

## **RCW 28B.112.070**

### **Sexual misconduct—Investigations, records.**

(1) Unless the victim of the alleged sexual misconduct requests otherwise, when a postsecondary educational institution investigates a complaint or allegation of sexual misconduct committed by an employee against a student of the institution, the institution shall complete the investigation whether or not the employee voluntarily or involuntarily leaves employment with the institution. When the institution completes its investigation, the institution shall make written findings of whether the complaint or allegation is substantiated.

(2)(a) A postsecondary educational institution shall include in the employee's personnel file or employment records any substantiated findings of sexual misconduct committed by the employee while the employee was employed with the postsecondary educational institution.

(b) When disclosing records included in an employee's personnel file or employment records under this section, the institution shall keep personal identifying information of the complainant and any witnesses confidential, unless disclosure of identifying information is agreed to by the complainant or witnesses or required under law.

(c) Personal identifying information in an employee's file or employment records that reveals the identity of the complainant and any witnesses is exempt from public disclosure pursuant to RCW **42.56.375**.

(3) For purposes of this section, postsecondary educational institutions shall use a preponderance of the evidence standard when determining whether findings are substantiated.

(4) For purposes of this section and RCW **28B.112.080**, "substantiated" means the employee has committed sexual misconduct.

[ **2020 c 335 § 5.**]

### **NOTES:**

**Findings—Intent—2020 c 335:** See note following RCW **28B.112.040**.