantee complete confidentiality. Determinations regarding how to handle requests for confidentiality will be made by the Title IX Coordinator.

4.13.2 The Title IX Coordinator will inform and attempt to obtain consent from the Complainant before commencing an investigation of alleged sexual harassment. If a Complainant asks that their name not be revealed to the Respondent or that the college not investigate the allegation, the Title IX Coordinator will inform the Complainant that maintaining confidentiality may limit the college's ability to fully respond to the allegations and that retaliation by the Respondent and/or others is prohibited. If the Complainant

⁵⁹ Section 40002(a)(20) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(20))

⁶⁰ 34CFR668.46(b)(11)(iii)

still insists that their name not be disclosed or that the college not investigate, the Title IX Coordinator will determine whether the college can honor the request and at the same time maintain a safe and nondiscriminatory environment for all members of the college community, including the Complainant. Factors to be weighed during this determination may include, but are not limited to:

- 4.13.2.1 The seriousness of the alleged sexual harassment;
 - 4.13.2.2 The age of the Complainant;
 - 4.13.2.3 Whether the sexual harassment was perpetrated with a weapon;
 - 4.13.2.4 Whether the Respondent has a history of committing acts of sexual harassment or violence or has been the subject of other sexual harassment or violence complaints or findings;
 - 4.13.2.5 Whether the Respondent threatened to commit additional acts of sexual harassment or violence against the Complainant or others; and
 - 4.13.2.6 Whether relevant evidence about the alleged incident can be obtained through other means (e.g., security cameras, other witnesses, physical evidence).
- 4.13.3 If the college is unable to honor a Complainant's request for confidentiality, the Title IX Coordinator will notify the Complainant of the decision and ensure that Complainant's identity is disclosed only to the extent reasonably necessary to effectively conduct and complete the investigation in compliance with this Grievance Procedure.
- 4.13.4 If the college decides not to conduct an investigation or take disciplinary action because of a request for confidentiality, the Title IX Coordinator will evaluate whether other measures are available to address the circumstances giving rise to the complaint and prevent their recurrence, and implement such measures if reasonably feasible.

Assistance for Victims - Rights & Options⁶¹

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the College will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options.

Such written information will include:

- 1) the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred;
- 2) information about how the institution will protect the confidentiality of victims and other necessary parties;
- 3) a statement that the institution will provide written notification to students and employees about victim services in the institution and in the community;
- 4) a statement regarding the institution's provisions about options for, available assistance in, and how to request accommodations and protective measures; and
- 5) an explanation of the procedures for institutional disciplinary action.

A sexual misconduct victim has the right to decline notifying authorities.

⁶¹ 34CFR668.46(b)(11)(vii)

On and Off Campus Services for Victims

Upon receipt of a report of domestic violence, dating violence, sexual assault, or stalking, BBCC will provide written notification to students and employees about existing assistance with and/or information about obtaining resources and services, including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and assistance in notifying appropriate local law enforcement⁶². If a sexual assault or rape should occur on campus, staff on scene, including Campus Safety, will offer the victim information on available services. This information regarding “resources” is not provided to infer that those resources are “crime reporting entities” for BBCC.

These resources include the following:

- On Campus
 - BBCC Counseling Center, 509.793.2061
 - Title IX Coordinator, 509.793.2010
 - Dean of Student Services: Supports student development and addresses issues and needs in a supportive environment. 509.793.2077, Building 1400.
 - Financial Aid and Scholarships: Provides information concerning discontinuance or withdrawal from classes and the effects that such action may have on financial aid and scholarships. 509.793.2034, Building 1400.
 - Campus Safety: Provides walking security escort services from one campus location to another for an added level of security and safety during the later hours of the evening and early morning. To request an escort call 509.793.2286.
 - Student Financial Aid, 509.793.2035
 - Vice President of Learning and Student Success, 509.793.2055
- Off Campus
 - New Hope Domestic Violence and Sexual Assault Services provides 24-hour crisis intervention, sexual assault education groups, rape survivor therapy groups, individual therapy for rape victims, and risk reduction education. 509.764.8402/888.560.6027
 - The National Domestic Violence Hotline: Provides confidential individual support, crisis intervention, and information on ways to secure a victim’s immediate safety. 800.799.7233 www.thehotline.org
 - RAINN (Rape Abuse & Incest National Network) provides extensive support to sexual assault victims. 24-Hour Crisis Line: 800.656.HOPE (4673) www.rainn.org
 - Samaritan Healthcare/Hospital performs sexual assault examinations. Examinations include assessments and documentation of injury, collection of evidence, and treatment to prevent sexually transmitted infections. 509.765.5606 801 E Wheeler Road, Moses Lake
 - The Washington State Bar Association answers questions about how to contact attorneys who can provide you with legal advice and service. 800.945.9722 www.wsba.org
 - NW Justice Project: Assists individuals who do not have the means to secure legal help. 888.201.1012 www.nwjustice.org

⁶² 34CFR668.46(b)(11)(iv)

If the Victim Does Not Wish to Pursue Resolution

In all reported cases of sexual misconduct, the College will conduct a fact-finding investigation to the best of its ability. In cases where the Victim wishes to become a Complainant, this investigative report is provided to the Student Conduct Administrator for a threshold analysis.

In cases where the Victim does not wish to become a Complainant, the college has two options:

- 1) The College may attempt to resolve the complaint in a manner consistent with the Victim's request. This may include holding the report for action at a later date.
- 2) The College may pursue a judicial hearing against the Respondent named in the investigation. Under these circumstances, the College would take into consideration the nature of the assault, the safety of the complainant and the campus community, as well as the previous disciplinary history and previous allegations of sexual misconduct.

PROCEDURES FOR INSTITUTIONAL DISCIPLINARY ACTION IN CASES OF ALLEGED DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT AND STALKING⁶³

Allegation Against an Employee or Student

AP6113 Title IX Grievance Procedures (Source: Human Resources)

This procedure addresses BBCC's efforts to comply with the Clery Act and Title IX requirements for the disclosure of organizational behavior, standard of evidence, notification of involved parties,

1.0 PURPOSE

1.1 Big Bend Community College (BBCC) recognizes its responsibility to investigate, resolve, implement corrective measures, and monitor the educational environment and workplace to stop, remediate, and prevent discrimination on the basis of sex, as required by Title IX of the Educational Amendments of 1972, Title VII of the Civil Rights Act of 1964, the Violence Against Women Reauthorization Act, and Washington State's Law Against Discrimination, and their implementing regulations. To this end, BBCC has enacted Board Policy 6115, Equal Employment, Non-Discrimination, and Anti-Harassment and adopted the following Title IX Grievance Procedure for receiving and investigating sexual harassment allegations arising during education programs and activities. Any individual found responsible for violating BBCC's Title IX policy is subject to disciplinary action up to and including dismissal from college educational programs and activities and/or termination of employment.

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

2.0 SCOPE

2.1 This Title IX grievance procedure applies to complaints brought forward by students or employees that meet the definition of sexual harassment described in section 3.10. Complaints that fall outside of this procedure will be investigated in accordance with AP 6115. Employees covered by a collective bargaining agreement should refer to that agreement for specific Title IX grievance procedures.

2.2 The Title IX Coordinator is charged with administering this procedure.

3.0 DEFINITIONS

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

3.1.1 "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 they are unable to understand what is happening, or are disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows or should know that the other person is physically or mentally incapacitated has engaged in non-consensual conduct. Intoxication is not a defense against allegations that an individual has engaged in nonconsensual sexual conduct.

⁶³ 34CFR668.46(b)(11)(vi)

3.1.2 “Complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

3.1.3 “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

3.1.4 “Formal Complaint” means a writing submitted by the Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting the college conduct an investigation.

3.1.5 “Education Program or Activity” includes locations, events, or circumstances over which the college exercised substantial control over both the Respondent and the context in which the alleged sexual harassment occurred. It also includes any building owned or controlled by a student organization officially recognized by Big Bend Community College.

3.1.6 “Grievance Procedure” is the process BBCC uses to initiate, informally resolve, and/or investigate allegations that an employee or student has violated Title IX provisions prohibiting sexual harassment.

3.1.7 “Supportive Measures” are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or Respondent regardless of whether the Complainant or the Title IX Coordinator has filed a Formal Complaint. Supportive Measures restore or preserve a party’s access to the college’s education programs and activities without unreasonably burdening the other party, as determined through an interactive process between the Title IX Coordinator and the party. Supportive Measures include measures designed to protect the safety of all parties and/or the BBCC educational environment and/or to deter sexual harassment or retaliation. Supportive measures may include, but are not limited to, (i) counseling and other medical assistance, (ii) extensions of deadlines or other course-related adjustments, (iii) modifications of work or class schedules, (iv) leaves of absence, (v) increased security or monitoring of certain areas of campus, and (vi) imposition of orders prohibiting the parties from contacting one another in housing or work situations. Determinations about whether to impose a one-way no contact order must be made on a case-by-case basis. If supportive measures are not provided, the Title IX Coordinator must document in writing why this was clearly reasonable under the circumstances.

3.1.8 “Summary Suspension” means an emergency suspension of a student Respondent pending investigation and resolution of disciplinary proceedings pursuant to the procedure and standards set forth in WAC 132R-04-064.

3.1.9 “Sexual harassment,” for purposes of these Title IX Grievance Procedures, sexual harassment occurs when a Respondent engages in the following discriminatory conduct on the basis of sex:

3.1.9.1 Quid pro quo harassment. A BBCC employee, including student employees, conditioning the provision of an aid, benefit, or service of the college on an individual’s participation in unwelcome sexual conduct.

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

3.1.9.3 Sexual assault includes the following conduct:

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

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

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

3.1.9.3.4 Statutory rape. Consensual intercourse between a person who is eighteen (18) years of age or older, and a person who is under the age of sixteen (16).

3.1.9.3.5 Domestic violence. Physical harm, bodily injury, assault, the infliction of fear of physical harm, sexual assault, or stalking committed by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Washington, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State of Washington, RCW 7.105.010.

3.1.9.3.6 Dating violence, Physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person (i) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (ii) where the existence of such a relationship shall be determined based on a consideration of the following factors 1) the length of the relationship, 2) the type of relationship, and 3) the frequency of interaction between the persons involved in the relationship.

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

3.1.10 "Title IX Administrators" are the Title IX Coordinator, Title IX investigators, the Conduct Review Officer, Student Conduct Officer, Student Disciplinary Committee members, Student Hearing Officer, and college-provided advisors assigned to the parties by BBCC during Title IX disciplinary proceedings.

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

3.2.1 Accepting and processing all Title IX reports, referrals, and Formal Complaints.

3.2.2 Executing and submitting a Formal Complaint when appropriate and necessary.

3.2.3 Handling requests for confidentiality.

3.2.4 Determining during the Grievance Procedure (i) whether a Formal Complaint should be dismissed either in whole or in part, and if so,

(ii) providing notice to both parties about why dismissal was necessary or desirable, and (iii) referring the complaint to the appropriate disciplinary authority for proceedings outside the jurisdiction of Title IX.

3.2.5 Maintaining accurate records of all complaints, reports, and referrals, and retaining investigation files, complaints, reports, and referrals in compliance with the applicable records retention schedules or federal or state law, whichever is longer.

3.2.6 Conducting investigations or assigning and overseeing investigations.

3.2.7 Engaging in an interactive process with both parties to identify and provide supportive measures that ensure during the investigation and disciplinary processes that the parties have equitable access to education programs and activities and are protected from further discrimination or retaliation.

3.2.8 Upon completion of an investigation, issuing or overseeing the issuance of a final investigation report to the parties and the appropriate disciplinary authority in compliance with this Grievance Procedure.

3.2.9 Recommending non-disciplinary corrective measures to stop, remediate, and/or prevent recurrence of discriminatory conduct to disciplinary authorities and other college administrators.

4.0 PROCESS

4.1 Respondent shall be presumed not responsible for the alleged conduct unless or until a determination of responsibility is reached after completion of the grievance and disciplinary processes.

4.2 Before imposing discipline, the college is responsible for gathering and presenting evidence to a neutral and unbiased decision maker establishing responsibility for a Title IX violation by a preponderance of the evidence.

4.3 The college shall treat both the Complainant and Respondent equitably by providing Complainant with remedies against Respondent who has been found responsible for sexual harassment through application of the institution's Title IX grievance and applicable Title IX disciplinary procedures and by providing Respondent with Title IX procedural safeguards contained in this Title IX Grievance Procedures and in the applicable Title IX disciplinary procedures.

4.4 The investigator shall base investigation results on all relevant evidence, including both exculpatory and inculpatory evidence.

4.5 Formal and informal resolutions will be pursued within reasonably prompt timeframes with allowances for temporary delays and extensions for good cause shown. Grounds for temporary delay include, but are not limited to campus closures, extraordinary disruptions to normal operations, and school breaks. Good cause supporting a request for an extension includes, but is not limited to: a party, a party's advisor, or a witness being unavailable, concurrent law enforcement activity, and the need for language assistance or accommodation of disabilities. Both parties will receive written notice of any temporary delay or extension for good cause with an explanation of why the action was necessary.

4.6 A Respondent found responsible for engaging in Sexual harassment may receive discipline up to and including dismissal from the college. A description of other possible disciplinary sanctions and conditions that may be imposed against students can be found in WAC 132R-04-063.

4.7 An employee found responsible for sexual harassment may receive discipline up to and including dismissal from employment. A description of possible disciplinary sanctions and conditions that may be imposed against employees can be found in AP 6115, section 4.4.2, Article 28, section 2.B of the WPEA collective bargaining agreement, and Article XXVI of the BBCC Faculty Negotiated Agreement.

4.8 In proceedings against a student Respondent, the parties may appeal the Student Disciplinary Committee's ruling to the President pursuant to WAC 132R-04-150 and Supplemental Title IX Student Conduct Code Procedures, WAC 132R-04-340.

4.9 In proceedings against an employee Respondent, the parties may appeal the Employee Disciplinary Decision to the President pursuant to AP4300, Supplemental Title IX Employee Hearing Procedure.

4.10 Title IX Administrators may not require, allow, rely upon, or otherwise use questions or evidence that seeks disclosure of privileged communications, unless the privilege has been effectively waived by the holder. This provision applies, but is not limited to information subject to the following:

4.10.1 Spousal/domestic partner privilege;

4.10.2 Attorney-Client and attorney work product privileges;

4.10.3 Privileges applicable to members of the clergy and priests;

4.10.4 Privileges applicable to medical providers, mental health therapists, and counsellors;

4.10.5 Privileges applicable to sexual assault and domestic violence advocates; and

4.10.6 Other legal privileges identified in RCW 5.60.060.

4.11 Title IX Administrators – Free from bias – Training requirements

4.11.1 Title IX Administrators shall perform their duties free from bias or conflicts.

4.11.2 Title IX Administrators shall undergo training on the following topics:

4.11.2.1 The definition of Sexual harassment under these procedures,

4.11.2.2 The scope of the college's educational programs and activities,

4.11.2.3 How to conduct an investigation,

4.11.2.4 How to serve impartially without prejudgment of facts, conflicts of interest, or bias,

4.11.2.5 Use of technology used during an investigation or hearing,

4.11.2.6 The relevance of evidence and questions, and

4.11.2.7 Effective report writing.

4.11.3 All Title IX Administrator training materials shall be available on the college's Title IX webpage.

4.12 Filing a Complaint

4.12.1 Any employee, student, applicant, or visitor who believes that they have been the subject of sexual harassment should report the incident or incidents to the college's Title IX Coordinator identified below. If the complaint is against the Title IX Coordinator, the Complainant should report the matter to the President's office for referral to an alternate designee.

4.12.1.1 Kimberly A. Garza VP of Human Resources & Labor Title IX / EEO / Section 504 Coordinator 7662 Chanute Street NE Building 1400, Second Floor, Office 1449 Moses Lake, WA 98837 509.793.2010

4.13 Confidentiality

4.13.1 The college will seek to protect the privacy of the Complainant to the fullest extent possible, consistent with the legal obligation to investigate, take appropriate remedial and/or disciplinary action, and comply with the federal and state law, as well as college policies and procedures. Although the college will attempt to honor Complainants' requests for confidentiality, it cannot guarantee complete confidentiality. Determinations regarding how to handle requests for confidentiality will be made by the Title IX Coordinator.

4.13.2 The Title IX Coordinator will inform and attempt to obtain consent from the Complainant before commencing an investigation of alleged sexual harassment. If a Complainant asks that their name not be revealed to the Respondent or that the college not investigate the allegation, the Title IX Coordinator will inform the Complainant that maintaining confidentiality may limit the college's ability to fully respond to the allegations and that retaliation by the Respondent and/or others is prohibited. If the Complainant still insists that their name not be disclosed or that the college not investigate, the Title IX Coordinator will determine whether the college can honor the request and at the same time maintain a safe and nondiscriminatory environment for all members of the college community, including the Complainant. Factors to be weighed during this determination may include, but are not limited to:

4.13.2.1 The seriousness of the alleged sexual harassment;

4.13.2.2 The age of the Complainant;

4.13.2.3 Whether the sexual harassment was perpetrated with a weapon;

4.13.2.4 Whether the Respondent has a history of committing acts of sexual harassment or violence or has been the subject of other sexual harassment or violence complaints or findings;

4.13.2.5 Whether the Respondent threatened to commit additional acts of sexual harassment or violence against the Complainant or others; and

4.13.2.6 Whether relevant evidence about the alleged incident can be obtained through other means (e.g., security cameras, other witnesses, physical evidence).

4.13.3 If the college is unable to honor a Complainant's request for confidentiality, the Title IX Coordinator will notify the Complainant of the decision and ensure that Complainant's identity is disclosed only to the extent reasonably necessary to effectively conduct and complete the investigation in compliance with this Grievance Procedure.

4.13.4 If the college decides not to conduct an investigation or take disciplinary action because of a request for confidentiality, the Title IX Coordinator will evaluate whether other measures are available to address the circumstances giving rise to the complaint and prevent their recurrence, and implement such measures if reasonably feasible.

4.14 Complaint Resolution

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

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

4.14.3 Informal Resolution:

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

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

4.14.3.2.1 Guided conversations or communications conducted by the Title IX Coordinator / HRO representative or a mutually agreed upon third party;

4.14.3.2.2 Structured resolution process conducted by a trained mediator; or

4.14.3.2.3 Voluntarily agreed on alterations to either or both of the parties' work or class schedules or student housing arrangements.

4.14.3.2.4 If the parties agree to an informal resolution process, the college will commence the process within 10 days after the parties agree to this option and conclude within 30 days of beginning that process; subject to reasonably delays and extensions for good cause shown. The informal process

is voluntary. Either the impacted or responding party may withdraw from the informal resolution process at any time, at which point the formal investigation process will resume.

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

4.14.4 Formal Resolution

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

4.15 Emergency Removal

4.15.1 If a student Respondent poses an immediate threat to the health and safety of the college community or an immediate threat of significant disruption to college operations, the college's student conduct officer may summarily suspend a Respondent pursuant to WAC 132R-04-064, pending final resolution of the allegations. Nothing in this Grievance Procedure prohibits the college from placing non-student employees on administrative leave pending final resolution of the allegations.

4.16 Investigation Notices

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

4.16.1.1 Notice of formal and informal resolution processes. A description of the college's grievance resolution procedures, including the informal resolution procedure.

4.16.1.2 The investigator will serve the Respondent and the Complainant with a Notice of Investigation in advance of the initial interview with the Respondent to allow the Respondent sufficient time to prepare a response to the allegations and to inform the Complainant that the college has commenced an investigation. The investigation notice will:

4.16.1.2.1 Include the identities of the parties (if known), a description of the conduct alleged constituting Title IX sexual harassment, and the time and location of the incident (if known).

4.16.1.2.2 Confirm that the Respondent is presumed not responsible for the alleged conduct and that the college will not make a final determination of responsibility until after the grievance and disciplinary processes have been completed.

4.16.1.2.3 Inform parties that they are both entitled to have an advisor of their own choosing, who may be an attorney.

4.16.1.2.4 Inform parties they have a right to review and inspect evidence.

4.16.1.2.5 Inform parties about student conduct code provisions and employment policies that prohibit students and employees from knowingly submitting false information during the grievance and disciplinary processes.

4.16.2 Amended investigation notice. If during the course of the investigation, the college decides to investigate Title IX sexual harassment allegations about the Complainant or Respondent that are not included in the investigation notice, the college will issue an amended notice of investigation to both parties that includes this additional information.

4.16.3 Interview and meeting notices. Before any interviewing or meeting with a party about Title IX allegations, the college shall provide the party with a written notice identifying the date, time, location, participants, and purpose of the interview or meeting with sufficient time for the party to prepare for the interview or meeting.

4.17 Investigation Process - Dismissal

4.17.1 Mandatory dismissal. The Title IX Coordinator will dismiss the Title IX allegations, if during the course of a formal investigation under the Title IX Grievance Process, the investigator determines that the alleged misconduct in the Formal Complaint:

4.17.1.1 Does not meet the definition of sexual harassment under Title IX, even if proved; or

4.17.1.2 Did not occur in the context of a College Education Program or Activity; or

4.17.1.3 Occurred outside the United States.

4.17.2 Discretionary dismissal. The college may dismiss a Title IX claim in whole or in part, if:

4.17.2.1 The Complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint in whole or in part;

4.17.2.2 Respondent is no longer enrolled with or employed by the college; or

4.17.2.3 Specific circumstances prevent the college from gathering evidence sufficient to complete the investigation of the Title IX allegations in whole or in part.

4.17.3 The Title IX Coordinator will provide both parties written notice if Title IX allegations are dismissed with an explanation for the dismissal.

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

4.18 Investigation Process – Consolidation of Formal Complaints

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

4.19 Investigation Process – Required Procedures

4.19.1 During the investigation, the Investigator:

4.19.1.1 Will provide the parties with equal opportunity to present relevant statements, and other evidence in the form of fact or expert witnesses and inculpatory or exculpatory evidence.

4.19.1.2 Will not restrict the ability of either party to discuss the allegations under investigation or gather and present relevant evidence, except when a no contact order has been imposed based on an individualized and fact specific determination that a party poses a threat to the health, safety, or welfare of another party and/or witnesses or when contact with a party and/or witness is prohibited by court order. A college-imposed no contact shall be no broader than is necessary to protect the threatened party or witness and must provide the impacted party or their advisor with alternative means of gathering and presenting relevant evidence from the protected witness and/or party.

4.19.1.3 Will allow each party to be accompanied by an advisor of their choosing, who may be an attorney, to any grievance related meeting or interview. Advisors' roles during the investigation meetings or interviews will be limited to providing support and advice to the party. Advisors will not represent or otherwise advocate on behalf of the parties during the investigation process. An attorney representing a party must enter a notice of appearance with the Title IX Coordinator and the Investigator at least five (5) days before the initial interview or meeting they plan to attend, so that the college can secure its own legal representation, if necessary.

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

4.19.1.5 The investigator will forward the final report to the Title IX Coordinator, who will distribute the report and evidence to the parties, as well as the disciplinary authority responsible for determining whether pursuing disciplinary action is warranted.

Allegation Against Faculty

Faculty members may utilize the grievance process for filing a grievance against another faculty member, employee or student for alleged cases of domestic violence, dating violence, sexual assault or stalking.

Faculty Negotiated Agreement (2022-2024) Article XXXV: Grievance Procedure

A. Purpose. The purpose of this procedure is to provide a means for the orderly and expeditious adjustment of grievances of the Faculty Association and/or individual academic employee of Community College District No. 18.

B. Definition. A grievance shall be defined as a written statement by the grievant that a dispute or disagreement exists involving interpretation, application or violation of specific term(s) of the Negotiated Agreement. The grievance complaint must describe the allegation, cite the specific article and/or section(s) of the Negotiated Agreement or Board policies claimed to have been violated, misinterpreted, or misapplied, and the remedy sought. Nothing contained herein shall be construed as limiting the right of any academic employee having a complaint to discuss the matter directly with any member of the administration and to have the problem adjusted without the intervention of the Faculty Association. A grievant may be represented at all stages of the grievance procedure by himself/herself or at his/her option by a representative of the Faculty Association. The Faculty Association has the right to have a representative at all grievance meetings.

C. Grievance Process. Grievances shall be processed as rapidly as possible. The grievant shall make his/her grievance known within thirty (30) business days of the alleged incident, or when they should have been reasonably aware of the incident. Failure of the grievant to meet time limits constitutes a waiver of the grievance at any step in the process. Time limits imposed by procedures may only be extended by mutual agreement of the parties involved.

To the extent that time limits are expressed in days, the days shall consist of business days, unless otherwise specified.

D. Step 1: An academic employee with a grievance shall discuss it first with the immediate supervisor, or the next level supervisor if this is not possible. The academic employee may be accompanied by a

member of the professional organization. Every effort shall be made to resolve the grievance at this level in an informal manner. The supervisor will respond in writing to the academic employee and the Faculty Association within ten (10) business days of the meeting.

E. Step 2: If no settlement is reached at Step 1, the written grievance may be submitted to the President or designee within ten (10) business days of the receipt of the Step 1 decision. The President or designee will meet with the grievant(s) within ten (10) business days following receipt of the grievance and will respond in writing to the grievant(s) and the Faculty Association within ten (10) business days of the Step 2 meeting.

Failure of the President or designee to respond within the time limit in Step 2 shall move the grievance automatically to Step 3.

F. Step 3: If no settlement is reached in Step 2, the written grievance may be submitted within ten (10) business days to the Board. Upon receipt of the written grievance, the Board shall convene an executive session at the next regular or special Board meeting. At the executive session the grievant and the Board shall attempt to resolve the grievance. Representatives of the Faculty Association and administration may be present at this meeting. The Board shall send its written determination to the grievant within ten (10) business days of the Step 3 meeting.

If the grievant and Association concurs with the Board's written determination, the recommendation of the Board shall be implemented as the remedy to the grievance.

G. Step 4: If no settlement is reached in Step 3, the Faculty Association may, at their sole discretion, submit the grievance to final and binding arbitration as defined in Section H. The Association President, may by written notice to the President within twenty (20) business days of the receipt of the Step 3 decision, submit the grievance to such arbitration. The parties to the arbitration agree to accept the arbitrator's award as final and binding upon them. Upon rendering a decision, the arbitrator may retain jurisdiction until such time as the award is completed. The arbitrator shall not have any power to modify or disregard any of the terms and conditions of the Negotiated Agreement. See Article XX, Section H.3 regarding awarding of tenure, and continuation of probationary status.

H. Arbitration. Matters subject to arbitration shall be referred to the American Arbitration Association through a joint request for a list from which an arbitrator will be selected using a striking process. Only grievances which involve an alleged violation by the employer of a specific section or provision of this agreement which are presented to the employer in writing during the term of this agreement and which are processed in the manner and within the time limits herein provided shall be subject to arbitration. Upon request of either party, the substantive and procedural arbitrability issues arising in connection with the grievance shall be ruled upon by the arbitrator prior to hearing the merits of the grievance. Hearings and other procedural matters shall be in accordance with voluntary rules of the American Arbitration Association.

The costs for the services of the arbitrator, including per diem expenses and his/her travel and subsistence expenses and the cost of any hearing-room, other than at the college, will be borne equally by the Board and the Faculty Association.

I. Confidentiality and Grievance Records. All matters pertaining to specific grievances shall be confidential information and shall not be unnecessarily or indiscriminately related, disclosed, or divulged by any participant in the grievance process or by any employee or official of the College. All documents, communications and records dealing with grievances and their adjustment shall be filed separately from the grievant's personnel file, and upon expiration of the statute of limitations for the initiation of any further legal action, shall be destroyed, with the exception of a record of the grievance and final adjustment thereof.

J. Freedom from Reprisal within the Law. Individuals involved in the grievance procedure, whether as a grievant, a witness, a representative of the Faculty Association, or otherwise, shall not suffer any restraint, interference, discrimination, coercion, or reprisal as a result of any legal participation in the grievance procedure.

K. Assistance in Investigation. During the course of any investigation of a properly filed grievance, the parties shall cooperate and furnish such information as requested in accordance with this procedure.

L. Matters for which another method of review is required by law shall be excluded from this grievance procedure.

M. A grievant may withdraw the grievance at any level. In any event, the withdrawal of a grievance shall not constitute a precedent which may affect any similar case(s) occurring thereafter.

N. On matters pertaining to the interpretation of this agreement, the Faculty Association may begin this procedure at Step 2 of this agreement.

O. All days in the grievance article are defined as business days that the college is open to the public, excluding Christmas and spring breaks unless mutually agreed to by the parties.

Faculty Disciplinary Proceedings

Discipline/Dismissal for Cause, Article XXVI; Interim Measures, Disciplinary Proceedings; Sanctions⁶⁴
Article XXVI: Discipline/Dismissal for Cause

A. Tenured faculty members shall not be disciplined or dismissed except for sufficient cause.

B. A probationer shall not be disciplined or dismissed prior to the written terms of his/her appointment except for sufficient cause.

C. The academic employee shall have the right to representation in any disciplinary proceeding, including investigatory interviews with the employee.

D. The supervising dean or the VP of Learning & Student Success may provide an academic employee with a letter of expectation/direction. Such letters are not considered a step in the progressive discipline process and will not be placed in the employee's personnel file. Letters of expectation/direction will be retained by the supervising dean or VP of Learning & Student Success until such time as the issue has been corrected, not to exceed twelve (12) consecutive months from the date the letter was issued.

E. Sufficient cause shall include but not be limited to the following enumerated grounds:

1. Failure to maintain certificates and licenses required by the position may invalidate the employment contract. All certificates and licenses required of an academic employee for his/her position will be consistent with the job announcement at time of hiring.

Should an academic employee lose a required certification or license, the appointing authority or his/her designee will explore with the academic employee, his/her Division Chair, Dean, and Vice President the possibility of restoration of the license(s) or certificate(s). This restoration shall occur within a six-month period from the date of the loss of the license(s) or certificate(s), or within the time of allowable use of accumulated sick leave should loss be due to a health related issue (whichever is longer). Consideration will be given to temporary reassignment or any additional time needed to reacquire said credentials.

Requirements for all employees in a given area may change as professional certifications and requirements evolve in the industry. These changes will be recommended to the appointing authority

⁶⁴ 34CFR668.46(k)(1)(iii)

for action after consultation between the appropriate administrator and the Division Chair. Affected faculty will have input in working out timeline and procedure for obtaining new licensing or certifications.

2. Aiding and abetting or participating in:

- a. Any unlawful act of violence or incitement to violence.
- b. Any unlawful act resulting in the destruction of community college property.
- c. Any unlawful interference with the orderly conduct of the educational process.

3. Incompetence in professional assignment.

4. Insubordination: A defined act or series of acts directed at a supervisor which may be outside the recognized realm of professional conduct, such as:

- a. Imports a willful disregard of expressed or implied directions of employer and refusal to obey reasonable orders.
- b. Disobedience to constituted authority.

5. Unprofessional conduct as defined: "That which violates the rules or ethical codes of a professional or such conduct unbecoming a member in good standing."

6. Violation of federal, state, or college rules or regulations.

F. Procedure for Discipline/Dismissal for Sufficient Cause

1. The supervising Dean or Vice President shall review all matters regarding discipline/dismissal for cause of a tenured faculty member or probationary faculty member prior to the expiration of such probationary faculty appointee's employment term.

2. If discipline is deemed appropriate by the supervising dean or the VP of Learning & Student Success, it shall only be for sufficient cause and shall be progressive as applied to the specific facts of the case involved unless the severity of the violation by the employee warrants omissions of some steps or waiving the steps entirely. The academic employee shall be notified, in writing, of the disciplinary action being taken. Steps in the progressive discipline process include the following:

- a. Verbal Warning with Written Confirmation of the warning to follow within five (5) work days of the issuance of the verbal warning.
- b. Written Warning
- c. Suspension with or without Pay
- d. Dismissal

3. Disciplinary actions will be placed in the personnel file for up to three (3) years and removed thereafter at the written request of the employee. The employee has the right to file a rebuttal to be included in the personnel file along with the disciplinary action. Any such written rebuttal shall remain attached to the disciplinary action in the personnel file.

4. In the event the supervising dean and the VP of Learning & Student Success have cause to believe that suspension with or without pay or dismissal should be taken against an academic employee, they shall advise the President, and if the President deems a sufficient cause exists, shall discuss the matter with the individual faculty member involved within ten (10) working days. The President has ten (10) working days from having the meeting with the faculty member in which to initiate charges. If the President deems sufficient cause exists, a formal charge will be brought against the faculty member in the following manner:

- a. A letter over the signature of the President will be sent to the faculty member when a charge of discipline or dismissal for sufficient cause is made.
 - b. Copies of this letter will go to the appropriate Division Chair, the Chair of the Professional Rights and Responsibility Committee, and the President of the Faculty Association.
5. In the event of a dismissal or a contested disciplinary action, a hearing committee as defined in Article II, shall convene.
6. The hearing committee shall, after receiving the written charge from the President, establish a date for a hearing giving the faculty member so charged twenty (20) working days' notice of such hearing.
7. The hearing committee shall:
- a. Hear testimony from all interested parties, including but not limited to, other faculty members and students and receive any evidence offered by same.
 - b. Afford the faculty member whose case is being heard the right of cross examination and the opportunity to defend him/herself and be accompanied by both a personal advisor and legal counsel, provided that if the faculty member is represented by legal counsel, the College may be represented by appropriate legal counsel.
 - c. Make a recommendation based exclusively on the evidence produced at the hearing to the President as to whether there is sufficient cause to believe that the faculty member did in fact perform the conduct which justifies discipline or dismissal.
 - d. Promptly and forthrightly prepare recommendations as to the appropriate action to be taken.
 - e. Prepare an informal record of the proceedings before the hearing committee and make the same available to the accused faculty member, and the President. For the purpose of making a record of formal proceedings of the hearing committee, an informal transcription of a tape recording of the hearing will be sufficient.
 - f. When a complaint falls within the scope of Title IX of the Education Amendments of 1972, where the Negotiated Agreement and BBCC Administrative Process (AP) 6113 Title IX Grievance Procedure and AP 4300 Supplemental Title IX Employee Hearing Procedure are in conflict as to process of investigations, discipline, and confidentiality, AP 6113 and AP 4300 shall be the controlling processes to ensure the rights of the complainant and the respondent are protected as prescribed by "Federal law."
- G. Summary Suspension: The President, or in his/her absence any officer of the College designated by the President for this purpose, may impose upon any member of the faculty an interim suspension whenever there is reasonable cause to believe that such person has committed and may reasonably be expected thereafter to continue to commit violent or disruptive acts which disrupt the orderly process of the College.
- The notice of such suspension shall be in writing and state the nature, terms, and conditions of such suspension, and shall include such restrictions on the use of campus facilities as the President or his/her designee deems in the best interest of the College.
- Any person so placed on interim suspension shall be given prompt notice of charges and shall be given the opportunity to show cause at a preliminary hearing why such interim suspension should not continue until a formal hearing is held or for a period of not more than twenty (20) work days, whichever first occurs. To obtain such a preliminary hearing the person so charged shall submit a written request within four (4) work days from the date the interim suspension was imposed. Such written request shall state the address to which the notice of hearing is to be sent. Faculty members requesting a preliminary hearing shall appear before the review committee as defined in Article II.

1. The review committee shall convene a preliminary hearing not later than five (5) workdays from the date of receipt of such request and shall immediately mail a written notice of the time, place and date of such hearing to the person so charged. A preliminary hearing shall consider only whether there is reasonable cause to believe that such a person may reasonably be expected thereafter to commit violent or disruptive acts which disrupt the orderly process of the College.
 2. In a case where the review committee finds that just cause has been demonstrated to initiate an interim suspension, the hearing committee shall schedule a formal hearing which must be held within twenty (20) calendar days from the date of receipt of the recommendation of the review committee which heard the preliminary hearing. Notice of the formal hearing shall immediately be mailed to the person so charged stating the time, place and date of such formal hearing.
 3. Interim suspension may be removed by the President upon recommendation of the review committee or whenever the President has reason to believe that the reasons for imposition of the summary suspension no longer exist.
- H. The dismissal hearings provided above in Sections D and E shall be brief adjudicative proceedings conducted pursuant to Chapter 34.05 RCW, the Administrative Procedures Act.

Disclosure of employee discipline

RCW 28B.112.070 Sexual misconduct—Investigations, records. (1) Unless the victim of the alleged sexual misconduct requests otherwise, when a postsecondary educational institution investigates a complaint or allegation of sexual misconduct committed by an employee against a student of the institution, the institution shall complete the investigation whether or not the employee voluntarily or involuntarily leaves employment with the institution. When the institution completes its investigation, the institution shall make written findings of whether the complaint or allegation is substantiated.

(2)(a) A postsecondary educational institution shall include in the employee's personnel file or employment records any substantiated findings of sexual misconduct committed by the employee while the employee was employed with the postsecondary educational institution.

(b) When disclosing records included in an employee's personnel file or employment records under this section, the institution shall keep personal identifying information of the complainant and any witnesses confidential, unless disclosure of identifying information is agreed to by the complainant or witnesses or required under law.

(c) Personal identifying information in an employee's file or employment records that reveals the identity of the complainant and any witnesses is exempt from public disclosure pursuant to RCW 42.56.375.

(3) For purposes of this section, postsecondary educational institutions shall use a preponderance of the evidence standard when determining whether findings are substantiated.

(4) For purposes of this section and RCW 28B.112.080, "substantiated" means the employee has committed sexual misconduct.

Allegation Against a Student

Disciplinary Actions⁶⁵

Under Washington law (RCW 28B.112.010), all institutions of higher education shall refrain from establishing a different disciplinary process on the same campus for a matter of sexual violence, based on the status or characteristics of the student involved in that disciplinary proceeding, including characteristics such as a student's membership on an athletic team, membership in a fraternity or sorority, academic year, or any other characteristics or status of a student.

⁶⁵ WAC 132R-04-063

At BBCC (WAC 132R-040-063), disciplinary actions include, but are not limited to, the following sanctions that may be imposed alone or in conjunction upon students found to have committed the violations in WAC 132R-04-057. The college may impose additional sanctions on a student who fails to comply with any imposed sanctions including, but not limited to, preventing that student from registering for classes.

- 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 or participation in extra-curricular activities; orders of no contact between the student under probation and other students, college employees, or other persons.
- 4) Not in good standing. A student 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.
- 5) Education. The college may require the student to complete an educational project or attend sessions, at the student's expense, which address the student's behavior such as anger management or counseling.
- 6) Loss of privileges. Denial of specified privileges for a designated period of time.
- 7) No contact order. An order directing a student to have no contact with a specified student, college employee, a member of the college community, or a particular college facility.
- 8) 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.
- 9) Suspension: Dismissal from the college and from the 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.
- 10) 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.

- 11) Expulsion: Permanent separation of the student from the college with no promise (implied or otherwise) that the student may return at any future time. There will be no refund of tuition or fees for the quarter in which the action is taken. The student will also be barred from college premises. Expulsion actions will be accomplished by issuing both an order of expulsion and a notice of trespass pursuant to WAC 132R-117-020(2). The notice of trespass may be given in any manner specified in chapter 9A.52 RCW.

Summary Suspension⁶⁶

- (1) Summary suspension is a temporary exclusion from specified college premises or denial of access to all activities or privileges for which a respondent might otherwise be eligible, while an investigation and/or formal disciplinary procedures are pending.
- (2) The student conduct officer (or designee) may impose a summary suspension if there is probable cause to believe that the respondent:
 - (a) Has violated any provision of the code of conduct; and
 - (b) Presents an immediate danger to the health, safety, or welfare of members of the college community; or
 - (c) Poses an ongoing threat of disruption of, or interference with, the operations of the college.
- (3) Notice. Any respondent who has been summarily suspended shall be served with written notice or oral notice of the summary suspension at the time of the summary suspension. If oral notice is given, a written notification shall be served on the respondent within two business days of the oral notice.
- (4) The written notification shall be entitled "Notice of Summary Suspension Proceedings" and shall include:
 - (a) The reasons for imposing the summary suspension, including reference to the provisions of the student conduct code or the law allegedly violated;
 - (b) The date, time, and location when the respondent must appear before the chair of the student disciplinary committee for a hearing on the summary suspension; and
 - (c) The conditions, if any, under which the respondent may physically access the campus or communicate with members of the campus community. If the respondent has been trespassed from the campus, a notice against trespass shall be included that warns the student that his or her privilege to enter into or remain on college premises has been withdrawn, that the respondent shall be considered trespassing and subject to arrest for criminal trespass if the respondent enters the college campus other than to meet with the student conduct officer or designee, or to attend a disciplinary hearing.
- (5)(a) The conduct review officer or designee shall conduct a hearing on the summary suspension as soon as practicable after imposition of the summary suspension. The hearing will be conducted as a brief adjudicative proceeding.

⁶⁶ WAC 132R-04-064

(b) During the summary suspension hearing, the issue before the conduct review officer is whether there is probable cause to believe that the summary suspension should be continued pending the conclusion of disciplinary proceedings and/or whether the summary suspension should be less restrictive in scope.

(c) The respondent shall be afforded an opportunity to explain why summary suspension should not be continued while disciplinary proceedings are pending or why the summary suspension should be less restrictive in scope.

(d) If the notice of summary suspension proceedings has been served upon the respondent in accordance with these rules and the student fails to appear at the designated hearing time, the conduct review officer may order that the summary suspension remain in place pending the conclusion of the disciplinary proceedings.

(e) As soon as practicable following the hearing, the conduct review officer shall issue a written decision, which shall include a brief statement of findings of fact and conclusions of law, the policy reasons justifying imposition of the summary suspension. If summary suspension is upheld and/or other discipline imposed, the order shall inform the respondent of the duration of the summary suspension or the nature of the disciplinary action(s), conditions under which the summary suspension may be terminated or modified, and procedures by which the order may be appealed.

(f) The interim suspension shall not replace the regular discipline process, which shall proceed as quickly as feasible in light of the interim suspension.

(g) To the extent permissible under applicable law, the conduct review officer shall provide a copy of the decision to all persons or offices whom may be bound or protected by it.

(6) In cases involving allegations of sexual misconduct, the complainant will be notified that a summary suspension has been imposed on the same day that the summary suspension notice is served on the respondent. The college will also provide the complainant with timely notice of any subsequent changes to the summary suspension order.

Appeal from Disciplinary Action⁶⁷

- (1) The respondent may appeal the results of a disciplinary action by filing a written notice of appeal with the conduct review officer within twenty calendar days of service of the student conduct officer's decision. Failure to timely file a notice of appeal constitutes a waiver of the right to appeal and the student conduct officer's order shall be deemed final.
- (2) The notice of appeal must include a brief statement explaining why the respondent is seeking review.
- (3) The parties to an appeal shall be the respondent and the conduct review officer.
- (4) A respondent, who timely appeals a disciplinary action or whose case is referred to the student disciplinary committee, has a right to a prompt, fair, and impartial hearing as provided for in these procedures.
- (5) In the event of a conflict between this student conduct code and the Administrative Procedure Act, chapter 34.05 RCW, this student conduct code will govern.
- (6) The college hereby adopts the Model rules of procedure, chapter 10-08 WAC, by reference. To the extent there is a conflict between these rules and chapter 10-08 WAC, these rules shall control.

⁶⁷ WAC 132R-04-113

- (7) Imposition of discipline for violation of the student conduct code shall be stayed pending appeal, unless respondent has been summarily suspended.
- (8) The student disciplinary committee shall hear the following cases as fully adjudicated proceedings:
 - (a) Appeals from suspensions in excess of ten instructional days;
 - (b) Appeals from dismissals;
 - (c) Discipline cases referred to the committee by the student conduct officer, the conduct review officer, or the president; and
 - (d) Cases in which students request to have their discipline case heard by the committee.
- (9) Student conduct appeals involving the following disciplinary actions shall be reviewed as brief adjudicative proceedings:
 - (a) Suspensions of ten instructional days or less;
 - (b) Disciplinary probation;
 - (c) Reprimands; and
 - (d) Any conditions or terms imposed in conjunction with one of the foregoing disciplinary actions.

Supplemental Sexual Misconduct Procedures⁶⁸

- 1) Both the respondent and the complainant in cases involving allegations of sexual misconduct shall be provided the same procedural rights to participate in student discipline matters, including the right to participate in the initial discipline action and to appeal the student conduct officer's disciplinary order. Application of the following procedures is limited to student conduct code proceedings involving allegations of sexual misconduct. In such cases, these procedures shall supplement the student disciplinary procedures. In the event of conflict between the sexual misconduct procedures and the student disciplinary procedures, the sexual misconduct procedures shall prevail.
- 2) Supplemental complaint process. The following supplemental procedures shall apply with respect to complaints or other reports of alleged sexual misconduct by a student.
 - a) The college's Title IX compliance officer shall investigate complaints or other reports of alleged sexual misconduct by a student. Investigations will be completed in a timely manner and the results of the investigation shall be referred to the student conduct officer for disciplinary action.
 - b) Informal dispute resolution shall not be used to resolve sexual misconduct complaints without written permission from both the complainant and the respondent. If the parties elect to mediate a dispute, either party shall be free to discontinue mediation at any time. In no event shall mediation be used to resolve complaints involving allegations of sexual violence.
 - c) College personnel will honor requests to keep sexual misconduct complaints confidential to the extent this can be done without unreasonably risking the health, safety, and welfare of the complainant or other members of the college community or compromising the college's duty to investigate and process sexual harassment and sexual violence complaints.
 - d) The student conduct officer, prior to initiating disciplinary action, will make a reasonable effort to contact the complainant to discuss the results of the investigation and possible

⁶⁸ WAC 132R-04-103

disciplinary sanctions and/or conditions (if any) that may be imposed upon the respondent if the allegations of sexual misconduct are found to have merit.

Brief adjudicative proceedings

General⁶⁹

- 1) This rule is adopted in accordance with RCW 34.05.482 through 34.05.494. Brief adjudicative proceedings shall be used, unless provided otherwise by another rule or determined otherwise in a particular case by the president, or a designee, in regard to:
 - a) Parking violations.
 - b) Outstanding debts owed by students or employees.
 - c) Use of college facilities.
 - d) Residency determinations.
 - e) Use of library - Fines.
 - f) Challenges to contents of education records.
 - g) Loss of eligibility for participation in institution sponsored athletic events.
 - h) Student conduct appeals involving the following disciplinary actions:
 - i. Suspensions of ten instructional days or less;
 - ii. Disciplinary probation;
 - iii. Written reprimands; and
 - iv. Any conditions or terms imposed in conjunction with one of the foregoing disciplinary actions.
 - v. Appeals of decisions regarding mandatory tuition and fee waivers.
- 2) Brief adjudicative proceedings are informal hearings designed to resolve disputes and address concerns on the part of students, faculty, or other college personnel. Brief adjudicative proceedings shall be conducted in a manner which will bring about a prompt, fair resolution of the matter.

Initial hearing⁷⁰

- 1) Brief adjudicative proceedings shall be conducted by the student conduct officer. The presiding officer shall not participate in any case in which he or she is a complainant or witness, or in which they have direct or personal interest, prejudice, or bias, or in which they have acted previously in an advisory capacity.
- 2) The parties to a brief adjudicative proceeding are the respondent and the student conduct officer. Before taking action, the conduct review officer shall conduct an informal hearing and provide each party (a) an opportunity to be informed of the college's view of the matter and (b) an opportunity to explain the party's view of the matter.
- 3) The conduct review officer shall serve an initial decision upon all the parties within ten business days of consideration of the initial hearing. The initial decision shall contain a brief written statement of the reasons for the decision and information about how to seek administrative review of the initial

⁶⁹ WAC 132R-04-115

⁷⁰ WAC 132R-04-116

decision. If no request for review is filed within twenty-one calendar days of service of the initial decision, the initial decision shall be deemed the final order.

- 4) If the conduct review officer upon review determines that the respondent's conduct may warrant imposition of a disciplinary suspension of more than ten instructional days or expulsion, the matter shall be referred to the student disciplinary committee for a disciplinary hearing. The conduct review officer may enter an interim order suspending the student until a hearing can be held by the student disciplinary committee. The interim order shall provide a brief explanation as to facts supporting the interim order of suspension and give the necessary notices that the case has been referred to the student disciplinary committee.

Review of an initial decision⁷¹

- 1) An initial decision is subject to review by the president or his or her designee, provided the respondent files a written request for review with the conduct review officer within twenty-one calendar days of service of the initial decision.
- 2) The president or designee shall not participate in any case in which he or she is a complainant or witness, or in which they have direct or personal interest, prejudice, or bias, or in which they have acted previously in an advisory capacity.
- 3) During the review, the president or designee shall give each party an opportunity to file written responses explaining their view of the matter and shall make any inquiries necessary to ascertain whether the proceedings must be referred to the student disciplinary committee for a formal adjudicative hearing.
- 4) The decision on review must be in writing and must include a brief statement of the reasons for the decision and must be served on the parties within twenty calendar days of the initial decision or of the request for review, whichever is later. The order on review will contain a notice that judicial review may be available. A request for review may be deemed to have been denied if the reviewing officer does not make a disposition of the matter within twenty calendar days after the request is submitted.
- 5) If the president or designee upon review determines that the respondent's conduct may warrant imposition of a disciplinary suspension of more than ten instructional days or expulsion, the matter shall be referred to the student disciplinary committee for a disciplinary hearing. The president or designee may enter an interim order suspending the student until a hearing can be held by the student disciplinary committee. The interim order shall provide a brief explanation as to facts supporting the interim order of suspension and give the necessary notices that the case has been referred to the student disciplinary committee.

Agency Record⁷²

The agency record for brief adjudicative proceedings shall consist of any documents regarding the matter that were considered or prepared by the presiding officer for the brief adjudicative proceeding or by the reviewing officer for any review. These records shall be maintained as the official record of the proceedings.

Student disciplinary committee

General⁷³

- 1) The student disciplinary committee shall consist of five members:

⁷¹ WAC 132R-04-1170

⁷² WAC 132R-04-118

⁷³ WAC 132R-04-125

- a) Two full-time students appointed by the student government;
 - b) Two faculty members recommended by the faculty association and appointed by the president;
 - c) The conduct review officer or other member of the administration appointed by the president at the beginning of the academic year.
- 2) The conduct review officer shall serve as the committee chair and may take action on preliminary hearing matters prior to the appointment of the committee. The committee chair shall receive annual training on protecting victims and promoting accountability in cases involving allegations of sexual misconduct.
 - 3) Hearings may be heard by a quorum of three members of the committee so long as one faculty member and one student are included on the hearing panel. Committee action may be taken upon a majority vote of all committee members attending the hearing.
 - 4) Members of the student disciplinary committee shall not participate in any case in which they are a party, complainant, or witness, in which they have direct or personal interest, prejudice, or bias, or in which they have acted previously in an advisory capacity. Any party may petition the committee for disqualification of a committee member.

Student disciplinary committee—Hearing⁷⁴

- 1) The student conduct administrative panel will conduct full adjudicative proceedings in accordance with the provisions of this standards of conduct for students code, the Administrative Procedure Act (chapter 34.05 RCW), and the model rules of procedure (chapter 10-08 WAC) including a hearing, determination of findings, conclusions, and sanctions. To the extent there is a conflict between the conduct code and the model rules, this student conduct code shall control.
- 2) The committee chair shall serve all parties with written notice of the hearing not less than seven business days in advance of the hearing date. The chair may shorten this notice period if both parties agree, and also may continue the hearing to a later time for good cause.
- 3) The committee chair is authorized to conduct prehearing conferences and/or to make prehearing decisions concerning the extent and forms of any discovery, issuance of protective orders, and similar procedural matters.
- 4) Upon request filed at least five business days before the hearing by either party or at the direction of the committee chair, the parties shall exchange, no later than the third business day prior to the hearing, lists of potential witnesses and copies of potential exhibits that they reasonably expect to present in their respective cases. Failure to participate in good faith in such a requested exchange may be cause for exclusion from the hearing of any witness or exhibit not disclosed, unless the party can show good cause for such failure.
- 5) The committee chair may provide to the committee members in advance of the hearing copies of (i) the student conduct officer's notification of imposition of discipline (or referral to the committee) and (ii) the notice of appeal (or any response to referral) by the respondent. If doing so, however, the chair should remind the members that these "pleadings" are not evidence of any facts they may allege.
- 6) The parties may agree before the hearing to designate specific exhibits as admissible without objection and, if they do so, whether the committee chair may provide copies of these admissible exhibits to the committee members before the hearing.

⁷⁴ WAC 132R-04-130

- 7) The student conduct officer shall provide reasonable assistance to the respondent, upon request, in obtaining relevant and admissible evidence that is within the college's control.
- 8) Communications between committee members and other hearing participants regarding any issue in the proceeding, other than procedural communications that are necessary to maintain an orderly process, are generally prohibited without notice and opportunity for all parties to participate; any improper "ex parte" communication shall be placed on the record, as further provided in RCW 34.05.455.
- 9) Each party may be accompanied at the hearing by a nonattorney assistant of their choice. A respondent or complainant in a case involving allegations of sexual misconduct may elect to be represented by an attorney at their own cost, but will be deemed to have waived that right unless, at least four business days before the hearing, written notice of the attorney's identity and participation is filed with the committee chair with a copy to the student conduct officer. The committee will ordinarily be advised by an assistant attorney general. If the respondent or complainant is represented by an attorney, the student conduct officer may also be represented by a second, appropriately screened assistant attorney general.
- 10) In circumstances involving more than one accused student, the student conduct officer may permit joint or separate hearings upon request by a party.

Student disciplinary committee hearing—Presentation of evidence⁷⁵

- 1) Upon the failure of any party to attend or participate in a hearing, the committee may either (a) proceed with the hearing and issuance of its order or (b) serve an order of default in accordance with RCW 34.05.440. If an accused student, with notice, does not appear before a student conduct administrative panel hearing, the information in support of the complaint is presented and considered in the absence of the accused student.
- 2) The hearing will ordinarily be closed to the public. However, if all parties agree on the record or in writing that some or all of the proceedings should be open, the committee chair shall determine any extent to which the hearing will be open. For hearings involving sexual misconduct allegations, complainant, accused student, and their respective attorney representatives may attend portions of the hearing where argument, testimony, and/or evidence are presented to the student disciplinary committee. If any person disrupts the proceedings, the chair may exclude that person from the hearing room.
- 3) The committee chair shall cause the hearing to be recorded by a method that the committee chair selects, in accordance with RCW 34.05.449. Panel deliberations are not recorded. The recording, or a copy, is property of the college, but will be made available to the respondent upon request. The chair shall assure maintenance of the record of the proceeding that is required by RCW 34.05.476, which shall also be available upon request for inspection and copying by the respondent. Other recording shall also be permitted, in accordance with WAC 10-08-190.
- 4) The committee chair shall preside at the hearing and decide procedural questions that arise during the hearing, except as overridden by majority vote of the committee, and make rulings on the admissibility of evidence, motions, objections, and on challenges to the impartiality of board members, unless a hearing examiner is appointed as provided below. These rulings shall be made on the record. The Washington rules of evidence shall serve as guidelines for those rulings on the admissibility of evidence, in conjunction with the Administrative Procedure Act, chapter 34.05 RCW. Questions related to the order of the proceedings are also determined by the committee chair.

⁷⁵ 34CFR668.46(b)(11)(ii)(A), WAC 132R-04-131

- 5) The student conduct officer (unless represented by an assistant attorney general) shall present the case for disciplinary action. The facts justifying any such action must be established by a preponderance of the evidence.
- 6) All testimony shall be given under oath or affirmation. The panel chair determines which records, exhibits, and written statements may be accepted as information for consideration by the panel. These rulings shall be made on the record. Evidence shall be admitted or excluded in accordance with RCW 34.05.452.
- 7) The president of the college or designee, the chair of the student disciplinary committee, the administrators assigned to the student disciplinary committee, deans, and/or the student conduct officer have the authority to issue subpoenas.
- 8) The accused student and the student conduct officer may arrange for witnesses to present pertinent information to the student disciplinary committee. Each party is responsible for informing their witnesses of the time and place of the hearing.
- 9) The committee chair may accommodate concerns for the personal safety, well-being or fears of confrontation during the hearing by providing separate facilities, or by permitting participation by telephone, audio tape, written statement, or other means. In making such accommodations, the rights of the other parties must not be prejudiced and must have the opportunity to participate effectively in, to hear, and, if technically economically feasible, to see the entire proceeding while it is taking place.
- 10) In cases involving allegations of sexual misconduct, neither party shall directly question or cross examine one another. Attorneys for the parties are also prohibited from questioning the opposing party absent express permission from the committee chair. Subject to this exception, all cross-examination questions shall be submitted in writing to the committee chair, who in his or her discretion shall pose the questions on the party's behalf.
- 11) At the conclusion of the hearing, the committee shall permit the parties to make closing arguments in whatever form it wishes to receive them. The committee may also permit each party to propose findings, conclusions, and/or an order for its consideration.

Student disciplinary committee—Initial decision⁷⁶

- 1) Within twenty calendar days following the conclusion of the hearing or the committee's receipt of closing arguments (whichever is later), the committee shall issue an initial decision in accordance with RCW 34.05.461 and WAC 10-08-210. The initial decision shall include findings on all material issues of fact and conclusions on all material issues of law, including which, if any, provisions of the student conduct code were violated. Any findings based substantially on the credibility of evidence or the demeanor of witnesses shall be so identified.
- 2) The committee's initial decision shall also include a determination on appropriate discipline, if any. If the matter was referred to the committee by the student conduct officer, the committee shall determine any disciplinary sanction or conditions authorized herein. If the matter is an appeal⁷⁷ by the respondent, the committee may affirm, reverse, or modify the discipline imposed by the student conduct officer and/or impose any other disciplinary sanction or conditions authorized herein.
- 3) The committee chair shall provide copies of the initial decision to the parties and any legal counsel who have appeared. The committee chair shall also promptly transmit a copy of the order and the

⁷⁶ WAC 132R-04-140

⁷⁷ 34CFR668.46(a)

record of the committee's proceedings to the college president and the vice president of learning and student success.

- 4) In cases involving allegations of sexual misconduct, the committee chair, on the same date as the initial decision is served on the respondent, will serve a written notice upon the complainant informing the complainant whether the allegations of sexual misconduct were found to have merit and describing any disciplinary sanctions and/or conditions imposed upon the respondent for the complainant's protection, including suspension or dismissal of the respondent. Complainant may appeal the student conduct committee's initial decision to the president subject to the same procedures and deadlines applicable to other parties. The notice will also inform the complainant of his or her appeal rights.

Appeal from student disciplinary committee initial decision⁷⁸

- (1) A respondent who is aggrieved by the findings or conclusions issued by the student disciplinary committee may appeal the committee's initial decision to the president by filing a notice of appeal with the president's office within twenty calendar days of service of the committee's initial decision.
- (2) The notice of appeal must assign error to specific findings of fact and/or conclusions of law in the initial decision and must contain argument regarding why the appeal should be granted. The president's review on appeal shall be limited to a review of those issues and arguments raised in the notice of appeal. Review shall be restricted to the record created below.
- (3) The president shall provide a written order to all parties within forty-five calendar days after receipt of the notice of appeal. The president's decision shall be final.
- (4) The president may exercise discretion to suspend any disciplinary action pending review of the merits of the findings, conclusions, and disciplinary actions imposed.
- (5) The president shall not engage in an ex parte communication with any of the parties regarding an appeal.
- (6) Respondents and complainants in a case involving allegations of sexual misconduct shall have the right to be accompanied by an attorney or nonattorney assistant of their choosing during the appeal process, but will be deemed to have waived that right unless they file with the president a written notice of the attorney's identity and participation within twenty calendar days of service of the committee's initial decision.
- (7) Complainant may appeal the student conduct committee's initial decision to the president subject to the same procedures and deadlines applicable to other parties.
 - (a) In addition to the appeal rights provided to the respondent above, a complainant may also appeal the following actions by the student conduct officer:
 - (i) The dismissal of a sexual misconduct complaint; or
 - (ii) Any disciplinary sanction(s) and conditions imposed against a respondent for a sexual misconduct violation, including a disciplinary warning.
 - (b) If the respondent timely appeals a decision imposing discipline for a sexual misconduct violation, the college shall notify the complainant of the appeal, and provide the complainant an opportunity to intervene as a party to the appeal.
 - (c) The president will serve complainant a written notice indicating that the appeal has been resolved on the same date that the final order is served upon the respondent. This notice shall inform the complainant whether the sexual misconduct allegation was found to have merit and describe any

⁷⁸ WAC 132R-04-150

sanctions and/or conditions imposed upon the respondent for the complainant's protection, including suspension or dismissal of the respondent.

Notice of Outcome and Sanction

Under all circumstances, if the alleged complainant is deceased as the result of such crime or offense, the next of kin of such complainant shall be treated as the alleged victim for purposes of notifications regarding outcomes and sanctions.

Criminal Prosecution

College personnel or students may refer any student code of conduct violations of federal or state law to the proper authorities for disposition.⁷⁹

Prohibition of Retaliation

AP6115 4.8 Non-Retaliation, Intimidation, And Coercion. Retaliation by, for or against any participant (including complainant, respondent, witness, Title IX/EEO Coordinator, or investigator) is expressly prohibited. Retaliatory action of any kind taken against individuals as a result of seeking redress under the applicable procedures or serving as a witness in a subsequent investigation or any resulting disciplinary proceedings is prohibited and is conduct subject to discipline. Any person who thinks they have been the victim of retaliation should contact the Title IX/EEO Coordinator immediately.

⁷⁹ WAC 132R-04-170

EMERGENCY MANAGEMENT AT BIG BEND COMMUNITY COLLEGE⁸⁰

Overview

Emergency preparedness at BBCC is managed by the Campus Safety Department and, during times of activation, the BBCC Emergency Management Team (EMT). Emergency operations planning at BBCC means preventing, preparing for, responding to and recovering from any and all emergencies that could affect the BBCC and local Grant County communities. It means

- 1) having a comprehensive plan extending from all levels of emergency personnel down through the individuals that make up our community to prevent situations that cause emergencies;
- 2) preparing people on the procedures to follow, should a crisis occur;
- 3) having a well collaborated response approach from College and local officials and State and Federal agencies to effectively mitigate any crisis; and
- 4) being ready and able to recover quickly from emergency events in order to keep the operations and business continuity of BBCC moving forward.

Emergency Medical Response Procedures

Students, faculty, staff, and guests should report any emergency medical situations to 9-1-1 immediately, then notify Campus Safety at 509.793.2286.

Many employees at BBCC are trained at providing first aid and CPR, and in the use of automated external defibrillators (AEDs). There are first aid kits in all BBCC buildings and fleet vehicles. AEDs are in each on-campus building except for Building 4500, and Building 4600, which are not frequently occupied by large amounts of people.

Emergency Operations Plan (EOP)

The BBCC Emergency Operations Plan provides a realistic approach to problems which are likely to be encountered during an emergency. The EOP provides a comprehensive look at various emergencies and how BBCC plans to deal with them. It must be understood that the EOP is not all-inclusive in its emergency management approach. It outlines basic concepts for managing not only the specified emergencies but allows for the flexibility and adaptation to encompass emergency response for much of what can happen. It ensures coordination and cooperation among multiple departments, organizations and jurisdictions for small and large-scale events. This plan is an evolving document that will change over time to reflect new emergencies and ways to manage emergencies.

In the event of an emergency, the College President (or designee) may declare a state of emergency; emergency response plans and procedures will be implemented as needed, in accordance with best practices utilized by the nationally recognized, and highly effective, Incident Command System (ICS).

Testing, Emergency Preparedness Drills and Tabletop Exercises

In accordance with the Emergency Operations Plan, BBCC will use its emergency procedures and plans for testing emergency notification, response, and evacuation. A test is defined as regularly scheduled drills, exercises, and appropriate follow-through activities, designed for assessment and evaluation of emergency plans and capabilities.

To comply with the Clery Act requirement the test must meet all of the criteria in the definition. Tests must⁸¹

⁸⁰ 34CFR668.46(g)

⁸¹ 34CFR668.46(a)

- Be scheduled. We cannot say that an actual emergency situation or a false emergency alarm served as a test of BBCC's procedures.
- Contain drills. A drill is an activity that tests a single procedural operation (e.g., a test of initiating a cell phone alert system or a test of campus security personnel conducting a campus lockdown).
- Contain exercises. An exercise is a 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. A follow-through activity is an activity 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. This means that your test should have measurable 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. Design the test so that, using the assessments, you can judge whether or not the test met its goals.

The EMT will perform periodic tabletop exercises (at least one per year) in order to practice the implementation of the EOP and supplement emergency policies and procedures and to assess and evaluate emergency plan capabilities. Additionally, divisional and department level exercises are periodically initiated to train staff personnel on emergency operations.

During EMT exercises, the all campus evacuation plan is either reviewed or practiced as part of the training session. The Campus Safety Department, in coordination with the Vice President of Finance and Administration, will be responsible for scheduling and conducting these table-top exercises. At a minimum, one tabletop exercise per academic year will occur with the entire EMT. Additionally, local emergency responders from the fire and police departments, hospitals, and allied agencies may be invited to participate along with college officials during one table-top each year. Exercises can be either announced or unannounced.

After Action Reviews of Tests/Exercises

After action reviews (AARs) will be conducted following each test and/or exercise that documents the test/exercise, provides a description for each test/exercise, the date, time, and whether the test was announced or unannounced.

Exercise of Judgment and Contingencies

The actions described are basically standard by nature. When situations arise for which the procedures to be followed are not fully prescribed in the College's EOP, responsible personnel will be expected to exercise good judgment, make appropriate decisions, and provide any support necessitated by the situation.

Evacuation Procedures

BBCC is responsible for the safe evacuation of all persons utilizing the College's facilities in the event of natural disasters, civil disturbances, and active threats. The level of necessity will determine the response. If large scale events occur that are beyond the resource capabilities of the College, officials will request assistance from outside emergency resources such as local law enforcement, fire agencies, emergency medical services and emergency management, and/or state departments of emergency management. The need to implement evacuation from a campus building or the entire campus shall be based upon information received or furnished to BBCC.

The information may be in the form of instructions or advice from the Grant County Sheriff's Office, Moses Lake Police or other officially recognized agency. Full or partial evacuations may be necessary as a protective action to reduce campus community members' exposure to a hazard. Protective actions reduce TIME of exposure, create DISTANCE, or provide SHIELDING from a specific hazard. Hazards that may require an evacuation include:

- Fire in a building
- Outbreak of meningitis, norovirus or other serious illness
- Severe weather conditions
- Earthquake
- Gas leak
- Utility emergency impacting any portion of the campus
- Terrorist incident
- Armed intruder
- Bomb threat
- Civil unrest or rioting
- Explosion
- Nearby chemical or hazardous waste spill

Building Evacuation

- All building occupants are required to evacuate when the fire alarm sounds or upon the order of an authorized College official.
- If time permits, stabilize lab procedures, turn off stoves and ovens, and unplug or disable any device that could make a dangerous situation even worse.
- Move to the closest exit and proceed down the EXIT stairwell in a safe and orderly manner. Take personal belongings with you. Do NOT use elevators.
- Remain at least 100 feet outside of the building and await further instructions.
- Keep roadways open, and be aware of approaching emergency vehicles.
- Notify emergency responders of anyone trapped, especially anyone with a physical disability.

Large-Scale Campus Evacuation

- If evacuation of part or all of the campus is necessary, monitor the Campus Alert System, email, and the College's website for additional information.
- Those in need of transportation will be directed to areas to await transport to an off-campus site.

MISSING RESIDENT HALL STUDENTS NOTIFICATION AND PROCEDURES⁸²

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.⁸³

Missing Student Defined

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.

The official determination that the student is missing can be made at any time by Campus Safety or by the Grant County Sheriff’s Office. BBCC will notify the local law enforcement agency within 24 hours of the determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing.⁸⁴

Confidential Contact for Missing Students⁸⁵

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. Residence hall students are given this option even if they have already identified a general emergency contact. A residence hall 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. Residence hall 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 Residence Hall Student

If a member of the College community has reason to believe that a residence hall student who resides in on-campus housing is missing, he or she should immediately⁸⁶ notify the Big Bend Community College Campus Safety at 509.793.2286, the Residence Hall Director 509.793.2291, or the Resident Advisor on Duty. Campus Safety will generate a missing person report and initiate an investigation as well as notify the Grant County Sheriff’s Office.⁸⁷

If a student has been missing for 24 hours, and the student is under age 18 and not emancipated, BBCC will - within 24 hours that the student is missing - notify the student’s custodial parent or guardian and the student’s emergency contact, if he or she has registered one.⁸⁸

ANNUAL FIRE SAFETY REPORT⁸⁹

Campus Safety combines its Annual Fire Safety Report with its Annual Security Report document, which contains information with respect to the fire safety practices and standards for Big Bend

⁸² 34CFR668.46(b)(14)

⁸³ 2022 Residence Hall Handbook

⁸⁴ 34CFR668.46(h)(2)

⁸⁵ 34CFR668.46(h)(1)(iv)

⁸⁶ 34CFR668.46(h)(1)(ii)

⁸⁷ 34CFR668.46(h)(1)(vi)

⁸⁸ 34CFR668.46(h)(1)(v)

⁸⁹ 34CFR668.49(b)

Community College (BBCC) on-campus student housing facilities. This report includes statistics concerning the number of fires, the cause of each fire, the number of persons with injuries that required medical treatment, deaths related to a fire, and the value of the property damage caused by a fire.

Fire Statistics

Statistics and Related Information Regarding Fires in On-Campus Residential Facilities -- 2022						
Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Persons with Injuries Requiring Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Building 5000 – Viking Hall 7468 Chanute St NE	0	0	N/A	0	0	0
Building 6000 – Philips Hall 7502 Chanute St NE	0	0	N/A	0	0	0

Statistics and Related Information Regarding Fires in On-Campus Residential Facilities -- 2021						
Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Persons with Injuries Requiring Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Building 5000 – Viking Hall 7468 Chanute St NE	0	0	N/A	0	0	0
Building 6000 – Philips Hall 7502 Chanute St NE	0	0	N/A	0	0	0

Statistics and Related Information Regarding Fires in On-Campus Residential Facilities -- 2020						
Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Persons with Injuries Requiring Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Building 5000 – Viking Hall 7468 Chanute St NE	0	0	N/A	0	0	0
Building 6000 – Philips Hall 7502 Chanute St NE	0	0	N/A	0	0	0

A copy of the above 3-year fire statistics for the BBCC on-campus residential facilities was electronically filed with the US Department of Education by the required deadline of October 1, 2023.

Fire Safety Systems in BBCC Residential Housing Facilities⁹⁰

Current Fire Safety Systems in place within On-Campus Residential Facilities as of Calendar Year 2022

Facility	Clery Classification	Fire alarm pull stations	Fire Alarm Monitoring	Fire Sprinklers	Smoke Detection	Fire Extinguishers	Evacuation Plans & Placards
Building 5000 – Viking Hall 7468 Chanute St NE	On campus	Yes	Off-site proprietor	No	Inside each room, not connected to alarm system	Yes	Inside each room
Building 6000 – Philips Hall 7502 Chanute St NE	On campus	Yes	Off-site proprietor	No	Inside each room, not connected to alarm system	Yes	Inside each room

- Neither residence hall building has fire suppression sprinklers systems.
- Both residence hall buildings have manual fire alarm pull stations on each floor. Systems are hard-wired addressable fire alarm systems, monitored twenty-four hours a day, seven days a week by a contracted off-site alarm monitoring company, which calls the local fire department and Campus Safety in the event of an alarm activation. When activated, the fire alarm horns sound and strobe lights flash on all floors of the building where the alarm station was pulled.
- Each residence hall room has a consumer-grade 10-year lithium ion battery powered smoke alarm, tested by residence hall staff each year.
- Multiple portable dry chemical fire extinguishers located on each floor of each building.
- The building evacuation plan posted on every floor.
- Automatic emergency lighting installed in the hallways of each building.
- Lighted exit signs installed in each building.
- Fire alarm systems and fire extinguishers inspected annually by a contracted service and repaired as needed.

The two Residence Hall buildings on BBCC campus are military barracks built in the mid-1940s. Each building is three stories tall and the primary construction is cement/cinder block. Room furnishings provided by BBCC include steel constructed bed frames, steel constructed desks and desk chairs, and steel constructed closet storage. Mattresses provided are flame resistant and covered in fabric with a

⁹⁰ 34CFR668.49(b)(2)

laminated cellulose-based fire barrier. Cooking facilities are available on three floors: second floor of 6000 building, and first and third floor of 5000 building.

Each resident is provided a copy of the Residence Halls Handbook, which includes information on fire safety and what appropriate action to take during a fire alarm or fire emergency. Every student room has an emergency evacuation map installed on the inside of the entry door as well, to direct occupants to primary and secondary exits. The Director of Residence Halls & Residential Life and the Department of Campus Safety conduct quarterly fire drills for the residence halls. In the 2022 calendar year there were two fire drills conducted in the residence halls.

Excerpts from the Residence Hall Handbook

6.10 SMOKING

6.10.1 All Residence Halls are designated as non-smoking facilities. Smoking on BBCC property is only permitted in designated smoking areas.

6.10.2 Resident will be charged for all cleaning and decontamination costs incurred from smoking in the Residence Halls by the resident or their guests.

6.12 FIRE SAFETY

Fire drills will be held periodically to ensure that residents are aware of the alarm and the emergency building evacuation plan. The building evacuation plan is posted on every floor and should be reviewed by each person.

6.12.1 Every alarm must be treated as an emergency and all persons must evacuate the building immediately.

6.12.2 Possession, displaying or burning of flammable materials including, but not limited to, fireworks, candles, incense, gasoline, and kerosene lamps is hazardous to the health and safety of residents and is prohibited inside the BBCC Residence Hall. Barbecues must be conducted at a minimum, at least twenty-five feet away from buildings.

6.12.3 No fuel-powered motor vehicles or associated parts are permitted within the BBCC Residence Halls for use, maintenance, repair, or storage.

6.12.4 All appliances or electrical devices are required to be compatible with 110 volts 60 cycle voltage and UL approved⁹¹.

6.12.5 Multi-plug adapters and the "piggy-backing" (plugging one power strip into another power strip) of power strips are prohibited.

6.12.6 All kitchen appliances should be attended while cooking and turned off when finished.

6.12.7 Surge protected multi-plug adapters/power strips are allowed.

6.12.7.1 When adapter/power strips are used, circuit breakers and/or reset buttons are required.

6.12.8 Space heaters are prohibited⁹².

6.12.9 Hot plates and any other ground or countertop heating devices are prohibited⁹³.

6.12.10 Decorative lighting (string lights) cannot be plugged into each other.

⁹¹ 34CFR668.49(b)(4)

⁹² 34CFR668.49(b)(4)

⁹³ 34CFR668.49(b)(4)

- 6.12.10.1 Only One set of decorative lights shall be plugged into one approved circuited power strip or wall socket.
- 6.12.11 Halogen lamps, lava lamps and disco lamps are prohibited⁹⁴
- 6.12.12 Ceiling lights, lamps of any type, and air conditioning/heating units cannot be covered.
- 6.12.13 A Major Infraction of \$150 and immediate contract termination may be imposed for any of the following:
 - 6.12.13.1 failure to evacuate,
 - 6.12.13.2 activating false alarms in BBCC residence hall,
 - 6.12.13.3 creating a fire hazard,
 - 6.12.13.4 malicious burning, or
 - 6.12.13.5 tampering with fire equipment (fire extinguishers, plastic ties securing valves, fire alarm pull stations, smoke detectors, fire hose connections, sprinkler heads, sprinkler pipes, hoses, connections, valves, emergency exit signs, etc.).
- 6.12.14 Fire and life safety inspections will be conducted periodically for fire or health hazards. Additionally, periodic inspections can also occur depending if BBCC Residence Hall staff has been notified of a health and/or safety concern.
 - 6.12.14.1 A \$50 fine per violation can be imposed for not abiding by the received citation or verbal instructions of the inspector or college staff regarding the correction of fire or health hazards and violations.
 - 6.12.14.2 Residents must resolve fire or health hazard issues in a timely manner, as indicated by BBCC Residence Hall staff.
- 6.12.15 Fire Aisles and Exits: Grant County Fire District 5 requires that all exit aisles, hallways, and stairs be kept clear of any obstruction. Items left in these areas will be subject to impound.

⁹⁴ 34CFR668.49(b)(4)

RESIDENCE HALL FIRE EVACUATION PROCEDURES⁹⁵

Fire drills will be held periodically to ensure that residents are aware of the alarm and the emergency building evacuation plan. The building evacuation plan is posted on every floor and should be reviewed by each person. Every alarm must be treated as an emergency and all persons must evacuate the building immediately.

WHAT TO DO

- If you discover or suspect a fire, pull a fire alarm and leave the building by the closest, safe exit.
- Feel the door with the back of your hand to insure that it is not hot before opening it. If it is hot, do not open it. If it is not hot, open the door carefully. If smoke or heat is present, close the door and stay in the room. Seal the cracks around the door with whatever is available (a wet towel, etc.). Call "911" and report that you are trapped. Be sure to give them your room number, address and location. If your phone doesn't work, hang a sheet, jacket, etc. out of the window to attract attention.
- If the hall is free of smoke or heat, close your door and exit immediately by the closest stairwell. If the nearest exit is blocked, go to another exit.
- If all exits are blocked, go back to your room. Close the door, hang something out of your window and signal for help.
- Move quickly in a crouched position when escaping through a smoke filled corridor. Place a wet cloth over your face and head.
- Once outside the building, move away from the building about 1.5 times the building height, avoid standing beneath overhead electrical lines, and watch for vehicle traffic. When you reach the evacuation location, contact a staff member and give him/her as much information as possible.
- Do not reenter the building until you have been given the OK by police, fire officials or residence hall staff. **THE SILENCING OF THE ALARM DOES NOT INDICATE THE BUILDING IS SAFE TO REENTER!** Never re-enter a burning building to save your personal possessions.

⁹⁵ 34CFR668.49(b)(6)

Evacuation Locations

Whenever the building must be evacuated (Bomb threat, fire alarm), residents should be directed to the following location:

If safe, Philips Hall (5000 bldg.) and Viking Hall (6000 bldg.) residents assemble on the north side of 6000 building near the volleyball court. Stay away from vehicle traffic.

Mobility and hearing impaired students

- Please notify fire/police/BBCC maintenance or security of the location of permanent or temporary mobility or hearing impaired students. In case of fire, Grant County Fire District 5 will prioritize your location for rescue considerations. The Residence Hall staff will assist persons with a disability in developing an evacuation plan.

Fire Safety Education and Training

BBCC AP7715 outlines policies and procedures for fire drills on campus.

5.1 Evacuation plan training is to be conducted for all new employees during orientation and for all employees at least annually.

5.2 Fire drills are to be conducted at unexpected times and under varying conditions and are to be initiated by activating the fire alarm system.

5.3 Fire drills are to provide training in the following areas:

- Evacuations procedure and planning,
- Location and use of portable fire extinguishers (when assigned),
- Alarm response duties,
- Location of assembly point(s),
- Reentry control and procedure.

5.4 A record of the drills, documenting the time, the name(s) of the drill administrator(s) and other necessary information listed in the code section is to be kept on site for review by the County Fire Marshal.

5.5 A building wide alarm will be initiated by Maintenance & Operations (M&O) personnel upon request of the Director of Campus Safety and Compliance. Prior to the alarm activation, a message will be sent via the Campus Alert System:

A building wide fire and evacuation drill for Building XXXX will commence in the next few minutes. This is only a drill but it requires full participation. If you are unfamiliar with fire and evacuation drill procedures, please ask your colleague or other building occupant.

5.6 Drill Administrator's Duties

5.6.1 Schedule the drill with Campus Safety & M&O two weeks prior to the date of the drill.

5.6.2 About one hour prior to the drill, contact JCI/Simplex Grinnell and MACC Dispatch and notify them that a drill will be conducted and to disregard any alarms for the time period of the drill.

5.6.3 At the time of the fire drill, M&O will send an alarm tech who will activate the alarm system and then deactivate and reset the system when the drill is completed.

5.6.3.1 Exception: Residence Hall staff can activate and reset alarms for drill in dorms.

5.6.4 During the drill, drill administrators will walk the building and confirm that everyone has evacuated.

5.6.5 When the drill is completed and the alarm is silenced, the drill administrator will give the “all clear” signal for normal building operations to resume. Building occupants will not re-enter the building until the all clear signal is given.

For purposes of including a fire in the statistics in the annual fire safety report, students and employees should report a fire in a BBCC residence hall facility to the Department of Campus Safety.

Plans for Future Improvements in Fire Safety⁹⁶

The College continues to assess and upgrade fire safety equipment as an ongoing process to ensure that all equipment meets national standards. Future improvements will be made as needed as part of the ongoing assessment process.

⁹⁶ 34CFR668.49(b)(8)

FIRE LOG⁹⁷

The Department of Campus Safety maintains the Fire Log. The information in the fire log includes the incident number, fire nature/classification, date reported, date and time occurred, general location, and disposition of each reported fire. All confirmed fires occurring in the residence hall facilities are included in the Fire Log.

Newly reported and updated information regarding previously reported residential hall fires are entered onto the Fire Log within two business days of when it is reported to the Department of Campus Safety.

The most recent 60 day period log is available for public inspection at the Campus Safety office during normal business hours from 8 am to 5 pm Monday through Thursday and 8 am to 2:30 pm on Friday. Any portion of the log that is older than 60 days is available for public inspection within two business days of a request. Call 509.793.2286 for admittance to the Campus Safety Office located in Building 6000 at 7468 Chanute Street NE, Moses Lake.

⁹⁷ 34CFR668.49(d)(1)