
From: Carstens, Ryan <Ryan.Carstens@scc.spokane.edu>
Sent: Tuesday, April 19, 2016 6:04 PM
To: Johns, Gary
Cc: Naccarato-Sinclair, Carla
Subject: Notice of informal meeting

Mr. Johns:

I have had the opportunity to review the investigative report and have concerns regarding communication and process/procedure issues that led to a recent student complaint and investigation. Specifically:

€
Failure, as a faculty member, to report a student complaint of harassment.

€
Failure to use appropriate channels to address alleged fraternization violation.

The above could constitute cause for action under either Article 11/Section 3b or Article 12/Section 5b of the Master Contract.

An informal meeting has been scheduled for Wednesday, April 20 at 8am in my office. The purpose of this meeting is to discuss my concerns, gather your input and then attempt to resolve the issue(s). Given the potential for corrective action, you have a right to AHE representation during this meeting. Please make your own arrangements in that regard.

Please note that refusal to participate in good faith in this process may create cause for progressive disciplinary action under Article 12, section 5b. As such I expect you to attend this meeting and participate in good faith to resolve the concerns.

< Ryan

Dr. D. Ryan Carstens, President
Spokane Community College
509.533.7042 (off)
ryan.carstens@scc.spokane.edu



DATE: 2 May 2016
TO: Gary Johns
FROM: Dave Cox
SUBJECT: Remediation Plan

Pursuant to Article 11 of the Master Contract between the Community Colleges of Spokane Board of Trustees and the CCS Association of Higher Education ("CBA"), we met informally on April 20, 2016 along with your Union Representative, Ms. Carla Naccarato-Sinclair, and our district's Chief Administration Officer, Greg Stevens, to discuss and begin to resolve concerns related to complaints from a criminal justice student and completion of Title IX training. Specifically, to address the concerns we discussed the need for the following areas of remediation:

- Insuring that you understand and follow the established college policy and procedures related to faculty professional conduct, student conduct and handling student complaints.
- Exercising professional judgment in sensitive situations.

During this meeting you and your representative verified that these are appropriate matters for the remediation process. This improvement plan has been developed by me based on our discussions at that meeting. It specifies the objectives and assistance that both you and I committed to provide to achieve resolution of the concerns, as follows:

Objective 1: Insuring that you understand and follow the established college policy and procedures related to faculty professional conduct, student conduct and handling student complaints.

Actions Required:

- a. Gary Johns will complete (to be designated) training by June 1, 2016 regarding college policy and procedure surrounding professional faculty conduct and prohibited conduct.
- b. Gary Johns will meet with Dean Dave Cox and student services staff to receive initial training by June 21, 2016 regarding college procedures for handling student complaints and student code of conduct issues.
- c. Gary Johns will complete the follow-up training for faculty in September 2016 on procedures for handling student complaints and student code of conduct issues.

Framework of Accountability: The Dean of the division will monitor Gary Johns' efforts in these areas. Monitoring efforts will include, at a minimum, insuring that there is a timeline with actual dates established and followed to meet the above objectives. The Dean will share the timeline and status/feedback with you and the Vice President of Instruction in written and oral formats on a on a set date each month throughout the established timeline.



Objective 2: Exercising professional judgment in sensitive situations.

Actions Required:

- a. Gary Johns will complete training on sensitivity and communications, by June 15, 2016.

Framework of Accountability: The Dean of the division will monitor Gary Johns' efforts in these areas. Monitoring efforts will include, at a minimum, insuring that there is a timeline with actual dates established and followed to meet the above objectives. The Dean will share the timeline and status/feedback with you and the Vice President of Instruction in written and oral formats on a set date each month throughout the established timeline.

In conclusion, the remedial objectives set forth in this plan need to be completed no later than September 30, 2016. If they are not, you may request a meeting no later than August 31, 2016 to determine if it is appropriate to extend or modify this plan.

Refer to Article 11, Section 3C7 regarding the actions authorized by the College in the event of a failed remedial improvement plan.

From: Carstens, Ryan <Ryan.Carstens@scc.spokane.edu>
Sent: Tuesday, April 19, 2016 6:03 PM
To: Prim, Mike
Cc: Naccarato-Sinclair, Carla
Subject: Notice of informal meeting

Mr. Prim:

I have had the opportunity to review the investigative report and have concerns regarding communication and process/procedure issues that led to a recent student complaint and investigation. Specifically:

€
Failure, as a faculty member, to report a student complaint of harassment.

€
Failure to report a student complaint of harassment as the Criminal Justice Department Chair.

€
Failure in your responsibility as a faculty member to manage your classroom, which, in my opinion, resulted in the perceived retaliation when you filed complaints against the student.

The above could constitute cause for action under either Article 11/Section 3b or Article 12/Section 5b of the Master Contract.

An informal meeting has been scheduled for Wednesday, April 20 at 7:30am in my office. The purpose of this meeting is to discuss my concerns, gather your input and then attempt to resolve the issue(s). Given the potential for corrective action, you have a right to AHE representation during this meeting. Please make your own arrangements in that regard.

Please note that refusal to participate in good faith in this process may create cause for progressive disciplinary action under Article 12, section 5b. As such I expect you to attend this meeting and participate in good faith to resolve the concerns.

< Ryan

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DATE: 2 May 2016
TO: Mike Prim
FROM: Dave Cox
SUBJECT: Remediation Plan

Pursuant to Article 11 of the Master Contract between the Community Colleges of Spokane Board of Trustees and the CCS Association of Higher Education ("CBA"), we held an informal meeting on April 20, 2016 along with your Union Representative, Ms. Carla Naccarato-Sinclair, and our district's Chief Administration Officer, Greg Stevens, to discuss and begin to resolve concerns regarding complaints from a criminal justice student. Specifically, to address the concerns we discussed the need for the following areas of remediation:

- Insuring that all criminal justice faculty understand and follow the established college procedures related to student conduct and student concerns.
- Exercising professional judgment in sensitive situations.
- Finding teaching strategies that protect academic freedom while also demonstrating academic responsibility, by engaging students in difficult or even provocative subject matter without exhibiting in your role as a faculty member (nor appearing to condone) disrespectful, unprofessional, and/or other attitudes or behaviors that are prohibited by Title IX, state code, and college policy.

During this meeting you and your representative verified that these are appropriate matters for the remediation process. This improvement plan has been developed by me based on our discussions at that meeting. It specifies the objectives and assistance that both you and I committed to provide to achieve improved performance, as follows:

Objective 1: Insuring that all criminal justice faculty understand and follow the established college procedures related to student conduct and student concerns.

Actions Required:

- a. Mike Prim will collaborate with Dean Dave Cox, the District Director of Compliance, Amy McCoy, the college Title IX coordinator, Glen Cosby, student services staff, and communications faculty to review comprehensive faculty training materials regarding procedures for handling student complaints and student code of conduct issues, by end of Spring 2016 quarter.
- b. Mike Prim will collaborate with Dean Dave Cox and student services to visibly participate in the training delivered to all criminal justice full-time and part-time faculty on comprehensive procedures for handling student complaints and student code of conduct issues, by end of Spring 2016 quarter.



- c. Mike Prim will collaborate with Dean Dave Cox and student services staff to develop a student handbook for the criminal justice program that reaffirms, and serves as an addendum to, the college student handbook, by September 19, 2016.

Framework of Accountability: The Dean of the division will work with and monitor Mike Prim's efforts in these areas. Monitoring efforts will include, at a minimum, insuring that there is a timeline with actual dates established and followed to meet the above objectives. The Dean will share the timeline and status/feedback with Mike Prim and the Vice President of Instruction in written and oral formats on a set date each month throughout the established timeline.

Objective 2: Exercising professional judgment in sensitive situations.

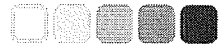
Actions Required:

- a. Mike Prim will complete training on sensitivity and communications, by June 15, 2016.

Framework of Accountability: The Dean of the division will monitor Mike Prim's efforts in these areas. Monitoring efforts will include, at a minimum, insuring that there is a timeline established with actual dates established and followed to meet the above objectives. The Dean will share the timeline and status/feedback with Mike Prim and the Vice President of Instruction in written and oral formats on a set date each month throughout the established timeline.

Objective 3: Finding teaching strategies that protect academic freedom while also demonstrating academic responsibility, by engaging students in difficult or even provocative subject matter without exhibiting in your role as a faculty member (nor appearing to condone) disrespectful, unprofessional, and/or other attitudes or behaviors that are prohibited by Title IX, state code, and college policy.

- a. Collaborate with the Vice President of Instruction and division Dean to conduct a full Program Review of the Criminal Justice program, per the college program review process, to be completed by the end Spring 2017 quarter. The program review will include assistance from consultant(s) outside of the college's criminal justice program.
- b. Collaborate with consultants to conduct a separate accelerated review of all criminal justice courses with the specific purpose of refining teaching and learning strategies to meet the desired learning outcomes without exhibiting in the role as a faculty member (nor appearing to condone) disrespectful, unprofessional, and/or other attitudes or behaviors that are prohibited by Title IX, state code, and college policy. This separate review of the course teaching/learning strategies will follow the accelerated timeline below:



- i. Commencing May 9, 2016, the CJ209 course materials taught by Mr. Prim in the Spring 2016 quarter will be reviewed with outside assistance prior to their presentation.
- ii. All other courses will be reviewed prior to beginning of Fall quarter (September 19, 2016).
- iii. At the conclusion of each course review, create a short synopsis of the top three insights or lessons learned that relate to either changes made in the course or affirmation of current course strategy.
- iv. Aggregate the separate course synopses into a single report to share with the Dean. This information might become useful as a training tool for other faculty.

Framework of Accountability: The Dean of the division will monitor Mike Prim's efforts in these areas. Monitoring efforts will include, at a minimum, insuring that there is a timeline established and followed to meet the above objectives. The Dean will share the timeline and status/feedback with Mike Prim and the Vice President of Instruction in written and oral formats on a specific date each month throughout the established timeline.

In conclusion, the remedial objectives (excluding 3a above) set forth in this plan need to be completed no later than September 30, 2016. If they are not, you may request a meeting no later than August 31, 2016 to determine if it is appropriate to extend or modify this plan.

Refer to Article 11, Section 3C7 regarding the actions authorized by the College in the event of a failed remedial improvement plan.



District Administration Services

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May 2, 2016

TO: Ryan Carstens, President

FROM: Greg Stevens, Chief Administration Officer *gs*

SUBJECT: Title IX Determination

Consistent with our discussions beginning the week of April 11, 2016, I am forwarding you this written summary of Title IX violation analysis and determination in the R-1 complaint. In summary, based upon the information available to us through the investigative process, we did not substantiate a Title IX violation but did find evidence of process, procedural and directive violations.

Title IX of the Education Amendments of 1972 provides that "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance."

Sexual harassment of students is a form of sex discrimination prohibited by Title IX. Under Title IX, sexual harassment is defined as unwelcome, gender based, verbal, or physical conduct that is sufficiently pervasive to unreasonably interfere with the students' ability to participate in the educational program, or based on power differentials (quid pro quo) or creating a hostile working environment, or involving retaliatory behavior. More recently, as a result of a "Dear Colleague" directive, specific emphasis has been placed on sexual misconduct violations including domestic violence, dating violence, stalking, and nonconsensual sex or sexual contact.

There were no allegations, complaints or findings during this investigation indicating sexual misconduct.

Sexual harassment must be "severe, pervasive, and objectively offensive," to the extent that the victim is deprived of educational opportunities or services. In this situation the student was successfully progressing toward her degree during the time period the alleged conduct occurred – she was successful in classes and receiving all support services and benefits she was entitled to receive as a Criminal Justice student. She was temporarily removed from the Rho Beta Psi student club during Spring 2015 on the basis of alleged club violation, but so were two male students. The student was returned to the club upon her request the following quarter. That action was not determined to be gender based or severe.

For the above reasons a determination was made that there was no Title IX violation substantiated in this complaint. There were, however, determined to be violations of directives, procedures and processes. Those findings were communicated as part of the investigative report issued on April 8, 2016.

If you have any further questions please do not hesitate to let me know.

TO: Ms. R-2
FROM: Mike Prim, Gary Johns

Ms. R-3

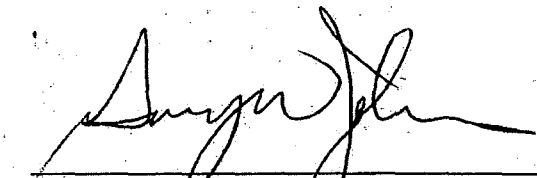
We regret any misunderstanding that has occurred as a result of our comments or actions. It has not been our intention to offend you or any other student.

We reaffirm our commitment to assisting you to successfully complete the criminal justice program.

Signed,



Mike Prim



Gary Johns