

2024

# ANNUAL SAFETY REPORT

BELLINGHAM TECHNICAL COLLEGE



BELLINGHAM TECHNICAL COLLEGE  
3028 Lindbergh Avenue, Bellingham, WA 98225

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## Introduction

*We are pleased you have chosen Bellingham Technical College as a place to work, study, and learn. The College administration wants to assure you that as part of the BTC community your safety and security are of primary concern. BTC employees are committed to making our campus a safe, nurturing learning environment. Our goal is to provide an environment that enhances and supports the educational mission of BTC.*

*Federal law requires that the College inform the campus community about the crime risks faced on the campus. This report is written in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998 and provides information about safety procedures and policies at BTC. The information in this report is reviewed and updated on an annual basis and disseminated to all students and employees at BTC.*

*At Bellingham Technical College, your safety and security are our priority.*

*—Bellingham Technical College Administrative Team*

## Campus Safety Overview

BTC Administrators are committed to working with members of the college community to resolve all criminal matters in a timely fashion. Currently, BTC does not have a campus police or security department but maintains a close working relationship with the Bellingham Police Department and the Whatcom County Sheriff's Office.

BTC Administrators and their representatives have the authority to ask persons for identification and to determine whether individuals have lawful business at BTC. They also have the authority to issue parking tickets, which are billed to financial accounts of students and employees.

BTC Administrators and their representatives do not possess arrest power and do not carry firearms. Criminal incidents are referred to the local police who have jurisdiction on the campus. All crime victims and witnesses are strongly encouraged to immediately report any crime to campus administrators and the police.

## Access to Campus Facilities

During business hours, the college is open to students, parents, employees, contractors, guests, and invitees. During non-business hours, access to all college facilities is controlled by Facilities staff.

Some facilities, such as the Campus Store and Library, may have individual hours that may vary at different times of the year. In those cases, the facilities will be secured according to schedules developed by the department responsible for the facility. Emergencies may necessitate changes or alterations to posted schedules.

Unauthorized access to buildings, rooms, or facilities and/or disorderly, disruptive, or criminal behavior on campus or in any College-controlled facility may, at a minimum, result in the person being removed from the campus. Failure to leave when lawfully requested may result in charges of criminal trespass. If a person served with a prior trespass notice reappears on campus, or if a person is found in a posted facility with no legitimate purpose, they are subject to immediate arrest.

Emergency Contact Information

- Emergency (Police/Fire/EMT) .....911 (9.911 on campus)
- Daytime On-Campus Emergency Contact ..... 360.305.1006
- After Hours On-Campus Emergency Contact ..... 360.305.1004
- Vice President of Administrative Services ..... 360.752.8313
- Counseling Office ..... 360.752.8354
- Vice President of Student Services/Title IX Coordinator ..... 360.752.8440
- Vice President of Academic Affairs & Student Learning ..... 360.752.8323
- Affirmative Action/Human Resources ..... 360.752.8354
- General Information ..... 360.752.7000

Crisis Intervention Contact Information

- Crisis Care Line – Compass Health ..... 800.584.3578
- Crisis Text Line ..... Text CAMPUS to 741741
- Whatcom County Crisis Prevention Information Team ..... 800.584.3578
- National Suicide Prevention Lifeline ..... 800.273.8255
- Whatcom Domestic Violence/Sexual Assault Services ..... 360.715.1563
- Washington Children & Family Services ..... 360.594.6700
- Dept. of Social & Health Services ..... 360.240.4700
- Alcohol & Drug 24-Hour Recover Help Line ..... 844.289.0879
- National Sexual Assault Violence Hotline ..... 800.799.4673
- National Domestic Violence Hotline ..... 800.799.7233

Annual Crime Statistics

By October 1<sup>st</sup> of each year, college institutions must publish and distribute their Annual Campus Security Report (ASR) to current and prospective students and employees. The federal statute, known as the **Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act)**, requires all colleges and universities that participate in federal financial aid programs to keep and disclose information about crime on and near their respective campuses. The report is required to provide crime statistics for the prior three years, policy statements regarding various safety and security measures, crime prevention programs, and procedures to be followed in the investigation and prosecution of alleged sex offenses.

**To comply with crime reporting for the Clery Act, Bellingham Technical College is required to:**

- Collect, classify and count crime incident reports and related law enforcement crime statistics.
- Submit crime statistics to the U.S. Department of Education. Each year in the fall we must participate in a web-based data collection to disclose crime statistics by type, location, and year.
- Publish an Annual Campus Security Report (ASR) containing safety and security related policy statements and crime statistics and distribute it to students and employees. Colleges must also inform prospective students and employees about the availability of the report. This report includes data from two years prior to the most recent year. In this particular report, you will see data for calendar years 2019, 2020, and 2021.
- Issue campus alerts and warning notices to provide the campus community with information necessary to make informed decisions about their health and safety.
- Provide educational programs and campaigns to promote the awareness of dating violence, domestic violence, sexual assault, and stalking.
- Disclose procedures for institutional disciplinary action in cases of dating violence, domestic violence, sexual assault, and stalking.
- There are additional requirements for institutions that maintain student housing facilities. At this time, Bellingham Technical College has no residential housing.

## **Violence Against Women Act**

On March 7th, 2013, the Violence Against Women Reauthorization Act of 2013 (VAWA) (Pub. Law 113-14) was signed into law. VAWA includes amendments to the Clery Act. These changes require institutions to disclose statistics, policies and programs related to dating violence, domestic violence, sexual assault, and stalking, among other changes.

## **Clery Reporting Geography & Map**

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

**On Campus:** This includes any buildings and facilities owned or controlled by Bellingham Technical College, which are within the same reasonably contiguous geographic area and used to meet or support the institution's educational purpose:

- Main Campus: 3028 Lindbergh Avenue, Bellingham, WA 98225
- Overflow Parking: 660 Marine Dr., Bellingham, WA 98225



Figure 1 Artistic rendering of an aerial map of the Bellingham Technical College main campus

**Non-Campus:** This area includes buildings and facilities that are near campus or are either owned or controlled by the College:

- Perry Center: 1600 C Street, Bellingham, WA 98225
- Technology Development Center: 1000 F Street, Bellingham, WA 98225
- Everett Community College, Liberty Hall: 930 N. Broadway, Everett, WA 98201

**Public Property:** This area can be described as public streets that run through or form the border of main campus and its roadways. BTC does not have public streets running through the campus, but does have public streets that border the campus.

**Public Parks:** Public Park immediately adjacent to BTC campus. Little Squalicum Park is in this category. Reporting area is one mile into the park boundaries.

## Bellingham Technical College Crime Statistics Overview

The crime statistics listed here were collected from the following sources: law enforcement agencies with jurisdiction over BTC's on-campus, non-campus, and public property locations; the Office of the Vice President of Student Services (Title IX Coordinator); Incident Report Database (internal); Human Resources Department; and Everett Community College Campus Safety & Security Department. Requests for

data made to external agencies and internal departments are done in writing on an annual basis.

Table 1. 2021-2023 Crime Statistics Overview, On Campus Property

OFFENSE	2021	2022	2023
Murder/Nonnegligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	1	2	2
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Arrests: Liquor Law Violations	0	0	0
Referrals: Liquor Law Violations	0	0	0
Arrests: Drug Law	0	0	0
Referrals: Drug Law Violations	0	0	0
Arrests: Weapons Violations	0	0	0
Referrals: Weapons Violations	0	0	0
Hate Crimes	1	0	0
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	1	0	1

Table 2. 2021-2023 Crime Statistics Overview, Off Campus Property

OFFENSE	2021	2022	2023
Murder/Nonnegligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses	0	0	0
Robbery	1	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	2	0	0
Arson	0	0	0
Arrests: Liquor Law Violations	0	0	0
Referrals: Liquor Law Violations	0	0	0
Arrests: Drug Law	0	0	0
Referrals: Drug Law Violations	0	0	0
Arrests: Weapons Violations	0	0	0
Referrals: Weapons Violations	0	0	0
Hate Crimes	0	0	0
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0



Table 3. 2021-2023 Crime Statistics Overview, Public Property

OFFENSE	2021	2022	2023
Murder/Nonnegligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses, Forcible	0	0	0
Sex Offenses, Nonforcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Arrests: Liquor Law Violations	0	0	0
Referrals: Liquor Law Violations	0	0	0
Arrests: Drug Law	0	0	0
Referrals: Drug Law Violations	0	0	0
Arrests: Weapons Violations	0	0	0
Referrals: Weapons Violations	0	0	0
Hate Crimes	0	0	0
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0

## Hate Crimes

BTC is required to report statistics for hate (bias) related crimes by the type of bias as defined below for the following classifications: murder/nonnegligent manslaughter, manslaughter by negligence, sex offenses (forcible and non-forcible), robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, intimidation, simple assault, and destruction, damage, or vandalism of property (see definitions on page 29).

A hate or bias related crime is not a separate, distinct crime, but is the commission of a criminal offense against a person or property that is motivated by the offender's bias(es). Bias is a preformed negative opinion or attitude toward a group of persons based on their actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, or disability.

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

For example, if a subject assaults a victim, which is a crime. If the facts of the case indicate that the offender was motivated to commit the offense because of their bias against the victim's race, sexual orientation, etc., the assault is then also classified as a hate/bias crime.

## Campus Security Authorities

Campus Security Authorities (CSAs) are individuals on campus who have been identified by the College as persons who are required to report crimes that they become aware of. As specified in the Clery Act, and as defined in 34 CFR 668.46(a), those considered to be Campus Security Authorities are individuals who have "a significant responsibility for campus security, including, but not limited to, student housing, student discipline, and campus judicial proceedings" and include "any official ... who has the authority to institute corrective measures" for Title IX purposes under 34 CFR 106.30(a).

Although the College encourages the reporting of campus criminal activity directly to law enforcement, in some instances members of the campus community may choose to file a report with one of the Campus Security Authorities. CSAs are responsible for reporting allegations of Clery Act crimes that are reported to them in their capacity as a CSA. This means that CSAs are not responsible for investigating or reporting incidents that they overhear students talking about in a hallway; that a student mentions during an in-class discussion; that a victim mentions during a speech or group presentation; or that the CSA otherwise learns about in an indirect manner. If an individual reporting an incident needs assistance, a CSA will explain how to get help, even if the victim does not want an investigation conducted. It is not a CSA's responsibility to try to convince a victim

to contact law enforcement if the victim chooses not to do so. The decision to act on this option is the victim's; however, in the midst of an emergency, such as a physical assault, a CSA should call 911, as appropriate.

CSA crime reports have an important role in ensuring that the school complies with the law. CSA crime reports are used by the College to fulfill its responsibility to annually disclose accurate crime statistics, and to issue or facilitate the issuance of timely warnings or emergency notifications for crimes that pose a serious or continuing threat to the campus community.

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

- Vice President of Student Services
- Vice President of Instruction
- Vice President of Administrative Services
- Executive Director of Human Resources
- Safety Director
- Facilities Director
- Deans
- Student Life Director
- Faculty Advisors to Student Groups/Clubs
- Student Navigators
- Executive Director of Student Access and Success
- Director of Diversity, Equity, and Inclusion
- Fisheries & Aquatic Sciences Program Instructor (non-campus location)
- Radiologic Technology Program Instructor (non-campus location)

## **How to Report Emergencies or Crimes**

The Bellingham Police Department is the College's primary partner in safety and security issues. In the event of a threatening situation, call 911. Be prepared to give your exact location and the location of the threatening situation. Once you have called 911, notify your instructor, supervisor, or any administrator.

Accurate and prompt reporting of all crime, suspected crime, and unusual and/or suspicious activity is vital to the safety of the campus community, especially when the victim of a crime elects not to, or is unable to, make such a report. Students and staff should complete an incident report regarding any serious incident or injury that occurs on campus. The report provides a basis for timely warnings when a crime may present a threat to other members of the campus community and assists the College in providing a full disclosure in the annual Crime Statistics Report.

If you observe anything that seems suspicious or out of the ordinary but not immediately threatening, notify your instructor, supervisor, or any administrator

and report the incident online: <https://www.btc.edu/safety>.

Various campus departments cooperatively address safety issues. The offices of Academic Affairs & Student Learning, Administrative Services, Human Resources, and Student Services work with the Safety Director, Campus Assessment, Response, and Evaluation (CARE) Team, and the Emergency Response Team to prevent and manage situations that threaten to disrupt the learning environment.

## **Confidential Reporting**

If you are a witness to, or victim of, a crime, or if you need to communicate with College officials about incidents or behaviors that affect the safety and security of BTC, and would like your identity kept in confidence, BTC has developed an online reporting tool called the Incident Reporting Form. Issues relating to personal safety, theft, and substance abuse are serious issues that, if not reported, may lead to more serious safety concerns. The Incident Reporting Form is a secure way to report these and other safety issues or suspicious behavior anonymously. Once submitted, only appropriate campus personnel will have access to the report, and investigations will be handled accordingly.

The form is located on BTC's website under the Safety Information page: <https://www.btc.edu/safety>. BTC counseling services are also available to assist with student emergency/crisis issues and can offer confidential reporting opportunities. Counselors are located in College Services, Room 106, and can be reached by phone at 360.752.8345.

Please Note: Professional Counselors at BTC, 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, BTC encourages its counselors, if and when they deem it appropriate, to inform the person they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

## **Emergency Response, Notification Methods & Evacuation**

Emergencies or disasters can happen at any time and usually occur with little or no warning. When an emergency occurs at BTC, our safety and speedy recovery depend on existing levels of preparedness and coordinated response from students, faculty, and staff. The most important emergency procedures to become aware of and prepared for include: fire, explosion, earthquake, a winter storm, power outage, an evacuation for various reasons, a suspicious person or object, an intruder alert, an active shooter, or a hazardous material incident. While some emergency responses are similar, some may be very different.

Students, staff, and faculty must familiarize themselves with BTC's Emergency Reference Guide that details the college's emergency response and evacuation procedures. Emergency Reference Guides are posted in common areas on campus,

classrooms, offices, and can be found on BTC's website:

(<https://www.btc.edu/files/Documents/Publications/Safety/EmergencyHandbook.pdf>).

BTC also conducts emergency response and evacuation drills on an annual basis. BTC's academic year runs on a quarterly basis from mid-September to mid-June. The regular emergency drill schedule is as follows: earthquake drills are generally held during Fall Quarter (between September–December), lock down drills are generally held during Winter Quarter (January–March), and fire drills are held during Spring Quarter (April–June).

BTC maintains a close working relationship with local emergency management officials and invites the Bellingham Police and Fire Department to participate in campus-wide drills and exercises.

Upon confirmation of a serious incident that poses an immediate threat to members of the campus community, the college will immediately notify the campus community through various methods of communication. These methods of communication include notification of emergency or evacuation through the college's annunciation/paging system, blast emails, text messages, and screen alerts on all staff, faculty, and student network computers.

To receive emergency notification alerts, log on to [www.btc.edu/alerts](http://www.btc.edu/alerts) and update your contact information.

The college will also post updates during critical incidents on its website: [www.btc.edu](http://www.btc.edu), and BTC's Emergency Closure and Storm Watch telephone line (360.752.8766) will be recorded with emergency notification information and updates. In the event of an emergency, BTC also posts key information to its website and social media accounts (e.g. Facebook, Twitter) regarding the situation and any closure information. Facilities and College Administration will monitor inclement weather conditions and will inform students and employees when emergency procedures are required.

## **Immediate Notifications**

All members of the campus community are required to report any situation or incident on campus that involves a significant emergency or dangerous situation to Bellingham Police Department (BPD) and campus administrators (if time allows). Campus administrators and BPD have the responsibility of responding to, and summoning the necessary resources, to mitigate, investigate, and document any situation that may cause a significant emergency or dangerous situation. BTC has a responsibility to respond to such incidents to determine if the situation does in fact pose a threat to the community. If that is the case, Federal Law requires that the institution immediately notify the campus community or the appropriate segments of the community that may be affected by the situation.

BTC will, immediately, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

If campus administrators confirm there is an emergency or dangerous situation that poses an immediate threat to the health and safety of some or all members of the campus community, and that issuing a notification will not compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency, the Vice President of Administrative Services (or their designee) and the campus Public Information Officer will collaborate with BPD to determine the content of the message and will use some or all of the systems available to communicate the threat to the campus community, or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population.

Notifications involving imminent danger will include real-time updates to the campus community as they become available, including at least one follow-up message letting the campus community know when the situation is under control and no longer a threat.

## **Timely Warnings**

In the event that a situation arises either on or off campus that, in the judgment of campus administrators, constitutes a serious or ongoing threat to the campus community, a campus-wide Timely Warning Notice will be issued by blast email to faculty, staff, and students, and will also be sent via text message to anyone who has signed up to receive emergency notification text alerts.

Timely Warning Notices are usually distributed for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) classifications: major incidents of arson, murder/nonnegligent manslaughter, and robbery involving force or violence. Incidents of aggravated assault and sex offenses are considered on a case-by-case basis, depending on the facts of the case and the information known by campus administrators. For example, if an assault occurs between two students who have a disagreement, there may be no ongoing threat to the other campus community members; therefore, a Timely Warning would not be distributed. Sex assaults are considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by campus administrators. Timely Warning Notices may also be distributed for other crime classifications, as deemed necessary.

The Vice President of Administrative Services reviews all reports from members of the community and local law enforcement to determine if there is an ongoing

threat to the community and if the distribution of a Timely Warning Notice is warranted. The Vice President of Administrative Services (or their designee) and the Public Information Officer will develop Timely Warning Notices to notify the campus community about serious crimes against people that occur on campus, where it is determined that the incident may pose an ongoing threat to members of the campus community. Timely Warning Notices are issued as soon as pertinent information is available.

## **Campus Assessment, Response, and Evaluation (CARE) Team**

The Bellingham Technical College CARE team is a multidisciplinary team whose purpose is to support students and employees via an established protocol designed to help detect early indicators of a potential for disruptive conduct, self-harm, and risk of violence to others. CARE assesses and reviews student behavioral incidents that may involve student code violations, mental health, safety issues, or illegal acts that have occurred on campus. On occasion, off-campus incidents may be reviewed if the parties involved are students of Bellingham Technical College.

Behaviors of concern might be observed in a number of settings: in the classroom, at a service location, in an on-campus job, or during participation at an extracurricular activity. By immediately reporting behaviors that are concerning, the CARE Team will be able to reach out to students to intervene, provide support, take disciplinary action, or connect them with resources to assist them.

Moderate to severe incidents in progress should be immediately reported to BTC Safety and Security Authorities.

CARE Reports for behaviors of concern can be made online at:  
(<https://www.btc.edu/safety>).

## **Student Conduct & Discipline**

Admission to Bellingham Technical College carries with it the expectation that students will conduct themselves as responsible members of the college community. This includes the expectation that students will obey the law; comply with the rules and regulations of the College; maintain high standards of integrity and honesty; respect the rights, privileges, and property of other members of the College community; and will not interfere with College operations. The College will deal with sanctions for violations of College rules or conduct that interferes with the operation of college affairs, and the College may impose sanctions independently of any action taken by civil or criminal authorities. In the case of minors, misconduct may be referred to parents or legal guardians.

Student activity or behavior which violates any provision of the Student Conduct Code is not acceptable; yet, an individual who enrolls at the College can rightfully expect that the instructors and administrators will exercise with restraint the

power of the College to regulate student behavior, and that rules and regulations will be adopted only when the education process clearly and directly requires such legislation. However, restrictive rules and regulations will not be made without showing relevance to those conditions toward which they apply. The enforcement of these rules and regulations shall be fair and shall be pursued in accordance with regulations governing student conduct. Sanctions, up to and including expulsion from the College, may be imposed for failure to satisfy the expectations stated above. These sanctions will determine whether, and under what conditions, the violator may continue at the College.

## **Disciplinary Sanctions**

In keeping with educational purposes of the College, disciplinary sanctions, other than those requiring expulsion, are intended to be remedial rather than punitive. All disciplinary actions will be initiated by the Student Conduct Officer. If that officer is the subject of the complaint initiated by the respondent, the president shall, upon request and when feasible, designate another person to fulfill any such disciplinary responsibilities relative to the complainant.

In addition to initiating discipline proceedings for violations of the Student Conduct Code, the College may refer any violations of federal, state or local laws to civil and criminal authorities for disposition. The College shall proceed with student disciplinary proceedings regardless of whether the underlying conduct is subject to civil or criminal prosecution.

The College will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense the report on the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

## **Sexual Misconduct: Discipline & Prevention**

Sexual misconduct is in violation of the BTC Student Conduct Code, as well as a violation of State and Federal laws. BTC will not tolerate sexual assault, sexual harassment, domestic violence, dating violence, stalking, or other forms of sexual misconduct. In addition to possible civil and criminal charges, any student who is found guilty of sexual misconduct, based on a preponderance of the evidence — following appropriate BTC proceedings — will be subject to disciplinary procedures (see Student Conduct Code). Suspension or dismissal from the college is the maximum penalty BTC may impose on students. In the case of an allegation of sexual harassment on the part of a college employee, the disciplinary review may result in counseling, suspension and/or termination of employment.

BTC utilizes procedures that provide prompt, fair, and impartial investigation and resolution in cases involving domestic violence, dating violence, sexual assault,



sexual harassment, and stalking. These procedures are carried out by officials who receive annual training on issues related to dating violence, domestic violence, sexual assault, stalking, and how to conduct an investigation and hearing process in a manner that protects the safety of the victims and promotes accountability. Both parties will be afforded the option to be accompanied by a support person to any interviews or meetings involving the investigation and, if requested, may be assigned an advisor to help understand related procedures. See Title IX Grievance Procedures on page 23 for additional information.

BTC attempts to foster a safe learning and working environment for all members of the campus community. In compliance with the requirements outlined in the Violence Against Women Reauthorization Act and Title IX, BTC's primary prevention program (see definition on page 33) for all incoming students through 2019 has been the Campus Clarity "Think About It" training. As of 2020 BTC has offered Everfi's Foundry "Sexual Assault Prevention for Undergraduates" training. All College employees are also required to complete sexual misconduct prevention training.

These training programs describe safe and positive options for bystander intervention; information on prevention and risk reduction; and college policies and procedures in the event a sex offense occurs. BTC strives to make the campus a safe and responsible place by educating the campus community about preventing, reporting, and seeking victim resources concerning sexual violence, dating violence, domestic violence, and instances of stalking.

## **Response to Sexual Assault & VAWA Offenses**

If you or someone you know is the victim of sexual assault, dating violence, domestic violence, or stalking, report it immediately to the police. It is important to preserve evidence by contacting the police (911) as soon as possible after the crime. BTC Safety personnel should also be notified as soon as practical of any incident of sexual assault, sexual misconduct, dating violence, domestic violence, or stalking that occurs on campus. The well-being of the victim is the primary concern of the College, and counselors can assist victims in notifying the appropriate law enforcement authorities when a crime occurs. Counselors are located in College Services, Room 106, and can be reached by phone at 360.752.8345. Victims may also decline to notify authorities. Upon receiving a report of an incident of sexual misconduct, dating or domestic violence, and/or stalking that occurs on or off campus, BTC will provide a written explanation to the student or employee of procedures for institutional disciplinary action, of the student's or employee's rights and options, and written notification about existing counseling, health, and mental health services; victim advocacy; legal assistance; visa and immigration assistance; student financial aid; and other available services for involved parties within the institution and in the community.

In addition, supportive measures are offered for involved parties. An example may

include a request to change academic and working schedules on campus after an incident takes place, if such changes are reasonably available. Requests for a change in academic and work schedules (work-study) should be directed to the office of the Vice President of Student Services. Although BTC will attempt to maintain the confidentiality of any supportive measures provided to involved parties, it cannot guarantee confidentiality in the event that maintaining it would impair the ability of the institution to provide such supportive measures.

BTC prohibits retaliation by the college or any official of the college against any individual for exercising their rights or responsibilities under any provision of the Clery Act of the Campus SaVE Act.

## **Positive Options for Bystander Intervention**

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

## **Preservation of Evidence**

Preserving evidence of a sex offense is time critical. As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, they nevertheless should consider speaking with a Campus Safety Authority or other law enforcement to preserve evidence in the event that the victim changes their mind at a later date.

It is important that a victim of sexual assault not bathe, douche, smoke, drink, change clothing, or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence as may be necessary to the proof of criminal activity may be preserved. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, emergency rooms and health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease.

Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages,

social networking pages, other communications, and keeping pictures, logs, or other copies of documents, if they have any, that would be useful to college hearing boards/investigators or police.

**Sexual Violence Resources**

- Police (Emergency) .....911 or 9.911 on campus
- Domestic Violence and Sexual Assault Services 877.715.1563 (toll free) or ..... 360.715.1563
- National Domestic Violence Hotline .....800.799.SAFE (7233) or ..... 800.787.3224 (TTY)
- RAINN National Sexual Assault Hotline .....800.656.HOPE (4673)
- LovelsRespect.org .....866.331.9474 or Text LOVEIS to 22522

**Counseling Services on Campus**

College Services Building, Room 106; Phone: 360.752.8700

Hours: Mon–Friday 8 a.m.–5 p.m. (Closed weekends & holidays)

We empower our diverse student population to achieve student success through educational and counseling services that promote personal and social growth, wellness and career exploration.

**Our Services**

The Outreach, Advising, and Counseling Office offers a variety of services for students, including admissions, career and academic advising, and short-term personal counseling.

We also offer disability and multicultural student support services, and access to community and online resources. Our Counseling Services are designed to enhance students’ ability to fully benefit from the College environment and academic experience. All appointments are free.

**How to Contact Us**

Contact the Outreach, Advising, and Counseling Office or stop by during office hours to inquire about services or an appointment. Enrolled students may make an appointment for short-term counseling to address issues and concerns that may be interfering with their ability to achieve educational, career, or personal goals.

**Weapons on Campus**

Carrying, exhibiting, displaying, or drawing any weapon, as defined in the BTC Campus Conduct Code, is prohibited on or in college-owned or college-operated facilities and premises and/or during college-sponsored events.

Any individual discovered in possession of a weapon as defined in the Student Conduct Code on BTC property is subject to being escorted off campus by BTC

Security authorities, BTC disciplinary action, and/or arrest in accordance with state and federal laws.

## **Controlled Substances**

Bellingham Technical College (BTC) campus is committed to providing a drug-free, healthful, safe, and secure workplace and environment, and has implemented a drug and alcohol abuse, prevention, and assistance program. The College annually notifies employees and students that the unlawful possession, use, or distribution of illicit drugs and alcohol on College property, or as any part of College activity, is prohibited (WAC 495B-121-265). Alcoholic beverages may be served at scheduled events at Bellingham Technical College provided all Washington laws and BTC administrative procedures, guidelines, and regulations are met.

Although possession and use of marijuana is legal in the state of Washington, federal laws bind BTC, which makes possession and use of marijuana illegal. Possession, use, and being under the influence of marijuana are prohibited on BTC campus or at any BTC function, and will be grounds for disciplinary action. There are numerous local, state, and federal statutes related to the manufacture, distribution, dispensation, possession, and use of controlled substances. Such laws are strictly enforced by the City of Bellingham Police Department and BTC Administrative Services.

Legal sanctions may be imposed for both felony and misdemeanor convictions and range from loss of financial aid to fines to multi-year prison terms. More severe penalties are provided for persons convicted of providing controlled substances to minors and for repeat offenses.

The following nonexclusive list of health risks have been identified as associated with the use and abuse of illicit drugs and alcohol: memory loss; depression; fetal alcohol syndrome; problem pregnancy; sclerosis; circulatory problems; insomnia; heart failure; respiratory arrest; cardiac arrest; seizures; coma; anxiety; paranoia; irritability; fatigue; mental illness; and death.

BTC recognizes alcohol and drug dependency to be an illness and major health problem, and has developed a program to prevent the illicit use of drugs and the abuse of alcohol by students and employees. The program provides services related to drug use and abuse, including dissemination of information materials, educational programs, counseling services, referrals, and college disciplinary actions.

## **Registered Sex Offenders**

In accordance with the Campus Sex Crimes Prevention Act of 2000 and the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16921), BTC provides a link to the Sex Offender Registry on BTC's website. This act requires institutions of higher education to issue a statement advising the campus community where law

enforcement information provided by a state concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a state to provide notice of each institution of higher education in that state at which the person is employed, carries a vocation, or is a student. Sex offenders are required to notify the Vice President of Student Services of their intent to enroll at BTC. A list of those individuals who have complied with this requirement is kept by the Vice President of Student Services.

When a registered Level I or II sex offender is enrolled at BTC, administrators, counselors, advisors, instructors in courses where the students are enrolled, and affected staff (e.g., in the Library, Tutoring Center) are informed through campus email. Students in a Level II sex offender's classes are also notified. When a Level III sex offender is enrolled, the entire campus may be informed through postings across campus, including in all classrooms where the student is attending. In addition, counselors may visit each class in which a Level III sex offender is enrolled, to address any concerns.

The Whatcom County Sheriff's Office advises the following: Experts believe sex offenders are less likely to re-offend if they live and work in an environment free of harassment. Any actions taken against the individuals named in the notification, including vandalism of property, verbal or written threats of harm, or physical violence against this person, their family, or employer, will result in arrest and prosecution of criminal acts.

It is against the law (RCW 9A.44.130) to use this information in any way to threaten, intimidate, or harass registered offenders.

Notifications are intended as information items only and there is no additional action required nor is this intended to create excessive anxiety among students and employees. For more information, please contact the office of the Vice President of Student Services at 360.752.8443.

## **Law Enforcement Assistance**

Bellingham Technical College campus is within the jurisdictional boundaries of the Bellingham Police Department. Requests for any law enforcement-related issues are directed to the Bellingham Police Department.

## **Personal Security & Crime Prevention**

Personal security is a shared responsibility. During quarterly orientation sessions, students are encouraged to be aware of their responsibility for their own safety and security and the security of others. BTC student handbooks cover the keys to security awareness, emergency procedures, and crime reporting information. All members of the campus community are urged to follow standard crime prevention practices such as:

- Be alert for suspicious persons in and around campus buildings and parking

lots.

- Do not leave valuables such as purses, wallets, and bags in unattended spaces.
- Avoid walking alone at night. Choose a route that avoids dark, vacant areas.
- Wear clothing and shoes that allow you to move quickly.
- Walk with a purpose. Project an assertive or businesslike image.
- Be conscious of your surroundings. Anticipate potentially dangerous situations.
- Have your car key ready before getting to the car so that you are not delayed by fumbling for it.
- When parking at night on the street or in the parking lot, park in well-lighted areas that are well traveled.
- Never leave valuables visible in your car.
- Look into the car before you get in to be sure no one is hiding inside. When you get into your car, lock all doors and roll up the windows.
- Drive on well-traveled streets and never pick up hitchhikers.
- If you are being followed, drive to a police station, fire station, or open business to seek help. If you fear getting out of your car, sound your horn to get attention.
- If your car breaks down, raise the hood, then get back in your car and lock the doors. If someone does stop to help, do not get out; instead ask that a call for help be made.
- If you sense a potential threat, consider your options, then act:
  - Try to get away from the danger.
  - Scream, create a commotion.
  - Run toward well-lighted public areas.
  - Go into open buildings where other persons are present.
  - Call the police immediately. Describe what happened and where, the suspect, and their direction and method of travel.

For more information go to: [www.ncpc.org](http://www.ncpc.org).

Bellingham Technical College has a long history of being a safe and welcoming campus. We are very aware that a truly safe campus can be achieved only through the cooperation of everyone. By increased awareness and reporting suspicious activity, together we can help reduce crime on campus.

## **Crime Prevention & Security Awareness Programs**

BTC is dedicated to promoting and maintaining safety awareness and community outreach programs for students, faculty, and staff. The college's Campus Assessment, Response, and Evaluation (CARE) Team is also notified of suspicious activities or persons of concern and determines appropriate action.

## Grievance Procedures — Discrimination & Harassment

Bellingham Technical College recognizes its responsibility for investigation, resolution, implementation of corrective measures, and monitoring the educational environment and workplace to stop, remediate, and prevent discrimination on the basis of race, color, national origin, age, perceived or actual physical or mental disability, pregnancy, genetic information, sex, sexual orientation, gender identity, marital status, creed, religion, honorably discharged veteran or military status, or use of a trained guide dog or service animal, as required by Title VI of the Civil Rights Act of 1964, Title VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, Sections 504 and 508 of the Rehabilitation Act of 1973, the Americans with Disabilities Act and ADA Amendment Act, the Age Discrimination Act of 1975, the Violence Against Women Reauthorization Act and Washington State's Law Against Discrimination, Chapter 49.60 RCW and their implementing regulations.

To this end, Bellingham Technical College has enacted policies prohibiting discrimination against and harassment of members of these protected classes. Any individual found to be in violation of these policies will be subject to disciplinary action up to and including dismissal from the College or from employment.

BTC has adopted a Sex Discrimination Investigation Procedure for purposes of receiving and investigating allegations of Sex Discrimination arising within the College's educational programs and activities and workplace. Any individual found responsible for engaging in Sex Discrimination in violation of BTC policy may be subject to disciplinary action up to and including dismissal from the College's educational programs and activities and/or termination of employment.

### **Title IX Coordinator: Michele Waltz, Vice President of Student Services**

- Office: College Services Building, CS201
- Telephone: 360.752.8440
- Email: mwaltz@btc.edu

### **Equal Employment Opportunity/Affirmative Action (EEO/AA) Officer: Tami Willett, Executive Director of Human Resources**

- Office: College Services Building, CS121
- Telephone: 360.752.8475
- Email: twillett@btc.edu

## Filing a Complaint

Any employee, applicant, student or visitor of the College may file a complaint with the Title IX Coordinator, EEO/AA Officer, or designee. If the complaint is against that Coordinator/Officer, the complainant should report the matter to the president's office for referral to an alternate designee. Complaints may be

submitted in writing or verbally. The College encourages the timely reporting of any incidents of discrimination or harassment. For complainants who wish to submit a written complaint, a formal complaint form is available online at [www.btc.edu/Safety](http://www.btc.edu/Safety). Hardcopies of the complaint form are available at the following locations on campus:

**Vice President of Student Services**, College Services Building Rm. 201,  
360.752.8440

**Human Resources Office**, College Services Building Rm. 124, 360.752.8354

Any person submitting a discrimination complaint shall be provided with a written copy of the College's anti-discrimination policies and procedures.

## Confidentiality & Right to Privacy

Bellingham Technical College will seek to protect the privacy of the complainant to the full 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 Bellingham Technical College policies and procedures.

Although Bellingham Technical 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 and EEO/AA Officer.

### Confidentiality Requests and Sexual Violence Complaints

The Title IX Coordinator or EEO/AA Officer will inform and obtain consent from the complainant before commencing an investigation into a sexual violence complaint. If a sexual violence complainant asks that their name not be revealed to the respondent or that the college not investigate the allegation, the Title IX Coordinator or EEO/AA Officer 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 or EEO/AA Officer 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 weighed during this determination may include, but are not limited to:

- The seriousness of the alleged sexual violence;
- The age of the complainant;
- Whether the respondent has a history of committing acts of sexual violence or violence or has been the subject of other sexual violence



complaints;

- Whether the respondent threatened to commit additional acts of sexual violence against the complainant or others; and
- Whether relevant evidence can be obtained through other means (e.g., security cameras, other witnesses, physical evidence).

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

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

## **Sex Discrimination Investigation Procedure**

The Title IX Coordinator shall be responsible for overseeing all investigations pertaining to students and all TIX investigations. The EEO/AA Officer shall be responsible for overseeing all other investigations pertaining to employees, applicants, visitors, or others. Investigations may be conducted by trained investigators or an impartial contracted third party.

### **Notice of Investigation**

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:

1. 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.
2. 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.

3. A statement that retaliation is prohibited.
4. Inform the Parties that they 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.
5. 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:

1. 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 decisionmaker.
2. A statement that 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.
3. Notice that the College's employment policies and student conduct code prohibit employees and students 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 Investigation Notice, 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 meeting or proceedings with sufficient time for the Party to prepare to participate.

### **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 of their choosing, who may be an attorney, to any investigation 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 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 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) business 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) business 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 the following:

1. Spousal/domestic partner privilege;
  2. Attorney-Client and attorney work product privileges;
  3. Privileges applicable to members of the clergy and priests;
  4. Privileges applicable to medical providers, mental health therapists, and counsellors;
  5. Privileges applicable to sexual assault and domestic violence advocates; or
  6. 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:
1. Is asked or offered to prove someone other than the Respondent committed the alleged misconduct; or
  2. Concerns specific incidents of prior sexual behavior between the Complainant and the Respondent, which are asked or offered on the issue of consent
- 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 if the Respondent is a student or the Employee Discipline Officer if the Respondent is an employee, who are responsible for determining whether pursuing disciplinary action is warranted.

### **Written Notice of Decision**

The Title IX Coordinator or EEO/AA Officer will provide each party, their respective advisors, and the appropriate student services administrator or appointing authority with simultaneous written notice of the results of the investigative findings and of actions taken or recommended to resolve the complaint, subject to the following limitations. Both parties shall be informed in writing of the findings and of actions taken or recommended to resolve the complaint, if any, and shall be notified of referrals for disciplinary action. Both parties are entitled to review any findings, conclusions, and recommendations, subject to any FERPA confidentiality requirements.

## **Final Decision/Reconsideration**

Either the complainant or the respondent may seek reconsideration of the investigation findings. Requests for reconsideration shall be submitted in writing to the Title IX Coordinator or EEO/AA Officer within ten working days of receiving the investigation report. Requests must specify which portion of the findings should be reconsidered and the basis for reconsideration. If no request for reconsideration is received within ten working days, the findings become final. If a request for reconsideration is received, the Title IX Coordinator or EEO/AA Officer shall respond within fifteen working days. The Title IX Coordinator or EEO/AA Officer shall either deny the request or, if the Title IX Coordinator or EEO/AA Officer determines that the request for reconsideration has merit, issue amended findings. Any amended findings are final and no further reconsideration is available.

## **Complaint Resolution and Consolidation for Sex Discrimination Investigations**

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.

### **1. Informal Resolution**

- a. 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. a Complainant who is a minor or a vulnerable adult;
  - b. a Respondent poses an immediate threat to the health, safety or welfare of a member of the College community;
  - c. an Employee, who is alleged to have engaged in Sex-based Harassment of a Student Complainant.
- b. If Informal Resolution is appropriate, the Parties may explore resolution through:
  - a. Guided conversations or communications conducted by the Title IX Coordinator, a Human Resource Representative, or some other mutually agreed upon third party;
  - b. A structured resolution process conducted by a trained mediator;

or

- c. Voluntary agreement between the Parties to alter either or both Parties' College work or class schedules and/or College student housing arrangements.
- c. 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.
- d. Before engaging in informal resolution, the College must provide written notification to the Parties of their rights and responsibilities. This notice shall explain:
  - 1) The allegations;
  - 2) The requirements of the informal resolution process;
  - 3) 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;
  - 4) 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;
  - 5) That the potential terms of any Informal Resolution agreement will only be binding on the Parties to the agreement; and
  - 6) 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 Informal Resolution process at any time, at which point the formal investigation 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) business days after the parties agree to this option and conclude within sixty (60) calendar days of beginning that process; subject to reasonable delays and extensions for good cause shown.

## **2. 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.

**3. Consolidation of Complainants**

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.

**Publication of Anti-Discrimination Policies & Procedures**

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

**Limits to Authority**

Nothing in this chapter shall prevent the College President or designee from taking immediate disciplinary action in accordance with Bellingham Technical College policies and procedures and federal, state, and municipal rules and regulations.

**Non-Retaliation, Intimidation & Coercion**

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

**Criminal Complaints**

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

- Bellingham Police Department ..... 911 (9.911 on campus) or .....360.778.8600 (non-emergency)

- Whatcom County Sheriff's Office .....360.778.6911 (non-emergency)
- Washington State Patrol..... 360-738-6215

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

## Other Discrimination Complaint Options

Discrimination complaints may also be filed with the following federal and state agencies:

- Washington State Human Rights Commission:  
[www.hum.wa.gov/index.html](http://www.hum.wa.gov/index.html)
- US Dept. of Education Office for Civil Rights:  
<https://www2.ed.gov/about/offices/list/ocr/complaintintro.html>
- Equal Employment Opportunity Commission: [www.eeoc.gov/](http://www.eeoc.gov/)

## Crime Definitions

### Criminal Offenses:

The following definitions are provided by: U.S. Department of Justice – Federal Bureau of Investigation. “Offense Definitions.” *Uniform Crime Report: Crime in the United States, 2019*. Released Fall 2020.

**Criminal Homicide:** Any offense that meets the definition of murder/nonnegligent manslaughter or manslaughter by negligence:

- **Murder/Nonnegligent Manslaughter:** The willful (nonnegligent) killing of one human being by another. Deaths caused by negligence, attempts to kill, assaults to kill, suicides, and accidental deaths are excluded. NOTE: Justifiable homicides are classified separately and are limited to (1) the killing of a felon by a law enforcement officer in the line of duty; or (2) the killing of a felon, during the commission of a felony, by a private citizen.
- **Manslaughter by Negligence:** The killing of another person through gross negligence. Deaths of persons due to their own negligence, accidental deaths not resulting from gross negligence, and traffic fatalities are not included in the category manslaughter by negligence.

**Sexual Assault (Sex Offenses):** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the 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 his/her age or because of his/her 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. Count one offense per victim.
- **Statutory Rape:** Nonforcible sexual intercourse with a person who is under the statutory age of consent. Count one offense per victim.

**Robbery:** The 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 victim in fear.

**Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. Simple assaults are excluded.

**Burglary (breaking or entering):** The unlawful entry of a structure to commit a felony or a theft. Attempted forcible entry is included.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. A motor vehicle is self-propelled and runs on land surface and not on rails. Motorboats, construction equipment, airplanes, and farming equipment are specifically excluded from this category.

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

## Hate Crimes:

The following definitions are provided by: Criminal Justice Information Services (CJIS) Division Uniform Crime Reporting (UCR) Program. *Hate Crime Data Collection Guidelines and Training Manual*. March 1, 2022. Version 3.0.

Hate crimes include any of the above-mentioned offenses, and any incidents of:

**Larceny-Theft (except motor vehicle theft):** The unlawful taking, carrying, leading, or riding away of property from the possession, or constructive possession, of another.

**Intimidation:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

**Simple Assault:** An 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.

**Destruction/Damage/Vandalism of Property:** To willfully or maliciously destroy, deface, or otherwise injure real or personal property without the consent of the owner or person having custody or control of it.

## **VAWA Offenses:**

The following definitions are provided by: Clery Center. "VAWA Amendments Checklist." 2017.

**Domestic Violence:** A felony or misdemeanor crime of violence committed:

- a) by a current or former spouse or intimate partner of the victim;
- b) by 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;
- 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.

**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, and the frequency of interaction between the persons involved in the relationship.
- For the purpose 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.

Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**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 purpose of this definition:

- *Course of conduct* means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils,

threatens, or communicates to or about, a person, or interferes with a person's property.

- *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.

## Arrests and Referrals for Disciplinary Action:

The following definitions are provided by: U.S. Department of Justice – Federal Bureau of Investigation. "Offense Definitions." *Uniform Crime Report: Crime in the United States, 2019*. Released Fall 2020.

**Weapon Law Violations:** 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. Attempts are included.

**Drug Abuse Violations:** The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The following drug categories are specified: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics – manufactured narcotics that can cause true addiction (Demerol, methadone); and dangerous nonnarcotic drugs (barbiturates, Benzedrine).

**Liquor Law Violations:** The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness. Federal violations are excluded.

## Additional Definitions:

The following definitions are provided by: Clery Center. "VAWA Amendments Checklist." 2017; *Chapter 495B-121 WAC*. "Student Conduct Code." 18 March 2020; Bellingham Technical College. "Policy/Procedure 502.0: Discrimination and Harassment." 24 July 2024; and *Chapter 9A.44.10 RCW*. "Definitions. 2020.

**Advisor:** Any individual who provides the accuser or the accused support, guidance, or advice.

**Age of Consent:** Under Washington State law, a 16-year-old is legally capable of consenting to having sexual contact. There are some exceptions. A person could be guilty of indecent liberties if someone with supervisory authority causes another to

have sexual contact. The third-degree child molestation law is a charge that applies for sexual contact with teens 14 up to age 16 – applying to perpetrators at least four years older than the victim.

**Awareness Programs:** 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.

**Bystander Intervention:** 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, promote safety, and reduce perpetration.

**Complainant:** Employee(s), applicant(s), student(s), or visitors(s) of Bellingham Technical College who alleges that they have been subjected to discrimination or harassment due to their membership in a protected class.

**Complaint:** A description of facts that allege violation of the College's policy against discrimination or harassment.

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

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

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

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

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

to the level of discriminatory harassment include but are not limited to the following:

- Epithets, “jokes,” ridicule, mockery or other offensive or derogatory conduct focused upon an individual’s membership in a protected class.
- Verbal or physical threats of violence or physical contact directed towards an individual based upon their membership in a protected class.
- Making, posting, emailing, texting, or otherwise circulating demeaning or offensive pictures, cartoons, graffiti, notes or other materials that relate to race, ethnic origin, gender or any other protected class.

**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, object, or oral copulation by mouth to genital contact or genital to mouth contact.

**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.

**Ongoing Prevention and Awareness Campaigns:** 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.

**Primary Prevention Programs:** 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 health and safe directions.

**Proceeding:** All activity related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact finding investigations, formal or informal meetings, and hearings. Proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

**Programs to Prevent Dating Violence, Domestic Violence, Sexual Assault, and Stalking:** 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.

**Prompt, Fair, and Impartial Proceeding:** A proceeding that is completed within reasonably prompt timeframes designated by an institution's policy, including a process that allows for the extension of timeframes for good cause and with written notice to the accuser and the accused of the delay and the reason for the delay; Conducted in a manner that:

- Is consistent with the institutions policies and transparent to the accuser and accused;
- Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
- Provides timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings; and
- Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.

**Protected Class:** Persons who are protected under state or federal civil rights laws, including laws that prohibit discrimination on the basis of race; color; national origin; sensory, mental, or physical disability; use of a service animal; gender, including pregnancy; marital status; age; religion; creed; sexual orientation; gender identity; or veteran's status.

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

**Respondent:** Person or persons who are members of the campus community who allegedly discriminated against or harassed another person(s).

**Result:** Any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution, as well as the rationale for the result and the sanction.

**Risk Reduction:** Options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

**Sexual Misconduct:** The term “sexual misconduct” includes sexual harassment, sexual intimidation, and sexual violence.

- a. **Sexual Harassment:** The term “sexual harassment” means unwelcome sexual or gender-based conduct, including unwelcome sexual advances, requests for sexual favors, quid pro quo harassment, and other verbal, nonverbal, or physical conduct or a sexual or a gendered nature that is sufficiently severe, persistent, or pervasive as to:
  - i. Deny or limit the ability of a student to participate in or benefit from the college’s educational programs;
  - ii. Alter the terms or conditions of employment for a college employee(s); and/or
  - iii. Create an intimidating, hostile, or offensive environment for other campus community members.
- b. **Sexual Intimidation:** The term “sexual intimidation” incorporates the definition of “sexual harassment” and means threatening or emotionally distressing conduct based on sex including, but not limited to, nonconsensual recording of sexual activity or the distribution of such recording.
- c. **Sexual Violence:** “Sexual violence” is a type of discrimination and harassment. Nonconsensual sexual intercourse, nonconsensual sexual contact, domestic violence, dating violence, and stalking are all types of sexual violence.

**Unfounded Crimes:** An institution may withhold, or subsequently remove, a reported crime from its crime statistics in the rare situations where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore “unfounded.” Only sworn or commissioned law enforcement personnel may “unfound” a crime report for purposes of reporting under this section. The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with the prosecution, and the failure to make an arrest do not “unfound” a crime report.

*Bellingham Technical College does not discriminate on the basis of race, ethnicity, creed, color, sex, gender identity or expression, citizenship or immigration status, national origin, age, religion, disability, veteran or military status, sexual orientation, genetic information, the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability, pregnancy, marital status, or any other characteristic protected by federal, state, or local law in its programs, activities, and services. The following person has been designated to handle inquiries regarding the non-discrimination policies: Director for Human Resources*

Allison Mack, 360.752.8354, or [hr@btc.edu](mailto:hr@btc.edu). For Title IX/Section 504 compliance, contact: Vice President of Student Services Michele Waltz, 360.752.8440, or [title9@btc.edu](mailto:title9@btc.edu). Mailing address: 3028 Lindbergh Avenue, Bellingham, WA 98225. BTC publications are available in alternate formats upon request by contacting the Accessibility Resources office at 360.752.8576.