

EvCC6180: CONFIDENTIALITY AND RIGHT TO PRIVACY POLICY

Original Date: December 2017

Policy Contact: Title IX Coordinator

POLICY

- (1) Everett Community College will seek to protect the privacy of the involved parties to the full extent possible, consistent with the legal obligation to investigate, take appropriate remediate action, and comply with the federal and state law, as well as other college policies and procedures.
- (2) Confidentiality request and sexual violence complaints.
 - a. The Title IX coordinator will inform and obtain consent from the complainant before commencing an investigation into a sexual violence complaint. If a sexual violence complainant asks that their name not be revealed to the respondent or that the college not investigate the allegation, the Title IX coordinator will inform the complainant that maintaining confidentiality may limit the college's ability to fully respond to the allegations and that retaliation is prohibited. If the complainant still insists that their name not be disclosed or that the college not investigate, the Title IX coordinator will determine with the college can honor the request and at the same time maintain a safe and nondiscriminatory environment for all members of the college community, including the complainant. Factors to be weighed during this determination may include, but are not limited to:
 - i. The seriousness of the alleged sexual violence.
 - ii. The age of the complainant.
 - iii. Whether the sexual violence was perpetrated with a weapon.
 - iv. Whether the respondent has a history of committing acts of sexual violence or violence or has been the subject of other sexual violence complaints.
 - v. Whether the respondent threatened to commit additional acts of sexual violence against the complainant or others.
 - vi. Whether the relevant evidence can be obtained through other means (e.g., security cameras, other witnesses, physical evidence).
 - b. Although the college will attempt to honor any complainant's request for confidentiality (i.e., for their name not to be revealed to the respondent or that the college not investigate the allegation), the college cannot guarantee complete confidentiality.
 - c. Determinations regarding how to handle requests for confidentiality will be made by the Title IX coordinator.
 - d. If the college is unable to honor a complainant's request for confidentiality, the Title IX coordinator will notify the complainant of the decision prior to proceeding and will ensure that the complainant's identity is disclosed only to the extent reasonably necessary to effectively conduct and complete the investigation.
 - e. If the college decides not to conduct an investigation or take disciplinary action because of a request for confidentiality, the Title IX coordinator will evaluate whether other measures are available to limit the effects of the harassment and prevent its recurrence, and implement such measures if reasonably feasible.

RELEVANT LAWS AND OTHER RELATED INFORMATION

Title IX of the Educational Amendments of 1972

Section 504 of the Rehabilitation Act of 1973

Title VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1975

[WAC 132E-122-180](#)

[RCW 49.60.030](#)

REVISION HISTORY

Original Date: December 2017

APPROVED BY

Board of Trustees