

MINUTES

SPECIAL MEETING/STUDY SESSION

BOARD OF TRUSTEES YAKIMA VALLEY COLLEGE

August 10, 2020, 2:00 p.m.

Join Zoom Meeting

<https://zoom.us/j/95913409004>

Meeting ID: 959 1340 9004
1-253-215-8782

A. **Revision of WAC 132P-33 Student Rights and Responsibilities**

Steven Sloniker, presented on the proposed changes to WAC 132P-33. He discussed the supplemental procedures and why we have them and why we need to revise them. He discussed that the supplemental procedure outlines how Title IX plays into WAC 132P and how it relates to student conduct. It outlines the student disciplinary process for Title IX allegations, rights afforded to both student complainants and student respondents while complying with US Department of Education regulations. He discussed some of the key revisions; jurisdiction, definition of sexual harassment, entitlement to representation, admission of evidence and cross examination requirements. Trustee Mendoza inquired about the changes to jurisdiction for off campus incidents and what is the recourse for students. Mr. Sloniker explained that for those instances where the college does not have jurisdiction we could explore informal options, for example, class scheduling changes if the students were willing, potentially utilize the counseling services and/or refer student to local law enforcement. Steve discussed the changes to the definitions criteria. Trustee McClure inquired if the incident did not meet all three definitions criteria of sexual harassment what would the college response look like. Steve indicated those incidents could be evaluated to see if there was a violation of the student code of conduct. Steve discussed some of the concerns that Title IX investigators have; that the new process of meeting all three criteria makes it more difficult for someone to file a complaint, makes it difficult for colleges to adjudicate the complaint, and the process is much more difficult for complainants. Trustee Mendoza inquired about why we have to modify our WAC if we have so many concerns or red flags. Steve indicated that if you go against the DOE and they find you out of compliance it could affect federal funding. Additionally if we chose to go our own path and find ourselves in litigation and we are found to be out of compliance, we could be violating the rights of those involved. Trustee Mendoza inquired of Jim Yockey AAG about how the other colleges in the state responding. Jim discussed the history of the changes, the model policy which most of all colleges are going to adopt. Steve went on to discuss some of the bigger issues regarding admission of evidence, hearings, advisors, training of advisors, offering/presenting testimony, and discussion with our three unions. Trustee Mendoza would like to review this process/protections in the six months to ensure protections for students and staff.

AGENDA

SPECIAL MEETING BOARD OF TRUSTEES YAKIMA VALLEY COLLEGE

August 10, 2020, 2:15 p.m.

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A. **Roll Call**

Board of Trustees Present

Mr. Patrick Baldoz, Chair
Mr. Neil McClure, Vice Chair
Mr. Robert Ozuna
Ms. Rosalinda Mendoza

Others Present

Steve Sloniker
James Yockey
Leslie Blackaby

Dr. Linda Kaminski, Secretary

B. **Proposed Changes to the Agenda.** There were no changes to the agenda.

C. **Action Items**

1) **Revision of WAC 132P-33 Student Rights and Responsibilities,**

Steve Sloniker stated due to regulatory changes made at the US Department of Education, revisions are required in order to maintain compliance. Under these new regulations, changes must be made to the Title IX Supplemental Hearing Procedures outlined in WAC 132P-33.

The public will be notified through the *Washington Register* that the college is making changes to the WAC on an emergency basis. A public hearing will be held on September 10, 2020 to give all interested parties the opportunity to comment on the proposed changes and formal approval.

The final step in the process is Board of Trustees' consideration and approval.

MOTION 20-08-01: Trustee McClure moved that the Board of Trustees adopts a motion to approve the proposed changes to WAC 132P-33 Student Rights and Responsibilities as presented on August 10, 2020. The motion was seconded by Trustee Ozuna. Trustee Mendoza requested that this issue be revisited in six months to ensure protective measures are put into place for students and employees via updated policies if needed. There was no further discussion and the motion passed unanimously.

D. **Call to the Public.** No one indicated a desire to address the Board.

E. **Date of Next Meeting**— The next Regular meeting will be Thursday, September 10, 2020.

- F. **Executive Session.** No executive session was called.
- G. **Action Items.** N/A
- H. **Adjournment.** The meeting was adjourned at 2:44 p.m.

PATRICK BALDOZ

Patrick Baldoz, Chair

LINDA KAMINSKI

Attest: Linda Kaminski, Secretary