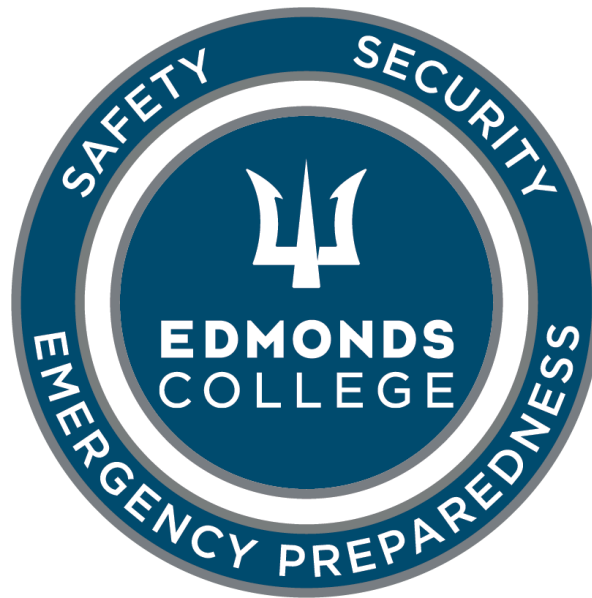


2023

Annual Security and Fire Report



# Your Right to Know: Safety at Edmonds College

## Annual Security and Fire Report

Edmonds College  
Safety, Security, and Emergency Preparedness Department

10/1/2024

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## Safety and the Edmonds College Community

Education can only take place in an environment where all community members feel safe. The Edmonds College (EC ) administration recognizes this and has made security a top priority. Our Safety, Security, and Emergency Preparedness (SSEP) department conducts regular training for students and staff on how to quickly and safely report situations of concern. The college continues to run a “See Something, Say Something” campaign which encourages reporting and reaching out for support services. Reporting allows the college's Care Team to assess behaviors of concern and ensure students have access to the support services that help them succeed.

The EC crime rate is low, and crime prevention is a high priority among community members. The campus Security staff is experienced and proactive, and the students and staff all share the responsibility of making EC a safe place to study and work.

This report is written in compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998*. The report contains the mandated information about current campus policies concerning safety, security, and emergency preparedness issues and the required crime and fire statistics. For more information on this legislation, please visit the [Clery Web Site](http://www.clerycenter.org) (www.clerycenter.org) under Public Policy.

All questions should be directed to the EC Director - Safety, Security, and Emergency Preparedness (SSEP) Jade Jeter-Hill at [SSEP\\_Leadership@Edmonds.edu](mailto:SSEP_Leadership@Edmonds.edu).

A hard copy printout of this report may be requested by contacting the EC Safety, Security, and Emergency Preparedness Department at 425.640.1501 during normal business hours.

## Campus Safety, Security, and Emergency Preparedness Mission Statement

It is the duty of each department team member to provide fair, impartial, and professional safety, security, and emergency response service to all persons who enter our campus. Our professionalism will be recognized by our deeds, actions, attitude, and positive work ethic. As part of the EC team, we make every reasonable effort to safeguard the resources, facilities, and persons who enter these “halls of education.”

We recognize that we have been entrusted with the safety of students, staff, faculty, visitors, and facilities; on behalf of the citizens of the State of Washington and EC, we work in collaboration with local law enforcement and campus community members to create a safe and secure environment for all.

## Campus Safety, Security, and Emergency Preparedness Operations

Edmonds College provides for campus public safety through its SSEP, which operates 24 hours a day, every day of the year. The department facilitates the safety and security of EC's students, staff, faculty, visitors, and property. The department is a service-oriented organization promoting safety, security, education, preparedness, and personal responsibility. It coordinates all safety and emergency response and recovery operations on campus. The department consists of the Director; Assistant Director of Security Operations; Assistant Director of Emergency Preparedness, Health And Safety; a Program Specialist; an Office Assistant; and, 12 full-time Security Officers.

All campus Security Officers receive training in basic campus safety and emergency procedures. Campus Security Officers are trained in de-escalation, defensive tactics, and trauma-informed interviewing. Officers are also trained in the Incident Command system and how to coordinate with local and state responders for significant incidents or large-scale disasters. Campus Security Officers enforce all college rules and regulations, respond to calls for service, and patrol the campus with an emphasis on crime prevention and education. For those who wish an escort to or from their vehicle, a call to the on-duty campus Security Officer allows us to provide this service during the evening and nighttime hours by calling 425.754.0154 - our 24-hour phone number.

EC has developed Memorandums of Understanding with the Lynnwood Police Department and the Snohomish County Sheriff's Office to work as part of our coordinated response to acts of violence and Violence Against Women Act (VAWA) crimes. SSEP maintains a close working relationship with our local, county, and state police agencies, and federal law enforcement agencies. Our campus is fortunate to have good response from and collaborative work with all of these departments.

SSEP encourages the prompt reporting of all crimes and attempted crimes and summons the City of Lynnwood Police and/or South County Fire when warranted. Campus Security Officers have citizen's arrest powers when needed. Campus Security Officer authority is limited to the geographic boundaries of all college properties. Security Officers have the authority to ask individuals on any college property to provide identification. Students who fail to provide identification upon request can be subject to a student code of conduct violation. Non-students and visitors may be asked to leave campus or may be trespassed from college property if they refuse to leave when asked.

## General Security Procedures

The Edmonds College campus is well-lit, and further improvements in campus lighting are continually being made in parking lots, areas with heavy landscaping, and along sidewalks and pathways frequently traveled by students.

Lighting and shrubbery tours are conducted at least once an academic year by representatives of SSEP and Facilities. Safety and security concerns are identified, and recommendations for improvements are made. Additionally, campus Security Officers note safety issues as they tour campus property and submit [work orders](https://dlweb.megamation.com/edcc/DLWEB.php/O4W_WO_NEW) (https://dlweb.megamation.com/edcc/DLWEB.php/O4W\_WO\_NEW) to Facilities for needed corrections.

EC students, faculty, and staff have access to campus academic, recreational, and administrative facilities. The public may attend cultural and recreational events on campus with access limited to the facilities in which these events are scheduled. The college enjoys hosting people for many functions and various reasons. When needed to protect the campus community, campus Security Officers working in cooperation with Lynnwood Police will issue a trespass notice.

The trespass procedures are as follows:

Only persons with legitimate business with EC, members of the college community, and our invited guests are permitted on campus. The college reserves the right to exclude persons not conforming to acceptable behavior from campus premises. Those who disregard this warning are considered in violation of the Washington criminal trespass code and are liable to prosecution.

EC Security Officers may escort people off the college campus for violating campus policies or procedures or failing to conform to acceptable behavior standards. College disciplinary action may be taken if a college community member violates campus policies or the code of conduct. Security Officers may, in cooperation with Lynnwood Police Department, serve written trespass notices on members and nonmembers of the college community present on campus. If a person served with a prior trespass notice reappears on campus, they are subject to immediate arrest.

In the guidelines for [Student Conduct](#), EC has forbidden the “possession of any firearm, dagger, sword, knife, or other cutting or stabbing instrument, club, explosive device, or any other weapon capable of producing bodily harm” unless previously authorized in writing by the president or designee on campus or at college functions. Any student who violates this guideline will be subject to disciplinary action up to and including expulsion.

## Campus Safety, Security, and Emergency Preparedness – Help on Campus

All campus community members are encouraged to report issues of concern directly to campus Security and file an [electronic report](https://cm.maxient.com/reportingform.php?Edmonds&layout_id=6) (https://cm.maxient.com/reportingform.php?Edmonds&layout\_id=6) for review by the Care Team. Any criminal actions or life-threatening emergencies should be reported both to campus Security at the contacts listed below and to local police by calling 911.

In case of a medical emergency or other life-threatening events, the campus community is encouraged to immediately call 911 and then notify campus Security by calling the on-duty officer at 425.754.0154.

Campus Security is located at:  
Edmonds College  
Woodway Hall, Room 214  
20200 68<sup>th</sup> Ave. W  
Lynnwood, WA 98036

An on-duty Security Officer can be reached all day and night, every day of the year, at 425.754.0154. In addition, six blue “Talkaphone” emergency call phone towers, three Talkaphone wall-mounted call boxes with cameras, and nine yellow security call boxes are located across campus outside of buildings and near parking lots and the bus loop to facilitate speedy contact with an on-duty officer. Call 911 for medical, fire, and police response in an emergency.

You can also contact campus Security for *non-urgent* issues that can wait up to 12 business hours or over the weekend for a response by emailing [security24.7@edmonds.edu](mailto:security24.7@edmonds.edu).

These numbers are listed on the college website, and posted in every classroom in red “Emergency Procedures” guides hanging near entrance doors. Many campus phones have the numbers posted on them as well.

## Community Emergency Contacts

- Lynnwood Police, Fire, or Medical Emergency 911

- Lynnwood Police Non-Emergency 425.670.5600
- Lynnwood Fire Non-Emergency 425.670.5300
- On-Duty Security Officer 24/7 425.754.0154
- Counseling and Resource Center 425.640.1358
- 24-Hour Crisis Line 988

## Crime Reporting and Confidentiality

Reports of a criminal incident, whether as a victim, witness, or third party, should be made to one of the following offices. Further options will be discussed with the reporting party.

- Campus Safety, Security, and Emergency Preparedness - WWY 214 425.640.1501
  - 24/7 cellphone to reach on-duty officer in urgent situation 425.754.0154
- Student Services - LYN 142 425.640.1375
- Services for Students with Disabilities - MLT 159 425.640.1320
- Office of International Programs - SNH 305 425.640.1518
- Counseling and Resource Center - MLT 145 425.640.1358

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

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

EC Counseling and Resource Center (CRC) provides professional and confidential counseling services. These services include providing information on who to talk with to file an official report for investigation.

PLEASE NOTE - Professional counselors at EC, acting in their role as mental health professionals, are not “Campus Security Authorities” and are not required to report crimes for inclusion in the annual Clery Report. However, EC encourages its counselors to report crimes without revealing any of the victim/complainants/witnesses’ personally identifying information on a confidential basis for inclusion in the annual disclosure of crime statistics.

EC does not employ pastoral counselors

In keeping with the protective intention of the Jeanne Clery Act, we will issue a Timely Warning to all campus community members. This is done carefully to avoid disclosing any names or other personally identifying information about the victim/survivor(s) or witnesses. Campus Security will promptly notify the college community of reported crimes that are considered a potential threat to the community.



When assessing the potential for ongoing threat to the campus community we consider the following three questions:

- 1) Was a Clery reportable crime committed?
- 2) Did the crime occur on Edmonds College Clery Reportable Geography?
- 3) Are we certain that this crime does not present any further threat to the campus community?

Timely Warnings afford college community members a level of awareness that assists them in taking steps to protect themselves and prevent similar occurrences of crime.

Once a report of criminal activity or breach of the Student Code of Conduct is received by campus Security or other identified reporting personnel, the information contained in the report will be disseminated to the appropriate personnel for follow-up. This may include the Student Conduct Officer, the Title IX Coordinator and Investigator, the Care Team, or local, state, or federal authorities.

Those wishing to file confidential reports to have the information included in the Annual Security Statistics may file a confidential report with the CRC. The office will report the crime to campus Security for inclusion in our Annual Security Report without disclosing names or other personally-identifying information.

## Security Crime Log Information

Crime log information for the previous 90 days appears on the EC website at [edmonds.edu/student-services/campus-safety-and-emergency-preparedness/incident-reports.html](https://edmonds.edu/student-services/campus-safety-and-emergency-preparedness/incident-reports.html).

The crime log provides annual statistics from January 2020 to present. Hard copy crime logs for the current year may be made available to the public during normal weekday business hours except during holidays and school closures.

Any portion of the log beyond 90 days, if not immediately available, will be made accessible within two business days of a request for public inspection. The only exceptions in the posting of crimes reported and/or investigated are:

- If the disclosure is prohibited by law, or
- If the disclosure would jeopardize the confidentiality of the victim.

Posting of crimes reported and/or investigated may be temporarily withheld in some cases if the release of the information would:

- Jeopardize an ongoing investigation,
- Jeopardize the safety of an individual,
- Cause a suspect to flee or evade detection, or
- Result in the destruction of evidence.

Information temporarily withheld from the log for any of the above reasons will be posted when the adverse or harmful effects are no longer likely.



## Violence Against Women Act (VAWA)

The Clery Act requires annual reporting of statistics for various criminal offenses, including forcible and non-forcible sex offenses and aggravated assault. In 2015, The Violence Against Women Act (VAWA) added new reporting requirements to include the categories of domestic violence, dating violence, and stalking. Some of these definitions were updated under the 2022 VAWA Reauthorization. If the incident was reported to a campus security authority or local police agency, it must be reported under Clery.

The offenses are:

### Domestic Violence

- The Clery Act defines domestic violence as a felony or misdemeanor crime of violence committed:
  - a) By a current or former spouse or intimate partner of the victim;
  - b) By a person with whom the victim shares a child in common;
  - c) By a person who is cohabitating with, or has cohabitated with the victim as a spouse or intimate partner;
  - d) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
  - e) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- Under Washington state law, "[domestic violence](https://app.leg.wa.gov/RCW/default.aspx?cite=10.99.020)" (<https://app.leg.wa.gov/RCW/default.aspx?cite=10.99.020>) is defined as physical harm, bodily injury, assault, including sexual assault, stalking, OR the infliction of fear of imminent physical harm, bodily injury, or assault and must occur between family or household members.
  - A. This includes a wide variety of abusive behavior. Pushing, shoving, hitting, slapping, biting, choking, sexual assault, or other conduct which causes harm or puts you in fear of being hurt can be domestic violence.
  - B. Under the Washington state domestic violence law, domestic violence must occur between family or household members or intimate partners, which includes:
    - Spouses;
    - Former spouses;
    - Persons who have a child in common – whether or not they have been married or have lived together at any time;
    - Adult persons related by blood or marriage;
    - Adult persons residing together now or who have resided together in the past;
    - Persons 16 years of age or older who are residing together now or have resided together in the past and who have or had a dating relationship;
    - Persons 16 years of age or older who have or had a dating relationship; or
    - Persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.
- "Domestic violence" is defined under VAWA as felony or misdemeanor crimes committed by a

current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction receiving grant funding and, in the case of victim services, includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who:

- A. is a current or former spouse or intimate partner of the victim, or person similarly situated to a spouse of the victim;
- B. is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
- C. shares a child in common with the victim or;
- D. commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

## Sexual Assault

- Under Washington state law, “[sexual assault](https://apps.leg.wa.gov/rcw/default.aspx?cite=9a.44&full=true#9A.44.010)” (<https://apps.leg.wa.gov/rcw/default.aspx?cite=9a.44&full=true#9A.44.010>) includes sexual contact with another person without, or that exceeds, that person's consent.
  - A. For the purposes of this subsection, "sexual contact" includes:
    - Any intentional touching of the intimate parts of another person's clothed or unclothed body, including but not limited to the mouth, neck, buttocks, anus, genitalia, or breast;
    - Causing another person to touch their own or another's body in the manner described above; or
    - Any penetration, no matter how slight, of the vagina or anus with any body part or object, or oral-genital contact.
  - B. For the purposes of this subsection, "consent" means that at the time of and throughout the sexual contact, there are words or conduct that reasonably communicate freely given agreement between or among the parties to engage in the sexual contact. In addition:
    - Consent cannot be obtained when force or threat is used to gain consent;
    - Consent cannot be obtained where the respondent knew or reasonably should have known that the other person was incapacitated; or
    - Consent cannot be given or granted by a person who is under the statutory age of consent in accordance with the criminal code of Washington, chapter [9A.44 RCW](https://app.leg.wa.gov/RCW/default.aspx?cite=9A.44), Sex offenses (<https://app.leg.wa.gov/RCW/default.aspx?cite=9A.44>).
  - C. A respondent's use of alcohol or drugs is not a valid defense to a charge of sexual assault, and a respondent will be held to the standard of a reasonable sober person in evaluating whether the respondent knew or reasonably should have known that the complainant was incapacitated.
- “Sexual assault” is defined under VAWA as an offense that may include the crimes of rape, attempted rape, assault with intent to rape, statutory rape, and other sexual offenses. Intimate partner violence can, and often does, include sexual assault. Sexual assault is termed sexual abuse and aggravated sexual abuse under federal criminal law. As defined in statute for purposes of VAWA grant programs, sexual assault includes, “any non consensual sexual act proscribed by federal, tribal, or state law, including when the victim lacks capacity to consent.”

- **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the victim's consent.
- **Fondling:** The touching of another person's private parts for sexual gratification, without the victim's consent, including instances where the victim is incapable of giving consent because of their age or temporary or permanent mental incapacity.
- **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** Sexual intercourse with a person under the statutory age of consent.

## Consent

Under Washington state law, “[consent](http://apps.leg.wa.gov/rcw/default.aspx?cite=9A.44.010)” (<http://apps.leg.wa.gov/rcw/default.aspx?cite=9A.44.010>) 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.

Edmonds College defines “consent” as knowing, voluntary, and clear permission by word or action, to engage in mutually agreed upon sexual activity. Each party has the responsibility to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be at the time of the act of sexual intercourse or sexual contact actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact.

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

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

## Dating Violence

- Under Washington state law, “[dating violence](https://app.leg.wa.gov/wac/default.aspx?cite=504-26-231)” (<https://app.leg.wa.gov/wac/default.aspx?cite=504-26-231>) is defined as violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such a relationship will be gauged by its length, type, and frequency of interaction. The court will consider how long the relationship existed, the nature of the relationship, and the frequency of interaction between the parties.
- The VAWA definition of dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
  - A. For the purposes of this definition:
    - Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
    - Dating violence does not include acts covered under the definition of domestic

violence.

## Stalking

- Under Washington state law, a person commits the crime of “[stalking](https://app.leg.wa.gov/rcw/default.aspx?cite=9A.46.110)” (<https://app.leg.wa.gov/rcw/default.aspx?cite=9A.46.110>) if, without lawful authority and under the circumstances not amounting to a felony attempt of another crime:
  - They intentionally and repeatedly harass or repeatedly follow another person; and
  - The person being harassed or followed is placed in fear that the stalker intends to injure the person, another person, or property of the person or another person. The feeling of fear must be one that a reasonable person in the same situation would experience under all the circumstances; and the stalker either:
    - Intends to frighten, intimidate, or harass the person; or
    - Knows or reasonably should know that the person is afraid, intimidated, or harassed even if the stalker did not intend to place the person in fear or intimidate or harass the person.
- VAWA defines stalking as:
  - i. Engaging in the course of conduct directed at a specific person that would cause a reasonable person to:
    - A. Fear for the person’s safety or the safety of others; or
    - B. Suffer substantial emotional distress.
  - ii. For the purposes of this definition
    - A. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.
    - B. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
    - C. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

EC's Student Code of Conduct prohibits all of the above and includes "assault, battery, physical abuse, verbal abuse, threat(s), intimidation, harassment, bullying, stalking, or other conduct which harms, threatens, or is reasonably perceived as threatening the health or safety of another person or another person's property."

## Bystander Intervention

**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.

Not everyone will respond to a situation in the same way. Students are encouraged to find an approach that feels right for them, assess the danger in a situation, and know when to get support for safety reasons. There are three D's of bystander intervention: Direct, Distract, and Delegate.

- **Direct.** Taking direct action may include calling out the bad behavior or appealing to a friendship with a person. Communications should make it clear that what the person is doing is not OK and include "I" or "we" statements. When talking to a friend, concerns should be framed in a caring and non-critical way. You could say something like, "It's probably not your intention, but I think what you are saying is making people feel unsafe. Maybe we could go talk about it privately."
- **Distract.** Creating a distraction can be a good way to give a target of violence time to get away. If you see someone harassing another person, tell them their car is getting towed. Or, try staring. Make sure that the offender knows they've been observed.
- **Delegate.** Delegating responsibility to others is a way to be a safe and active bystander. Taking action can be easier with support. You could ask a friend to help you with a difficult conversation. Or you could call a trusted authority for help. Make sure to assess the situation for safety and decide a course of action that will minimize harm.

## Risk Reduction

**Risk reduction** means options designed to decrease perpetration and bystander inaction, and increase empowerment for victims to promote safety and to help individuals and communities address conditions that facilitate violence.

EC's aforementioned messaging campaign, known as **See Something Say Something** is a risk reduction strategy to increase the likelihood that victims will come forward, that bystanders will intervene and report crimes, and to decrease the number of sexual misconduct violations of the student code of conduct. Victims are encouraged to access resources both on-campus and off-campus, such as counseling and advocacy, in order to empower them to make decisions about options for reporting and victim services. Campus partners such as SSEP, Title IX, Student Conduct, and the Counseling and Resource Center promote this campaign through posters, training events, and presentations.

## Programs to Prevent Dating Violence, Domestic Violence, Sexual Assault, and Stalking

An integral part of prevention is a commitment to providing the campus community with training and information sessions to prevent dating violence, domestic violence, sexual assault, and stalking.

Strategies include comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that—

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome; and

- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

Programs to prevent dating violence, domestic violence, sexual assault, and stalking include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees.

Each quarter, new students are assigned Consent & Sexual Violence and Hazing & Bullying modules, through Vector Solutions (<https://www.vectorsolutions.com/>), an online prevention and compliance training program built for institutions of higher education.

**Primary prevention programs** include programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

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

The primary prevention and awareness programs developed for all incoming students and employees include important information including the following:

- A statement that EC prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking, also referred to as sex discrimination and sex-based harassment;
- Definitions of dating violence, domestic violence, sexual assault, and stalking from the Violence Against Women Act (VAWA) and the state of Washington;
- The definition of consent in the state of Washington;
- Definitions of non-consensual sexual intercourse and non-consensual sexual contact as used by the institution;
- Safe and positive options for bystander intervention;
- EC's commitment to programs that prevent dating violence, domestic violence, sexual assault, and stalking;
- Procedures that EC follows when one of these crimes is reported; and
- Procedures for disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, and stalking.

**Ongoing prevention and awareness campaigns** mean programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution.



Key components of the prevention programs include the following:

Primary Prevention and Awareness Programs	Ongoing Prevention and Awareness Campaigns
<p>All incoming students receive a letter from the Vice President for Enrollment and Student Services explaining the importance of prevention education and maintaining a safe learning environment.</p>	<p>Primary Prevention presentations for any class, group, or department on campus as requested. These presentations cover information on <i>Healthy Relationships &amp; Sexuality</i> and <i>Bystander Intervention</i>, which includes all components of primary prevention.</p>
<p>All incoming students are registered to participate in the online prevention education programs through <i>Vector Solutions</i></p>	<p>Other awareness events, exhibitions, quarterly resource fairs, and health and safety presentations</p>
<p>Students who participate in new student orientation and advising activities receive primary prevention education in the form of presentations, handouts, and resource fairs. These include, but are not limited to:</p> <ul style="list-style-type: none"> <li>● New Student Advising</li> <li>● International Student Services Resource Fair</li> <li>● Welcome Back Booths</li> <li>● Athletics Orientation</li> <li>● Edmonds Career Access Program Orientation</li> <li>● Veterans Resource Center Orientation.</li> </ul>	<p>Presentations tailored for classes or groups of incoming students and new student employees are delivered by SSEP, the Counseling and Resource Center and/or the Care Team</p>

## Timely Warnings

In the event that a situation arises either on campus or nearby that, in the judgment of the President’s Leadership Team, Director of SSEP, or their designees, constitutes an ongoing or continuing threat, a campus-wide timely warning will typically be issued by college email to faculty, staff, and students. This timely warning will also be sent via the [Triton Alert System](http://edmonds.edu/alert/triton) (edmonds.edu/alert/triton), which allows campus members to receive messages on their mobile devices such as cell phones and tablets.

Depending on the circumstances of the crime, especially in situations that could pose an immediate threat to the community and individuals, the Director of SSEP or their designee will post information on the college website at [edmonds.edu/alert](http://edmonds.edu/alert). Anyone with information warranting a timely warning should report the circumstances to campus Security by phone at 425.754.0154 or in person at Woodway Hall 214.

Timely warning messages are typically developed by the Director of SSEP, or their designee, and, when time allows, reviewed by the Chief Marketing Officer and Public Information Officer and/or the



Administrator in Charge or their designees. The warning will be finalized and issued by either the Director of SSEP or the Chief Marketing Officer and Public Information Officer or their designees, as decided at the time of the situation. It will be issued through any or all of the following systems:

- 1) Triton Alert System (text and email)
- 2) College website in a special Emergency Notification Banner
- 3) If warranted, college-wide mass notification system

In instances where a timely warning is not required, but the Director of SSEP and college administrators decide getting additional information to community members will increase safety or allow Campus Security Officers to address a person they need to contact, SSEP or Marketing and Public Information may issue a “Campus Safety Bulletin” to specifically identified audiences.

## Emergency Response and Notification

Emergencies or disasters can happen at any time and usually occur with little or no warning. When an emergency occurs at EC, our safety and speedy recovery depend on existing levels of preparedness and coordinated response from students, faculty, and staff. Everyone should be aware of what to do in an emergency. During an emergency, EC Safety, Security, and Emergency Preparedness (SSEP) Director, Emergency Preparedness Assistant Director and/or a designated administrator, President’s Leadership Team member, or other campus trained emergency responders, shall immediately implement the appropriate emergency procedures necessary to protect life-safety and college assets/functions.

Upon confirmation that a significant emergency or dangerous situation involving an immediate threat to the health and/or safety of our campus community members is occurring on our campus, the SSEP Director, or their designee will determine and employ appropriate communication methods to notify the affected areas of the college campus and populations. Follow-up messaging will be delivered in cooperation with the Chief Marketing Officer and Public Information Officer or designated back-up and designees.

Taking into account the safety of the community, SSEP leadership will determine the content of notifications and initiate the appropriate elements of the emergency notification system unless the notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency. The college mass notification system is designed to send emergency notifications through an integrated speaker system with outputs in common areas, classrooms, and exterior speakers.

Employees must familiarize themselves with the EC emergency response protocols to effectively respond to emergency notifications. This information is posted in the Emergency Guides next to evacuation maps in each classroom and in offices and other common areas and may be found on the college website at [edmonds.edu/student-services/campus-safety-and-emergency-preparedness/emergency-preparedness-guide/](https://edmonds.edu/student-services/campus-safety-and-emergency-preparedness/emergency-preparedness-guide/).

EC utilizes the [Triton Alert System](https://edmonds.edu/alert/triton) (edmonds.edu/alert/triton) to send messages to all campus email addresses, and to the mobile devices of those who have entered their mobile contact numbers on the Triton Alert login. The system is set up to automatically use the preferred email address employees and students have listed in ctcLink and email addresses community members submit when they sign up. To

receive notifications on mobile devices, all users should click on the [Triton Alert](https://edmonds.edu/alert/triton) (edmonds.edu/alert/triton) link and follow the instructions to register for the mobile notification service. Notifications will also be made via social media.

Situations that may warrant a message being sent via Triton Alert and the mass notification system include school or building closures, weather emergencies, and crimes occurring on or around our campus that may pose a present or ongoing threat, etc. Messages involving imminent danger will include at least one follow-up message letting the campus community know when the situation is no longer a threat.

College administration will issue and reissue campus-wide emergency messages via the mass notification system.

- Information will be given in clear language.
- Information will include all known information that will not impede an ongoing investigation.
- Information will be provided when possible and appropriate via mass notification and [Triton Alert](https://edmonds.edu/alert/triton) (edmonds.edu/alert/triton).
- College administration will continue to inform the college community through real-time updates as they become available.

## Edmonds College Emergency Operations Plan (EOP)

Keeping our college community safe is a priority at EC. With the countless tragedies on campuses across the United States, EC has taken concrete actions to increase safety and emergency preparedness for our campus community.

In 2022, EC participated in the following emergency preparedness exercises:

- The National Shake-Out earthquake drill on 10/20/22 at 10:20 AM and at 8:20 PM to allow for practice with both daytime and evening staff and students. This exercise included testing our mass notification and Triton Alert Systems. With limited staffing and low student populations on campus due to COVID-19 restrictions, we tested the system, sent alert messaging to our response teams, and asked those on campus to participate in Drop, Cover and Hold On.
- Evacuation drills for all campus buildings were held during summer quarter, 2022. These drills would typically create familiarity with our team's ability to perform evacuation procedures during active classes, however with COVID-19 pandemic remote learning, this exercise was limited to security and facilities staff and limited other staff on campus. It was used to ensure our alarm and communications systems functioned appropriately and that staff could coordinate response via radio and e-communications.
- Ongoing education for staff, faculty, and administration on how to respond to an emergency is regularly delivered by SSEP team members at staff meetings, in classes, and at open forums for the campus community. During the COVID-19 pandemic, we delivered presentations on personal preparedness and personal safety via online formats.
  - Staff and faculty who would like someone to walk through emergency preparedness plans and procedures with their teams or classes can email [SSEP\\_Leadership@edmonds.edu](mailto:SSEP_Leadership@edmonds.edu) to arrange a training/presentation time.

The Emergency Operations Plan (EOP) document lays out a detailed plan that is set in motion whenever

an emergency reaches proportions that cannot be handled by standard operating procedures. To request a copy of the EOP, staff can contact SSEP via email.

Our EOP addresses campus needs in the following order of priority:

- Preservation of life
- Preservation of the environment
- Preservation of EC property
- Restoration of academic programs and operations

The EC EOP delivers guidance to personnel on the main campus, at the Advanced Manufacturing Skills Center, and for programs at non-campus locations. It covers the management and coordination of any unplanned emergency event. Procedures are flexible to accommodate contingencies of all types and magnitudes. It is a living document that is evaluated and updated as needed.

The plan conforms to the National Incident Management System (NIMS), falls under the Washington State Plan, and incorporates guidelines for the Incident Command System. Depending on the type of emergency or event circumstances, employees and students of the college may be ordered to lockdown, evacuate, or shelter in place.

Expertise and advice are contributed by the Campus Safety Committee, as well as the Snohomish County Department of Emergency Management, city police departments and South Snohomish County Fire, and the American Red Cross.

EC also has building evacuation teams led by Building Captains and the Assistant Director of Emergency Preparedness, Health and Safety. Due to lowered staffing through COVID-19 there was limited training and exercise of the system. As we move into the 2023-24 academic year, these teams are being restructured and trained in the areas of building evacuation, first aid, and communication.

## Alcohol and Drug Policies

EC adheres to the Drug-Free Schools and Communities Act of 1989. College security officers enforce all college policies (and call Lynnwood Police when the situation warrants it) concerning the purchase, possession, consumption, sale, and storage of alcoholic beverages and drugs, including the following:

- Individuals must be 21 years of age to buy, possess, or drink alcoholic beverages.
- Alcoholic beverages may not be sold or furnished to any person who at the time of sale or exchange is visibly under the influence of alcohol.
- Falsely representing one's age for the purpose of purchasing or possessing alcohol is against state law.
- Drunkenness and possession of open containers of alcohol in public areas are prohibited by law.
- The unlawful or unauthorized manufacture, distribution, dispensation, possession, or use of alcohol and other drugs in the workplace is prohibited.
- Impairment in the workplace from the use of alcohol or other drugs (except the use of drugs for legitimate medical purposes) is prohibited.
- Alcoholic beverages may not be possessed, distributed, or consumed at events open to the general college community and held on college property, except when specific written approval has been obtained for the event in advance. Sponsors are responsible for assuring that all persons in attendance at an event comply with state alcohol law and college alcohol policy.

- No student or employee shall possess or distribute an illegal drug, as defined by the Washington Uniform Controlled Substances Act, RCW 69. Such possession or distribution is prohibited in any building or on any property owned or operated by the college. Possession is defined to include any area or property for which the student is responsible.

Convictions for violations of these laws could result in fines, loss of driver's license, and imprisonment. College sanctions could include penalties ranging from suspension, expulsion, and denial of registration.

EC has a comprehensive Drug and Alcohol Prevention Program (DAAPP) for employees and students. We recommend taking the time to review our policies and procedures to become familiar with the program.

To review the EC DAAPP, policies and procedures, see [HR 2.0](#) ([https://catalog.edmonds.edu/preview\\_course\\_nopop.php?catoid=27&coid=101082](https://catalog.edmonds.edu/preview_course_nopop.php?catoid=27&coid=101082)) and [HR 2.01pr](#) ([https://catalog.edmonds.edu/preview\\_course\\_nopop.php?catoid=27&coid=101083](https://catalog.edmonds.edu/preview_course_nopop.php?catoid=27&coid=101083)) in the Human Resources section of the college policy catalog. Links to all of this information may be found on the college website at [edmonds.edu/hr/daapp.html](https://edmonds.edu/hr/daapp.html). Information for students is available at [edmonds.edu/counseling](https://edmonds.edu/counseling).

## Resources for Employees

Employees needing assistance may contact the Washington State Employee Assistance Program ([EAP](#)). Additional information and contact details are on the EAP program page found at <https://employees.edmonds.edu/departments/human-resources/eap.html>

Employees can also refer to the appropriate Collective Bargaining Agreement (CBA) for further information:

- [Faculty CBA](#)  
(<https://employees.edmonds.edu/departments/human-resources/documents/faculty-cba.pdf>)
- [Classified CBA](#)  
([https://ofm.wa.gov/sites/default/files/public/labor/agreements/23-25/wpea\\_he.pdf](https://ofm.wa.gov/sites/default/files/public/labor/agreements/23-25/wpea_he.pdf))

## Resources for Students

Resources may be found through the EC Counseling and Resource Center located in Mountlake Terrace Hall (MLT) room 145, by phone at 425.640.1358, or on the college website at [edmonds.edu/counseling](https://edmonds.edu/counseling). Many physical and psychological health risks are associated with the abuse of alcohol and other substances, including the following:

- Difficulty with attention and learning
- Physical and psychological dependence
- Damage to the brain, liver, and heart
- Unwanted sexual activity
- Accidents due to impaired judgment and coordination

EC provides a healthy and safe learning environment. The college does not permit students whose behavior, judgment, or functioning is impaired by alcohol and/or drugs to attend classes or participate in

college activities. The Counseling and Resource Center does provide services for students with mild to moderate substance use related concerns, but refers out if students substance use disorders persist or are beyond the scope of their practice. The Counseling and Resource Center uses online alcohol assessment tool such as [Rethinking Drinking](#) and [alcoholscreening.org](#) sites that can be accessed at [edmonds.edu/student-services/counseling-and-wellness/counseling-center/resources.html](#)

Additionally, our Wellness Center delivers training and presentations to Student Leadership, Resident Assistants, and other campus partners.

**Community resources include:**

- Alcohol and Drug 24-Hour Helpline 206.722.3700
- National Help and Referral 800.996.3784
- CARE Crisis Line 24-Hour ([www.voaww.org](http://www.voaww.org)) 425.258.4357 or 800.584.3758
- Sno-King Alcoholics Anonymous (<https://www.aa.org/>) 425.672.0987

## Tobacco Policies

EC is a Tobacco and Smoke-Free Campus. EC is committed to supporting a healthy, caring, and sustainable community. To promote a healthy educational and work environment for students, faculty, staff, and visitors, EC is a tobacco and smoke-free campus, per policy [HR 8.0](#) ([https://catalog.edmonds.edu/preview\\_course\\_nopop.php?catoid=27&coid=103505](https://catalog.edmonds.edu/preview_course_nopop.php?catoid=27&coid=103505)) which became effective September 11, 2017.

## Missing Student/Death of a Student

The college has a very clear policy and process regarding the notification of the death of a student or when a student is suspected to be missing. Policy [SS 9.0](#) can be found at [https://catalog.edmonds.edu/preview\\_course\\_nopop.php?catoid=27&coid=94697](https://catalog.edmonds.edu/preview_course_nopop.php?catoid=27&coid=94697). The full text of procedure [SS 9.01pr](#) is available at [https://catalog.edmonds.edu/preview\\_course\\_nopop.php?catoid=27&coid=94698](https://catalog.edmonds.edu/preview_course_nopop.php?catoid=27&coid=94698).

EC’s policy establishes administrative processes and protocols for taking action when a student is suspected missing or in the event of a student death. Information about a missing student or student death is to be immediately reported to SSEP. This notification can be made by phone at 425.754.0154 or in-person by contacting the Director of SSEP or their designee. SSEP will immediately notify the Office of the Vice President for Enrollment and Student Services. The Office of the Vice President for Enrollment and Student Services will inform the Office of the President. If it is determined that a missing person report needs to be filed with local law enforcement, SSEP will assist the primary investigative agency in all ways prescribed by law.

Individuals who suspect a student is missing or have knowledge of a student’s death will be asked to provide the following information to ensure the correct identifying details are disseminated:

- Student’s official full name and address
- Student identification number
- Date of birth
- Date of death (and cause if appropriate) or date last seen/missing

In the case of a confirmed missing student:

- The missing student's contact information will be registered confidentially, and this information will be accessible only to authorized campus officials and law enforcement and it may not be disclosed outside of a missing person's investigation.
- If a student confirmed missing is under 18 years of age and not emancipated, the college will notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student.
- The college 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.

If located, the student's state of health and intention of returning to the campus will be verified. If appropriate, a referral will be made to the Counseling and Resource Center.

[Suzanne's Law](https://www.congress.gov/bill/106th-congress/senate-bill/1201?s=1&r=172) (<https://www.congress.gov/bill/106th-congress/senate-bill/1201?s=1&r=172>) requires local police to notify the National Crime Information Center (NCIC) when someone between 18 and 21 is reported missing. This law is intended to encourage police to begin investigating immediately when college-age people disappear, instead of waiting a day, which had been common practice.

All pertinent law enforcement agencies, be they neighboring municipal, county, or state; those located along suspected travel corridors; or place of original domicile, will be notified (through telephone, in person, via email, or fax) and asked to assist. All agencies contacted will be informed of the status of the investigation until its conclusion.

### **In the case of a missing student residing in campus Housing:**

All EC Housing personnel are expected to appropriately respond to, and immediately document, residential missing persons report or notification (including telephone reports). Reports of resident missing persons (including runaways) must be handled without delay, and be given priority. Generally, these reports are referred to the on-call Coordinator for Residential Education (CRE) for Housing and Residence Life, who will immediately notify Campus Security. Reports of non-resident missing persons should also be immediately referred to Campus Security. The on duty Campus Security Officer will notify the on duty SSEP Manager, who will coordinate notification to the VP of Enrollment and Student Services, and when appropriate the VP for Equity, Inclusion, and Belonging. When we have verified a student is missing, Lynnwood Police Department will be notified.

When a resident student is first reported as potentially missing, student staff (Resident Assistants (RAs) or International Mentors) will consult with the on-call CRE and/or professional staff to take prudent action to determine if this is a valid missing persons case. Actions to include:

1. Perform a welfare check on the resident (should be conducted by professional staff.)
2. Speak with roommate(s), hallmate(s) or other known associates about the whereabouts of the potentially missing resident.



When performing these steps, staff should keep FERPA and other privacy considerations in mind. Staff should not indicate that the resident does or does not live in campus housing. However, they can take information and indicate that, if the student is in one of our Housing facilities and can be located, a message will be relayed to the resident to contact the concerned party. Staff may mention privacy laws to alleviate issues about inability to release information.

If the student is still not located after performing the above steps, Campus Security needs to be notified. Security will ask what actions staff have taken and the outcomes of those actions. The CRE/RA may be asked to notify the Housing Director after they have notified the Campus Security Office, who will notify appropriate officials and authorities.

**These steps will then be taken by Campus Security in coordination with the Housing Director:**

- SSEP Director or designee will notify the Office of VP for Enrollment and Student Services.
- Notify the Lynnwood Police of a missing student, even if the individual has been missing less than 24 hours.
- Lynnwood Police, following their missing persons protocol, will make the determination if the student is missing and initiate any needed investigation.
- When it is determined that the whereabouts of a resident has been unknown for 24 hours or more, Lynnwood Police must be updated.
- Person identified in the student record as the contact for “Missing Student Report” will be notified.

## **Sexual Assault Prevention and Response**

Policy on Sexual Harassment - Title IX

[https://catalog.edmonds.edu/preview\\_course\\_nopop.php?catoid=27&coid=105561](https://catalog.edmonds.edu/preview_course_nopop.php?catoid=27&coid=105561)

[Title IX - Policy and Procedures](https://www.edmonds.edu/about-edmonds/titleix/policies-procedures.html) (<https://www.edmonds.edu/about-edmonds/titleix/policies-procedures.html>)

## **College Policies – Sexual Harassment**

The college will not tolerate sex discrimination, sex-based harassment, intimidation, or exploitation of students or employees in any form. Anyone subjected to acts of sex discrimination or sex-based harassment is encouraged to contact the college’s Title IX Coordinator or submit a report [here](#).

Sexual assault is an umbrella term that includes a wide range of victimizations. It occurs when a person is forced, coerced, and/or manipulated into unwanted sexual activity. It can include completed or attempted attacks, may or may not involve force and threats, and it may or may not be illegal under state or federal law ([WCSAP](http://www.wcsap.org) - [www.wcsap.org](http://www.wcsap.org)).

The Counseling and Resource Center provides crisis intervention, counseling, and community resource information and referral. Information about sexual assault may be found at the Counseling and Resource Center [website](http://edmonds.edu/counseling) ([edmonds.edu/counseling](http://edmonds.edu/counseling)).



Over the past 15 years, the Counseling and Resource Center has referred students and community members to [Domestic Violence Services of Snohomish County \(DVS\)](https://dvs-snoco.org/) (dvs-snoco.org) to provide services for victims of domestic violence. DVS is a non-profit organization serving Snohomish County since 1976. DVS is the only program in Snohomish County providing emergency shelter and comprehensive, confidential services to all victims of domestic abuse. DVS can be found on the internet at <https://dvs-snoco.org/> or contacted by phone at 425.252.2873.

Several campus departments including the Wellness Center, Counseling and Resource Center, Veterans Resource Center, Center for Student Engagement and Leadership, and campus SSEP work individually and collaboratively to offer programming and presentations around the topics of personal safety, Title IX and sexual assault, bystander intervention, and alcohol awareness. These programs are delivered to workgroups, student leadership, student clubs, classes, and at orientations throughout the year. Additionally, EC launched an online training program called Vector Solutions that is delivered to students, staff, and faculty through their campus email.

## Information for Victims

To support and advise assault victims and preserve evidence, EC shares the following information.

If you were just assaulted:

- Assure your safety – get to a place that is safe.
- If you are in immediate danger, call 911.
- Contact someone who can help you.
  - This could be the police/911, Campus Security 425.754.0154, an advocate from a Sexual Assault Center, or a trusted friend or family member.
- If possible, preserve evidence of the attack;
  - Try not to urinate, don't bathe, brush your teeth, or change or destroy your clothing; your clothes and items you may have been carrying are also evidence.
- If the assault took place in your home, do not rearrange and/or clean up anything.
- As soon as you are safe, go to a hospital Emergency Room.
  - Even if you do not think you have any medical issues as a result of the attack, it is best to have a doctor check that there are no unseen injuries, to discuss emergency contraception, etc.

Although an immediate exam is most likely to gather the best evidence, the hospital can sometimes collect evidence up to 7 days after an assault. Evidence collected does not have to be included in a report to the police. Crime Victims Compensation covers the cost of these exams. It is not necessary to make a police report in order to receive this medical care. You do not have to make a decision about reporting to the police at the time of the exam. The hospital can keep the evidence and you can decide later.

- As soon as you can, write down every detail that you can remember.
- And remember, what happened *is not your fault*, and *you will recover*.

## Resources

- Local Police: 911

- EC Campus Security: 425.754.0154
- EC Title IX Coordinator/Investigator: 425.640.1814
- Providence Sexual Assault Center 24-hour Crisis Line: 425.252.4800
- Providence Intervention Center for Assault and Abuse: 425.258.4357
- Snohomish County Domestic Violence Services: 425.25ABUSE / 425.252.2873)
- Snohomish County Crisis Services: 988 (text or call), (800) 584-3578
- National Sexual Assault Hotline: 1.800.656.HOPE (4673)
- Washington Coalition of Sexual Assault Programs 360.754.7583

Following an incident, victims are encouraged to make a report to campus security and local police, as well as the Title IX Coordinator. This action does not obligate prosecution, but it does make legal action possible if the decision to prosecute is made later. The earlier an incident is reported, the easier it is to collect valuable evidence.

When a student or employee reports to the institution that they have been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the institution will provide the student or employee with a written explanation of the student or employee's rights and options, to include information about how the institution will protect the confidentiality of victims and other necessary parties; written notification to students and employees about health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims within the institution and in the community; a statement regarding the institution's provisions about options for, available assistance in, and how to request accommodations and protective measures; and an explanation of the procedures for institutional disciplinary action) how to request accommodations and protective measures; and an explanation of the procedures for institutional disciplinary action). These are available in the college's Title IX policy at <https://www.edmonds.edu/about-edmonds/title-ix/policies-procedures.html>.

College disciplinary action, criminal prosecution, and civil suits are all options available to victims of sexual assault. Campus Security is required to report all known incidents of sexual assault to the college's Title IX Coordinator ([edmonds.edu/about-edmonds/titleix/](https://www.edmonds.edu/about-edmonds/titleix/)). Both the complainant and respondent will have an opportunity to be interviewed by the Title IX Coordinator/Investigator. The Title IX Coordinator/Investigator will review the facts of the investigation, make a determination on the alleged offenses, and the college will take appropriate action based on the determination(s). Both parties will be notified of the findings after an investigation is complete.

## Title IX Policy

It is federal law and the policy of Edmonds College to provide equal opportunity in education and employment to all students and employees, including enforcing anti-discrimination policies and procedures on and off campus, providing equity in all programs and activities, and preventing and protecting against sex discrimination and sex-based harassment.

In April, 2024, the Department of Education released updated regulations governing campus sex discrimination and sex-based harassment under Title IX. Colleges and universities were required to update their policies and procedures in order to comply with the regulations by August 1, 2024.

To meet the August 1 implementation deadline, the college updated its Title IX policies and procedures

and submitted them with an Emergency Rule-Making Order (CR-103E) to make necessary changes to the Washington Administrative Codes (WAC) governing these procedures. Per the Revised Code of Washington 34.05.353, the emergency rule-making process may be implemented when a rule is needed before the basic rulemaking process can be completed. Emergency rules do not require public notice or hearing(s). Under Washington State law, any changes that are approved through the Emergency Rule-Making Order are in effect 120 days.

On July 29, 2024, the Edmonds College Board of Trustees approved the proposed changes under the emergency rule-making procedure. The Board will consider these changes again after the regular WAC-change process has been implemented, to include a public hearing.

Pursuant to RCW 28B.50.140(13) and Title IX of the Education Amendments Act of 1972, 20 U.S.C. Sec. 1681, Edmonds College may impose disciplinary sanctions against a student or a college sponsored student organization, athletic team or living group, who commits, attempts to commit, or aids, abets, incites, encourages, or assists another person to commit, an act(s) of sex-based harassment, as defined in WAC 132Y-125-010 Definitions.

The college's current Title IX policies and procedures for students and employees, effective August 1, 2024, are as follows:

### Title IX Investigation Procedure (for alleged incidents occurring after August 1, 2024)

#### A. Definitions

The following definitions shall apply for purposes of this procedure:

1. **"Complainant"** means individuals who are alleged to have been subjected to prohibited conduct, including a student or employee, or a person other than a student or employee who was participating or attempting to participate in the college's education program or activity at the time of the alleged discrimination.
2. **"Complaint"** means a written or oral request that can be objectively understood as a request for the college to investigate and make a determination about prohibited conduct.
3. **"Confidential employee"** means a college employee whose communications are privileged and confidential under federal or state law. An employee's status as a confidential employee only applies when they are functioning within the scope of duties to which the privilege or confidentiality applies.
4. **"Consent"** means knowing, voluntary, and clear permission by word or action, to engage in mutually agreed upon sexual activity.
  - a. Each party has the responsibility to make certain that the other has consented before engaging in the activity.
  - b. For consent to be valid, there must be at the time of the act of sexual intercourse or sexual contact actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact.
  - c. 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.
  - d. An individual who engages in sexual activity when they know, or reasonably should know, that the other person is physically or mentally incapacitated has engaged in non

- consensual sexual conduct.
- e. Intoxication is not a defense against allegations that an individual has engaged in non consensual sexual conduct.
5. **"Disciplinary action"** is the process by which discipline is imposed for a violation of college policy or procedure.
  6. **"Disciplinary appeal"** is the process by which an aggrieved party can appeal discipline imposed as outlined in the college's student code of conduct or applicable labor agreements.
  7. **"Disciplinary sanction"** means consequences imposed on a respondent following a determination that the respondent violated the college's policy prohibiting sex discrimination and harassment.
  8. **"Discriminatory harassment"** means unwelcome and offensive conduct, including verbal, nonverbal, or physical conduct, not otherwise protected by law, that is directed at a person because of such person's protected status and that is sufficiently severe, persistent, or pervasive so as to create an intimidating, hostile, or offensive environment for other campus community members. Discriminatory harassment may include written, social media, and electronic communications not otherwise protected by law.
  9. **"Employee"** includes any individual employed by Edmonds College.
  10. **"Harassment or bullying"** means the conduct unrelated to a protected class that is unwelcome and sufficiently severe, persistent, or pervasive such that it could reasonably be expected to create an intimidating, hostile, or offensive environment, or has the purpose or effect of unreasonably interfering with a person's academic or work performance, or a person's ability to participate in or benefit from the college's programs, services, opportunities, or activities.
    - a. Harassing conduct may include, but is not limited to, physical, verbal, or nonverbal conduct, including written, social media, and electronic communications not otherwise protected by law.
    - b. For purposes of this procedure, "bullying" is defined as repeated or aggressive unwanted behavior not otherwise protected by law when a reasonable person would feel humiliated, harmed, or intimidated.
    - c. For purposes of this procedure, "intimidation" is an implied threat. Intimidation exists when a reasonable person would feel threatened or coerced even though an explicit threat or display of physical force has not been made. Intimidation is evaluated based on the intensity, frequency, context, and/or duration of the comments or actions.
  11. **"Investigation procedure"** is the process the college uses to initiate, informally resolve, and/or investigate allegations that an individual has violated college policies prohibiting sex discrimination or sex-based harassment.
  12. **"Mandatory reporters"** are all college employees, excluding confidential employees. Mandatory reporters are required to report conduct that could reasonably constitute sex discrimination to the Title IX Coordinator.
  13. **"Peer retaliation"** means retaliation by a student against another student.
  14. **"Pregnancy or related conditions"** means:
    - a. pregnancy, childbirth, termination of pregnancy, or lactation;
    - b. medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or
    - c. recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.
  15. **"President"** is the president of Edmonds College. The president is authorized to delegate any of their responsibilities as set forth in this procedure, and as may be reasonably necessary; and reassign any and all duties and responsibilities as set forth in this procedure as may be reasonably

necessary.

16. **“Program” or “programs and activities”** means all operations of the college.
17. **“Protected status”** includes a person's race; color; creed/religion; national origin; presence of any sensory, mental, or physical disability; use of a trained service animal; sex, including pregnancy; marital status; age; genetic information; sexual orientation; gender identity or expression; honorably discharged veteran or military status; HIV/AIDS and hepatitis C status; or membership in any other group protected by federal, state, or local law.
18. **“Relevant”** means related to the allegations of sex discrimination under investigation.
  - a. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred.
  - b. Evidence is relevant when it may aid a decision maker in determining whether the alleged sex discrimination occurred.
19. **“Remedies”** means measures provided to a complainant or other person whose equal access to the college's educational programs and activities has been limited or denied by sex discrimination. These measures are intended to restore or preserve that person's access to educational programs and activities after a determination that sex discrimination has occurred.
20. **“Respondent”** is an individual who has been alleged to have violated the student conduct code or college's policy prohibiting sex discrimination.
21. **“Retaliation”** means intimidation, threats, coercion, or discrimination against any person by the college, a student, or an employee or other person authorized by the college to provide aid, benefit, or service under the college's education program or activity, for the purpose of interfering with any right or privilege secured by college policies and procedures prohibiting discrimination or harassment, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part, including in an informal resolution process, in these investigation procedures, and any disciplinary proceeding for discrimination or harassment. Nothing in this definition precludes the college from requiring an employee to provide aid, benefit, or service under the college's education program or activity to participate as a witness in, or otherwise assist with, an investigation, proceeding, or hearing.
22. **“Sex-based harassment”** For purposes of this procedure, sex-based harassment is a type of discrimination that occurs when a respondent engages in the following discriminatory conduct on the basis of sex:
  - a. Quid pro quo harassment. A student, employee, agent, or other person authorized by the college to provide an aid, benefit, or service under the college's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct.
  - b. Hostile environment. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the recipient's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
    - i. the degree to which the conduct affected the complainant's ability to access the college's education program or activity;
    - ii. the type, frequency, and duration of the conduct;
    - iii. the parties' ages, roles within the college's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating



- the effects of the conduct;
    - iv. the location of the conduct and the context in which the conduct occurred; and
    - v. other sex-based harassment in the college's education program or activity.
  - c. Sexual violence includes nonconsensual sexual intercourse, nonconsensual sexual contact, domestic violence, incest, statutory rape, domestic violence, dating violence, and stalking.
    - i. Nonconsensual sexual intercourse is any sexual intercourse (anal, oral, or vaginal), however slight, with any object, by a person upon another person, that is without consent and/or by force. Sexual intercourse includes anal or vaginal penetration by a penis, tongue, finger, or object, or oral copulation by mouth to genital contact or genital to mouth contact.
    - ii. Nonconsensual sexual contact (fondling) is any actual or attempted intentional sexual touching, however slight, with any body part or object, by a person upon another person that is without consent and/or by force. Sexual touching includes any bodily contact with the breasts, groin, mouth, or other bodily orifice of another individual, or any other bodily contact in a sexual manner.
    - iii. Incest is sexual intercourse or sexual contact with a person known to be related to them, either legitimately or illegitimately, as an ancestor, descendant, brother, or sister of either wholly or half related. Descendants include stepchildren, and adopted children under the age of eighteen (18).
    - iv. Statutory rape (rape of a child) is non-forcible sexual intercourse with a person who is under the statutory age of consent.
    - v. Domestic violence is physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, coercive control, damage or destruction of personal property, or stalking or any other conduct prohibited under RCW 10.99.020, committed by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of 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.
    - vi. Dating violence is physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:
      1. the length of the relationship;
      2. the type of relationship; and
      3. the frequency of interaction between the persons involved in the relationship.

23. **“Sex discrimination”**, which includes sex-based harassment, occurs when a respondent causes more than de minimis (insignificant) harm to an individual by treating them differently from an otherwise similarly situated individual based on:
- a. sex stereotypes;
  - b. pregnancy or related conditions;
  - c. sexual orientation; and
  - d. gender identity.

Preventing a person from participating in a program or activity consistent with their gender identity constitutes more than de minimis harm and is prohibited, which includes sex-based harassment, means discrimination on the basis of sex including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, as well as sex-based harassment.

24. **“Stalking”** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others or to suffer substantial emotional distress.
25. **“Student employee”** means an individual who is both a student and an employee of the college. When a complainant or respondent is a student employee, the college must make a fact-specific inquiry to determine whether the individual's primary relationship with the college is to receive an education; and whether any alleged student conduct code violation including, but not limited to, sex-based harassment, occurred while the individual was performing employment-related work.
26. **“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 132Y-125-060.
27. **“Supportive measures”** means the reasonably available, individualized and appropriate, non-punitive and non-disciplinary measures offered by the college to the complainant or respondent without unreasonably burdening either party, and without fee or charge for purposes of:
  - a. restoring or preserving a party’s access to the college’s educational program or activity, including measures that are designed to protect the safety of the parties or the college’s educational environment; or
  - b. providing support during the college’s investigation and disciplinary procedures, or during any informal resolution process; or
  - c. supportive measures may include, but are not limited to: counseling; extensions of deadlines and other course-related adjustments; campus security escort services; increased security and monitoring of certain areas of campus; restriction on contact applied to one or more parties; a leave of absence; change in class, college employment, college housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and training and education programs related to sex-based harassment.
28. **“Title IX Coordinator”** is the administrator responsible for processing complaints of discrimination and harassment, including sex discrimination and sex-based harassment, overseeing investigations and informal resolution processes, and coordinating supportive measures, in accordance with college policy
29. **“Title IX personnel”** includes the Title IX Coordinator and designees, investigators, student conduct officers, and decision makers at both the hearing and appeal level, responsible for administering the college’s sex discrimination investigation and disciplinary procedures; facilitators of the informal sex discrimination resolution process; and any other employees who are responsible for implementing the college’s sex discrimination investigation or sex discrimination disciplinary procedures for students or have the authority to modify or terminate supportive measures.
30. **“Title IX retaliation”** means intimidation, threats, coercion, or discrimination against any person by the college, a student, or an employee or other person authorized by the college to provide



aid, benefit, or service under the college's education program or activity, for the purpose of interfering with any right or privilege secured by college policies and procedures prohibiting sex discrimination, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part, including in an informal resolution process, in these investigation procedures, and any disciplinary proceeding for sex discrimination. Nothing in this definition precludes the college from requiring an employee to provide aid, benefit, or service under the college's education program or activity to participate as a witness in, or otherwise assist with, an investigation, proceeding, or hearing.

**B. Title IX Coordinator Investigation Duties.** During an investigation, the Title IX Coordinator, or a designee, is responsible for the following:

- a. accepting, evaluating, and processing all sex discrimination and sex-based harassment complaints, reports or referrals;
- b. conducting an intake meeting with the complainant and, at that time, notifying the complainant, or the individual who reported the conduct if the complainant is unknown, of the college's Title IX investigation and disciplinary procedures, as well as the informal resolution process if appropriate and available.
  - After providing this information, the Title IX Coordinator will ascertain whether the complainant would like the college to proceed with an investigation of the sex discrimination complaint.
  - If the complainant would like the college to proceed with an investigation, the Title IX Coordinator will initiate a complaint subject to this procedure.
- c. addressing and resolving, if possible, questions regarding confidentiality raised by parties and witnesses;
- d. determining whether a complaint should be dismissed during the investigation phase, and if so, notifying the complainant or the parties (if respondent has been notified of the complaint) of the reasons for the dismissal, and providing the complainant or parties with information about the procedure for filing an appeal of the dismissal;
- e. when a party is a student employee and the allegations involve sex-based harassment, making a fact-specific inquiry into whether the party's primary relationship with the college is to receive an education and whether alleged sex-based harassment occurred while the party was performing employment-related work and, based on this inquiry, determine whether the party should be treated as a student or an employee under this investigation procedure and related disciplinary procedures;
- f. maintaining accurate records of all complaints, reports, and referrals;
- g. retaining investigation files, complaints, reports, and referrals in compliance with applicable records retention periods or federal or state law, whichever is longer;
- h. conducting an impartial investigation of a complaint or assigning the investigation to an

impartial investigator and overseeing the investigation;

- i. 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 and making revisions to supportive measures as circumstances may require;
- j. upon completion of an investigation, issuing or overseeing the issuance of a final investigation report to the parties and to the appropriate disciplinary authority in compliance with this procedure; and
- k. recommending non-disciplinary corrective measures to stop, remediate, and/or prevent recurrence of discriminatory conduct to college disciplinary authorities and administrators.

**2. Filing a Complaint.** Any employee, student, applicant, or visitor who believes that they have been the subject of sex discrimination in violation of the college policies, should report the incident or incidents to the Title IX Coordinator. The complaint can be in writing or oral. If the complaint is against the Title IX Coordinator, the complainant should report the matter to the president's office, or the Vice President for Human Resources, for referral to an alternate designee.

For complainants who wish to submit a written complaint, a formal complaint form is available online at [https://cm.maxient.com/reportingform.php?Edmonds&layout\\_id=6](https://cm.maxient.com/reportingform.php?Edmonds&layout_id=6). Hardcopies of the complaint form are available at the college human resources department.

**3. Title IX Coordinator-Initiated Complaint.** In the absence or withdrawal of any or all allegations in a complaint, the Title IX Coordinator may file a complaint based on their evaluation of the following factors:

- a. a complainant's request not to proceed with initiation of a complaint;
- b. a complainant's reasonable safety concerns regarding initiation of a complaint;
- c. the risk additional acts of sex discrimination would occur if the complaint is not initiated;
- d. the severity of the alleged sex discrimination, including whether the discrimination if established, would require the removal of the respondent from campus or imposition of other disciplinary sanction(s) to end the discrimination and prevent its recurrence;
- e. the age and relationship of the parties; including whether the respondent is a college employee;
- f. the scope of the alleged sex discrimination, including information suggesting a pattern, on-going sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
- g. the availability of evidence to assist a decision maker with determining whether sex discrimination occurred; and
- h. whether the college could end the alleged sex discrimination and prevent its recurrence

without initiating an investigation and disciplinary procedure.

If, upon evaluating these and any other relevant factors, the Title IX Coordinator determines that the alleged conduct poses an imminent threat to the health or safety of the complainant or to other members of the college community or that the alleged conduct prevents the college from ensuring equal access on the basis of sex to its educational programs and activities, then the Title IX Coordinator may initiate a complaint.

When initiating a complaint, the Title IX Coordinator will provide the complainant with advance notice of this decision and an opportunity to appropriately address reasonable concerns about the complainant's safety or the safety of others, including the provision of supportive measures.

Regardless of whether a complaint is initiated under this section, the Title IX Coordinator must take other prompt and effective steps, in addition to those steps necessary to implement remedies for the individual complainant, to ensure that sex discrimination does not continue or recur within the college's educational programs and activities.

The analysis set forth above need not be performed if the Title IX Coordinator reasonably determines that the alleged conduct could not constitute sex discrimination.

#### 4. Confidentiality.

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

b. Confidential employees, when acting in their confidential capacity, will maintain confidentiality of information shared by a complainant and are not required to report conduct that may reasonably constitute discrimination or harassment. When a confidential employee learns of conduct that reasonably may constitute discrimination or harassment, the confidential employee must disclose:

i. their status as a confidential employee, including the circumstances under which they are not required to notify the Title IX Coordinator about the possible sex discrimination;

ii. how the complainant can contact the Title IX Coordinator to make a complaint about the possible discrimination; and

iii. that the Title IX Coordinator may offer and coordinate supportive measures, as well as initiate an informal resolution process or investigation pursuant to this procedure.

c. The Title IX Coordinator will inform the complainant about the college's discrimination and harassment investigation and disciplinary processes and attempt to obtain consent from the complainant before commencing an investigation. 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.

d. 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 disclose the complainant's identity only to the extent reasonably necessary to effectively conduct and complete the investigation in compliance with this investigation procedure.

e. 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.

**5. Principles of Investigation Applicable to Sex Discrimination Complaints.** The college shall provide an adequate, reliable, and impartial investigation of complaints of sex discrimination by:

- a. treating complainants and respondents equitably;
- b. presuming that the respondent is not responsible for the alleged misconduct unless or until a determination of responsibility is reached after completion of the investigation and disciplinary processes;
- c. having the investigation conducted by a neutral and unbiased investigator without a conflict of interest or bias for or against complainants or respondents generally, or an individual complainant or respondent;
- d. having the investigator make findings of fact based on the preponderance of the evidence standard;
- e. placing the burden on the college, not the parties, to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred;
- f. objectively evaluating all evidence that is relevant and not otherwise impermissible under this code, including both inculpatory and exculpatory evidence, and provide credibility determinations that are not based solely on a person's status as a complainant, respondent, or witness.
- g. providing an equal opportunity for parties to present fact witnesses and other inculpatory or exculpatory evidence that is relevant and not otherwise impermissible;
- h. providing ten (10) calendar days for each party to review and submit written comments on the draft investigation report and, upon request, to review relevant and not otherwise impermissible evidence gathered by the investigator before finalizing the investigation report; and
- i. taking reasonable steps to prevent and address the parties' unauthorized disclosure of

information and evidence obtained solely through the investigation procedure. Such steps shall not prevent the parties from using the information or evidence for related disciplinary proceedings or litigation related to the complaint of sex discrimination.

**6. Notice of Investigation and other Notice Requirements.** Upon receiving a complaint of sex discrimination, the Title IX Coordinator will initiate the investigation by serving the respondent and the complainant with a Notice of Investigation in advance of their initial interviews. This notice will be served sufficiently in advance to allow the parties adequate time to prepare for their initial interviews.

If a complaint includes allegations of sex-based harassment and the college has reasonable concerns for the safety of any person as a result of providing a Notice of Investigation, service of the notice may be reasonably delayed in order to address the safety concern appropriately. Reasonable concerns must be based on individualized safety and risk analysis and not on mere speculation or stereotypes.

The Notice of Investigation must:

- a. include a description of the college's sex discrimination investigation and disciplinary procedures, including descriptions of procedures applicable to sex-based harassment and informal resolution processes, if applicable;
- b. sufficient information for the parties to respond to the allegations, including the identities of the parties, a description of the alleged discriminatory conduct, and the time and location of the alleged incident, to the extent this information is available to the college;
- c. a statement that retaliation is prohibited;
- d. information that the parties are entitled to have an advisor of their choice and at their own expense, available during the investigation and any disciplinary proceedings and that the advisor may be, but is not required to be an attorney, and that during the investigation, the advisor's role will be limited to attending meetings or interviews with the party and providing advice to the party; and
- e. a statement that the parties are entitled to an equal opportunity to access a description of the relevant, not otherwise impermissible evidence and that both parties shall have an equal opportunity to review such evidence upon request.

In cases involving allegations of sex-based harassment, the Notice of Investigation shall also inform the parties that:

- f. the respondent is presumed not responsible for the alleged sex-based harassment until a determination is made at the conclusion of the applicable disciplinary procedure and prior to such a determination, the parties will have the opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decision maker;
- g. the parties are entitled to an equal opportunity to access the investigative report describing the relevant, not otherwise impermissible evidence, and that both parties shall have an equal opportunity to review this evidence upon request; and
- h. the college's student conduct code and employment policies prohibit students and employees

from knowingly making false statements or knowingly submitting false information during an investigation or disciplinary proceeding.

**Amended Notice of Investigation.** If, during the course of the investigation, the college decides to investigate sex discrimination allegations against a party that are not included in the original Notice of Investigation, the college will issue an Amended Notice of Investigation to both parties that includes this additional information and complies with the applicable notice requirements set forth above.

**Notice of Meetings and Interview.** In cases involving allegations of sex-based harassment, the college shall provide written notice to parties whose participation is invited or expected of the date, time, location, participants, and purposes of all meetings or proceedings with sufficient time for the party to prepare to participate.

**7. Investigation Process.** During the investigation, the investigator:

- a. 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;
- b. 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 order shall be no broader than is necessary to protect the threatened party or witness and must provide the party or their advisor with alternative means of gathering and presenting relevant evidence from the protected witness or party;
- c. will allow each party to be accompanied by an advisor/representative of their choosing, who may be an attorney, to any investigation related meeting or interview. Advisors'/representatives' roles during the investigation meetings or interviews will be limited to providing support and advice to the party. Advisors/representatives will not represent or otherwise advocate on behalf of the parties during the investigation process. An attorney advising a party must enter a notice of appearance with the Title IX Coordinator and the investigator at least five (5) business days before the initial interview or meeting they plan to attend, so the college can secure its own legal representation, if necessary.
- d. In cases involving allegations of sex-based harassment, the investigator will provide both parties and their respective Advisors/representatives with an equal opportunity to review the draft investigation report and to inspect and review relevant and not otherwise impermissible evidence upon request. After disclosure of the report, each party will receive ten (10) calendar 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) calendar days, the party will be deemed to have waived their right to respond and the investigator will finalize the report without this information.
- e. During sex discrimination and sex-based harassment investigations under this procedure, the investigator 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:

- spousal/domestic partner privilege;
- attorney-client and attorney work product privileges;
- privileges applicable to members of the clergy and priests;
- privileges applicable to medical providers, mental health therapists, and counselors;
- privileges applicable to sexual assault and domestic violence advocates; or
- other legal privileges identified in RCW 5.60.060.

f. Prior sexual behavior. Questions or evidence about a complainant's sexual predisposition or prior sexual behavior are not relevant and must be excluded, unless such question or evidence:

- is asked or offered to prove someone other than the respondent committed the alleged misconduct; or
- concerns specific incidents of prior sexual behavior between the complainant and the respondent, which are asked or offered on the issue of consent

g. Upon completion of the investigation, the Title IX Coordinator will distribute the final investigation report to the parties. The Title IX Coordinator will also provide the investigation report and the evidence gathered during the investigation to the student conduct officer (for student respondents) or the Director of Human Resources (for non-student respondents), who are responsible for determining whether pursuing disciplinary action is warranted.

**8. Dismissal of Complaint During Investigation – Right to appeal.** During an investigation, a sex discrimination complaint may be dismissed, in whole or in part, for the following reasons:

- a. the respondent cannot be identified, after the college has taken reasonable steps to do so;
- b. the respondent is not participating in the college's educational programs or activities or is not employed by the college. The college's discretion to dismiss a sex-based harassment complaint lodged against a former employee may be limited by RCW 28B.112.070, which requires the college to complete investigations into allegations of sexual misconduct by employees directed at student complainants unless the complainant requests otherwise ;
- c. the complainant has voluntarily withdrawn any or all of the allegations in the complaint, and the Title IX Coordinator has declined to initiate their own complaint, and any remaining allegations would not constitute sex discrimination, even if proven. In cases involving allegations of sex-based harassment, the college must obtain the complainant's withdrawal in writing before dismissal.
- d. the conduct alleged by the complainant, even if proven, would not constitute sex discrimination; or
- e. the conduct alleged by the complainant falls outside the college's disciplinary jurisdiction.

The complainant and the respondent (if the respondent has been notified of the complaint) may appeal the dismissal of a complaint.

If the dismissal occurs during the investigation, the Title IX Coordinator will provide the complainant or



the complainant and the respondent (if the respondent has been notified of the complaint) written notice explaining:

- why dismissal was necessary or desirable;
- the right to appeal the dismissal and a description of the procedure for appealing the dismissal; and
- if applicable, notice that the complaint is being referred to an appropriate disciplinary authority for proceedings outside the jurisdiction of Title IX.
- If the dismissal involves an allegation of sex-based harassment and the parties have both been notified of the investigation, the Notice of Dismissal will be served on the parties simultaneously.

When a complaint is dismissed, the Title IX Coordinator will, at a minimum:

- offer supportive measures to the complainant as appropriate;
- if the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- take other prompt and effective steps, as appropriate, to ensure that sex discrimination does not continue or recur within the college's education program or activity.

Dismissal of a sex discrimination complaint 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.

**9. Supportive Measures.** The Title IX Coordinator must offer and coordinate supportive measures to both the complainant and the respondent. Supportive measures may vary depending on the circumstances and what the college may determine to be reasonably available. Supportive measures may include, but are not limited to:

- a. counseling;
- b. extensions of deadlines and other course-related adjustments;
- c. campus security escort services;
- d. increased security and monitoring of certain areas of the campus;
- e. restrictions on contact applied to one or more parties;
- f. leaves of absence;
- g. changes in class, college work, college housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and
- h. training and education programs related to sex-based harassment.

Supportive measures may not be imposed for punitive or disciplinary purposes and must not unreasonably burden either party. Supportive measures must be designed to protect the safety of the

parties and/or the college's educational environment, or to provide support to the parties during the formal or informal resolution processes.

The Title IX Coordinator may modify or terminate supportive measures during or after formal or informal resolution procedures are completed, as the parties' and/or the college's circumstances change.

If, at any point during the sex discrimination investigation or disciplinary proceeding, a party becomes dissatisfied with their supportive measures or undergoes a change of circumstances that warrants revisions to their supportive measures, the party may submit a request to revise their supportive measures to the Title IX Coordinator. The Title IX Coordinator will respond to such a request within ten (10) calendar days. If the party disagrees with the Title IX Coordinator's decision, they may submit a written appeal to the Director of Human Resources, or their designee, within five (5) calendar days of receiving the Title IX Coordinator's decision. Review of the appeal shall be performed by an impartial employee with authority to modify or reverse the Title IX Coordinators decision to provide, deny, modify or terminate supportive measures applicable to the party seeking review. Challenged supportive measures will be reviewed to determine whether they are meeting the purposes set forth above.

In cases involving allegations of sex discrimination other than sex-based harassment and retaliation, the college is not required to alter the alleged discriminatory practice(s) for the purpose of providing a supportive measure.

**10. Emergency Removal.** If a 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, after consulting with the Title IX Coordinator, may summarily suspend the student respondent pursuant to WAC 132Y-125-060. The summary suspension shall remain in place pending completion of the investigation and final resolution of any resulting disciplinary proceedings.

If the respondent is an employee, the president or designee, after consulting with the Director of Human Resources, may place an employee on administrative leave. The administrative leave shall remain in place pending completion of the investigation and final resolution of any resulting disciplinary proceedings.

**11. Complaint Resolution and Consolidation.** The sex discrimination resolution processes are initiated when the Title IX Coordinator receives a written or oral complaint from a complainant alleging that a respondent(s) discriminated against them on the basis of their sex and the complainant asks that the college initiate an investigation. A complaint may be submitted by the complainant orally or in writing or it may be initiated and signed by the Title IX Coordinator on behalf of the complainant. Complaints submitted to the Title IX Coordinator may be resolved through either informal or formal resolution processes.

a. **Informal Resolution.** Under appropriate circumstances and only if the complainant and the respondent voluntarily agree, the parties may pursue informal resolution during the investigation of a concern. Informal resolution is not appropriate when the allegation involves:

- a complainant who is a minor or a vulnerable adult; or
- a respondent poses an immediate threat to the health, safety or welfare of a member of the college community;

- an employee, who is alleged to have engaged in sex-based harassment of a student complainant.

If Informal Resolution is appropriate, the parties may explore resolution through:

- guided conversations or communications conducted by the Title IX Coordinator, the Vice President for Enrollment and Student Services, a Human Resources representative, or some other mutually agreed upon third party;
- a structured resolution process conducted by a trained mediator; or
- voluntary agreement between the parties to alter either or both parties' college work or class schedules and/or college student housing arrangements.

A proposal to engage in informal resolution should be provided to the parties in the Notice of Investigation or after the Notice of Investigation has been served on both parties.

Before engaging in informal resolution, the college must provide written notification to the parties of their rights and responsibilities. This notice shall explain:

- the allegations;
- the requirements of the informal resolution process;
- that, prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and initiate or resume the formal resolution process;
- that the parties' agreement to a resolution at the conclusion of the informal resolution process will prevent the parties from initiating or resuming the formal resolution process;
- that the potential terms of any informal resolution agreement will only be binding on the parties to the agreement; and
- what information the college will retain from the informal resolution process and how that information will be used, if the process is not successful and the formal resolution process is initiated or resumed.

Because the informal resolution process is voluntary, either party may withdraw from the process at any time, at which point the formal resolution process will resume.

If the parties voluntarily resolve a complaint, 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 complaint has been closed.

If the parties agree to an informal resolution process, the college will commence informal resolution within ten (10) calendar days after the parties agree to this option and conclude within twenty-one (21) calendar days of beginning that process; subject to reasonable delays and extensions for good cause shown.

b. Formal Resolution. Formal resolution means that the complainant's allegations of sex discrimination will be subjected to a formal investigation by an impartial and unbiased investigator. The investigation may be conducted by the Title IX Coordinator. The results of the investigator's report will be shared with the parties, the Title IX Coordinator, as well as the appropriate disciplinary authority who is responsible for determining whether disciplinary proceedings are warranted.

c. Consolidation of Complaints. Complaints of sex discrimination may be consolidated when the complaints are against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances.

For alleged incidents occurring *prior to August 1, 2024*, the following Title IX policies and procedures will be followed:

## Title IX Investigation Procedure

### A. Definitions

For purposes of this Title IX procedure, which was in effect from August 14, 2020 thru July 31, 2024, the following terms are defined as follows:

1. **“Consent”** means knowing, voluntary, and clear permission by word or action, to engage in mutually agreed upon sexual activity. Each party has the responsibility to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be at the time of the act of sexual intercourse or sexual contact actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact.

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

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

2. **“Complainant”** means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
3. **“Respondent”** means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
4. **“Formal complaint”** means a writing submitted by the complainant or signed by the Title IX coordinator alleging sexual harassment against a respondent and requesting that the college conduct an investigation.
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 the college.
6. **“Title IX procedure”** is the process the college uses to initiate, informally resolve, and/or investigate allegations that an employee or student has violated Title IX provisions

prohibiting sexual harassment.

7. **“Supportive measures”** are non-disciplinary, non-punitive, individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or respondent regardless of whether the complainant or the Title IX Coordinator has filed a formal complaint. Supportive measures restore or preserve a party’s access to 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 college’s educational environment and/or to deter sexual harassment or retaliation. Supportive measures may include, but are not limited to, (i) counseling and other medical assistance, (ii) extensions of deadlines or other course-related adjustments, (iii) modifications of work or class schedules, (iv) leaves of absence, (v) increased security or monitoring of certain areas of campus, and (vi) imposition of orders prohibiting the parties from contacting one another in housing or work situations. Determinations about whether to impose a one-way no contact order must be made on a case-by-case basis. If supportive measures are not provided, the Title IX Coordinator must document in writing why this was clearly reasonable under the circumstances.
8. **“Summary suspension”** means an emergency suspension of a student respondent pending investigation and resolution of disciplinary proceedings pursuant to the procedure and standards set forth in WAC 132Y-125-060.
9. **“Sexual harassment,”** for purposes of the Title IX procedure, sexual harassment occurs when a respondent engages in the following discriminatory conduct on the basis of sex:
  - a. quid pro quo harassment. A college employee conditioning the provision of an aid, benefit, or service of the college on an individual’s participation in unwelcome sexual conduct.
  - b. hostile environment. Unwelcome conduct that a reasonable person would find to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the college’s educational programs or activities or college employment.
  - c. sexual assault. Sexual assault includes the following conduct:
    - i. Nonconsensual sexual intercourse. Any actual or attempted sexual intercourse (anal, oral, or vaginal), however slight, with any object or body part, by a person upon another person, that is without consent and/or by force. Sexual intercourse includes anal or vaginal penetration by a penis, tongue, finger, or object, or oral copulation by mouth to genital contact or genital to mouth contact.
    - ii. Nonconsensual sexual contact. Any actual or attempted sexual touching, however slight, with any body part or object, by a person upon another person that is without consent and/or by force. Sexual touching includes any

bodily contact with the breasts, groin, mouth, or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

- iii. Incest. Sexual intercourse or sexual contact with a person known to be related to them, either legitimately or illegitimately, as an ancestor, descendant, brother, or sister of either wholly or half related. Descendants include stepchildren, and adopted children under the age of eighteen (18).
  - iv. Statutory rape. Consensual intercourse between a person who is eighteen (18) years of age or older, and a person who is under the age of sixteen (16).
  - v. Domestic violence. Physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Washington, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State of Washington, RCW 26.50.010.
  - vi. Dating violence. Physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person (i) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (ii) where the existence of such a relationship shall be determined based on a consideration of the following factors:
    - a. the length of the relationship;
    - b. the type of relationship; and
    - c. the frequency of interaction between the persons involved in the relationship.
  - vii. Stalking. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (i) fear for their safety or the safety of others; or (ii) suffer substantial emotional distress.
10. "Title IX Administrators" are the Title IX Coordinator, Title IX investigators, the Student Conduct Officer, Student Conduct Committee members, members of the Human Resource team, and college provided advisors assigned to the parties by the college during Title IX disciplinary proceedings.
11. "Title IX Coordinator" is responsible for processing Title IX complaints and conducting and/or overseeing formal investigations and informal resolution processes under this Title IX Procedure. Among other things, the Title IX Coordinator is responsible for:



- a. accepting and processing all Title IX reports, referrals, and formal complaints;
- b. executing and submitting a formal complaint when appropriate and necessary;
- c. handling requests for confidentiality;
- d. determining during the Title IX procedure (i) whether a formal complaint should be dismissed either in whole or in part, and if so, (ii) providing notice to both parties about why dismissal was necessary or desirable, and (iii) referring the complaint to the appropriate disciplinary authority for proceedings outside the jurisdiction of Title IX;
- e. maintaining accurate records of all complaints, reports, and referrals, and retaining investigation files, complaints, reports, and referrals in compliance with the applicable records retention schedules or federal or state law, whichever is longer;
- f. conducting investigations or assigning and overseeing investigations;
- g. engaging in an interactive process with both parties to identify and provide supportive measures that ensure during the investigation and disciplinary processes that the parties have equitable access to education programs and activities and are protected from further discrimination or retaliation;
- h. upon completion of an investigation, issuing or overseeing the issuance of a final investigation report to the parties and the appropriate disciplinary authority in compliance with this Title IX procedure; and
- i. recommending non-disciplinary corrective measures to stop, remediate, and/or prevent recurrence of discriminatory conduct to disciplinary authorities and other college administrators.

## **B. Principles for Title IX procedure**

1. Respondents shall be presumed not responsible for the alleged conduct unless or until a determination of responsibility is reached after completion of the Title IX procedure and disciplinary processes.
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.
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 procedures and and by providing respondent with Title IX procedural safeguards contained in these procedures and in the applicable Title IX disciplinary procedures.

4. The investigator shall base investigation results on all relevant evidence, including both exculpatory and inculpatory evidence.
5. Formal and informal resolutions will be pursued within reasonably prompt timeframes with allowances for temporary delays and extensions for good cause shown. Grounds for temporary delay include, but are not limited to winter, spring and summer breaks and other scheduled breaks in the school schedule. Good cause supporting a request for an extension includes, but is not limited to: a party, a party's advisor, or a witness being unavailable, concurrent law enforcement activity, and the need for language assistance or accommodation of disabilities. Both parties will receive written notice of any temporary delay or extension for good cause with an explanation of why the action was necessary.
6. A respondent found responsible for engaging in sexual harassment may receive discipline up to and including dismissal from the college.
7. An employee found responsible for sexual harassment may receive discipline up to and including dismissal from employment. In proceedings against a student respondent, the parties may appeal the Student Conduct Committee's ruling to the President pursuant to WAC 132Y-125-020 and Supplement Title IX Student Conduct Code Procedures, WAC 132Y-125-115.
8. In proceedings against an employee respondent, the parties may appeal the employee disciplinary decision to the president or designee.
9. Title IX Administrators may not require, allow, rely upon, or otherwise use questions or evidence that seeks disclosure of privileged communications, unless the privilege has been effectively waived by the holder. This provision applies, but is not limited to information subject to the following:
  - a. spousal/domestic partner privilege;
  - b. attorney-client and attorney work product privileges;
  - c. privileges applicable to members of the clergy and priests;
  - d. privileges applicable to medical providers, mental health therapists, and counselors;
  - e. privileges applicable to sexual assault and domestic violence advocates; and
  - f. other legal privileges identified in RCW 5.60.060.

**C. Title IX Administrators – Free from bias – Training requirements**

1. Title IX Administrators shall perform their duties free from bias or conflicts.
2. Title IX Administrators shall undergo training on the following topics:

- a. the definition of sexual harassment under these procedures,
  - b. the scope of the college's educational programs and activities,
  - c. how to conduct an investigation,
  - d. how to serve impartially without prejudgment of facts, conflicts of interest, or bias,
  - e. use of technology used during an investigation or hearing,
  - f. the relevance of evidence and questions, and
  - g. effective report writing.
3. All Title IX Administrator training materials shall be available on the college's Title IX webpage.

#### **D. Filing a Complaint**

Any employee, student, applicant, or visitor who believes that they have been the subject of sexual harassment should report the incident or incidents to the college's Title IX Coordinator identified on the Edmonds College website [edmonds.edu/about-edmonds/titleix](https://edmonds.edu/about-edmonds/titleix). 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.

#### **E. Confidentiality**

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.
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:

- a. the seriousness of the alleged sexual harassment;
  - b. the age of the complainant;
  - c. whether the sexual harassment was perpetrated with a weapon;
  - d. whether the respondent has a history of committing acts of sexual harassment or violence or has been the subject of other sexual harassment or violence complaints or findings;
  - e. whether the respondent threatened to commit additional acts of sexual harassment or violence against the complainant or others; and
  - f. Whether relevant evidence about the alleged incident can be obtained through other means (e.g., security cameras, other witnesses, physical evidence).
3. If 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 Title IX procedure.
  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.

## F. Complaint Resolution

The Title IX resolution processes are initiated when the Title IX Coordinator's Office receives a written complaint alleging that a respondent(s) sexually harassed a complainant and requesting that 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.

For purposes of this Title IX 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.

### 1. Informal Resolution:

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

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

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

If the parties agree to an informal resolution process, the college will commence the process within 14 days after the parties agree to this option and conclude within 30 days of beginning that process; subject to reasonable delays and extensions for good cause shown. The informal process is voluntary. Either the impacted or responding party may withdraw from the informal resolution process at any time, at which point the formal investigation process will resume.

If the impacted and responding party voluntarily resolves 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.

## 2. Formal Resolution

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

## G. Emergency Removal

If a student respondent poses an immediate threat to the health and safety of the college community or an immediate threat of significant disruption to college operations, the college's student conduct officer may summarily suspend a respondent pursuant to WAC 132Y-125-060, pending final resolution of the allegations. Nothing in this procedure prohibits the college from placing non-student employees on administrative leave pending final resolution of the allegations.

## H. Investigation Notices

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:

1. Notice of formal and informal resolution processes. A description of the college's Title IX resolution procedures, including the informal resolution procedure.
2. The investigator will serve the respondent and the complainant with a Notice of

Investigation in advance of the initial interview with the respondent to allow the respondent sufficient time to prepare a response to the allegations and to inform the complainant that the college has commenced an investigation. The investigation notice will:

- a. Include the identities of the parties (if known), a description of the conduct alleged constituting Title IX sexual harassment, and the time and location of the incident (if known).
  - b. Confirm that the respondent is presumed not responsible for the alleged conduct and that the college will not make a final determination of responsibility until after the Title IX procedures and disciplinary processes have been completed.
  - c. Inform parties that they are both entitled to have an advisor of their own choosing, who may be an attorney.
  - d. Inform parties they have a right to review and inspect evidence.
  - e. Inform parties about student conduct code provisions and employment policies that prohibit students and employees from knowingly submitting false information during the Title IX procedure and disciplinary processes.
3. 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. 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.

## **I. Investigation Process - Dismissal**

1. Mandatory dismissal. The Title IX Coordinator will dismiss the Title IX allegations, if during the course of a formal investigation under the Title IX process, the investigator determines that the alleged misconduct in the formal complaint:
  - a. does not meet the definition of sexual harassment under Title IX, even if proved; or
  - b. did not occur in the context of a college education program or activity; or
  - c. occurred outside the United States.
2. Discretionary dismissal. The college may dismiss a Title IX claim in whole or in part, if:
  - a. complainant notifies the Title IX Coordinator in writing that they would like to



withdraw the formal complaint in whole or in part;

- b. respondent is no longer enrolled with or employed by the college; or
  - c. specific circumstances prevent the college from gathering evidence sufficient to complete the investigation of the Title IX allegations in whole or in part.
3. The Title IX Coordinator will provide both parties written notice if Title IX allegations are dismissed with an explanation for the dismissal.
  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.

#### **J. Investigation Process – Consolidation of Formal Complaints**

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.

#### **K. Investigation Process – Required Procedures**

During the investigation, the investigator:

1. Will provide the parties with equal opportunity to present relevant statements, and other evidence in the form of fact or expert witnesses and inculpatory or exculpatory evidence.
2. Will not restrict the ability of either party to discuss the allegations under investigation or gather and present relevant evidence, except when a no contact order has been imposed based on an individualized and fact specific determination that a party poses a threat to the health, safety, or welfare of another party and/or witnesses or when contact with a party and/or witness is prohibited by court order. A college-imposed no contact shall be no broader than is necessary to protect the threatened party or witness and must provide the impacted party or their advisor with alternative means of gathering and presenting relevant evidence from the protected witness and/or party.
3. Will allow each party to be accompanied by an advisor of their choosing, who may be an attorney, to any Title IX 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. 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.
  - a. The “employee disciplinary officer” in employee disciplinary proceedings serves the same role as the student conduct officer in student disciplinary proceedings. The employee disciplinary officer is responsible for reviewing the investigation report to determine whether it contains sufficient factual findings, which, if proven to be true, would be sufficient to find that the respondent engaged in sexual harassment that is prohibited under this supplemental Title IX rule. They are also responsible for presenting the institution’s case at the hearing.
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.

## **L. Title IX Jurisdiction**

1. This supplemental procedure applies only if the alleged misconduct:
  - a. occurred in the United States;
  - b. occurred during a college educational program or activity; and
  - c. meets the definition of sexual harassment as that term is defined in this supplemental procedure.
2. For purposes of this supplemental procedure, an “educational program or activity” is defined as locations, events, or circumstances over which the college exercised substantial control over both the respondent and the context in which the alleged sexual harassment occurred. This definition includes any building owned or controlled by a student organization that is officially recognized by the college.
3. Proceedings under this supplemental procedure must be dismissed if the decision maker determines that one or all of the requirements of Section A (1)-(3) have not been met. Dismissal under this supplemental procedure does not prohibit the college from pursuing

disciplinary action against a respondent based on allegations that the respondent engaged in other misconduct prohibited by federal or state law, employment contracts or handbooks, or other college policies.

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

## M. Initiation of Discipline

1. Upon receiving the Title IX investigation report from the Title IX Coordinator, the employee disciplinary officer will independently review the report to determine whether there are sufficient grounds to pursue a disciplinary action against the respondent for engaging in prohibited conduct under Title IX.
2. If the employee disciplinary officer determines that there are sufficient grounds to proceed under these supplemental procedures, the employee disciplinary officer will initiate a Title IX disciplinary proceeding by filing a written disciplinary notice with the decision maker and by serving the notice on the respondent and the complainant, and their respective advisors. The notice must:
  - a. set forth the basis for Title IX jurisdiction;
  - b. identify the alleged Title IX violation(s);
  - c. set forth the facts underlying the allegation(s);
  - d. identify the range of possible sanctions that may be imposed if the respondent is found responsible for the alleged violation(s);
  - e. explain that each party is entitled to be accompanied by an advisor of their own choosing during the hearing and that:
    - i. advisors will be responsible for questioning all witnesses on the party's behalf;
    - ii. an advisor may be an attorney and/or, if the party is a represented employee, a union representative;
    - iii. a represented employee who chooses an advisor who is not a union representative must submit a signed waiver of union representation that includes consent from the union; and
    - iv. the college will appoint the party an advisor of the college's choosing at no cost to the party, if the party fails to choose an advisor; and

- v. explain that if a party fails to appear at the hearing, a decision of responsibility may be made in the party's absence.
3. Service of the disciplinary notice or any other document required to be served under this supplemental procedure may be done personally or by first class, registered, or certified mail, or by electronic mail to the party's college email address.

## **N. Pre-Hearing Procedure**

1. Upon receiving the disciplinary notice, the decision maker will send a hearing notice to all parties in compliance with WAC 10-08-040. The hearing date may not be scheduled less than ten (10) days after the Title IX Coordinator provided the final investigation report to the parties.
2. A party is entitled to be accompanied by an advisor of their choice during the disciplinary process at the party's own expense. The advisor may be an attorney and/or, if the party is a represented employee, a union representative.
  - a. If the advisor is an attorney, the advisor must file a notice of appearance with the decision maker with copies to all parties and the employee disciplinary officer at least five (5) days before the hearing. If a notice of appearance is not filed within this timeframe, the party will be deemed to have waived their right to have an attorney as an advisor.
  - b. If a party is a represented employee who chooses not to use a union-provided advisor, the party must provide the decision maker with a signed waiver of union representation, including written consent from the union.
3. In preparation for the hearing, the parties will have equal access to all evidence gathered by the investigator during the investigation, regardless of whether the college intends to offer the evidence at the hearing.

## **O. Rights of Parties**

1. The provisions of this supplemental procedure shall apply equally to both parties.
2. The college bears the burden of offering and presenting sufficient testimony and evidence to establish that the respondent is responsible for a Title IX violation by a preponderance of the evidence.
3. The respondent will be presumed not responsible until such time as the disciplinary process has been finally resolved.
4. During the hearing, each party shall be represented by an advisor. The parties are entitled to an advisor of their own choosing and the advisor may be an attorney or, if the respondent holds a represented position, a union representative. If a party does not choose an advisor, then the Title IX Coordinator will appoint an advisor of the college's

choosing on the party's behalf at no expense to the party.

## P. Evidence

The introduction and consideration of evidence during the hearing is subject to the following procedures and restrictions:

1. Relevance: [The Student Conduct Committee](https://apps.leg.wa.gov/WAc/default.aspx?cite=106-125&full=true#106-125-055)  
(<https://apps.leg.wa.gov/WAc/default.aspx?cite=106-125&full=true#106-125-055>)  
Chair shall review all questions for relevance and shall explain on the record their reasons for excluding any question based on lack of relevance.
2. Relevance means that information elicited by the question makes a fact in dispute more or less likely to be true.
3. Questions or evidence about a complainant's sexual predisposition or prior sexual behavior are not relevant and must be excluded, unless such question or evidence:
  - a. is asked or offered to prove someone other than the respondent committed the alleged misconduct; or
  - b. concerns specific incidents of prior sexual behavior between the complainant and the respondent, which are asked or offered on the issue of consent.
4. Cross-examination required: If a party or witness does not submit to cross-examination during the live hearing, the decision maker must not rely on any statement by that party or witness in reaching a determination of responsibility.
5. No negative inference: The decision maker may not make an inference regarding responsibility solely on a witness's or party's absence from the hearing or refusal to answer questions.
6. Privileged evidence: The decision maker shall not consider legally privileged information unless the holder has effectively waived the privilege. Privileged information includes, but is not limited to, information protected by the following:
  - a. spousal/domestic partner privilege;
  - b. attorney-client and attorney work-product privileges;
  - c. privileges applicable to members of the clergy and priests;
  - d. privileges applicable to medical providers, mental health therapists, and counselors;
  - e. privileges applicable to sexual assault and domestic violence advocates; and

- f. other legal privileges identified in RCW 5.60.060.

## Q. Initial Order

1. The decision maker will be responsible for drafting an initial order that:
  - a. identifies the allegations of sexual harassment;
  - b. describes the Title IX and disciplinary procedures, starting with filing of the formal complaint through the determination of responsibility, including notices to parties, interviews with witnesses and parties, site visits, methods used to gather evidence, and hearings held;
  - c. makes findings of fact supporting the determination of responsibility;
  - d. reaches conclusions as to whether the facts establish whether the respondent is responsible for engaging in sexual harassment in violation of Title IX;
  - e. contains a statement of, and rationale for, the Student Conduct Committee's determination of responsibility for each allegation;
  - f. describes any disciplinary sanction or conditions imposed against the respondent, if any;
  - g. describes to what extent, if any, complainant is entitled to remedies designed to restore or preserve complainant's equal access to the college's education programs or activities; and
  - h. describes the process for appealing the initial order to the college president.
2. The decision maker will serve the initial order on the parties simultaneously.

## R. Appeals

1. The parties have the right to appeal from the determination of responsibility and/or from a Title IX dismissal, in whole or part, of a formal complaint, as set forth in the initial order. Parties have 21 days to appeal. The right to appeal is subject to the same procedures forth in WAC 132Y-300-015.
2. Within 30 days, the president or the president's delegate will determine whether the grounds for appeal have merit, provide the rationale for this conclusion, and state whether the disciplinary sanctions and conditions imposed in the initial order are affirmed, vacated, or amended, and, if amended, set forth the new disciplinary sanctions and conditions.
3. The president's office shall serve the final decision on the parties simultaneously.



4. All decisions reached through this process are final. No decisions or recommendations arising from this disciplinary procedure will be subject to grievance pursuant to any collective bargaining agreement.

If the respondent is found responsible for the alleged violation(s), college sanctions could include the following:

(a) **Warning.** A verbal statement to a student that there is a violation and that continued violation may be cause for further disciplinary action.

(b) **Reprimand.** Notice in writing that the student has violated one or more terms of the college's student conduct code and that continuation of the same or similar behavior may result in more severe disciplinary action.

(c) **Probation.** Formal action placing specific conditions and restrictions upon the student's continued attendance and/or enrollment, and/or participation in college programs or activities, 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 and/or enrollment at the college.

(d) **Suspension.** Dismissal from the college and from the student status for a stated period of time. There may be no refund of tuition or fees for the quarter in which the action is taken.

(e) **Dismissal.** The revocation of all rights and privileges of membership in the college community and exclusion from the campus and college-owned or controlled facilities without any possibility of return. There will be no refund of tuition or fees for the quarter in which the sanction is taken.

## About Domestic Violence

Domestic violence is not physical violence alone. Domestic violence is any behavior, the purpose of which is to gain power and control over a spouse, partner, significant other, or intimate family member. Abuse is a learned behavior; it is not caused by anger, mental problems, drugs or alcohol, or other common excuses.

## A few of the most common ways abusers control victims

- Isolation
- Emotional abuse
- Using children
- Dominating finances and family resources
- Physical and sexual assault

## Who are victims?

Anybody can be a victim — rich or poor, any race, age, gender, gender identity, or religion. High school drop-out or Ph.D. Studies have shown no characteristic link between personality type and being a victim. If you are worried about yourself or a loved one, help is available.

## Who are abusers?

Like victims, domestic violence abusers come from all backgrounds. However, abusers do share some characteristics in that they tend to justify their abusive behaviors, fail to take responsibility for the abuse, and use similar tactics to gain and maintain power and control over their partners.

Abusers typically present a different personality outside of their relationship than they do to their intimate partner, which complicates a victim's ability to describe their experience and seek assistance.

## How to Help Someone You Care About

If you suspect that someone you know is being abused, take some time to talk with the person. Remember, you could possibly help to save that person's life or the life of their child/children. Here are guidelines for discussing the subject:

- **Show** her/him/them that you are not placing blame; that you know that he/she/they are not causing the abuse
- **Listen**, knowing that talking about the situation can be difficult
- **Participate** however you can, from just listening to offering short-term housing if your friend chooses to leave the situation
- **Ask** the person what the experience has been like. They know their situation the best and may need to talk about it with a trusted friend
- **Be patient.** Many feelings: shame, relief, fear, anger, and many others can surface when your friend discusses the situation
- **Understand** that leaving the situation can be scary and can actually put your friend at an increased risk of violence
- **Educate** your friend about options available to them and urge them to call the 24-hour hotline where they will receive victim advocacy

## Resources

- **EMERGENCY - Call 911.**
- **Snohomish County Domestic Violence Services:** 425.25ABUSE /425.252.2873
- **Washington State Domestic Violence Hotline:** 1.800.562.6025 (will transfer to any domestic violence program in-state)
- **Washington State Coalition Against Domestic Violence (WSCADV)** <http://wscadv.org/>
- **National Hotline:** 1.800.799.SAFE /1.800.799.7233 (will transfer to any domestic violence program in the United States)

## Dating Violence

EC provides on-campus security, referral services, education, and victim services to combat violence against all persons. "Dating violence" is defined as violence committed by a person "who is or has been in a social relationship of a romantic or intimate nature with the victim" and "where the existence of such a relationship shall be determined based on a consideration of...the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship" 20 U.S.C. 1152(f)(1).

The college Counseling and Resource Center offers support for individuals who have experienced

dating violence which may include crisis intervention, personal counseling, support groups, and/or resource and referral assistance. Resource and referral assistance is also available for friends and partners of people who have experienced this kind of violence.

Over the past 15 years, the Counseling and Resource Center has referred students and community members to Domestic Violence Services of Snohomish County (DVS) to provide services for victims of domestic violence. DVS is a non-profit organization serving Snohomish County since 1976. DVS is the only program in Snohomish County providing emergency shelter and comprehensive, confidential services to all victims of domestic abuse. DVS provides:

- Emergency Shelter Service: Provided for up to 30 days for victims of domestic violence who are in imminent danger. All residents receive lodging, food, clothing, crisis counseling, legal advocacy, and emotional support.
- Housing: Housing options are available to assist victims of domestic violence.
- Legal Advocacy Program: Offers legal information, support, and advocacy to shelter/transitional residents and non-resident clients.
- Crisis Hotline: DVS offers a 24-hour crisis intervention at 425.252.2873, information and referral counseling service to victims of domestic violence, their friends, families, and other concerned citizens and professionals.
- Community Support Groups/Advocacy: Available to those who are or have experienced domestic violence. Groups are provided throughout Snohomish County, including some specialized groups in collaboration with other agencies. Children's groups are also offered.
- Community Outreach and Prevention Education: DVS participates in community fairs and events to provide informational materials on programs and services offered. Speakers, trainings, and workshops are available upon request. DVS also provides teen violence prevention education to Snohomish County schools.

The Counseling and Resource Center does not limit its services to those who are victims of sexual assault. It is committed to enhancing the development of students by supporting, educating, and collaborating with them as they learn to make healthy choices. The college supports the following:

## Dating Bill of Rights

From the Harborview Center for Sexual Assault and Traumatic Stress

### I have the right:

- To ask for a date.
- To refuse a date.
- To suggest activities.
- To refuse any activity.
- To have my own feelings and express them.
- To have my values and rights respected.
- To tell my partner when I need affection.
- To refuse attention.
- To have friends and space aside from my partner.

### I have the responsibility:

- To determine my limits and values.
- To respect the limits of others.

- To communicate clearly and honestly.
- To not violate the limits of others.
- To ask for help when I need it.
- To be considerate.

A victim of sexual assault or dating violence has the right, in addition to filing charges through the criminal justice system, to file a complaint with the Title IX Coordinator, relative to acts of violence toward them or another committed by an EC employee or student. For incidents involving students, it does not matter whether the act of violence occurred on- or off-campus since the college reserves the right to hold students accountable for certain types of off-campus behavior. Disciplinary action will result if a student or employee’s behavior jeopardizes the educational atmosphere or mission of the institution. Examples of such off-campus behavior would include but not be limited to crimes of violence, sexual assault, and/or alcohol or drug violations.

**Campus resources for dealing with dating violence:**

- On-Duty Security Officer (24-Hours) for Security Response 425.754.0154
- Counseling and Resource Center (Mountlake Terrace Hall 145) 425.640.1358
- Wellness Center (Lynnwood Hall 236) 425.640.1358
- Center for Student Cultural Diversity and Inclusion (Brier Hall 154) 425.640.1067

**Community resources include:**

- Lynnwood Police ([www.ci.lynnwood.wa.us/police](http://www.ci.lynnwood.wa.us/police)) 911 (5-911 on-campus)
- CARE Crisis 24-Hour Line ([www.voaww.org](http://www.voaww.org)) 425.258.4357 or 800.584.3758
- 24-Hour Domestic Violence Hotline (Everett) 425.252.2873
- Providence Sexual Assault Center (24-Hour) 425.252.4800

## Hate Crimes

EC strives to maintain an environment that is free of hate crimes. Hate crimes are defined as crimes, harassment or incidents of violence against persons or property characterized by bias against race, religion, sexual orientation, gender, gender identity, disability, ethnicity, or national origin.

EC has a moral and legal obligation to take all complaints of hate crimes seriously. The college is prepared to take preventive and corrective action. Individuals who engage in such misconduct are subject to appropriate disciplinary action, up to and including termination of employment and/or expulsion from the college. If a crime has been committed, the college will encourage the victim to report it to local police. The college maintains an [incident reporting page](#) (<https://www.edmonds.edu/about-edmonds/contact-us/report/>) for students and employees to submit Bias and Sexual Misconduct/Title IX reports.

The college provides mandatory educational training designed to prevent and eliminate sexual harassment for all employees.

Complaints regarding sexual or racial harassment or discrimination based on race, ethnicity, gender, age, sexual orientation, marital status or veterans’ status should be filed with the college Civil Rights Officer, or designee. This procedure does not replace or preclude an individual’s timely complaint to an external

agency such as the Office of Civil Rights, Equal Employment Opportunity Commission, or the Washington State Human Rights Commission.

## “No Contact” Orders, Restraining Orders

EC complies with Washington law in recognizing orders of protection and restraining orders (and any other order deemed lawful under Washington law) and any employee or student who obtains an order of protection should provide a copy to SSEP. That person may then meet with SSEP to develop a Safety Plan, which is a plan for SSEP and the victim to reduce risk of harm while on campus or coming to campus. This plan may include, but is not limited to, escorts while on campus, special parking arrangements, changing classroom location, or allowing a student or employee to complete assignments or to work from home. EC cannot apply for a legal (court ordered) order of protection, no contact order, or restraining order for a victim from the applicable jurisdiction(s), however EC can issue no contact campus directives that if violated, would constitute a violation of college policy.

## Sex Offender Registry and Access to Information

The *Campus Sex Crimes Prevention Act*, which went into effect October 28, 2002, mandates that:

- 1) Institutions of higher education inform the college community where to obtain information provided by state law enforcement agencies concerning registered sex offenders.
- 2) Registered sex offenders are required to notify the state of each institution of higher education at which he/she is an employee, volunteer, or student.

The college's procedure for notification to our community may be reviewed here:

[https://catalog.edmonds.edu/preview\\_course.php?catoid=27&coid=94591&print](https://catalog.edmonds.edu/preview_course.php?catoid=27&coid=94591&print)

### Obtain information about sex offender residences online at:

- Snohomish County: [http://www.sheriffalerts.com/cap\\_main.php?office=54487](http://www.sheriffalerts.com/cap_main.php?office=54487)
- King County: <http://www.kingcounty.gov/depts/sheriff/sex-offender-search.aspx>
- Washington State: <http://www.icrimewatch.net/index.php?AgencyID=54528>

These sites contain complete information on registered sex offender residences searchable by last name, city, zip code, and type of conviction. The sites define the three levels of sex offenders, give information for citizens and offenders, and provide maps of registered sex offender residences. The information is not intended to create alarm or panic. The intent is to inform citizens and enhance community safety and awareness. Citizen abuse of the information to threaten, intimidate, or harass registered sex offenders will not be tolerated.

Federal laws governing the privacy of educational records (*Family Education Rights and Privacy Act*, or FERPA) do NOT prevent campus security and other administrators from disclosing information about registered sex offenders who are enrolled at or employed by Edmonds College or are contractors working on campus.

## List of Campus Security Authorities (Officials with Significant Responsibility)

As specified in the *Clery Act*, those considered to be "Campus Security Authorities" are deans (or other senior-level student administrative personnel), coaches, advisors to student clubs and organizations,

and other campus officials having "significant responsibility for student and campus activities." All must report annual campus crime statistics. As noted in the *Federal Register* below:

"For example, a dean of students who oversees student housing, a student center, or student extra-curricular activities, has significant responsibility for student and campus activities. Similarly, a director of athletics, team coach, and faculty advisor to a student group also have significant responsibility for student and campus activities. A single teaching faculty member is unlikely to have significant responsibility for student and campus activity, except when serving as an advisor to a student group. A physician in a campus health center or a counselor in the counseling center whose only responsibility is to provide care to students are unlikely to have significant responsibility for student and campus activities." ("Rules and Regulations." *Federal Register*. Vol 64. No 210. (November 1999) p59063.)

Although we encourage the reporting of campus criminal activity directly to the Edmonds College Security Office, in some instances members of the campus community may choose to file a report with one of the Campus Security Authorities. College officials who learn about sexual assaults or other crimes will tell the victims that they can report these to campus Security. EC officials will help the victims if asked. Crime statistics are gathered regularly from Campus Security Authorities via our online reporting system.

**Campus Security Authorities include but are not limited to:**

- Director of Safety, Security and Emergency Preparedness (SSEP)
- Assistant Directors in SSEP
- All campus Security Officers
- CLERY Compliance Officer
- SSEP office staff
- Title IX Coordinator/Investigator
- Vice President for Enrollment and Student Services
- Dean of Student Engagement and Support
- Vice President for Human Resources
- Senior Director of Human Resources
- Vice President for Instruction
- Dean of Enrollment Services
- Director of Adult Basic Education/English as a Second Language
- Athletic Director and Assistant Athletic Director
- Athletic Coaches and Athletic Trainer
- Director of Student Housing and Residence Life
- Associate Director, Homestay Coordinator Housing & Residence Life
- Coordinator for Residential Education
- Residential Assistants
- Director of Veterans Resource Center
- Director and Assistant Director of the Center for Families
- Dean of Pre-College Education
- Director of Services for Students with Disabilities
- Director of Advising
- Advisors to Students
- English Language Acquisition Department Head



- Managers of the Gymnasium and Athletic Programs
- Executive Director of Office of International Programs
- Office of the President
- Center for Student Engagement and Leadership staff
- Associated Students of Edmonds College (Student Government)
- Student Organization Officers and Advisors
- Student Conduct Officer

## The Individual's Responsibility

Although EC works hard to ensure the safety of all individuals within its community, students and employees must take responsibility for their own safety and that of their belongings. Simple, common-sense precautions are the most effective means of maintaining personal security. All individuals should strive to make themselves less vulnerable to crime.

For example, although the EC campus is well-lit and may appear safe, all members and guests of the college community, walking across campus or to/from parking lots at night, may request an escort from security. Unnecessary valuables or extra cash should not be brought to campus. Be aware of your surroundings to prevent opportunistic crime.

All valuable personal property should be engraved with the owner's driver's license number (not Social Security number). Bicycles should be secured with a good lock. Cars should be locked and parked in well-lit areas with all valuable items locked in the trunk. Students and employees should notify campus Security of any individual present in a building or on campus who appears to have no legitimate business there or who arouses suspicion in any way.

## Notice of Availability of Annual Campus Crime Report (Your Right to Know)

Each year all college employees and students receive an email providing the web link to this report. Prospective students and employees are informed of the report and how to obtain it. The website for the report is posted in all college class schedules and listed periodically in the student newspaper. The report is always available in the Security Office (Woodway 214) and will be made available to the public upon request. Additionally, a link to this report is provided on the college website under "Student Right to Know."

## Policy for Reporting Monthly and Annual Crime Statistics

This report was prepared in compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act*. The print version of this report is updated annually. The web version is updated as needed, and when that occurs all campus community members are notified via their college email.

The Lynnwood Police Department submits a monthly report to the Washington State Police and the FBI's Incident Based Reporting Program (NIBRS). *Clery Act* mandated crime statistics for the most recent three-year period, including incidents reported to the state police, are listed below. These statistics also reflect incidents reported to Campus Security Authorities and any incidents reported to campus Security or the Clery Compliance Officer by the Lynnwood Police Department and other law enforcement agencies.

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

- **On-Campus** – This includes any buildings and facilities owned or controlled by Edmonds College, which are within the same reasonably contiguous geographic area and used to meet or support the institution’s educational purpose. This includes residence halls, administrative buildings, buildings that house classrooms, labs, shops, childcare centers, support facilities, undeveloped property, and parking lots.

Our On-Campus Geography under The Clery Act is defined as the continuous property with frontage on the east from 68th Ave W 204th at the south end to 196th at the north end excluding a section of commercial property that runs from 196th to 200th on the NE corner, as well as the property located at 7115 196th Street SW (commonly known as Sophie Court) and the NE section of combined properties at 6600 and 6606 196th St SW extending south to 19803 68th Ave W (commonly known as “the Skate Rink”) parking lot. The west side of the campus backs up to the Lynnwood Municipal Golf Course. Our On-Campus property also includes Gold Park located at 6421 200th St SW. The [map here](https://www.google.com/maps/d/edit?hl=en&hl=en&mid=1qOul7n4jOOsLQNDCKEm_YF5ATz_TwDE&ll=47.820819744189144%2C-122.33131502339143&z=15) (https://www.google.com/maps/d/edit?hl=en&hl=en&mid=1qOul7n4jOOsLQNDCKEm\_YF5ATz\_TwDE&ll=47.820819744189144%2C-122.33131502339143&z=15) shows the outline in blue of continuous On-Campus Space

- **Non-Campus** – This area includes buildings and facilities that are near campus or are either owned or controlled by the college, such as cooperative housing facilities, rented classrooms and other administrative facilities that are used for student activities.
- **Public Property** – This area can be described as public streets that run through the campus or form the border of campus. If portions of the bordering streets were not accessible because of a fence or other obstructions, then those portions would not be included in the annual report. EC does not have any obstructions that would exclude a portion of its bordering streets from inclusion in the annual report.
- **Off-Campus** – This includes any building or property owned or controlled by a student organization that is officially recognized by the college; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

## Clery Crimes

Clery crimes as defined in the 2016 handbook are gathered and counted based on the following criteria:

Crimes	Counted by number of
Homicide and non-negligent manslaughter	Complainant-victims (victims)
Negligent manslaughter	Complainant-victims (victims)
Sexual Assault and VAWA Crimes	Complainant-victims (victims)

Robbery	Incidents
Aggravated assault	Complainant-victims (victims)
Burglary	Incidents
Motor vehicle theft	Vehicles
Arson	Incidents
Hate crimes	Per Incident - Per Respondent
Liquor, drug, and weapon law offenses	Arrest or referred for discipline

In the case of liquor, drug, and weapon offenses, an officer or the district attorney may choose not to prosecute an individual for one of these offenses because there is insufficient evidence to reach a conviction or for other reasons, but the college may still sanction the individual for the conduct. The standard for being found liable or responsible in a civil proceeding or student conduct hearing is less than what is required for a conviction in a criminal proceeding.

The following statistics are collected and reported as a bias/hate crime: All of the Clery-reportable crimes described in the section above, as well as theft, simple assault, intimidation, destruction/damage/vandalism of property, and any other crimes involving bodily injury to any person, where the complainant-victim was intentionally selected because of his or her actual or perceived race, religion, sexual orientation, gender, gender identity, disability, ethnicity, or national origin. The statistics are compiled using the definitions in the FBI’s Uniform Crime Reporting (UCR) system and modifications made pursuant to the Hate Crime Statistics Act.

## Excluded Crimes

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

- 1) **Reported to the Proper Authorities** – Incidents must be reported to law enforcement or a person who, according to the Clery Act, is defined as a Campus Security Authority (CSA). A person designated as a CSA does not only mean a person employed by SSEP. The term is applied to any person who works for the college in a paid or volunteer status and has significant responsibility for student activities. If you are someone whom a student reasonably believes that he or she can report a crime to and expect that the matter will be addressed directly through your intervention or that you will contact law enforcement for a response, then you are a Campus Security Authority.
- 2) **Listed Crimes** – The crime must be one of those listed in the Clery Act as a reportable crime.
- 3) **Reportable Area** – The crime must be occurring in one of the reportable areas. Every reportable crime occurring within the boundaries of campus is in the reportable area. The two remaining areas are a little more difficult to define. Perimeter streets are described in the following way: “Sidewalk – Street – Sidewalk.” This means that a reportable crime occurring on the sidewalk on either side of a perimeter street is reportable, as are incidents occurring in the street. But an

incident occurring in a building (a privately owned store) on the distant side of a perimeter street would not be included. Unfortunately, most law enforcement agencies do not distinguish where a crime occurs with this degree of detail. Crimes are usually located by street and house numbers. With regard to Non-Campus Buildings, crimes occurring in those buildings or on the property of that location are reportable. Incidents occurring on the sidewalk or on the streets in front of that building would not be included.

- 4) **Made in Good Faith** – For an incident to be included there must be a determination that the report is made in good faith. Supporting evidence makes this determination easy, but such evidence is not always available. In such a case, the credibility of the person making the report is considered. When the incident is reported to us through a law enforcement agency, we assume that this determination has already been made.
- 5) **Unfounded** – If law enforcement determines that a particular reported incident could not have occurred or did not occur, i.e., a false report, the crime is not included in the annual report. Only law enforcement can rule a case “unfounded.”

## Clery Crime Definitions

The crime definitions listed below are taken from the Handbook for Campus Safety and Security Reporting published June 2016. These definitions guide EC in defining and classifying crimes.

- **Murder and non-negligent manslaughter** is the willful (non-negligent) killing of one human being by another.
- **Manslaughter by Negligence** is the killing of another person through gross negligence.
- **Sexual Assault** - Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Under Clery definitions, there are four categories of sexual assault:
  - **Rape** - the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.
  - **Fondling** - the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
  - **Incest** - sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - **Statutory Rape** - sexual intercourse with a person who is under the statutory age of consent.
- **Robbery** - Taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the complainant-victim in fear.
- **Aggravated assault** - Unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm.
- **Burglary or Larceny (from a Building)** - Unlawful entry of a structure to commit a felony or a theft.
- **Motor vehicle theft** - Theft or attempted theft of a motor vehicle.
- **Arson** - Willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

- **Hate crimes** - A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim. Categories of bias are:
  - Race
  - Gender
  - Gender Identity
  - Religion
  - Sexual Orientation
  - Ethnicity
  - National Origin
  - Disability
  
- **Liquor, drug, and weapon law offenses** - Any violation of liquor, drug or weapon laws. Driving Under the Influence (DUI) is not reportable because it is a driving crime and not a liquor crime unless the driver is also a minor or the means of intoxication is an illegal drug.
- **Drug Abuse Violations** - Violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.
  - **Liquor Law Violations** - Violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.
  - **Weapons Law Violation:** Carrying, Possessing, etc., is defined as the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.
    - **Arrest for Clery Act purposes** is defined as persons processed by arrest, citation or summons.
    - **Referred for disciplinary action** is defined as the referral of any person to any official who initiates a disciplinary action of which a record is established and which may result in the imposition of a sanction.

## VAWA Offenses

VAWA offenses are those added to the Clery Act by the Violence Against Women Act. These are:

- **Dating Violence** - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of:
  - the length of the relationship
  - the type of relationship
  - the frequency of interaction between the persons involved in the relationship.
- **Domestic Violence** - a felony or misdemeanor crime of violence committed—
  - By a current or former spouse or intimate partner of the victim;
  - By a person with whom the victim shares a child in common;

- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- **Sexual Assault** - As defined above it includes Rape, Fondling, Incest, and Statutory Rape.
- **Stalking** - engaging in a course of conduct directed at a specific person that would cause a reasonable person to
  - Fear for the person's safety or the safety of others; or
  - Suffer substantial emotional distress. For the purposes of this definition—
    - **Course of conduct** means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
    - **Reasonable person** means a reasonable person under similar circumstances and with similar identities to the victim.
    - **Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

## Hate Crimes

Hate Crimes reporting under the Clery Act are defined as a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For Clery Act purposes, Hate Crimes include any of the following offenses that are motivated by bias.

- Murder and Non-negligent Manslaughter
- Sexual Assault
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Larceny-Theft
- Simple Assault
- Intimidation
- Destruction/Damage/Vandalism of Property

The first seven offenses are defined as listed previously in this report. In addition to those offenses, Larceny-Theft, Simple Assault, Intimidation, and Destruction/Damage/Vandalism of Property are included in the Clery Act statistics only if they are Hate Crimes.

- **Larceny/Theft** - Unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another. (Larceny and theft mean the same thing in the UCR.) Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.
- **Simple Assault** - Unlawful physical attack by one person upon another where neither the



offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness

- **Intimidation** – Unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- **Destruction/Damage/Vandalism of Property (except Arson)** – Willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

## Daily Crime Log

The Daily Crime Log records activity reported to the EC Campus Safety, Security, and Emergency Preparedness Office. The log includes a summary of the incident, the date, time, and general location of each incident, and the disposition, if known.

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

Information may be withheld from the Daily Activity Log, in these cases:

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



## Annual Crime Statistics

Offense (Reported By Hierarchy)	Year	On-Campus	Non-Campus	Public Property	Total	Residential Facilities*
Murder/Non-Negligent Manslaughter	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Negligent Manslaughter	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Sexual Assault - (Per 2016 Handbook - Rape, Fondling, Incest, Statutory Rape)	2023	2	0	0	2	1
	2022	1	0	0	1	1
	2021	0	0	0	0	0
VAWA Offenses - Per 2016 Handbook - Dating Violence, Domestic Violence, Stalking	2023	4	0	0	4	0
	2022	3	0	0	3	2
	2021	0	0	0	0	0
Robbery	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Aggravated Assault	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Burglary	2023	4		2	6	3
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Motor Vehicle Theft	2023	1	0	0	1	0

Offense (Reported By Hierarchy)	Year	On-Campus	Non-Campus	Public Property	Total	Residential Facilities*
	2021	1	0	0	1	0
Liquor Law Arrests	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Drug Law Arrests	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Weapons Law Arrests	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2023	0	0	0	0	0
	2022	1	0	0	1	1
	2021	6	0	0	6	6
Drug Law Violations Referred for Disciplinary Action	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	1	0	0	1	1
Weapons Law Violations Referred for Disciplinary Action	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Arson	2023	1	0	0	1	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0

★ Crimes committed in on-campus housing are counted in the total crimes and are also called out under the separate heading of Residential Facilities. For clarification, if you see one Drug Law Violation on campus and one offense in Residential Facilities, that is a total of 1 violation because it could have occurred in on-campus housing.

## Hate Crime Reporting

There were no Hate Crimes reported in previous years listed in this report.

## Annual Fire Report

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

Specifically, campuses are required to publicly provide:

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

## Fire Statistics for Residential Facilities

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

## Fire Safety Systems for Residential Facilities

The fire safety system in each residential facility includes:

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

## Fire Drills Completed

In the previous year, 2022, there was one annual fire drill held in the residence halls due to COVID-19 and lack of occupancy; other drills were not held.

## Policies for Residents of On-campus Housing

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

- No open flames are allowed in rooms, this includes candles, incense burners, candle warmers, and smoking.
- If the electrical breaker in a room is tripped by overloading electrical circuits, a room inspection is mandatory prior to the breaker being reset. It is vitally important that residents do not draw too much electricity by using too many appliances at once.
- Do not store combustible materials, gasoline, ammunition, or other highly flammable materials in the room. Please do not allow garbage to accumulate in the room; this can be a fire hazard.
- No firearms, weapons, fireworks, ammunition, or other highly flammable material are allowed in

the dorms. This includes knives other than pocket or kitchen knives. We do not allow guns of any description; this includes pellet, air, paint, replica, airsoft, potato, or water guns.

## Procedures of Student Housing Evacuation

Located in the halls of all residence floors are evacuation maps that include the location of exits and fire extinguishers. The evacuation procedures list the nearest exit and the meeting location for all students.

## Policies for Fire Safety Education and Training Program

Campus Security, Residence Assistants (RAs), and the maintenance staff have received fire extinguisher training and fire safety training and will receive refresher training as needed, but no less than once a year. Fire and Safety training is offered to students, Residence Assistants, and Resident Directors from SSEP several times a year. We also re-evaluate knowledge of procedures and ensure understanding of evacuation processes and plans through regular evacuation drills and fire system testing.

## Who to Notify in the Event of a Fire

In the case of a fire, call **911** and notify **Campus Security at 425.754.0154**.

## Plans for Fire Safety

All plans for new construction on campus include fire alarm and fire suppression systems in accordance with local and national code and currently accepted standards. All current buildings have fire pull stations, usually located near the main exits to the building. There are fire extinguishers located in public areas in each building and the locations of these items are noted on the evacuation maps posted in the buildings

## Fire Statistics

Residential Facility	Total Fires	Cause of Fire	Number of Injuries Requiring Treatment at a Medical Facility	Number of Fire Related Deaths	Value of Property Damaged by Fire
Rainier Place Residence Hall 19920 68th Ave W. Lynnwood WA 98036	0	N/A	0	0	\$0
Triton Court Residence Hall 19921 68th ave W Lynnwood WA 98036	0	N/A	0	0	\$0