

SEXUAL HARASSMENT OF STUDENTS PROHIBITED

This procedure applies to sexual harassment (including sexual violence) targeted at students carried out by other students, employees or third parties involved in district activities.

Definitions

The following definitions apply to this procedure:

“Complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

“Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

TITLE IX COORDINATOR, INVESTIGATOR, AND DECISION-MAKER

The district will designate and authorize one employee to act as “Title IX Coordinator” to coordinate the district’s state and federal sex discrimination and sexual harassment regulation compliance efforts. The decision-maker who reaches the final determination of responsibility for alleged Title IX sexual harassment will be the Superintendent or designee. The decision-maker cannot be the same person who serves as the Title IX Coordinator or the investigator of a complaint.

NOTICE OF SEXUAL HARASSMENT POLICY AND PROCEDURE

The district will provide notice of the following to students, parents or legal guardians, employees, applicants, and unions/professional organizations holding agreements with the district:

1. The Title IX Coordinator’s name, office address, email address, and telephone number;
2. The district’s nondiscrimination statement that it complies with Title IX’s requirement to not discriminate on the basis of sex in its education programs and activities, including admissions and employment. Inquiries about Title IX’s application to the District may be referred to the Title IX Coordinator, the Assistant Secretary for Civil Rights of the Department, or both; and
3. The process for reporting or filing a complaint of sexual harassment as contained in this procedure. The District will prominently display the Title IX Coordinator’s contact information and its nondiscrimination statement on its website and in each handbook or catalog it makes available.

Information about the district’s sexual harassment policy and complaint procedure will be posted throughout each school building and reproduced in each student, staff, volunteer and parent handbook. This notice will be provided in a language that each parent and guardian can understand.

RESPONDING TO NOTICE OF SEXUAL HARASSMENT

In response to notice of sexual harassment, the district will take prompt and appropriate action to investigate and take prompt and effective steps reasonably calculated to end harassment, eliminate the hostile environment, prevent its recurrence, and as appropriate, remedy its effects.

The district is on notice and required to take action when any employee knows, or in the exercise of reasonable care should know, about possible sexual harassment.

Any staff member who becomes aware of an incident of possible sexual harassment must promptly notify the Title IX Coordinator, school principal or designee. The school principal or designee will promptly notify the Title IX Coordinator. In addition, in the event of an alleged sexual assault, the school principal will promptly inform law enforcement and notify the targeted student(s) and their parents/guardians of their right to file a criminal complaint and a sexual harassment complaint simultaneously.

Once on notice of possible sexual harassment, the Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures and explain to the complainant the process for filing a formal complaint.

Supportive measures must be offered to the complainant by the Title IX Coordinator upon notice of possible sexual harassment, before or after the filing of a formal complaint, or where no formal complaint has been filed. Supportive measures may also be provided to the respondent. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or respondent. Supportive measures should be designed to restore or preserve access to the district's education program or activity without unreasonably burdening the other party.

Examples of supportive measures may include:

- An opportunity for the complainant to explain to the alleged harasser that his or her conduct is unwelcome, offensive or inappropriate, either in writing or face-to-face;
- A statement from a staff member to the alleged harasser that the alleged conduct is not appropriate and could lead to discipline if proven or repeated;
- A general public statement from an administrator in a building reviewing the district sexual harassment policy without identifying the complainant;
- Developing a safety plan;
- Modifications of work or class schedules;
- Counseling;
- Mutual restrictions on contact between the parties;
- Increased security and monitoring of certain areas of the campus or school building, or
- Providing staff and/or student training.

The district will inform the complainant and, as appropriate, their parent/guardian how to report any subsequent problems. Additionally, the district will conduct follow-up inquiries to see if there have been any new incidents or instances of retaliation, and to promptly respond and appropriately address continuing or new problems. Follow-up inquiries will follow a timeline agreed to by the district and complainant.

Confidentiality

The district will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the district to provide the supportive measures.

If a complainant requests that his or her name not be revealed or asks that the district not investigate or seek action against the respondent, the request will be forwarded to the Title IX Coordinator for evaluation. The Title IX Coordinator will inform the complainant that honoring the request may limit the district's ability to respond fully to the incident, including pursuing disciplinary action against the respondent.

If the complainant still requests that his or her name not be disclosed or that the district not investigate or seek action against the respondent, the district will need to determine whether it can honor such a request while still providing a safe and nondiscriminatory environment for all students, staff, and other third parties engaging in district activities, including the complainant. Although a complainant's request to have his or her name withheld may limit the district's ability to respond fully to an individual allegation of sexual harassment, the district will use other appropriate means available to address the sexual harassment.

Non-retaliation

Title IX and state law prohibit retaliation against any individual who files a complaint under these laws or participates in a complaint investigation. When a complaint of sexual harassment is made, the district will take steps to stop further harassment and prevent any retaliation against the person who made the complaint, was the subject of the harassment, or against those who provided information as a witness. The district will investigate all allegations of retaliation and take actions against those found to have retaliated.

FORMAL COMPLAINT PROCESS

I. Level One – Complaint to District

Anyone may initiate a formal complaint of sexual harassment, even if the district is already responding to the issue by other means.

The district adopts preponderance of the evidence as the standard of proof it will use in reaching decisions regarding complaints.

A. Filing of Complaint

A formal complaint must be in writing and set forth the specific acts, conditions or circumstances alleged to constitute sexual harassment. The Title IX Coordinator may draft the complaint based on the report of the complainant for the complainant to review and approve. The Title IX Coordinator may also conclude that the district needs to conduct an investigation based on information in his or her possession, regardless of the complainant's interest in filing a formal complaint.

Complaints may be submitted by mail, fax, e-mail or hand-delivery to the district Title IX Coordinator. Any district employee who receives a complaint that meets these criteria will promptly notify the Coordinator.

The time period for filing a complaint is one year from the date of the occurrence that is the subject matter of the complaint. However, a complaint filing deadline may not be imposed if the complainant was prevented from filing due to: (1) Specific misrepresentations by the district that it had resolved the problem forming the basis of the complaint; or (2) Withholding of information that the district was required to provide under WAC 392-190-065 or WAC 392-190-005.

B. Title IX Coordinator's Review of the Formal Complaint

Upon receipt of a formal complaint, the Title IX Coordinator will review it and determine whether it will be investigated under the *Standard Complaint Process* or the *Title IX Complaint Process*.

A complaint must be investigated under the *Title IX Complaint Process* if the alleged conduct constitutes sexual harassment as defined by Title IX regulations¹, and:

- The written complaint is filed by the complainant of the alleged sexual harassment, by the complainant’s legal guardian, or by the Title IX Coordinator;
- The complaint requests that the district investigate the allegation(s) of sexual harassment, as defined under Title IX regulations;
- The complaint is against a named respondent who, at the time of the alleged harassment, was under the control of the district (such as a student, employee, or volunteer);
- The alleged sexually harassing conduct occurred in the United States; and
- The complainant is participating in or attempting to participate in the district’s educational program or activity at the time.

A formal complaint that does not meet these criteria for investigation under the *Title IX Complaint Process* will be investigated under the *Standard Complaint Process (Skip to Section D on page six)*. The Title IX Coordinator will provide prompt notice to the complainant and respondent that the complaint will be processed under the *Standard Complaint Process* rather than the *Title IX Process* and the reasons therefore.

C. Title IX Complaint Process

Formal complaints of sexual harassment that the Title IX Coordinator determines qualify for the *Title IX Complaint Process* under the standards in Section B, above, will be processed according to the steps described in this section.

1. Acknowledging a Formal Title IX Complaint

The Title IX Coordinator will receive and investigate all formal, written complaints of sexual harassment or information in the Coordinator’s possession that they believe requires further investigation. The Coordinator will delegate his or her authority to participate in this process if such action is necessary to avoid any potential conflicts of interest. Upon receipt of a complaint, the Coordinator will offer supportive measures to both parties.

The district will acknowledge receipt of the formal complaint by providing the following written notice to the respondent(s) and complainant:

- A copy of the complaint procedure in a language the parties can understand.
- Notice of the allegations of sexual harassment with sufficient time for the parties to prepare a response before any initial interview and with sufficient detail. Such sufficient detail includes the identities of the parties involved in the incident if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident if known.
- Notice that the parties may have an advisor of their choice who may be an attorney or non-attorney, and who may inspect and review evidence of the alleged sexual harassment.

¹ Under Title IX, the term “sexual harassment” means:

- an employee of the district conditioning the provision of an aid, benefit, or service on an individual’s participation in unwelcome sexual conduct;
- conduct that creates a “hostile environment,” meaning unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the education program or activity; or
- “sexual assault,” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).

- Notice that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility for alleged sexual harassment is made at the conclusion of the grievance process.
- Notice of any provision in student conduct policies and procedures that prohibits false statements or submitting false information.

2. Investigation of a Title IX Formal Complaint

The district's investigation of a Title IX complaint must:

- Include a prompt and thorough investigation into the allegations in the complaint.
- Ensure that the district bears the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility for the alleged sexual harassment. The district may not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting or assisting in their professional capacity and made and maintained in connection with the provision of treatment to the party unless the district obtains the party's voluntary, written consent to do so.
- Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
- Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
- Provide the parties with the same opportunities to have others present during any grievance proceeding; including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be an attorney or non-attorney. The district will apply any restrictions regarding the extent to which an advisor may participate equally to both parties.
- Provide to a party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all hearings, interviews, or other meetings, with sufficient time for the parties to prepare to participate.
- Prior to the completion of an investigative report, provide an equal opportunity for the parties to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. This includes evidence that the district does not intend to rely on in reaching a determination of responsibility for the alleged sexual harassment, regardless of the source of the evidence. The parties will have at least ten (10) days to submit a written response for the investigator to consider prior to completion of the investigative report.
- At least ten (10) days prior to a determination regarding responsibility, create an investigative report that fairly summarizes relevant evidence, and send the investigative report in an electronic or hard copy format to each party and each party's advisor for their review and written response.
- After transmitting the investigative report to the parties, but before reaching a final determination regarding responsibility, the decision-maker must give each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant unless they are offered to prove that someone other than the respondent committed the conduct alleged by the complainant or unless they concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker must explain to the party proposing the questions any decision to exclude a question as not relevant.

The district's Title IX investigative and grievance process is not required to include investigative hearings.

At the conclusion of the investigative process, the investigation report will be submitted to the Superintendent for processing in accordance with Section (E), below.

a. *Discipline and Emergency Removals for Alleged Sexual Harassment under Title IX*

A respondent who is accused of sexual harassment under Title IX is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. The district may not impose any disciplinary sanctions, or other actions that are not supportive measures, against the respondent until the district has determined the respondent was responsible for the sexual harassment at the conclusion of the grievance process.

These additional Title IX sexual harassment procedures do not preclude the district from removing a student from school on an emergency basis consistent with Policy and Procedure 3241.

b. *Title IX Informal Resolution Process*

At any time prior to a determination in a Formal Title IX Complaint, the district may permit a complainant to waive the formal complaint grievance process in favor of an informal resolution process not involving a full investigation and adjudication, provided that the district obtains the parties' voluntary, written consent; the district does not offer informal resolution of sexual harassment allegations against a respondent who is an employee of the district, the district provides reasonably prompt time frames for the informal resolution process; and the district provides the parties with written notice disclosing the allegations, the requirements for the informal resolution process, and the circumstances in which the parties would be precluded from continuing with a formal resolution process for the same allegations.

A party has the right to withdraw from the informal resolution process and resume the formal Title IX grievance process at any time prior to agreeing to a resolution.

The district may not require the waiver of the right to an investigation and adjudication of formal complaints of sexual harassment under Title IX as a condition of enrollment, employment, or enjoyment of any other right, nor may the district require the parties to participate in an informal resolution process. The district will not offer an informal resolution process unless a formal complaint is filed.

D. Standard Complaint Process

Formal complaints of sexual harassment that the Title IX Coordinator determines do not qualify for the *Title IX Complaint Process* under the standards in Section B, above, will be processed as described in this section.

1. Acknowledging a Standard Formal Complaint

Upon receipt of a complaint, the Coordinator will provide the complainant a copy of this procedure in a language the complainant can understand. Upon receipt of a complaint, the Coordinator will offer supportive measures to both parties.

2. Investigating a Standard Formal Complaint

Investigations will be carried out in a manner that is prompt, thorough, reliable, and impartial. During the investigation process, the complainant and respondent(s) will have an equal opportunity to present witnesses

and relevant evidence. Complainants, respondents, and witnesses may have a trusted adult with them during any district-initiated investigatory activities. The district and complainant may also agree to resolve the complaint in lieu of an investigation.

The investigation must be completed within 25 calendar days of receipt of the complaint, unless otherwise agreed to by the complainant or if exceptional circumstances related to the complaint require an extension of the time limit. In the event an extension is needed, the district will notify the parties in writing of the reason for the extension and the anticipated response date.

At the conclusion of the investigative process, the investigation report will be submitted to the Superintendent for processing in accordance with Section E, below.

a. Mediation of Standard Formal Complaint

At any time during the complaint procedure set forth in WAC 392-190-065 through 392-190-075, the district may, at its own expense, offer mediation. The complainant and the district may agree to extend the complaint process deadlines in order to pursue mediation.

The purpose of mediation is to provide both the complainant and the district an opportunity to resolve disputes and reach a mutually acceptable agreement through the use of an impartial mediator. Mediation must be voluntary and requires the mutual agreement of both parties. It may be terminated by either party at any time during the mediation process. It may not be used to deny or delay a complainant's right to utilize the complaint procedures.

Mediation must be conducted by a qualified and impartial mediator who may not: (1) be an employee of any school district, or other public or private agency that is providing education related services to a student who is the subject of the complaint being mediated; or (2) have a personal or professional conflict of interest. A mediator is not considered an employee of the district or other public or private agency solely because he or she serves as a mediator.

If the parties reach agreement through mediation, they may execute a legally binding agreement that sets forth the resolution and states that all discussions that occurred during the course of mediation will remain confidential and may not be used as evidence in any subsequent complaint, due process hearing or civil proceeding. The agreement must be signed by the complainant and a district representative who has authority to bind the district.

E. Superintendent's Response to Formal Title IX Complaints and Standard Complaints

At the conclusion of a Formal Title IX or Standard Complaint Investigation, the decision-maker (Superintendent or designee) must issue a written determination of responsibility regarding the alleged sexual harassment within thirty (30) calendar days of receipt of the complaint, unless otherwise agreed to by the complainant or if exceptional circumstances related to the complaint require an extension of the time limit (exceptional circumstances may include complying with the procedural requirements of the Formal Title IX complaint process). In the event an extension is needed, the district will notify the parties in writing of the reason for the extension and the anticipated response date. At the time the district responds to the complainant, the district must send a copy of the response to the Office of the Superintendent of Public Instruction (OSPI).

The written determination must be issued to the parties simultaneously and must include:

- (1) Identification of the allegations potentially constituting sexual harassment;

- (2) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;
- (3) Findings of fact supporting the determination;
- (4) Conclusions regarding the application of the district’s code of conduct to the facts;
- (5) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and whether remedies designed to restore or preserve equal access to the education program or activity will be provided to the complainant;
- (6) A statement of whether the district failed to comply with Chapter 392-190 WAC; and
- (7) Notice of the parties’ right to appeal to the school board and the necessary filing information.

Any corrective measures deemed necessary will be instituted as quickly as possible, but in no event more than thirty (30) days after the Superintendent's mailing of a written response, unless the accused is appealing the imposition of discipline and the district is barred by due process considerations or a lawful order from imposing the discipline until the appeal process is concluded.

The district will inform the complainant and as appropriate, their parent/guardian how to report any subsequent problems. Additionally, the district will conduct follow-up inquiries to see if there have been any new incidents or instances of retaliation, and to promptly respond and appropriately address continuing or new problems. Follow-up inquiries will follow a timeline agreed to by the district and complainant.

II. Level Two - Appeal to Board of Directors

Notice of Appeal and Hearing

- If the complainant or respondent(s) disagrees with the district’s decision to dismiss a formal complaint or any allegations therein or the Superintendent’s or designee’s written decision, the disagreeing party may appeal the decision to the district board of directors by filing a written notice of appeal with the secretary of the board within ten (10) calendar days following the date upon which the complainant received the response.
- The district will implement appeal procedures equally for both parties and provide written notice to the other party when an appeal is filed.
- The district will ensure that the decision-maker for the appeal is not the same decision-maker who reached the determination regarding responsibility or dismissal, the investigator, or the Title IX Coordinator.
- The district will ensure that the decision-maker(s) for the appeal have received the training required for decision-makers as required by this procedure.
- Both parties will be allowed a reasonable, equal opportunity to submit a written statement in support of or challenging the outcome of the initial determination.

Board Decision

- Unless otherwise agreed to by the parties, the board will render a written decision simultaneously to both parties within thirty (30) calendar days following the filing of the notice of appeal.
- The written decision will describe the result of the appeal and the rationale for the result.
- The decision will include notice of the complainant’s or respondent’s right to appeal to OSPI and will identify where and to whom the appeal must be filed. The district will send a copy of the appeal decision to OSPI.

III. Level Three - Complaint to the Superintendent of Public Instruction

Filing of Complaint

- If a complainant or respondent disagrees with the decision of the board of directors, or if the district fails to comply with this procedure, the complainant or respondent may file a complaint with OSPI.
- A complaint must be received by OSPI on or before the twentieth (20) calendar day following the date upon which the complainant or respondent received written notice of the board of directors' decision, unless OSPI grants an extension for good cause. Complaints may be submitted by mail, fax, electronic mail, or hand delivery.
- A complaint must be in writing and include: (1) A description of the specific acts, conditions or circumstances alleged to violate applicable anti-sexual harassment laws; (2) The name and contact information, including address, of the complainant or respondent; (3) The name and address of the district; (4) A copy of the district's complaint and appeal decision, if any; and (5) A proposed resolution of the complaint or relief requested.
- If the allegations regard a specific student, the complaint must also include the name and address of the student, or in the case of a homeless child or youth, contact information for the student; and the name of the school and school district the student attends.

Investigation, Determination and Corrective Action

- Upon receipt of a complaint, OSPI may initiate an investigation, which may include conducting an independent on-site review. OSPI may also investigate additional issues related to the complaint that were not included in the initial complaint or appeal to the Superintendent or board.
- Following the investigation, OSPI will make an independent determination as to whether the district has failed to comply with the applicable state law and will issue a written decision to the complainant and the district that addresses each allegation in the complaint and any other noncompliance issues it has identified. The written decision will include corrective actions deemed necessary to correct noncompliance and documentation the district must provide to demonstrate that corrective action has been completed.
- All corrective actions must be completed within the timelines established by OSPI in the written decision unless OSPI grants an extension. If timely compliance is not achieved, OSPI may take action including but not limited to referring the district to appropriate state or federal agencies empowered to order compliance.

A complaint may be resolved at any time when, before the completion of the investigation, the district voluntarily agrees to resolve the complaint. OSPI may provide technical assistance and dispute resolution methods to resolve a complaint.

IV. Level Four - Administrative Hearing, State Requirement

A party or the district that desires to appeal OSPI's written decision may file a written notice of appeal with OSPI within thirty (30) calendar days following the date of receipt of the written decision. OSPI will conduct a formal administrative hearing in conformance with the Administrative Procedures Act, Chapter 34.05 RCW.

OTHER COMPLAINT OPTIONS

Office for Civil Rights (OCR), U.S. Department of Education

OCR enforces several federal civil rights laws, which prohibit discrimination in public schools on the basis of race, color, national origin, sex, disability, and age. File complaints with OCR within 180 calendar days of the date of the alleged discrimination.

206-607-1600 | TDD: 1-800-877-8339 | OCR.Seattle@ed.gov | www.ed.gov/ocr

Washington State Human Rights Commission (WSHRC)

WSHRC enforces the Washington Law Against Discrimination (Chapter 49.60 RCW), which prohibits discrimination in employment and in places of public accommodation, including schools. File complaints with WSHRC within six months of the date of the alleged discrimination.

1-800-233-3247 | TTY: 1-800-300-7525 | www.hum.wa.gov

RECORDKEEPING

The district will maintain, for a period of seven years, records of all sexual harassment investigations.

The district will maintain, for a period of seven years, records of each Title IX sexual harassment investigation, including any determination regarding responsibility and any audio or audiovisual recording or transcript; any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant; and any appeal from the result of a determination regarding responsibility.

The district will maintain, for a period of seven years, records of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment under Title IX.

The district shall maintain for a period of seven years records of any informal resolution and the result; and all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, and make such materials available on the district's website.

TRAINING AND ORIENTATION

A fixed component of all district orientation sessions for staff, students and regular volunteers will introduce the elements of this procedure and the corresponding policy. Staff will be provided information on recognizing and preventing sexual harassment. Staff will be fully informed of their responsibilities when on notice of sexual harassment, of the formal complaint procedures, and their roles and responsibilities under the policy and procedure.

Certificated staff will be reminded of their legal responsibility to report suspected child abuse, and how that responsibility may be implicated by some allegations of sexual harassment. Regular volunteers will get the portions of this component of orientation relevant to their rights and responsibilities.

Students will be provided with age-appropriate information on the recognition and prevention of sexual harassment and their rights and responsibilities under this and other district policies and rules at student orientation sessions and on other appropriate occasions, which may include parents.

Any individual designated as Title IX Coordinator, an investigator, or decision-maker, and any person who facilitates an informal resolution process must receive training on the following:

- The definition of sexual harassment under Title IX and state law;
- The scope of the district's education program or activity;
- How to conduct an investigation, grievance process, and informal resolution process; and
- How to serve impartially

District investigators must also receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

LANGUAGE

Communications provided to the complainant and respondent under this procedure will in a language that the complainant or respondent can understand, which may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act.

POLICY AND PROCEDURE REVIEW

Annually, the Superintendent or designee will convene an ad hoc committee composed of representatives of certificated and classified staff, volunteers, students and parents to review the use and efficacy of this policy and procedure. The Title IX Coordinator will be included in the committee. Based on the review of the committee, the Superintendent will prepare a report to the board including, if necessary, any recommended policy changes. The Superintendent will consider adopting changes to this procedure if recommended by the committee.