

Information for Employee Respondent in Title IX Case

A Respondent is a person that is responding to an alleged incident under the Title IX Policy and Procedure, the Non-Discrimination Policy and Procedure, or both. As a Respondent, you will be invited to participate in an investigation to determine if a violation of Evergreen's policies have been violated.

Being involved in an investigative process can be stressful. Please make sure to look through all resources and support available, and understand your rights as a Respondent.

If you feel that there is a harm to safety by another person or yourself or if you need immediate assistance, please do not hesitate to contact Police Services at any time at 360-867-6140.

RIGHTS AS A RESPONDENT

You have important rights in this process.

- The right to be presumed not responsible for any alleged conduct unless or until a determination of responsibility is reached after a grievance and disciplinary process.
- The right to retain legal counsel if the Respondent desires
- The right to a fair and equitable process
- The right to be treated with respect and without bias and without a conflict of interest throughout the process
- The right to receive Support Resources throughout the process, and after if applicable
- The right to a process advisor of my choice, which can include a Union representative or attorney
- The right to have written notice within a reasonable timeframe of any interviews, meetings, or hearings
- The right to have information of the alleged violations, the name of the Complainant, and information on the alleged incident
- The right to supply potential witnesses, written statements, and evidence during the Title IX process
- The right to see any information used to make a decision, including the Investigative Report
- The right to a live disciplinary meeting that includes a panel for determinations, and includes cross-examination by your Procedure Advisor
- The right to appeal a decision made by the Decision Makers, as outlined in the Title IX Policy and Procedure

ADVISOR

Each party in a Title IX process has the right to a support person, called an Advisor. An Advisor is able to be with each party for any interview, meeting, and for the Live Hearing. An Advisor may be an attorney, or any other person that the employee selects. This advisor can attend any meetings, interviews, and must attend the Live Hearing with the employee. The main role of the advisor is to provide support

throughout the process, and will serve to cross-examine other parties during the Live Hearing. Advisors otherwise will not speak for the party nor disrupt any process.

If you do not have an Advisor, you will need one for the Live Hearing. Please contact the Title IX Office at titleixcoordinator@evergreen.edu if you would like a Process Advisor assigned to you. Note this assigned Advisor will NOT be an attorney, and will be a person from the Evergreen community.

Any person can serve as an Advisor for each party. If a party selects an attorney as their Advisor, this party must let the Title IX Coordinator know at least 5 days prior to the initial interview or the Live Hearing. For more information on the role of an Advisor, please contact the Title IX Coordinator at titleixcoordinator@evergreen.edu.

SUPPORT RESOURCES

Evergreen will work with any Respondent to provide support resources to address employment, mental, physical, and emotional needs. Reasonable adjustments and resources are coordinated through the Title IX Coordinator. Any request for support resources can be requested at titleixcoordinator@evergreen.edu. Support resources are specific based on each individual's needs, and may include, but are not limited to, the following:

- Reasonable employment adjustments including work hour shifts, physical location relocations, and additional guidelines as reasonable in the work space
- Referrals to the Employee Assistance Program (EAP) for emotional support and assistance
- Ability to ask questions and receive prompt answers on the Title IX process
- Modification of work schedule as able and applicable
- Safety escorts or additional measures as reasonably able

Additional Evergreen offices are available to you during this process, including the following:

- Police Services
 - Seminar Building 1, 2150
 - policervices@evergreen.edu
 - 360-867-6832
- Title IX Office
 - Library Building 3216
 - titleixcoordinator@evergreen.edu
 - 360-867-5240
- Human Resource Services
 - Library Building
 - humanresources@evergreen.edu
 - 360-867-5361
- Washington State Employee Assistance Program
 - <https://des.wa.gov/services/hr-finance/washington-state-employee-assistance-program-eap>
 - 1-877-313-4455

WHAT TO EXPECT DURING THE EVERGREEN PROCESS

You will be informed each step of the way regarding the process and your expectations. Generally, the following process will be followed:

1. You will receive a Notice of Investigation from the Title IX Coordinator or the Affirmative Action and Equal Opportunity Officer, which outlines the allegations, the applicable policy/code statements, the name of the Complainant, and the information regarding the alleged incident in question.
2. The Notice of Investigation will include information on who will be investigating the complaint, and information on your first interview with the investigator(s).
3. During your first interview, you will be able to share your perspective on the alleged incidents, and share any information you would like. Interviews may be recorded for the purpose of the Investigator.
 - a. Note that during your interview, you are not permitted to record the interview.
 - b. Breaks are permitted during the interview upon request.
 - c. You will have the opportunity to submit any evidence you would like during this time. Evidence may include, but is not limited to: text messages; screenshots of messages or posts; emails; health documents; telephone records; photos; etc.
4. The Investigator will interview all parties, including any witnesses provided by the Complainant and the Respondent.
5. After interviews, the Investigator will compile an Investigative Report. You will be able to read the Investigative Report, and will have time to respond to this Investigative Report.
6. The Investigative Report with all applicable evidence will be available to be reviewed by all parties.
 - a. Each party will have 10 days to respond to the Investigative Report in writing. Each party will receive notification of how to respond in writing, and the deadline of submitting this.
7. The Final Investigative Report will be sent to you by the Title IX Coordinator. This Final Investigative Report will be used in the Live Hearing.
 - a. Live Hearings are a time in which all parties will go in front of a decision maker, and will include Cross-Examination by advisors to the other party.
 - b. The decision maker will send you a notice of the date, time, location, and further information regarding the Live Hearing. The Live Hearing will take place at least 10 days after the Final Investigative Report is sent to the parties.
 - c. Live Hearings are audio recorded for Evergreen records.
8. After the Live Hearing, the decision maker will send each party an Initial Order, which describes a determination of responsibility and the justification of why for each charge. The Initial Order will also state any disciplinary sanction or condition for the Respondent, if any. The Initial Order will also describe the appeal process.
9. All information available, including information you provide, is used to make a determination if the policy has been violated or not using the preponderance of evidence standard.
10. Both parties are eligible to appeal a determination during a Title IX process. The Initial Order will describe fully how to submit an appeal, and the deadline of doing so.

- a. Appeals go to the President of the College. The President will look over all information from the Investigation and Live Hearing, and make a determination to either affirm, vacate, or amend the Initial Order.

11. The Final Decision of the appeal process will be final.

No information shall be released from an investigation/student conduct proceeding except as required or permitted by law and Evergreen policy.

REQUESTS FOR ACCOMMODATIONS

Title IX is committed to a process that is inclusive and fair to all students. Human Resource Services will assist with the coordination of reasonable and appropriate accommodations for individuals with documented disabilities. If you need assistance or have further questions, please contact Human Resource Services at humanresources@evergreen.edu.

MORE INFORMATION

If you have any questions throughout the process, please feel free to contact the Title IX Coordinator or the Affirmative Action and Equal Opportunity Officer at any time. For your case, the Title IX Coordinator is Connie Gardner, and she can be reached at titleixcoordinator@evergreen.edu. The Affirmative Action and Equal Opportunity Officer is Lorie Mastin, and she can be reached at mastinl@evergreen.edu.