

# Annual Security Report

## Whitman College

### October 1, 2009

*The Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act is a federal law that requires colleges and universities to disclose information about crime on and around their campuses.*

#### **Introduction Statement**

Whitman College is concerned about the safety and welfare of our campus members and guests and commits itself to promoting a safe and secure environment. Because no campus can totally isolate itself from crime, Whitman College has developed a series of policies and procedures designed to ensure that precautions are taken to protect the campus community.

#### **Disclosure of Crime Statistics**

Campus Security prepares this report in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. This report is prepared in cooperation with local law enforcement agencies, Residence Life, Judicial Affairs, Sexual Misconduct Coordinator, Business Office, and other college areas. Each entity provides updated information on their educational efforts and programs to comply with the Clery Act. The annual security report includes statistics for the three most recent calendar years concerning reported crimes that occurred on campus; in certain off-campus buildings or property owned or controlled by Whitman College; and on public property within or immediately adjacent to and accessible from the campus. The statistics must be gathered from campus security, local law enforcement, and other school officials who have "significant responsibility for student and campus activities" such as a student judicial coordinator. The report also includes institutional policies concerning campus security such as sexual assault and other matters.

The annual security report must be published and distributed to current students and employees by October 1<sup>st</sup> of each year. An e-mail will be sent to current students and employees prior to October 1<sup>st</sup> that announces the report's availability, a list and a brief description of the information contained in the report and the exact address (URL) of the Internet Web site at which the report is posted (<http://www.whitman.edu/content/security/annualreport>). A paper copy of the annual security report will be provided to any students or employees on request. Requests for a paper copy should be directed to Campus Security at 509-527-5777.

A notice containing a statement of the annual security report's availability, a description of its content and the opportunity to request a copy will also be provided to prospective students and prospective employees.

#### **Reporting of Criminal Offenses**

Whitman College encourages students, employees and campus visitors to accurately and promptly report crimes to the Walla Walla Police Department and the Whitman College Campus Security Office. Please note that Campus Security is not a police department and filing a report with Security alone is not the same thing as making a report to the Walla Walla Police Department.

Emergency criminal offenses should be reported to the Walla Walla Police Department by dialing 911 and then contacting Campus Security at 527-5777 (only the last four digits are needed when dialing from an on-campus telephone). Non-emergency criminal offenses should be reported to Campus Security at 527-5777. Campus Security can aid in the reporting of non-emergency criminal offenses to the Walla Walla Police Department as needed or requested. Please report any suspicious activity or person inside buildings or around residence halls, loitering around campus or in parking lots to Campus Security. The campus has eight (8) blue light phones at the following campus locations:

1. Harper Joy Theatre--In landscaping between HJT and Science Building
2. Phi Delta Theta, 715 Estrella--In Front Yard
3. Maxey Hall--S.E. Corner
4. Maxey Hall--N.W. Corner
5. Memorial Hall-- NE side, near outdoor tennis courts
6. Music Building-- S.E Corner
7. Prentiss Hall--Near Bridge in front of Prentiss Hall
8. North Hall—In yard in front of North Hall

These phones have a red 911 emergency button that dials the Walla Walla Police Department dispatch. If the red button is pushed and no one responds to the police dispatcher, the Walla Walla Police Department contacts Campus Security, who responds to the site. These phones also allow you to dial on-campus numbers, including Campus Security at 5777. Each residence hall also has a telephone located on the exterior of the hall next to the main front door. These phones dial both on-campus and off-campus numbers but require you to dial a 7 before dialing an off-campus number. However, in an emergency, you would simply dial 911 to reach the Walla Walla Police Department.

**Reporting Options:**

You can also report crimes to the following areas. Reports made to these areas are evaluated for the purpose of making timely warnings to the community and inclusion in the annual statistics.

Security Office	509-527-5777	Memorial Building 117
Dean of Students	509-527-5158	Memorial Building 302
Associate Dean-Judicial Coordinator	509-527-5213	Memorial Building 310
Associate Dean-Residence Life	509-527-5297	Memorial Building 113

**Crime Reports and Timely Warnings**

Security Officers are required to document their activities during their shifts. At the end of their shifts, Security Officers use these activities to write a security log, which is e-mailed to campus budget officers and other department heads for review. Crimes which are either directly reported to Security Officers during their shifts or discovered by Security Officers during their shifts are entered into the Daily Crime Log, which is available at <http://dailysecuritylog.wordpress.com/>. In addition to the Daily Crime Log, Security submits a weekly listing of reported crimes for publication in the student newspaper throughout the academic year.

When a crime is reported by a campus security authority to Security Officers or another of the campus reporting options, the Dean of Students, the Director of Security and/or the Director's supervisor will determine if a timely warning should be issued. A timely warning is information about a serious situation or pattern of incidents which occur on the campus, on adjacent public property and on reportable non-campus property, issued to the campus community when in the judgment of the Dean of Students, the Director of Security and/or the Director's supervisor, it constitutes an ongoing or continuing threat. This warning will be issued by the Dean of Students Office through the college e-mail system to students and employees.

Depending on the particular circumstances of the situation, especially those that could pose an immediate threat to the community and individuals, the Security Office may also distribute flyers to each residence hall through the Resident Directors, each administrative office, the Academic Division Offices, the Fraternities through the Greek Advisor, the athletic facilities and the Physical Plant. If deemed appropriate, flyers will be posted on the entrances to campus buildings. Anyone with information they think warrants a timely warning should report the circumstances to Security at 527-5777 or to any of the offices listed above as reporting options.

The College also requests that the Walla Walla Police Department provide the Director of Security with information regarding crimes on campus or adjacent to the campus for the purpose of issuing timely warnings.

Please note that crimes reported to a psychological or pastoral counselor during a counseling session are confidential and may not result in the issuance of a timely warning.

### **Daily Crime Log**

A daily crime log has been created for the purpose of recording all alleged criminal incidents that are reported to Whitman Security Officers. The daily crime log includes the nature of the crime, the date/time the crime occurred, the date/time crime was reported, the general location of the crime, and the disposition of the crime. Crimes are logged in the order they are received by Security. The daily crime log is available on the web at <http://dailysecuritylog.wordpress.com/>.

### **Voluntary Confidential Reporting**

Whitman allows confidential, anonymous reporting in cases of sexual misconduct and hate crimes. Sexual misconduct incidents may be reported by using an on-line reporting form at <http://wcts.whitman.edu/training/SexualMisconductForm.cfm>. Sexual Misconduct Report Forms are also available in numerous on-campus locations including residence hall sections, interest houses, the restrooms of Reid Campus Center, the Health Center, Counseling Center, Residence Life Office and Dean of Students Office. Instructions for submitting the paper reporting forms is listed on the top of the form and may be done in person or via campus or USPS mail. Hate crimes may be reported using an on-line reporting form at <http://www.whitman.edu/content/aah/report/reportform>. Sexual misconduct and hate reports filed in this manner are counted and disclosed in the annual crime statistics for the College. Whitman College does not allow voluntary confidential reporting in any other situations.

### **Crime Statistics**

Every college and university receiving Title IV funds must disclose crime statistics for the campus, public areas immediately adjacent to or running through the campus, and certain non-campus facilities including Greek housing and remote classrooms. The statistics must be gathered from campus security, local law enforcement, and other school officials who have "significant responsibility for student and campus

activities" such as a student judicial coordinator. Whitman College does not have a written policy which requires psychological and pastoral counselors to inform their clients of the procedures to report crime to Security Officers and/or local law enforcement.

Crimes are reported in the following 8 major categories, with several sub-categories: 1.) Criminal Homicide broken down by a.) Murder and Non-negligent Manslaughter and b.) Negligent manslaughter; 2.) Sex Offenses broken down by a.) Forcible Sex Offenses (includes rape) and b.) Non-forcible Sex Offenses (statutory rape and incest); 3.) Robbery; 4.) Aggravated Assault; 5.) Burglary; 6.) Motor Vehicle Theft; 7.) Arson; 8.) Hate Crimes. (NOTE: For a thorough explanation of the Clery forcible and non-forcible crime statistics go to: <http://www.whitman.edu/content/smrn/clery>. Colleges and universities are also required to report the following three types of incidents if they result in either an arrest or disciplinary referral: 1.) Liquor Law Violations; 2.) Drug Law Violations; and 3.) Illegal Weapons Possession. If both an arrest and referral are made only the arrest is counted.

The statistics are also broken down geographically into on campus, on-campus student residential facilities, non-campus buildings and property, or on public property such as streets and sidewalks. Listed below are the Whitman College crime statistics for the most recent 3-year period including 2008, 2007 and 2006.

	2008	2008	2008	2008	2008	2007	2007	2007	2007	2007	2006	2006	2006	2006	2006	
	OC	OCRH	NCP	PP	*OFF	OC	OCRH	NCP	PP	*OFF	OC	OCRH	NCP	PP	*OFF	
<b>Criminal Homicide:</b>																
~Murder/Non-Negligent Manslaughter	0	0	0	0	-	0	0	0	0	-	0	0	0	0	-	
~Negligent Manslaughter	0	0	0	0	-	0	0	0	0	-	0	0	0	0	-	
<b>**Forcible Sex Offenses:</b>																
~Forcible Rape	3	2	2	0	8	2	2	0	0	2	2	1	3	0	1	
~Forcible Sodomy	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
~Sexual Assault with a weapon	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
~Forced Fondling	3	1	1	0	1	1	1	0	0	0	0	0	0	0	0	
<b>**Non-Forcible Sex Offenses:</b>																
~Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-	
~Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-	
Robbery:	0	0	0	0	-	0	0	0	0	-	0	0	0	0	-	
Aggravated Assault:	2	1	1	0	-	0	0	1	1	-	2	0	0	0	-	
Burglary:	1	1	1	0	-	1	1	1	0	-	0	0	0	0	-	
Motor Vehicle Theft:	0	0	0	0	-	1	0	0	0	-	0	0	0	0	-	
Arson:	0	0	0	0	-	0	0	0	0	-	0	0	0	0	-	
Hate Crimes:	0	0	0	0	-	0	0	0	1	-	0	0	0	0	-	
<b>Alcohol Violations:</b>																
~Arrests	0	0	0	0	-	0	0	0	0	-	1	0	0	0	-	
~Referrals	24	12	0	0	-	15	10	0	0	-	5	0	0	0	-	

**Drug Violations:**

~Arrests	0	0	0	0	-	0	0	0	0	-	1	0	0	0	-
~Referrals	7	4	0	0	-	4	10	0	0	-	6	0	0	0	-
												0			
~Arrests	0	0	0	0	-	0	0	0	0	-	0	0	0	0	-
~Referrals	0	0	0	0	-	0	0	0	0	-	0	0	0	0	-

**OC**=On-campus; **OCRH**=On-campus residence halls; **NCP**=Non-campus property; **PP**=Public property; **\*OFF**=Off-campus (\*category added by Whitman College for sex offense statistics only); **\*\*** Reported by the college's sexual misconduct coordinator

### Security and Access Regarding Campus Facilities

During business hours, most College facilities are open to students, parents, employees, contractors, guests and invitees. During non-business hours access to College facilities is by an authorized key, a valid ID card or admittance via a Security Officer, upon proper authorization. Some College facilities are locked 24 hours a day, seven days a week and require a valid ID card to gain entrance. Examples include Baker Ferguson Fitness Center, North Hall and Sherwood Center. Other College facilities are locked unless a college event is being hosted in the facility. Examples include Baker Faculty Center, Cordiner Hall and Bratton Tennis Center. Other College facilities have individual hours, which may vary at different times of the year. Examples include the Penrose Library and Reid Campus Center.

Exterior residence hall doors are locked 24 hours a day and accessible only by a valid ID card or a key code combination. Over extended college breaks, the exterior doors of residence halls are secured, and equipped with a separate lock from the regular key issued to resident students.

The exterior doors of the student interest houses are locked 24 hours a day and accessible only by a valid key. During winter and summer breaks, interest house exterior door keys are collected from residents and the houses remain locked during these periods.

Students and employees living in college-owned houses are responsible for determining when to lock and unlock their exterior doors and for securing the facility during extended breaks. The fraternity houses are also responsible for determining when to lock and unlock their exterior doors and for securing the facilities during extended breaks.

Emergencies may necessitate changes or alterations to any posted schedules. Campus Security Officers patrol the campus throughout the day and night, and report any areas or items that are a safety or security concern in their security logs. The Security Officers look for safety/security issues such as lighting, alarms, landscaping, locks and construction during their rounds. The security logs are received by numerous offices including the Dean of Student's Office, the Treasurer's Office and the Physical Plant, who respond to reported safety/security issues.

### Enforcement Authority

Whitman College Security Officers have the authority to enforce the policies of Whitman College. This includes having the authority to ask people for identification and to determine whether individuals have

lawful business at Whitman College. It also includes asking unauthorized person to leave campus events and/or property. They also have the authority to contact local law enforcement authorities in seeking compliance with local, state and federal laws. Security Officers do not possess arrest power. Criminal incidents are referred to the Walla Walla Police Department who have jurisdiction on the campus.

The Security Officers maintain a working relationship with the Walla Walla Police Department. At this time, the Security Officers have little on-going contact with the Washington State Police, the Sheriff's Department or the State Liquor Control Commission. If needed or requested, Whitman College Security Officer would work with these agencies. Crime victims and witnesses are strongly encouraged to immediately report crime to the Security Office and the Walla Walla Police Department. Prompt and accurate reporting will assure timely warning notices on-campus.

### **Professional and Pastoral Counseling Reporting**

Professional and pastoral counselors employed by Whitman College have a professional obligation of confidentiality regarding information disclosed during a counseling session. Whitman College does not have a written policy which requires psychological and pastoral counselors to inform their clients of the procedures to report crime to Security Officers and/or local law enforcement.

### **Criminal Activity at Off-Campus Locations**

When a Whitman student is involved in an off-campus offense, local law enforcement will respond to the incident. In addition, Whitman College fraternities, which are recognized off-campus student organizations, are also under the jurisdiction of the Walla Walla Police Department. (Whitman sororities occupy a section of Prentiss Residence Hall so they are considered on-campus student organizations). Security Officers may assist in responding to and investigating an incident at a fraternity when requested to do so by local law enforcement. College officials meet regularly with Walla Walla Police Department representatives to discuss issues relating to off-campus incidents. In addition, crime statistics from the Walla Walla Police Department are included in Whitman's annual security report.

### **Security Awareness/Crime Prevention Programs**

During the new student orientation programs in August and January, new students are informed of services offered by the Whitman College Security Office. The Residence Life staff informs students on ways to maintain personal safety and residence hall security. Sexual assault programs are also presented to new students during the orientation programs, and are also available on request throughout the year. At this time, there are no similar security awareness programs offered to employees.

Crime prevention programs on personal safety and theft prevention are conducted on campus in various formats throughout the year. Campus Security personnel facilitate programs for students, employees and others associated with the College. Programs for residence hall staff are provided each semester, providing a variety of educational strategies and tips on how to protect against assault, theft and other crimes. In August, a session is presented to new students on issues related to sexual misconduct including risk reduction and prevention strategies.

The campus also has an escort service for students and employees (Yellow Jackets) which provides escort to and from campus facilities and up to two blocks off the campus from 7 p.m-1 a.m. seven days a week during the academic year. Security officers can also provide escorts, when student escorts are not in service. *Tip:* To enhance personal safety in the evenings, walk with friends or call Security at 5777 for a Yellow Jacket escort.

Crime information is disseminated to the campus community each week via the student newspaper (The Pioneer), which includes a list of reported crimes. When time is of the essence, information is distributed to the campus community through timely warning memos sent over the college's electronic mail system by the Dean of Students Office.

### **Alcohol Policy**

Alcohol use continues to be an issue of concern on college campuses all across the country. Its abuse by Whitman's students is strongly discouraged because such behavior is absolutely counterproductive to the goals and mission of the college. Whether or not students choose to drink alcoholic beverages is their personal decision; however, individuals are held personally accountable for their actions at all times. The primary objectives of the college's policy and procedures regarding alcoholic beverages are (a) to promote responsible behavior and attitudes among all members of the college community, (b) to educate students concerning the use and effects of alcoholic beverages in order to promote responsible decision-making, and (c) to help individual students experiencing difficulties associated with the use of alcohol.

### **Regulations Concerning Alcohol**

1. There shall be no drinking of alcoholic beverages and no open containers of alcoholic beverages in public places on the college campus or public areas in campus buildings. Exceptions may be made on an event-by-event basis under the following conditions:
  - a. The use of alcoholic beverages will be in full compliance with Washington State law.
  - b. The event is sponsored by a college-affiliated organization or an organization that has reserved the facility according to college procedures.
  - c. A college faculty or staff member assumes responsibility for the event and agrees to be present for its duration.
  - d. The department, division, office, or administrator responsible for the facility being requested agrees to the terms of the use of alcoholic beverages and the facility.
2. No ASWC fees or residence hall fees may be used for the purchase of alcoholic beverages.
3. Students and student groups must avoid the direct or indirect sale of alcoholic beverages.
4. Students will be held directly responsible for the destruction of personal or public property, the violation of the safety or rights of other persons, or the violation of any other campus regulations which may occur while they are under the influence of alcohol. Excessive consumption and/or purchasing large quantities of alcoholic beverages are considered a violation of the alcohol policy.
5. Students should be familiar with the Washington State law that governs the use and purchase of alcohol (see below). Washington State Law Students should know that the alcoholic beverage laws of the State of Washington and the City of Walla Walla specify the following: It is unlawful for people under the age of 21 years to acquire or have in their possession or consume any liquor except that given to them by their parents or guardian or administered by their physician or dentist for medicinal purposes.

### **Washington State Law**

Students should know that the alcoholic beverage laws of the State of Washington and the City of Walla Walla specify the following:

It is unlawful for people under the age of 21 years to acquire or have in their possession or consume any liquor except as administered by their physician or dentist for medicinal purposes. It is a violation of the State Liquor Act punishable by a maximum fine of \$5,000 or imprisonment, or both, for any person under the age of 21 years to purchase alcoholic liquors or to enter or remain on the premises of any establishment licensed to sell liquors at retail. The sale of alcoholic liquor to minors is a felony and the giving or supplying of alcoholic liquor to people under the age of 21, either for their own use or for the

use of any other person for consumption on the premises or anywhere else, is a gross misdemeanor. The misrepresentation of age and the use of false or forged documents to obtain alcoholic beverages are gross misdemeanors punishable by a maximum fine of \$5,000

### **Drug Policy**

It is a violation of college policy to use, possess, or distribute any illegal drug or controlled substance except as expressly permitted by law. Any student choosing to violate this policy, or the laws of the State of Washington, should be prepared to accept the consequences of his/her decision. The college reserves the right to pursue legal and/or its own judicial action should students violate the law or this policy. In addition, if referred for prosecution and found guilty, the law calls for penalties ranging from fines to imprisonment.

### **Drug and Alcohol Prevention Programs**

Whitman College continues to develop a program to prevent the illicit use of drugs and the abuse of alcohol for students. Our current program provides services related to drug use and abuse including the dissemination of informational materials, such as the student handbook, educational programs, counseling services, referrals and college disciplinary efforts. Employees have two options for dealing with the illegal use of drugs and/or the abuse of alcohol. The College contracts with Cigna to provide an employee assistance program. As part of this employee assistance program, Cigna offers College employees anonymous, confidential alcohol abuse and/or drug abuse counseling and resource referrals. Also, employees who are enrolled in the College's medical plan are provided with a chemical dependency treatment benefit (including both alcohol and drugs).

The associate dean of students/student programs and activities provides the overall coordination of the drug and alcohol prevention program. However, many services are the responsibility of other areas of the institution. These include:

- Counseling Services
- Dean of Students
- Health Services
- Institutional Research
- Judicial Affairs
- Residence Life and Housing
- Security Office

### **Sex Offense Policy—Sexual Misconduct**

#### **Sexual Misconduct Policy Introduction**

Whitman College strives to provide a safe environment in which students can pursue their education free from the detrimental effects of sexual misconduct, which includes sexual harassment and sexual assault. Therefore, the College seeks to educate students, faculty and staff about these issues and to provide a means of recourse for those students who believe they have experienced such behavior. The College reserves the right to respond with whatever measures it deems appropriate to prevent sexual misconduct and preserve the safety and well being of students.



## **Purpose**

- To define sexual misconduct involving students, which includes sexual harassment, other forms of non-consensual sexual behavior, and sexual assault
- To identify resources and support for students reporting an incident of sexual misconduct
- To establish procedures for filing complaints of sexual misconduct
- To affirm the College's commitment to preventing sexual misconduct
- To respond appropriately when incidents do occur.

## **Sexual Misconduct Defined**

The College prohibits sexual misconduct in any form. Sexual misconduct is a broad term encompassing any unwelcome behavior of a sexual nature that is committed without consent or by force, intimidation, coercion or manipulation. Sexual misconduct can occur between persons of the same or different genders. Sexual harassment is a form of sexual misconduct. It is gender-based verbal or physical conduct that is so severe, pervasive or objectively offensive that it interferes with a student's ability to benefit from the educational opportunities or activities of the College. Sexual misconduct can occur between persons of the same or different genders.

The list of prohibited conduct under this policy includes, but is not limited to, the following:

- Unwelcome sexual advances or propositions that interfere with a student's education or employment opportunities
- Using electronic devices or technology (e.g., cell phone, camera, email, Internet sites or social networks) to record or transmit nudity or sexual acts without a person's knowledge and/or permission
- Intentionally observing nudity or sexual acts of another person without the person's knowledge or permission (voyeurism)
- Unwanted touching of the genitals, buttocks, or breasts that is intentional or other unwanted touching or groping
- Forcing/coercing someone to touch you or someone else in a sexual manner
- Threatening to sexually harm someone
- Initiating sexual activity with a person who is incapacitated and unable to provide consent due to alcohol and/or drug consumption or other condition
- Inducing incapacitation for the purpose of sexual exploitation
- Ignoring a sexual limit that has been communicated
- Coercing or intimidating someone into sexual behavior
- Sexual assault, including unwanted penetration of an orifice (anal, vaginal, oral) with the penis, finger or objects

## **Consent Defined**

The College defines consent as a freely and affirmatively communicated willingness to participate in sexual activity, expressed by clear, unambiguous words or actions. It is the responsibility of the initiator of the sexual activity to ensure that he or she has the other person's consent to engage in sexual activity. Consent must be present throughout the sexual activity by all parties involved. At any

time, a participant can communicate that he or she no longer consents to continuing the activity. Consent may never be obtained through the use of force, coercion, or intimidation or if the victim is mentally or physically disabled or incapacitated, including through the use of drugs or alcohol.

Students cannot assume consent because of the existence of a previous dating or sexual relationship. The use of alcohol or drugs does not diminish a student's responsibility to obtain consent for sexual activity.

### **Filing a Complaint**

Any student may file a complaint of sexual misconduct against any other Whitman College student. Students who choose to file a complaint should do so with the Dean of Students Office. The College does not distinguish between incidents that occur on or off campus, including study abroad and Semester in the West.

As part of the Dean of Students Office staff, the Associate Dean of Students for Academic Support serves as the Student Conduct Administrator. The Student Conduct Administrator investigates alleged violations of the Whitman College policies and regulations and may adjudicate some complaints of sexual misconduct in an informal hearing process. The Student Conduct Administrator will help students submitting a complaint of sexual misconduct understand their available options, and inform them about the investigation and adjudication procedures.

The Office of the Dean of Students will investigate all complaints of sexual misconduct and sexual harassment between students. Students who wish to file a complaint of sexual misconduct or sexual harassment involving a staff or faculty member should do so with Cindy Matern, Sexual Harassment Officer (Memorial Hall, Room 102, (509) 527- 5970).

### **Dean of Students Office, Memorial Hall, Room 302, (509) 527-5158**

The Dean of Students and the Student Conduct Administrator will coordinate the College's response to reports of sexual misconduct. This includes:

- Making information regarding the Sexual Misconduct Policy and related services available to students in print and via the website
- Assisting complainants and respondents in understanding their rights
- Ensuring that complainants and respondents are provided appropriate support, including facilitating requests for safe housing, negotiating academic accommodations and providing referrals to on and off campus resources
- Assisting students in notifying local law enforcement authorities if the student so requests
- Investigating reports of alleged sexual misconduct involving students
- Issuing no-contact and no-trespass orders
- Initiating interim actions against the accused, such as interim suspension or residence hall suspension
- Overseeing the adjudication process and if necessary the appeal procedures

**Students involved in an incident of sexual misconduct have the right to:**

1. **A safe environment**  
The College will take whatever measures it deems reasonable and feasible to protect the safety of the campus community, and the well-being and rights of students. Such measures may include but are not limited to, modification of living arrangements, changing an academic or work schedule, or no-contact or no trespass orders.
2. **Respect**  
All parties involved in an incident of sexual misconduct will be treated with dignity, respect and fairness.
3. **Be taken seriously**  
The College will treat all complaints seriously and will investigate allegations of sexual misconduct.
4. **Access to College resources and support**  
All parties will have full access to campus services designed to assist in such cases, including the Dean of Students' office, the Counseling Center and Health Center.
5. **A fair conduct process**  
The College will inform all parties of their options and about the adjudication procedures.
6. **File a complaint with the police**  
The College will not discourage students from or pressure students into taking legal action off campus
7. **Freedom from retaliation**  
The College will not tolerate any form of harassment, retaliation, and/or intimidation of the complainant or the respondent, or of those supporting either party.

## **Adjudication Process**

After the Dean of Students Office receives a complaint of sexual misconduct, the Student Conduct Administrator will initiate an investigation that could lead to charging a student with violating Whitman's Sexual Misconduct Policy. After the investigation, the case may be referred to the Student Conduct Administrator or the Council on Sexual Misconduct for adjudication and for sanctioning if appropriate. The following are important terms that relate to the judicial process.

1. **Notification: If the Dean of Students or Student Conduct Administrator receives a report alleging a student's violation of the Sexual Misconduct Policy, the student will be notified of the accusation** and apprised of the investigation procedures and the possibility of a hearing.
2. **Scope of the Judicial Process:** The College's judicial process extends to student conduct that occurs on campus or off campus conduct that seriously affects the student's suitability as a member of the Whitman College community.
3. **Investigation of Alleged Sexual Misconduct: The Student Conduct Administrator will interview the student bringing the charge (complainant) as well as the accused (respondent) and any other person who can provide information relevant to the incident.**
4. **Privacy:** The sexual misconduct hearing is closed to the public and no one may disclose information from the hearing to anyone not legitimately involved in the proceedings. The written statements of both parties are educational documents protected by the Family Educational Rights and Privacy Act and therefore, consent from the student who submitted the statement is required before any identifiable information can be disclosed to anyone other than college officials involved in the hearing process or who have a legitimate educational interest.

5. **Retaliation:** Any retaliatory action taken against a complainant or respondent of sexual misconduct or against their friends, acquaintances or other persons cooperating in the investigation of a charge of sexual misconduct is a violation of College policy. This includes any form of intimidation, threats, harassment or knowingly filing a false complaint.
6. **Formal Hearing: A Formal Hearing is held when cases alleging sexual misconduct are referred to the Council on Sexual Misconduct.**
  - o The Council on Sexual Misconduct is an ad hoc committee of the Council on Student Affairs and is the official body delegated to decide responsibility when alleged sexual misconduct is brought to a Formal Hearing. The Dean of Students chairs the Council on Sexual Misconduct but does not vote. The Dean moderates the proceedings and ensures that policy is followed.
  - o The Dean of Students will choose two students and two faculty members from the Council on Student Affairs and two non-entry level staff members at the College. The Council must be gender balanced.
  - o If not enough faculty and/or student members of the Council on Student Affairs are able to serve, the Dean will consult the Council on Student Affairs to choose replacement faculty and the Executive Council of ASWC for replacement student members.
  - o All participants on the Council on Sexual Misconduct must receive training. It is advisable that participants be retrained annually and mandatory that they be retrained every three years
7. **The Informal Hearing process:** In cases where the complaint is adjudicated by the Student Conduct Administrator, an informal hearing process will be followed.
8. **Appeal Board:** An appeal board will be formed in cases where the decision of the Council on Sexual Misconduct is challenged.

### **Education, Communication, and Training**

The College conducts an annual mandatory training for faculty, students, and staff who participate in the adjudication of sexual misconduct cases. In addition, the Sexual Misconduct Prevention Coordinator will provide an educational program on sexual misconduct to all incoming students who will then be required to sign a form indicating their awareness of the policy.

### **Preparing for a Hearing before the Council on Sexual Misconduct**

1. Prior to a Formal Hearing, both parties will meet separately with the Dean of Students or Student Conduct Administrator to review their statements and other information relevant to the hearing. The College requires the complainant to provide a written statement. The College recommends, but does not require, the respondent to provide a written statement.
2. The Student Conduct Administrator will assist both the complainant and the respondent through the process of choosing an advisor who will help them prepare for the hearing.
3. Parties may select an advisor from the Whitman community (but not a member of the Counseling Center or Health Center) to provide support and guidance during the hearing. The Student Conduct Administrator will recommend staff members who are qualified to advise the parties involved. Students may choose to have no advisor.
4. During the hearing, the advisor may speak to the student, but may not speak to the Council or take on any role other than advisor. Throughout the process, the advisors may not contact any

- voting members of the Council, witnesses, the advisor for the other party, or the other party. As soon as a party chooses an advisor, the other party will be informed. The advisor must not have a conflict of interest. The Dean of Students will determine whether a conflict exists.
5. The Student Conduct Administrator, in conjunction with the complainant, the respondent, and the members of the Council on Sexual Misconduct who are hearing the case, will set the date of the Formal Hearing. The Student Conduct Administrator will meet with the respondent and the complainant to set a reasonable schedule for statements, evidence and witness lists, which they must submit before the hearing. If necessary, the Student Conduct Administrator, in conjunction with the Dean of Students, may alter the deadlines for the Formal Hearing procedures. The College will make every effort to proceed promptly while balancing the basic rights of the complainant and respondent.
  6. The College will only permit witnesses if they have testimony directly related to the incident. In general, the College will not permit character witnesses or testimony about past sexual history unless the Dean of Student deems such testimony as relevant to the case.
  7. Prior to the hearing the Student Conduct Administrator will provide the parties with a statement of the alleged policy violation, an explanation of the students' rights, the students' written statements, evidence, names of witnesses, a notice of the time and place of the Formal Hearing, and a list of names of members of the Council on Sexual Misconduct.
  8. The parties may challenge any voting member of the Council on Sexual Misconduct. The complainant or respondent must make challenges as soon as possible and no later than forty-eight hours after receiving the list of members. The Dean of Students will rule on all such challenges. The Dean of Students will use the same process to choose replacements as he or she uses to choose members of the Council on Sexual Misconduct.
  9. The College recognizes that the parties may consult with legal counsel concerning their situations. The College does not permit legal counsel to participate in Formal Hearing and Appeal proceedings under the Sexual Misconduct Policy. Respondents may choose not to provide a statement, or testify, or participate in the proceedings, but must realize that the Formal Hearing could proceed and that the Council on Sexual Misconduct could decide based on only the information presented.
  10. The College will not permit retaliation of any kind against participants in proceedings under the policy including advisers. Sanctions for retaliation can be as severe as for sexual misconduct.
  11. No College employee who has participated in the proceedings in good faith and who acted reasonably in the best interests of the College shall be liable for any loss or damage incurred. The College has a policy to indemnify College employees and students carrying out their duties as members of a judicial board from any liability or costs incurred because of their job related activities.

## **The Formal Hearing**

1. At the Formal Hearing, the Dean of Students will make introductions, read the alleged policy violation, and explain the procedures. The Student Conduct Administrator will present the case on behalf of the College. At the direction of the Student Conduct Administrator, the respondent and/or the complainant may make opening and closing statements, present evidence, and/or call approved witnesses. Members of the Council, the Student Conduct Administrator, the complainant, and the respondent may question the testimony of parties and/or witnesses. The Dean of Students will only allow questions directly related to the incident; he or she will

determine each question's relevance. The complainant and respondent will give their questions to the Dean to present in order to minimize conflict between the parties during the proceeding. The Dean of Students Office will record the proceedings.

2. In cases where either party feels unable to be in the same room with the other, the College will make suitable arrangements to keep the parties separate but allow both parties to hear and respond to all proceedings of the Council prior to deliberations. The College will move the party who makes the request to another location. Following deliberations, the members of the Council will report their decision to the Dean by secret ballot. At least four affirmative votes of the six members of the Council are required to find a student responsible for violating the policy. The Council must consider only the evidence that the Student Conduct Administrator presents at the Formal Hearing. The standard of evidence shall be "preponderance of evidence."
3. If the Council on Sexual Misconduct finds the respondent responsible for violating the Sexual Misconduct Policy, the Council will assign the sanctions, as determined by consensus of the Council. The Council will take into account documentation that the Dean of Students has regarding previous violations of the Sexual Misconduct Policy and/or previous serious violations of other College conduct policies, and an impact statement from the complainant when determining the sanction. In reporting the record, the Dean will not reveal the names of previous complainants.
4. The sanctions may include:
  - o Mandatory participation in special educational programs or other sanctions determined by the Council. Failure to comply will lead to more serious sanctions.
  - o Suspended conduct probation. Under suspended conduct probation, any further violation could result in conduct probation or a more severe penalty.
  - o Conduct probation. Conduct probation may prohibit student participation in campus activities, such as extra-curricular activities, public performances, public office in student organizations, or participation in commencement or other official ceremonies. If the student does not comply with the terms of conduct probation, other sanctions may apply.
  - o Suspension from the College, with reinstatement dependent upon the fulfillment of stipulated conditions
  - o Dismissal from the College

The Dean of Students or Student Conduct Administrator will notify both parties of the outcome of the hearing no later than two class days after the Council's decision. The Dean of Students or Student Conduct Administrator will notify the respondent and the complainant separately.

5. If the Council on Sexual Misconduct finds the respondent in violation of the policy, the letter to the respondent stating the decision and sanctions will become part of the student's permanent record. After graduation, the student may petition to have the letter removed if conditions set by the Council have been met. The Dean of Students, in consultation with the Student Conduct Administrator and the Chair of the Faculty, will consider the petition.
6. The Dean of Students, omitting the parties' names, will report the decisions and sanctions to the Council on Student Affairs.

## **Appeal**

1. Either party may appeal a decision by the Council on Sexual Misconduct only when one or more of the following conditions has been met:
  - There has been a procedural error or errors by the Council
  - Evidence or information offered by a party as part of the process has inappropriately been ruled admissible or inadmissible for the Formal Hearing
  - New evidence relevant to the specific incident has become known during or following the decision by the Council
2. To appeal, the party must submit a petition stating the grounds for appeal to the Chair of the Faculty no more than seven days after receiving notification of the Council's decision.
3. As expeditiously as possible, the Chair of the Faculty will review all written material regarding the complaint, along with the audio recording of the proceedings. The Chair of the Faculty may, but is not required to, interview the Student Conduct Administrator, the Dean of Students, any member of the Council, either party, and/or witnesses. The Sexual Misconduct Appeal Board will consider only the grounds on which the student has based his or her appeal.
4. The Chair of the Faculty will act upon the appeal petition in one of three ways:
  - Remand the appeal petition to the Council on Sexual Misconduct for supplementation of the record or clarification of their decision
  - Notify the appealing party in writing that the College has rejected the appeal and the reasons for that decision
  - Notify both parties in writing that the College has upheld the appeal and send the case to the Sexual Misconduct Appeal Board based on the cited grounds

### **Appeal Process**

1. The College will select members of the Sexual Misconduct Appeal Board using the same criteria it uses to select the members of the Council on Sexual Misconduct. No one who served on the Council may sit on the Sexual Misconduct Appeal Board. The Chair of the Faculty will chair the Sexual Misconduct Appeal Board. He or she does not have a vote on the Board.
2. The Chair of the Faculty will notify the parties and witnesses of the date, time and location of the Appeal Hearing and the names of the members of the Sexual Misconduct Appeal Board. The complainant or respondent must make challenges to its members no later than forty-eight hours after receiving notification. The College will hold the appeal hearing as quickly as possible, but no earlier than seventy-two hours after the parties receive notification. The Chair of the Faculty will decide what evidence and/or witnesses are relevant to the Appeal. If the Chair of the Faculty deems new evidence or previously excluded evidence admissible, each party will have the opportunity to respond in person or in writing to that evidence. The Sexual Misconduct Appeal Board will use the standard of evidence of "preponderance of evidence." Four affirmative votes are necessary to overturn the original decision and/or sanctions and render a new decision and/or sanctions, if applicable. Within four days of the decision, and after consulting with appropriate College officials, the Chair of the Faculty will notify the respondent and the complainant in writing of the decision.

### **The Informal Hearing**

Some cases of sexual misconduct or harassment will be referred to the Student Conduct Administrator for adjudication. In such cases, the following procedure will take place.

- An appointment between the student and the Student Conduct Administrator will be arranged.
- In the meeting with the Student Conduct Administrator, the student will receive a description of the incident including time, date, location, and summary of the evidence. The student will also receive a copy of the Student Handbook, be informed of his/her rights, have the charges explained and options outlined and have the opportunity to make a statement and ask any pertinent questions.
- Students who fail to appear at the appointed time or fail to reschedule the appointment will receive written notice of the charges, with all of the above information included, and the opportunity to appear in person before the Student Conduct Administrator within two class days of receipt of the notice. Failure to respond at this time will result in the student waiving the right to a hearing and being assessed an appropriate sanction by the Student Conduct Administrator based on the evidence available.

The above initial meeting will result in one of four possible outcomes:

- The Student Conduct Administrator may dismiss the charges.
- The student may accept responsibility for the violation and have a sanction imposed by the Student Conduct Administrator. Such a disposition of the case shall be final and there will be no subsequent proceedings or appeals.
- The student and the Student Conduct Administrator may agree to continue the meeting at a future time. At this subsequent meeting the student may make a statement, present witnesses, and have an adviser (who must be a student or college employee) present. Within two class days of this second meeting the Student Conduct Administrator will inform the student of the decision in writing with an imposed sanction if applicable.
- The Student Conduct Administrator may refer the case to the Council on Sexual Misconduct. If the case is referred to the Council on Sexual Misconduct, the Formal Hearing procedures will be in affect.

### **Appeal Process**

- This decision may be appealed to the Dean of Students within five class days of its receipt.

### **Sexual Misconduct Education and Awareness Programs**

During fall and spring orientation, new students are required to attend two sexual violence prevention programs. The first required program is called “Green Dot” which is a violence reduction/prevention program. The primary goal of the program is to persuade new students to be active, engaged bystanders in reducing incidents of sexual misconduct and make the campus safer through their active involvement. The second required program is called “Creating a Safer Campus Environment” which explains the key issues of our sexual misconduct policy including communicating consent for sexual activity; the role alcohol plays; the college's response to allegations of sexual misconduct; and available resources. At the conclusion of the “Creating a Safer Campus Environment” program, new students must sign a “Sexual Misconduct Policy” form indicating that they have read, understand and will abide by this policy while a student at Whitman College.



We also offer two “peer education” training courses each semester for interested students. The first is a five hour Green Dot Bystander training which has a very strong emphasis on skill development and practice. The second peer education program is a two hour “first-responder” training which teaches participants how to appropriately respond should anyone confide in them regarding a sexual misconduct incident. In addition, residence halls, interest houses and Reid Campus Center bathrooms post a series of “stall stories”—educational posters which are updated every two weeks throughout the academic year, that highlight issues relating to sexual misconduct. Other programs may be presented to the campus community throughout the year.

### **Sexual Offense Response Procedures:**

If you feel you have experienced an incident of sexual misconduct, you are urged to take the following actions:

1. Seek emotional support:

- Sexual Misconduct Prevention Coordinator/Advocate--527-5208
- Counseling Center --527-5195
- YWCA--529-9922 (24 hour/7 days a week)

2. Seek medical attention as soon as possible.

- Health Center--527-5185
- Planned Parenthood--529-3570
- St. Mary Medical Center--525-3320

3. Report the incident

- Sexual Misconduct Response Coordinator/Advocate--527-5208/529-1082
- Campus Security--527-5777
- Walla Walla Police (emergency)—911

4. Investigate judicial/legal options

- Dean of Students--527-5158
- Judicial Coordinator--527-5213
- Walla Walla Police (non-emergency)--527-1960

Providence/St. Mary Medical Center and General Hospitals offer a forensic exam that will collect evidence of a sexual assault. This exam should be completed within 72 hours of the incident, but preferably as soon as possible. In order to preserve evidence, it is important not to bathe or shower prior to seeking medical attention. It is also critical that any articles that could be used as evidence, such as clothing, sheets, couch cushions, etc, be placed in separate bags and given to the Walla Walla Police Department.

If you report an incident of sexual assault to the College, the Student Conduct Administrator or Dean of Students will meet with you to discuss your options. If you wish to report the incident to the Walla Walla Police Department, College personnel such as the Sexual Misconduct Prevention Coordinator or a Security Officer, will assist you in making this report, if requested. You can either be accompanied to the police

station to make a statement or it can be arranged for an officer to take your statement at an on-campus location of your choice.

A domestic violence officer from the Walla Walla Police Department is available to talk to you if you are not sure you want to make a report to the police department. This person is available from 8:00-5:00 Monday-Friday at **(509) 524-4400** or **(509) 527-4434**. If you do choose to make a report to the Walla Walla Police Department, an officer will talk to you and explain your rights as a victim and your right to have an advocate assigned to you. The advocate may be a person of your own choosing or an advocate from the YWCA. The officer will inform you that the local Walla Walla paper, Union-Bulletin, does not publish the names of sexual assault victims as well as the protocol for a police investigation.

Finally, the College will change a victim's academic and/or living situation after an alleged sex offense, if those changes are requested by the victim and are reasonably available.

## **Sex Offense Policy—Sexual Harassment**

### **A. Introduction**

The College has adopted the following code on sexual harassment. Because students are in many ways the most vulnerable members of our community, the College is especially concerned to protect the safety, self-respect, and autonomy of its students. At the same time, any member of the College community (faculty, staff, or student) who is threatened by sexual harassment is liable to be harmed in mind, body or performance, and anyone who engages in such harassment is violating the College's ethical standards. Sexual harassment is also against the law.

### **B. Definition**

We have adopted the Equal Employment Opportunity Commission (EEOC) definition of sexual harassment, with a few modifications appropriate to an academic environment. According to this definition sexual harassment includes:

Unwelcome verbal or physical conduct of a sexual nature which has the purpose or effect of interfering with an individual's academic or work performance or creating an intimidating, hostile, or offensive academic or work environment.

In this context, sexual harassment occurs when unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature are made either explicitly or implicitly a term or condition of an individual's education or employment or when submission to or rejection of such conduct by an individual(s) is used as a basis for employment or educational decisions.

Sexual harassment may also include a category of behavior frequently called "gender harassment." These behaviors include irrelevant or clearly stereotyped comments, references, gestures, or other ways of calling attention to the gender or sexual preference of individuals or groups which may reasonably be interpreted as denigratory and have evidently nothing to do with the current business of the academic setting.

In determining whether specific conduct constitutes sexual harassment the totality of the circumstances, the nature of the actions, and the context in which the alleged incidents occurred must be investigated and

considered. To further clarify, the following is a list (not necessarily comprehensive) of representative types of actions that, given the right set of circumstances, meet the EEOC guidelines and would be considered forms of sexual harassment by Whitman College.

### **Sexual comments**

Sexual remarks or sexual innuendo about the female/male mind or anatomy which are unrelated to the teaching process or other proper and current college activities. Sexual innuendo.

### **Undue attention**

Uninvited flirtation; or uninvited letters, telephone calls, etc. of a sexual nature; or gifts that continue to be received after the individual is made aware that the contacts are unwanted. (See Note below.)

### **Visual sexual displays**

Sexually explicit or suggestive materials in the classroom, workplace, or other public places, including "pinups" or sexually degrading posters or cartoons, which are unrelated to the teaching process or other proper and current college activities.

### **Body language**

Sexual gestures or sexually suggestive looks (e.g., constant leering or ogling) that continue after the individual is made aware that the behavior is unwanted. (See Note below.)

### **Physical advances**

Unwelcome and deliberate touching of another person's body. Provocative touching (in inappropriate circumstances) that does not stop when the individual is made aware that the behavior is unwanted. (See Note below.)

### **Sexual bribery**

Demands for or offers of sexual favors in return for grades, hiring, promotion, increases in salary, tenure. Sexual invitations which include or strongly imply rewards for complying and/or threats of punishment for refusing.

### **Invitations**

Invitations for dates or sexual encounters (even with no quid pro quo implied or stated) which do not stop when the response is negative. (See Note below.)

**(Note:** In most cases, sexual harassment occurs when the individual refuses to take "No" for an answer. However, the ability of the victim to say "No" may be limited by several factors, such as socialization, the relative power imbalance between the individuals, or the effect of intoxicants. In short, not saying "No" does not necessarily mean "Yes." Some cases, like sexual bribery, are unacceptable in all situations.)

In determining whether specific conduct constitutes sexual harassment, the totality of the circumstances, the nature of the harassment, and the context in which the alleged incidents occurred must be investigated and considered.

### **C. Administration**

The following personnel shall be charged with administering the college policy on sexual harassment:

#### **1. Sexual Harassment Officer**

1. The College President shall designate a Sexual Harassment Officer (SHO) who shall be a member of the College staff or faculty.
2. The College shall provide training opportunities for the SHO annually.
3. The SHO shall, with the three members of the College Council on Interpersonal Relations (CCIR), be available to consult with complainants within the Informal Procedure as outlined in this document.
4. The SHO shall represent the College in the Formal and the Appeal Procedures.
5. The SHO shall serve as an ex-officio member of the CCIR.
6. The SHO shall file all written documents and administer the security of all past and present documents related to Informal, Formal and Appeal procedures.

#### **2. College Council on Interpersonal Relations**

1. The CCIR shall consist of three members appointed by the College President: one from the Student Services staff, one from the Faculty and one from the Administrative Staff. These shall be persons known to have the trust of their constituencies and shall be chosen for their sensitivity and discretion. The composition of the CCIR shall be mixed in gender.
2. Members of the CCIR shall be appointed for staggered three-year terms and may be reappointed to successive terms.
3. The SHO shall be an ex-officio member of the CCIR and shall provide training for the CCIR annually.
4. Each member of the CCIR, together with the SHO, shall be available to consult with complainants within the Informal Procedure as outlined in this procedure.
5. When necessary and appropriate, a CCIR member involved in an Informal Procedure may, with the permission of the complainant, consult with the SHO.
6. The CCIR shall facilitate and review an educational program annually, informing members of the College community about the definitions and interpretations of sexual harassment and about procedures for initiating complaints, informal and formal processes and appeals.
7. The CCIR shall review this document periodically in consultation with the appropriate College personnel.
8. The names of the SHO and the members of the CCIR will be widely published: listed in student handbooks and in memoranda to faculty, administrative staff; included in orientation programs for faculty, students, and administrative staff; and made known in other appropriate ways.

### 3. Hearing Boards

1. When an accused member of the college community wishes to appeal a decision reached in a formal hearing, a hearing board shall be named according to the following procedure:
  1. Accused faculty member:
    - Two most senior male full professors;
    - Two most senior female full professors;
    - One most junior male associate professor;
    - One most junior female associate professor;
    - One most junior full professor
  2. Accused staff member:
    - Two most senior male exempt staff members;
    - Two most senior female exempt staff members;
    - One most junior exempt staff member;
    - One most senior male non-exempt staff member;
    - One most senior female non-exempt staff member
  3. Accused student:
    - One most senior student services male staff member;
    - One most senior student services female staff member;
    - One most junior male full professor;
    - One most junior female full professor;
    - Two senior residents, drawn at random, one male and one female;
    - ASWC president
2. Each of the hearing boards shall consist of seven members. In the event of an anticipated or actual conflict of interest, the next eligible person in that category shall be named to the hearing board.

### D. Procedures in Cases of Sexual Harassment

1. Complaints may be brought by any member of the Whitman community. Alumni, former students, and former employees are considered members of the Whitman community for this purpose. It is recognized that some individuals will not feel that it is safe to talk about their experiences with harassment until they are no longer in vulnerable position. Complaints will not be pursued when more than three years have elapsed following the alleged incident.
2. At any point during the informal or formal proceedings any of the parties involved may choose to be accompanied by an adviser. This person must be a member of the Whitman community. All parties are free to consult with an attorney, if they choose to do so, but the College's investigations, disciplinary hearings, and appeal processes are not legal proceedings and attorneys may not be present or participate.
3. This code prohibits retaliation by the accused against individuals who have filed complaints of sexual harassment, even if insufficient evidence is found to support the complaint. Reprisals will be prosecuted vigorously.
4. At the same time, it should be understood that false accusations, whether malicious or fanciful, have serious far-reaching effects. A deliberate false accusation will be regarded as a very serious matter subject to severe disciplinary action.
5. In those cases in which the SHO believes that there may be a threat of serious physical or mental danger to the complainant or to others, he or she shall consult with the relevant Dean and with the President immediately. In such a situation the President has the authority to suspend the individual

immediately (with pay, if the accused is an employee) until the matter has been investigated and resolved.

6. If the SHO becomes aware of multiple reports of harassment involving a specific individual, the SHO may undertake an investigation even if he or she has not been approached by a complainant. In such a case, the SHO shall proceed with great delicacy and tact. If the preliminary investigation demonstrates that a further proceeding seems necessary, the SHO shall approach the apparent victims and ask if they wish to initiate a complaint. If the preliminary investigation indicates that there is no evidence that harassment has taken place, all written records regarding the investigation will be destroyed immediately.
7. All written records pertaining to the case (and any subsequent appeal) shall be kept permanently in a confidential file in a secure location determined by the President. Only the SHO will have access to the files.
8. At all times throughout the procedures outlined below confidentiality will be preserved carefully whenever appropriate.
9. Throughout any investigations by the CCIR or by the SHO the accused person(s) will be expected to respond to requests for information, interviews etc. in a prompt and timely manner.
10. Following the filing of a written complaint the informal process shall be completed in 14 days; and the appeal process shall be completed in 10 days: all exclusive of College Holidays.

## **E. Informal Procedure**

Every person in the College community has a right and is encouraged to seek redress for a perceived grievance related to sexual harassment. However, past experience of academic institutions suggests that many such grievances can be resolved without resort to a formal investigation. Therefore, this section outlines a series of steps which are to be followed in an attempt to reach a satisfactory resolution when an individual chooses not to follow formal grievance procedures immediately.

1. The complainant meets with the SHO or with one of the three members of the CCIR. This initial discussion is informal and confidential and during the course of the conversation both the complainant and the SHO (or member of the CCIR) decide whether to proceed with the complaint. The SHO (or member of the CCIR) discusses the options with the complainant and keeps a brief written record of the conversation. If both parties decide to proceed with the complaint, the complainant fills out a brief written complaint form.
2. The SHO or member of the CCIR investigates the complaint, talking individually with all parties involved, and may attempt mediation, education, or other appropriate solution.
3. In dealing with the alleged offender, the SHO or member of the CCIR may initially offer information and advice, attempting to resolve the case without confrontation or revealing the complainant's identity.
4. If the nature of the case permits and the complainant feels able to do so, he or she may be encouraged to speak or write directly to the alleged offender (or offenders: the use of the singular hereafter is not intended to preclude the possibility of a complaint against more than one person) and explain the circumstances with the aim of resolving the issue. If this step is tried and does not lead to a satisfactory resolution, the complainant should return to the SHO or member of the CCIR for advice and further mediation.
5. When mediation seems the appropriate procedure, the complainant's identity must be revealed but confidentiality shall be maintained insofar as possible.

6. At any time the complainant may choose to initiate formal procedures, to continue informal procedures, or to withdraw the complaint.
7. The SHO or the member of the CCIR will keep written records which shall be kept permanently on file.

## **F. Formal Procedure**

1. The complainant submits a detailed complaint, in writing, to the SHO.
2. Once the complaint has been filed and accepted by the SHO, the complainant shall be considered solely as a witness in an investigation by the College into the possibility of behavior which is considered unacceptable according to College standards and policies.
3. The SHO, along with one member of the CCIR (the faculty member if the charge involves a faculty member, the Administrative staff member if the charge involves a member of the Administration, or the Student Services member if the charge involves a student), shall investigate, meeting with all parties involved and ensuring that the accused has an opportunity to see and respond to all statements made against him or her.
4. The SHO shall also follow up on reports of other alleged instances of harassment involving the same individual if these seem germane to the case.
5. If the SHO is convinced that no harassment has taken place, the matter will stop at this point and the immediate parties shall receive written notification that the case will proceed no further. The SHO shall make a written report on the results of the investigation and the reasons for concluding that the matter should go no further. This report, with other relevant information, shall be kept on file permanently.
6. If the SHO is convinced that harassment has occurred, he or she will prepare a complete report including his or her findings, the statements of the accused party as well as the other witnesses, and the conclusions about the nature and seriousness of the harassment which has taken place.
7. The SHO shall complete the investigation within 14 days (excluding holidays). The SHO shall expect prompt compliance from all parties involved.
8. This report shall be submitted to the appropriate Dean or Budget Officer, who shall review the evidence and, if necessary, request additional information.
  1. If the alleged harasser is a student, the report shall be given to the Dean of Students.
  2. If the alleged harasser is a faculty member, the report shall be given to the Dean of Faculty.
  3. If the alleged harasser is a staff member, the report shall be given to the relevant Budget Officer.
9. The Dean or Budget Officer shall make a determination about whether or not harassment has taken place and the nature of that harassment.
10. After making a determination about the facts of the case, the Dean or Budget Officer will determine an appropriate sanction. This sanction may include any of the following: oral reprimand, written reprimand, transfer to a different area, counseling, probation, dismissal, suspension, or demotion.
11. The Dean or Budget Officer will inform the President of the finding in the case and of the proposed disciplinary action, if relevant.
12. If the President has questions or concerns about the case, he or she may ask the Dean or Budget Officer to obtain new information or to reconsider the case.
13. After the President has concurred in the outcome of the case, the Dean or Budget Officer shall inform the accused of the decision in writing.

## G. Appeal Procedures

1. If the individual(s) found guilty of harassment wishes to appeal the College's disciplinary action, he/she or they may request that a hearing be held to review the decision of the Dean or Budget Officer. Ordinarily, such an appeal will be possible only if the individual(s) involved can present new evidence not previously considered or evidence of procedural violations during the informal or formal procedures.
2. The individual(s) found guilty of harassment must request an appeal in writing to the President within ten working days of being informed of the outcome of the case.
3. The President shall convene the Hearing Board appropriate to the case, as defined in Section C, above. The member of the Hearing Board with the longest service to the College shall serve as the Chair of the Hearing Board.
4. The Hearing Board shall review the written evidence in the case, and shall interview witnesses as they deem necessary, and shall consider the proposed disciplinary action in relation to the evidence provided. At the end of their deliberations they will submit a written recommendation to the President regarding the proposed disciplinary action.
5. The Hearing Board shall complete its deliberations within 10 days of the date of the receipt of request for the appeal exclusive of College Holidays.
6. The President shall review these conclusions and recommendations before reaching a final decision in the case.

### Sex Offender Registration

The "Campus Sex Crimes Prevention Act" (section 1601 of [Public Law 106-386](#)) is a federal law enacted on October 28, 2000 that provides for the tracking of convicted, registered sex offenders enrolled as students at institutions of higher education, or working or volunteering on campus. It was sponsored by U.S. Senator Jon Kyl of Arizona and supported by Security On Campus, Inc.

The Act amends the [Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act](#) to require sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, or is a student. Requires that state procedures ensure that this registration information is promptly made available to law enforcement agencies with jurisdiction where the institutions of higher education are located and that it is entered into appropriate State records or data systems. These changes took effect October 28, 2002. These requirements are tied to state eligibility for certain types of federal grant funding and must be implemented through state law.

It also amends the [Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act](#) to require institutions of higher education to issue a statement, in addition to other disclosures required under that Act, advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. These changes took effect October 28, 2002.

Lastly the Act amends the [Family Educational Rights and Privacy Act of 1974](#) to clarify that nothing in that Act may be construed to prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders; and requires the Secretary of Education to take appropriate steps to notify educational institutions that disclosure of this information is permitted. This amendment took effect on October 28, 2000.



Information about registered sex offenders is available from the Washington State Sex Offender Information Center. The URL for this site is: <http://ml.waspc.org/>. This site allows you to search for registered sexual offenders by county, city, zip code, offender's last name, or type of conviction. To review a listing of sex offenders registered in the city of Walla Walla, select city from the pull down menu and type in Walla Walla.

### **Conclusion**

If you have questions about any of the information in the annual security report, please contact security at 509-527-5777. Thank you.