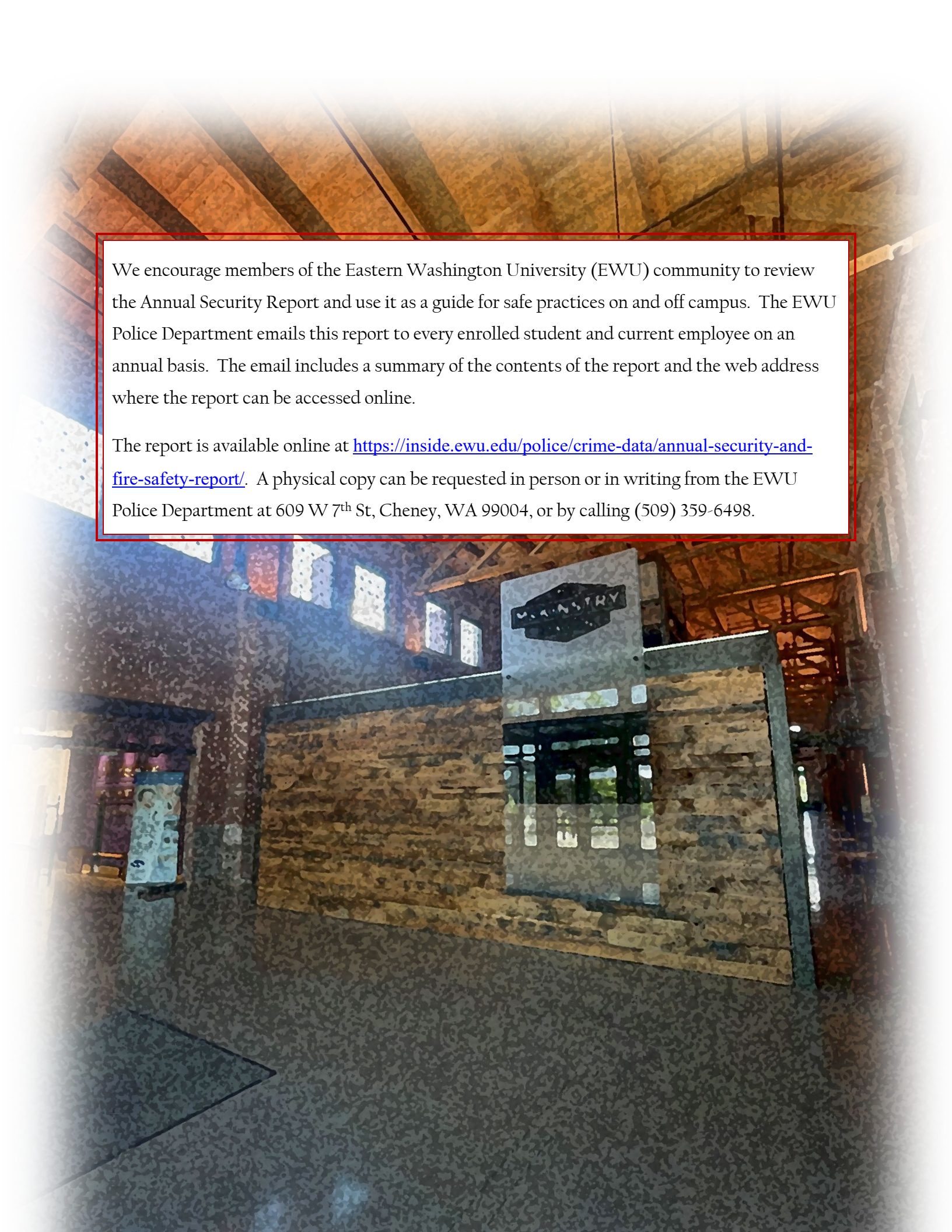


ANNUAL SECURITY REPORT

Eastern Washington University's Spokane Campus
With Statistics from 2021, 2022 & 2023



EWU Spokane Campus
601 E Riverside Suite 110
Spokane, WA 99202

The background image shows the interior of a museum. The ceiling is made of dark wooden beams. Below, there is a display case with a wooden front and a glass top. Inside the case, there are several small, colorful objects. To the left of the case, there is a small table with some items on it. The floor is made of dark wood.

We encourage members of the Eastern Washington University (EWU) community to review the Annual Security Report and use it as a guide for safe practices on and off campus. The EWU Police Department emails this report to every enrolled student and current employee on an annual basis. The email includes a summary of the contents of the report and the web address where the report can be accessed online.

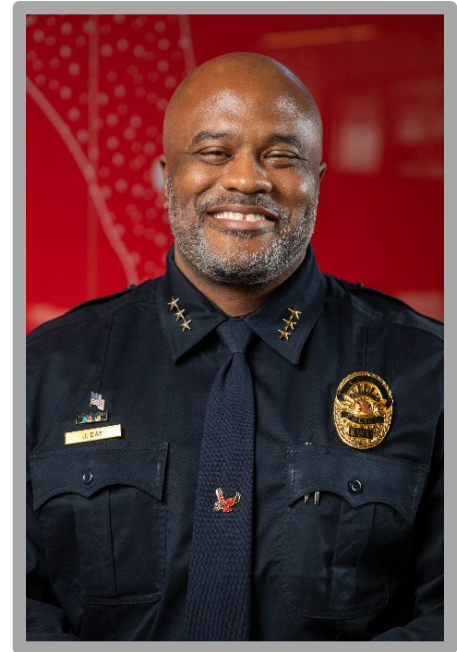
The report is available online at <https://inside.ewu.edu/police/crime-data/annual-security-and-fire-safety-report/>. A physical copy can be requested in person or in writing from the EWU Police Department at 609 W 7th St, Cheney, WA 99004, or by calling (509) 359-6498.

Message from the AVP of Public Safety/ Chief of Police

Dear University Community:

Thank you for taking an interest in our Annual Security Report. This report is intended to provide valuable safety and crime prevention information for our campus communities. Establishing and maintaining a safe campus community is a responsibility we must all take seriously. Our department's highest priority is to provide professional campus-oriented security services in a receptive and collaborative manner, and to make a safe work and study environment available to all.

Eastern Washington University Police Department is committed to building relationships with community members while providing the highest level of service to keep our citizens safe. We currently have two Campus Safety Responders that patrol the EWU Spokane Campus Monday through Friday from 2:30 pm to 11:00 pm, and during special events on weekends. In addition, Spokane Police Department responds to calls for service on campus for incidents requiring police response.



We solicit your support and active participation in our safety and security efforts. We further challenge you as members of this community to act in a security conscious and proactive manner to avoid jeopardizing your safety and the safety of others. The EWU Police Department relies heavily on the campus community to report any suspicious activity, crimes in progress and other suspected criminal activity. ***If you see something, say something!***

Thank you for taking the time to review the Annual Security Report. I hope that you find the report to be informative and helpful. If you have any questions or would like additional information about the crime statistics, safety and security at Eastern Washington University, please visit <https://inside.ewu.edu/police/> or call our business office at (509) 359-6498.

Sincerely,

Jewell Day
Director of Public Safety/Chief of Police

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Introduction

Eastern Washington University (EWU) Spokane campus is a public university located in Spokane, Washington, which offers many programs such as Business and Accounting, Writing MFA, Social MSW, Design, Computer Programming, Electrical Engineering, Nursing, and Communications Studies Disorders. On our EWU campuses, safety and security are shared responsibilities. Many departments are dedicated to making the campus a safer place to live and work. The University relies on every community member to contribute to safety and security by reporting crime and suspicious activities in a timely manner and using common sense when going about daily activities. The following report is provided to share our commitment to the security of our community, and to provide information about our campus security policies and procedures, crime statistics, safety programs and resources.

Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act

Access to campus safety and security information is critical for prospective students and their families when choosing the right college or university to attend, and for faculty and staff who are deciding where to work and build a career. It is equally important for current students and employees to have access to this information while studying and working at EWU. In 1990, Congress enacted the Crime Awareness and Campus Security Act, amending the Higher Education Act of 1965. Further amendments in 1998 renamed it the Jeanne Clery Disclosure of Campus Security Police and Campus Crime Statistics Act, also known as the Clery Act. All public and private postsecondary institutions that participate in Title IV student financial assistance programs must comply with the Clery Act and its mandates.

This 2023 Annual Security Report is provided in accordance with the Clery Act. It is required that copies of Eastern Washington University's Clery Act Reports be provided to every employee and student, as well as each prospective employee and student. This report includes statistical information for 2023 and the two previous calendar years concerning reported crimes that occurred on the EWU Spokane Campus, in certain off-campus buildings or properties

owned or controlled by EWU, and on public property within, or adjacent to and accessible from, EWU's Spokane campus. The report also includes institutional policies relating to campus security issues, such as policies and/or procedures regarding sexual misconduct, alcohol and drug use, and the Drug-Free Schools Act, as well statements of fire safety policies and procedures.



EWU Police Department Campus Safety

The EWUPD Spokane Campus Safety Responders patrol campus and respond to campus issues that are not potentially life-threatening or capable of causing physical harm. The Catalyst and SIERR Buildings represent the primary jurisdiction of EWU Police Department campus security. EWUPD Campus Spokane Safety Responders are not commissioned and do not have authority to arrest individuals.

Eastern Washington University Police Department (EWUPD) staffs the EWU Spokane Campus with EWUPD Campus Safety Responders Monday through Friday from 2:30 pm to 11:00 pm, and occasionally on weekends for special events. EWU Police Department also works closely with the Spokane Police Department (the primary police agency for the EWU Spokane Campus). Individuals who are the victim or witness of a crime may report crimes to the Spokane County Sheriff's Office Crime Check line, (509) 456-2233. In an emergency, call 911.

Mission, Values, and Goals

Mission - We are committed to continuously working in partnership with our diverse campus community so together we may foster trust, reduce incidents of crime and promote safety through education and enforcement.

Values - Treat all people fairly and with respect. Foster a mutually beneficial relationship with the public. Provide fair, impartial and professional community-based policing by exemplifying the highest standard of conduct.

Goals - To serve the University community by protecting life and property. To ensure all persons are treated fairly and with respect, while preserving State and Federal laws. To encourage unity and the appreciation of cultural and racial diversity for all members of the University community.

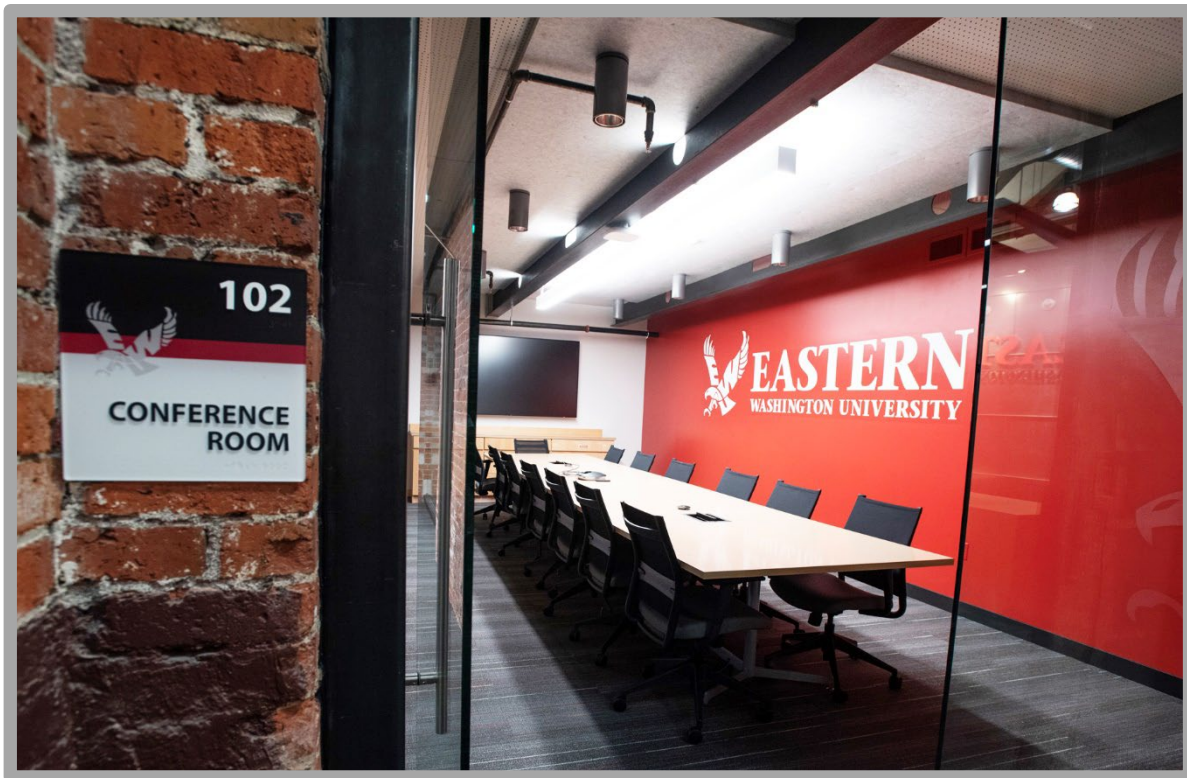
Location of University Police

The Eastern Washington University Police Department is located on the Cheney campus in the Red Barn at 609 W 7th Street in Cheney, Washington. The Red Barn business operations are conducted from 7:00 am to 5:00 pm, Monday-Thursday and 7:00 am to noon on Friday. The administrative office can be reached at 509.359.6498. Non-emergency police assistance can be obtained any time by calling the Crime Check line at 509.359-7676. In an emergency, dial 911.



Working Relationships

EWUPD maintains a close working relationship with Spokane Police Department (SPD) and frequently works with other law enforcement agencies, including Spokane County Sheriff's Office, Cheney Police Department, Washington State Patrol, Airway Heights PD, Liberty Lake PD, and the FBI. There is an Interlocal Agreement for computer-aided dispatch (CAD), records management and mobile applications through Spokane County and Spokane Regional Emergency Communications. EWUPD currently has an agreement with Spokane Police Department for record data entry and hit confirmation services. These agencies share information for investigation purposes regarding criminal activity on and off campus, including incidents occurring at off-campus facilities owned by student organizations recognized by EWU, to ensure the safety and well-being of all Eastern Washington University community members. In addition, EWUPD personnel attend recurrent formal and informal meetings and trainings with state, county, local and federal law enforcement agencies. The prosecution of criminal offenses, both felony and misdemeanor, are conducted at the Municipal, Superior, and Federal Courts in Cheney and Spokane.



Reporting Procedures

General Procedures for Reporting a Crime or Emergency

EWU has a number of methods for campus community members and visitors to report crimes, serious incidents and other emergencies to appropriate university officials. Per EWU Policy 603-01 (Campus Safety, Security & Crime Prevention), employees are mandated to report all crimes occurring on campus or in a university leased facility or vehicle, during a university-sponsored or sanctioned event/activity, or while conducting university business, to EWUPD or a university campus security authority (CSA). This will ensure there is appropriate follow-up, and that timely warnings or emergency notifications are issued if necessary. In addition to notifying EWUPD, all employees, except licensed mental health counselors who become aware of an incident or complaint of sexual harassment or sexual misconduct involving a student must report it to the Title IX Coordinator within 24 hours of becoming aware of the matter. The only exception to mandatory reporting is for licensed professional mental health counselors.

If you are the victim of a crime on campus, or if you witness a crime, report it immediately. Remember, a crime that is not reported helps no one. Witnesses to crimes are highly encouraged to report any crimes they observe, as the victim may be unwilling or unable to do so. All crime is serious, and your safety is important. Your information may assist the police in making an arrest or aiding with the saving of a life and the recovery of property.

TO REPORT A CRIME EWU SPOKANE CAMPUS

Crimes or emergencies on campus should immediately be reported by dialing:

Emergency: 911

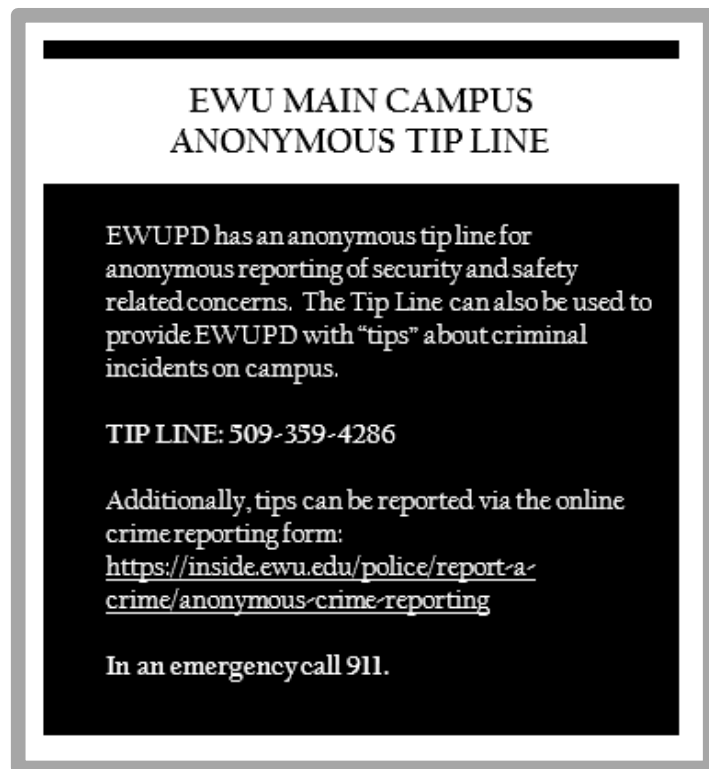
Crime Check: 509-456-2233

**Non-Emergency: 509-710-3873
(EWUPD Safety Responder)**

or email police@ewu.edu

Anonymity and Confidential Reporting

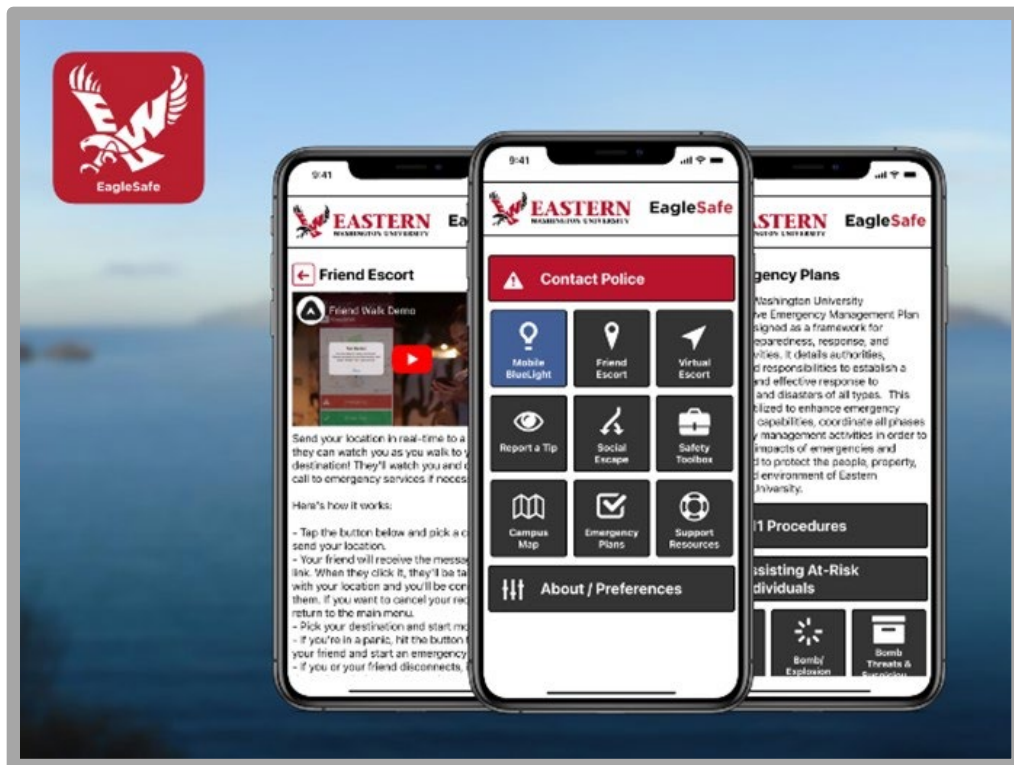
If you are the victim of a crime and do not want to pursue criminal action, or you are a witness to a crime and do not want to reveal your identity, you may make a confidential report of the incident to EWU Police Department. EWUPD maintains an Anonymous Tip Line (509.359.4286) and an online reporting form (<https://inside.ewu.edu/police/report-a-crime/>) for individuals who wish to report a crime and remain anonymous. The purpose of a confidential report is to maintain the reporting individual's confidentiality, while helping EWUPD protect the safety of the community. This information also helps the university maintain accurate records of incidents occurring on campus, to determine if there are trends or a pattern of crime, and alert the campus community to potential dangers when appropriate.



To facilitate the investigative process and protect the privacy of those involved, information gathered by EWU Police will be maintained in a confidential manner to the fullest extent possible during the pendency of a criminal investigation. Per [RCW 42.56.240](#), complainants, victims and witnesses can request nondisclosure when a complaint is filed to exempt their identity from public disclosure. In the event of a nondisclosure request, police will take all reasonable steps to investigate the allegation without disclosing the name of the victim/witness to the extent allowed by state and federal law. Ultimately, the university cannot ensure confidentiality of victim and witness names, because legal and contractual obligations may require disclosure.

EagleSafe App

The university's EagleSafe App allows users to report suspicious activity, crime, facilities outages, tips (including football game-day tips) and more through the app on their cell phone. It also acts as a mobile blue light/panic button, allowing the user to make a simultaneous emergency call and share their location with police in the event of suspicious activity, crimes in progress or any emergency. Students, faculty and staff can download the EagleSafe app, which is available in the Apple and Google Play stores.



University Response

While every person on campus plays an important role in deterring and reporting criminal behavior, the following positions have the additional responsibilities outlined below.

The University President has the ultimate authority relating to all issues and incidents related to campus safety and security. The President may, as deemed necessary, take immediate action to ensure the safety and security of the campus and community. These actions could include, but are not limited to, ordering any disciplinary action; restricting access to university facilities or personnel; ordering a trespass notice; closing university facilities; and/or taking other action as permitted by law.

The AVP of Public Safety/Chief of Police keeps the President apprised in times of emergent situations on campus, and directs the police department. EWUPD has primary responsibility for crime reporting, campus safety, safety notifications, crime prevention training and awareness, and emergency management. Spokane Police Department responds to all reported incidents of violence on the EWU Spokane Campus and intervenes as necessary to protect the safety of all persons and property.

Student Affairs assists EWU Police in responding to safety concerns involving students and responding to crimes committed by students; addresses any criminal behavior engaged in by students as appropriate under the student conduct code; and provides students with crime prevention training and materials.

Human Resources assists EWU Police and supervisors in responding to safety concerns in the workplace; facilitates appropriate responses to reported incidents of criminal behavior by employees through professional development, investigation and/or discipline; and ensures all new employees receive crime prevention training and materials as required by policy.

Records and Registration ensures each student is provided with campus violence awareness information (including information regarding counseling services) by including such information in annual catalogs and/or quarterly course announcements.

Timely Warnings

Campus-wide timely warning notices will be issued to students and employees for crimes that meet Clery Act criteria and that, in the judgment of the University President, the AVP of Public Safety/Chief of Police, or designee constitute a serious or continuing threat to the health and safety of the EWU community. The decision to issue a timely warning is decided on a case-by-case basis, in light of the facts surrounding a crime, including factors such as the nature of a crime, continuing danger to the campus community and the possible risk of compromising law enforcement efforts. Anyone with crime information warranting a timely warning should report the incident to EWUPD by calling 509.359.7676, or in an emergency by dialing 911.

The University is not required to provide a timely warning for crimes reported to licensed professional counselors employed by EWU's Counseling and Wellness Services (CWS) who are functioning within the scope of their professional capacity, or for crimes that are not reportable under the Clery Act. Licensed professional counselors employed by CWS are encouraged to inform persons being counseled of the procedures to report crimes on a voluntary basis, if and when they deem it appropriate.

Timely Warning Notice Procedures

Timely warnings are issued by the AVP of Public Safety or designee once pertinent information is made available. The AVP of Public Safety will decide the method(s) to be used for the timely warning, and is responsible for ensuring distribution of timely warning notices to the University community. The AVP of Public Safety or designee will create the message using available information on a case-by-case basis, and will generate the notifications or direct other staff, such as the Public Information Officer, Deputy Police Chief, or Administrative Assistant to generate the messages. If EWU's Police Department is not available to initiate an alert, another authorized EWU official may activate the system. If the threat posed is immediate, the University will follow the emergency notification procedures (described in the Emergency Response and Evacuations chapter).

Timely warnings may be issued through several means of communication, such as the snow line (509) 359-7669; campus-wide email; the EWU Alerts System; @EWUPolice twitter feed; Facebook; messages visible on computer screens logged into the University network system; and other electronic communication channels. Additionally, depending on the circumstances, warnings may also be issued through any or all of the following:

- Banners on ewu.edu and <https://inside.ewu.edu> webpages;
- Text (SMS) messages;
- Notice posted on the EWU Emergency Information web page:
<https://www.ewu.edu/emergency/>;
- EWU Timely Warning history web page:
<https://inside.ewu.edu/police/ewu-timely-warnings/>;
- Email;
- Fire alarms;
- Outdoor warning speakers;
- Vehicle public address speakers;
- Voice messages to campus telephone numbers;
- Voice messages to cell phones;
- EagleSafe App;
- Other appropriate methods.

Content of a Timely Warning

All timely warnings should include, at a minimum, the following information, if available and/or appropriate:

- What the reported offense is;
- Description and name of suspect(s) if known;
- Description of what happened including location, date(s), time of day/night, behavior of suspect(s), etc.; and
- Information that promotes safety and that would aid in prevention of similar crimes.

Including the name of a suspect in a timely warning is not a violation of the Family Education Rights and Privacy Act if such information is taken from a law enforcement record or, if it is contained in an education record, release of such information is necessary to protect the health or safety of others in an emergency situation. Timely warnings shall not include the names of complainants or victims, nor jeopardize the confidentiality of the victim(s), as required by the Reauthorization of the Violence Against Women Act of 2013.



Security of and Access to Campus Facilities

Security and Access to Buildings

The Catalyst and SIERR Buildings are scheduled to lock automatically at 10:00 pm Monday through Friday. They may also be unlocked on the weekend, as needed for classes and events. Once doors are locked, access is managed via proximity cards. Emerald Initiative maintains oversight and maintenance of all lock systems including electronic card access.

Buildings are patrolled by EWUPD Campus Safety Responders Monday through Friday from 2:30 pm to 11:00 pm, and occasionally on weekends for special events.. Once facilities are locked, only authorized personnel with assigned key access may lawfully enter. There are several roaming patrols provided by a local security contractor, Securitas, throughout the day and night when EWUPD Campus Safety Responders aren't present. They check the perimeter and the building's doors. If they find a door open or anything that looks suspicious, they sweep the interior of the building.

Facilities Maintenance

Campus security systems, including lighting, alarms, and locks are actively checked and maintained by Emerald Initiative.

Crime Statistics

The statistics in this report are published according to the standards and guidelines used by the FBI Uniform Crime Reporting Handbook and relevant federal law. Annual crime statistics are also submitted to the Department of Education. The statistical information gathered by the Department of Education is available to the public through their website. For statistical purposes, crime statistics are recorded in the calendar year the crime was reported. Statistics are being reported per the 2016 Handbook for Campus Safety and Security Reporting.

Eastern Washington University includes the three most recent years of crime statistics in this Annual Security Report, occurring within University geography. These statistics are based on crimes reported to the EWUPD. Additionally, crime statistics are gathered from other agencies each year via the following methods:

1. Local police departments (via law enforcement records management system reports)
 - Spokane County Sheriff's Office
 - Spokane Police Department
2. Branch campuses (written requests)
 - WSU Spokane Office of Safety and Security
3. EWU Director of Student Rights and Responsibilities (via Maxient)
4. EWU Title IX Coordinator; and
5. EWU Campus Security Authorities.

The AVP of Public Safety and Campus Security Survey Administrator prepare and distribute the Annual Security Report in cooperation with other University departments, including the Office of the President; Student Affairs; Housing and Residential Life; Dean of Students Office; Student Rights and Responsibilities; Title IX; Human Resources; Facilities and Planning (including Fire Life Safety Program); and Counseling and Wellness Services.

EWUPD also maintains a daily crime log for the EWU Spokane Campus. This log records all criminal incidents that are reported to police and occur within the required geographic

locations. The log is available for public inspection at the Red Barn during regular business hours, and online at <https://inside.ewu.edu/police/crime-data/daily-crime-log>.

Definitions of Categories

Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

Arson: Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another.

Burglary: The unlawful entry of a building or dwelling with intent to commit a crime against a person or property therein. This includes unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts at these offenses.

Dating Violence: An act of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

[Dating violence is defined under Washington State law as a type of domestic violence. The definition of family or household members under Washington law includes those who have been or are in a dating relationship. A dating relationship is "a social relationship of a romantic nature." Factors that the court may consider in making this determination include: (a) The length of time the relationship has existed; (b) the nature of the relationship; and (c) the frequency of interaction between the parties." RCW 10.99.020(3), (4); 7.105.010(8)]

Disciplinary Referrals: Individuals referred to Student Rights and Responsibilities (SRR) for liquor law, drug law and illegal weapons violations. The numbers include incidents that are reported via both EWUPD incident reports and reports provided directly to SRR from other members of the EWU community.

Domestic Violence: A felony or misdemeanor crime of violence committed by a current spouse or intimate partner of the victim; a person with whom the victim shares a child in common; a person that is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; adult persons related by blood or marriage; adult persons who are presently residing together or who have resided together in the past; and persons who have a biological or legal parent-child relationship; or any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State of Washington or 34 U.S.C. 12291(a)(8).

[Under state law, the crime of domestic violence is defined as physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, sexual assault or stalking of one family or household member by another family or household member. Domestic violence includes but is not limited to any of the following crimes when committed by one family or household member against another family or household member, or one intimate partner against another intimate partner: Assault in the first, second, third or fourth degree; Drive-by shooting; Reckless endangerment; Coercion; Burglary in the first or second degree; Criminal trespass in the first or second degree; Malicious mischief in the first, second or third degree; Kidnapping in the first or second degree; Unlawful imprisonment; Violation of the provisions of a restraining order, no-contact order, or protection order restraining or enjoining the person or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location; Rape in the first or second degree; Residential burglary; Stalking; and Interference with the reporting of domestic violence. RCW 10.99.020(4)]

Drug Law Violation: Washington State law prohibits the any person to manufacture, deliver, or possess with intent to manufacture or deliver a controlled substance. Possession of small amounts of marijuana by someone who is 21 or older is now permitted by state law and thus

referrals for such possession, which is prohibited on campus, are not included in the statistics. [Please note: Marijuana remains illegal under federal laws and policies regarding marijuana at EWU remain unchanged.]

Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

[In Washington State, a person is guilty of indecent liberties when he or she knowingly causes another person to have sexual contact with him/her or another as described in RCW 9A.44.100.]

Hate Crimes: A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. The eight bias categories are disability, ethnicity, gender, gender identity, national origin, race, religion, and sexual orientation. For Clery purposes, hate crimes include criminal homicide, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft and arson. The following four crimes are also included in Clery statistics if they are hate crimes:

- **Larceny-Theft:** The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another.
- **Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.
- **Intimidation:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to physical attack.

- **Destruction/Damage/Vandalism of Property:** To willfully or maliciously destroy, damage, deface or otherwise injure real or person property without the consent of the owner or the person having custody or control if it.
-

Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

[In Washington State a person is guilty of incest if he or she engages in sexual intercourse or sexual contact with a person whom he or she knows to be related to him or her, either legitimately or illegitimately, as an ancestor, descendant, brother or sister of either the whole or the half blood. RCW 9A.64.020]

Liquor Law Violations: The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

Manslaughter by Negligence: The killing of another person through gross negligence.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle, including joyriding.

Murder/Non-Negligent Manslaughter: The willful (non-negligent) killing of one human being by another.

Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without consent of the victim.

[The Washington State definition of rape (RCW 9A.44) is sexual intercourse (any penetration, however slight); and also means any penetration of the vagina or anus, however slight, by an object, when committed on one person by another, whether such persons are of the same or opposite sex except when such penetration is accomplished for medically recognized treatment or diagnostic purposes; or sexual contact between persons involving the sex organs

of one person and the mouth or anus of another, whether such persons are of the same or opposite sex, by forcible compulsion, where the victim did not consent to sexual intercourse, or where there is threat of substantial unlawful harm to property rights of the victim.]

Robbery: The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Stalking: Engaging in a course of conduct directed at a specific person, including without limitation by means of following, monitoring, observing, surveilling, threatening or communicating to or about a person or interfering with a person's property, that would cause a reasonable person to fear for the person's safety or the safety of others or suffer significant mental suffering or anguish that may, but does not necessarily require, medical or other professional treatment or counseling.

[Per RCW 9A.46.110, a person commits the crime of stalking if, without lawful authority and under circumstances not amounting to a felony attempt of another crime he or she intentionally and repeatedly harasses or repeatedly follows another person; intentionally contacts, follow, tracks or monitors another person after being given notice that the person does not want to be contacted, followed, tracked or monitored, or knowingly and without consent installs or monitors an electronic tracking device to track the location of another person; and the person being harassed, followed, tracked or monitored suffers substantial emotional distress or is placed in fear that the stalker intends to injure the person, another person, or property of the person or of another person. The feeling of fear must be one that a reasonable person in the same situation would experience under all the circumstances; and the stalker either intends to frighten, intimidate, or harass the person; or knows or reasonably should know that the person is afraid, intimidated, or harassed even if the stalker did not intend to place the person in fear or intimidate or harass the person.]

Statutory Rape is sexual intercourse with a person who is under the statutory age of consent.

[In Washington State a person is guilty of Rape of Child in the third degree when the person has sexual intercourse with another who is under the statutory age of consent as defined in RCW 9A.44.073, 9A.44.076, and 9A.44.079.]

Weapons Law Violations: The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons.

Definitions of Geography

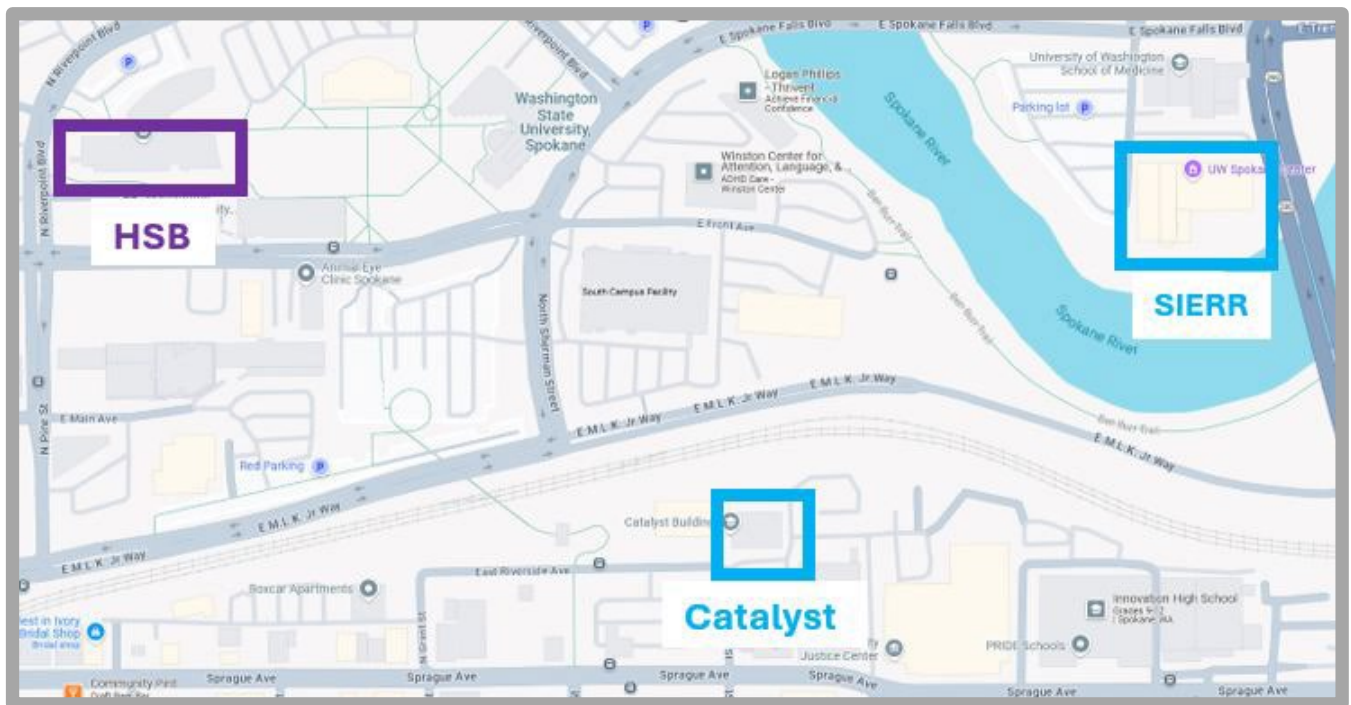
On-Campus: Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution's educational purposes, including residence halls; and any building or property that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes.

Note: Statistics for university housing facilities are recorded and included in both the on-campus category and the on-campus residential only category.

Non-Campus Building or Property: Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Public Property: All public thoroughfares, streets, sidewalks and parking facilities, that are within the campus or immediately adjacent to and accessible from the campus. Crime statistics do not include crimes that occur in privately owned homes or businesses adjacent to the campus boundaries.

The map below shows the locations of the Catalyst and SIERR Buildings (EWU Spokane Campus, outlined in blue) and the Health Sciences Building (HSB) (EWU branch campus, outlined in purple). The EWU Spokane Campus buildings are patrolled by EWUPD Campus Safety Responders, and fall under the law enforcement jurisdiction of Spokane Police Department. The WSU Spokane Security Office responds to campus emergencies that are not 911 emergencies, and handles all patrol, initial investigation, crime prevention education, and related duties for the campus community. WSU Spokane Campus Security operates 24 hours a day, seven days a week and provides service by vehicle and on foot. Security officers are not commissioned and do not have the authority to arrest individuals.



EWU Spokane Campus

EWU SPOKANE CAMPUS			RESIDENTIAL FACILITIES (subset of on-campus)		
CRIMINAL OFFENSE	YEAR	ON-CAMPUS		NON-CAMPUS	PUBLIC PROPERTY
MURDER/NON-NEGLIGENT MANSLAUGHTER	2023	0	-	0	0
	2022	0	-	0	0
	2021	0	-	0	0
NEGLIGENT MANSLAUGHTER	2023	0	-	0	0
	2022	0	-	0	0
	2021	0	-	0	0
RAPE	2023	0	-	0	0
	2022	0	-	0	0
	2021	0	-	0	0
FONDLING	2023	0	-	0	0
	2022	0	-	0	0
	2021	0	-	0	0
INCEST	2023	0	-	0	0
	2022	0	-	0	0
	2021	0	-	0	0
STATUTORY RAPE	2023	0	-	0	0
	2022	0	-	0	0
	2020	0	-	0	0
ROBBERY	2023	0	-	0	0
	2022	0	-	0	0
	2021	0	-	0	0
AGGRAVATED ASSAULT	2023	0	-	0	0
	2022	0	-	0	0
	2021	0	-	0	0
BURGLARY	2023	0	-	0	0
	2022	0	-	0	0
	2021	0	-	0	0

EWU SPOKANE CAMPUS			RESIDENTIAL FACILITIES (subset of on- campus)		
CRIMINAL OFFENSE	YEAR	ON- CAMPUS		NON- CAMPUS	PUBLIC PROPERTY
MOTOR VEHICLE THEFT	2023	0	-	0	0
	2022	0	-	0	0
	2021	0	-	0	0
ARSON	2023	0	-	0	0
	2022	0	-	0	0
	2021	0	-	0	0
LIQUOR LAW ARRESTS	2023	0	-	0	0
	2022	0	-	0	0
	2021	0	-	0	0
LIQUOR LAW VIOLATIONS- REFERRALS	2023	0	-	0	0
	2022	0	-	0	0
	2021	0	-	0	0
DRUG LAW ARRESTS	2023	0	-	0	0
	2022	0	-	0	0
	2021	0	-	0	0
DRUG LAW VIOLATIONS- REFERRALS	2023	0	-	0	0
	2022	0	-	0	0
	2021	0	-	0	0
ILLEGAL WEAPONS POSSESSION ARRESTS	2023	0	-	0	0
	2022	0	-	0	0
	2021	0	-	0	0
ILLEGAL WEAPONS POSSESSION VIOLATIONS- REFERRALS	2023	0	-	0	0
	2022	0	-	0	0
	2021	0	-	0	0

EWU SPOKANE CAMPUS					
CRIMINAL OFFENSE	YEAR	ON-CAMPUS	RESIDENTIAL FACILITIES (subset of on-campus)	NON-CAMPUS	PUBLIC PROPERTY
DOMESTIC VIOLENCE	2023	0	-	0	0
	2022	0	-	0	0
	2021	0	-	0	0
DATING VIOLENCE	2023	0	-	0	0
	2022	0	-	0	0
	2021	0	-	0	0
STALKING	2023	0	-	0	0
	2022	0	-	0	0
	2021	0	-	0	0

There were no unfounded crimes reported at the EWU Spokane Campus in 2021, 2022, or 2023.

WSU Branch Campus (Health Sciences Building)

Health Sciences Building 310 N Riverpoint CRIMINAL OFFENSE	YEAR	ON- CAMPUS	RESIDENTIAL FACILITIES (subset of on- campus)	NON- CAMPUS	PUBLIC PROPERTY
MURDER/NON- NEGLIGENT MANSLAUGHTER	2023	0	-	0	0
	2022	0	-	0	0
	2021	0	-	0	0
NEGLIGENT MANSLAUGHTER	2023	0	-	0	0
	2022	0	-	0	0
	2021	0	-	0	0
RAPE	2023	0	-	0	0
	2022	0	-	0	0
	2021	0	-	0	0
FONDLING	2023	0	-	0	0
	2022	0	-	0	0
	2021	0	-	0	0
INCEST	2023	0	-	0	0
	2022	0	-	0	0
	2021	0	-	0	0
STATUTORY RAPE	2023	0	-	0	0
	2022	0	-	0	0
	2021	0	-	0	0
ROBBERY	2023	0	-	0	0
	2022	0	-	0	0
	2021	0	-	0	0
AGGRAVATED ASSAULT	2023	0	-	0	0
	2022	0	-	0	0
	2021	0	-	0	0
BURGLARY	2023	0	-	0	0
	2022	0	-	0	0
	2021	0	-	0	0

Health Sciences Building 310 N Riverpoint CRIMINAL OFFENSE	YEAR	ON- CAMPUS	RESIDENTIAL FACILITIES (subset of on- campus)	NON- CAMPUS	PUBLIC PROPERTY
MOTOR VEHICLE THEFT	2023	0	-	0	0
	2022	0	-	0	0
	2021	0	-	0	0
ARSON	2023	0	-	0	0
	2022	0	-	0	0
	2021	0	-	0	0
LIQUOR LAW ARRESTS	2023	0	-	0	0
	2022	0	-	0	0
	2021	0	-	0	0
LIQUOR LAW VIOLATIONS- REFERRALS	2023	0	-	0	0
	2022	0	-	0	0
	2021	0	-	0	0
DRUG LAW ARRESTS	2023	0	-	0	0
	2022	0	-	0	0
	2021	0	-	0	0
DRUG LAW VIOLATIONS- REFERRALS	2023	0	-	0	0
	2022	0	-	0	0
	2021	0	-	0	0
ILLEGAL WEAPONS POSSESSION ARRESTS	2023	0	-	0	0
	2022	0	-	0	0
	2021	0	-	0	0
ILLEGAL WEAPONS POSSESSION VIOLATIONS- REFERRALS	2023	0	-	0	0
	2022	0	-	0	0
	2021	0	-	0	0

Health Sciences Building 310 N Riverpoint CRIMINAL OFFENSE	YEAR	ON- CAMPUS	RESIDENTIAL FACILITIES (subset of on- campus)	NON- CAMPUS	PUBLIC PROPERTY
DOMESTIC VIOLENCE	2023	0	-	0	0
	2022	0	-	0	0
	2021	0	-	0	0
DATING VIOLENCE	2023	0	-	0	0
	2022	0	-	0	0
	2021	0	-	0	0
STALKING	2023	1	-	0	0
	2022	0	-	0	0
	2021	0	-	0	0

There were no unfounded crimes in the Health Sciences Building in 2021, 2022, or 2023.

The following link provides access WSU Spokane's Annual Security Report:

<https://spokane.wsu.edu/campus-security/clery-report/>

Hate Crimes

A hate or bias related crime is not a separate, distinct crime, but is the commission of a criminal offense that was motivated by the offender's bias. Eastern Washington University (EWU) strives to foster a safe and healthy learning environment that embodies diversity and inclusion of all members of the EWU community. Hate crime statistics are separated by category of prejudice. The numbers for the Clery crime offenses are reported as part of the overall statistics each year. Exceptions to this are the addition of Simple Assault, Intimidation and any other crime involving bodily injury that isn't already included in the required reporting categories. If a hate crime occurs in an incident involving Intimidation, Vandalism, Larceny, Simple Assault, or other bodily injury, the law requires that the statistic be reported as a hate crime even though there is no requirement to report the crime classification in any other area of the document.

If the facts of a case indicate that the offender was motivated to commit the offense because of his/her bias against the victim's race, sexual orientation, gender, religion, ethnicity, national origin, gender identity or disability, the crime is then also classified as a hate/bias crime.

Hate Crimes - EWU Spokane Campus

No hate crimes were reported in 2021, 2022 or 2023 on the EWU Spokane Campus.

Hate Crimes – WSU Spokane (Health Sciences Building)

No hate crimes were reported in 2021, 2022 or 2023 at the Health Sciences Building.

Crime Prevention

Crime Prevention Programs on the EWU Spokane Campus

The EWU Police Department offers activities and programs to inform students and employees about crime prevention and safety, to provide methods for protecting themselves, and to train them on how to respond in emergency situations. A common theme of all awareness and crime prevention programs is to encourage students and employees to be responsible for their own safety and for the safety of others on campus.

Crime prevention programs are sponsored by various campus organizations throughout the year. Incoming students attend orientation and participate in programs describing security, public safety and fire safety during orientations.

Orientation for new employees includes information and links regarding:

- Violence Prevention, Control and Response
- EagleSafe App and Eagle Alerts
- Clery Act/ Annual Security & Fire Safety Reports
- Discrimination, Sexual Harassment, Sexual Misconduct, Domestic Violence, Relationship Violence, Stalking and Retaliation
- Hazing Prevention & Response
- Drug and Alcohol Abuse Program
- Emergency Response Procedures
- Incident Reporting
- Title IX Resources
- Bullying

The police department offers *Safety & Awareness* training quarterly and upon request. This training covers violence prevention, situational awareness, and responding to critical incidents on campus. All new employees are required to participate in a mandatory training that covers Title IX, Harassment, Hazing, Nondiscrimination, and Diversity, Equity & Inclusion. This

training is available regularly and online. Employees may also attend a *New Faculty and Staff Policy Workshop*, which is held for all new employees. The second part of this two-part workshop includes a presentation by the police department on campus safety, security and crime prevention. These workshops are offered in-person and via zoom. Office safety walk-throughs are provided upon request.

In addition to training and awareness sessions, crime prevention information is also provided to students and employees via crime prevention materials, security alert posters, displays, videos and social media. The EWU Police Department produces several of these items, including a student campus security brochure, emergency response flipcharts, and an emergency management plan. Items may be obtained at the EWU Police Department, Human Resources, or Admissions. Copies may also be requested by calling 509.359.6498, emailing police@ewu.edu or by writing to EWU Police Records, 609 W 7th St, Cheney, WA 99004. Additional information about crime prevention programs and training offered by the police department can be found at: <https://inside.ewu.edu/police/police-services/crime-prevention-programs/> and <https://inside.ewu.edu/police/police-services/training-and-classes/>.

Alcohol and Drug Education Programs

Counseling and Wellness Services (CWS) at Eastern Washington University typically offers a variety of alcohol and drug abuse prevention and awareness programs to students. Presentations and outreach are provided by both professional staff and peer health educators. Alcohol and drug misuse prevention opportunities include presentations for campus groups, on-line education modules, and information through outreach services. More information is available at <https://inside.ewu.edu/bewell/>.

Alcohol education programs offered by CWS included:

- Online course with robust ATOD content offered to all new first year students.
- Targeted alcohol education presentations to new students during Fall quarter through Sorority and Fraternity Life, and classes for all first-year student-athletes.
- Students who either take responsibility for, or are found responsible for alcohol or cannabis use are given the following sanctions:

- Complete the **eCheckup Personal Assessment**. This is an online demographic program that is designed to give students feedback about their individual drinking or cannabis patterns, risk patterns, and aspirations and goals.
- In-Person or online **Alcohol or Cannabis Education Course**. The in-person BASICS course is a one-hour course offered on campus by the Counseling & Wellness Services. The online class is through the Get Inclusive program and consists of videos and situations regarding alcohol and drug consumption. The online class is offered during breaks or times when class is not in session.
- **Reflection Form**. This is a short six question Google form that asks you to reflect on the information learned during the #2 BASICS Education Course.
- **Eagles for Recovery**: a new student community focused on supporting those who are in recovery, curious about recovery, or recovery ally.

EWUPD offers alcohol and drug awareness presentations to students and student groups upon request. Additional information about programs offered is available in the University's biennial alcohol and drug report.



Eagle Walks

The EWU Police Department provides Eagle Walks (safety escorts) for students, faculty and staff walking on or near the EWU Spokane Campus.

The program's intent is to get students, faculty, staff and guests safely to their destinations on campus or within a close proximity of the campus during the hours of darkness. This service is limited to the availability of EWUPD Campus Safety Responders.

To receive this service, call the on-duty EWUPD Campus Safety Responder at 509.710.3873 Monday through Friday from 2:30 to 11:00 pm. and on weekends during events. If there is an available escort, the caller will be told who the escort will be and receive instructions as to where and when to meet him or her.

SAFETY TIPS & EAGLE WALK PROGRAM

- Sign up for EWU Alerts at <https://inside.ewu.edu/police/ewu-alerts/>
- Be aware of your surroundings and trust your instincts. Avoid using headphones when you are walking alone.
- Walk on well-lit routes and avoid walking alone at night.
- Pepper spray is allowed on campus.
- Inform your roommate or someone you trust if you are going out and when you plan to return.
- Call EagleWalk at 359-7676 if you need an escort on campus.
- Lock your door day and night. Do not lend keys, access cards or passwords to anyone. Do not prop open locked doors.
- Do not leave your backpack or personal belongings unattended.
- Use caution when posting personal information on social media sites.
- Do not accept drinks from strangers. Alcohol is the #1 Date Rape Drug!
- Report any suspicious or unusual activity to EWUPD immediately.

Operation ID

Engrave: Operation I.D. is a nationwide effort of law enforcement agencies and the citizens they serve. The goal is to reduce property theft through an identification system by marking your possessions with an identifying number or mark. This helps deter theft and helps ensure your items will be returned to you if they're stolen and later recovered by police. It may also prevent a thief from choosing to steal your belongings because they are more identifiable. EWUPD has engravers on the Cheney campus you may use free of charge to engrave your belongings. Call 509.359-6310 to set up an appointment.

Inventory: Keep a list of your valuables. Make several copies and store them in two or more secure locations, such as a safe, locked drawer or cabinet. Include a full description of the item including color, make, model, year of manufacture, serial number and any other identifiers, including engraving. Include items such as CD players, stereo, computers, printers, telephones, televisions, radios, iPods, gaming systems, and other valuable belongings.

Report: Items stolen on campus should be reported to EWUPD. Valuable items can be entered by police into the Washington Crime Information Center (WACIC) system to aid in returning the items to the rightful owner if another department recovers them.

Bicycle Registration

Bicycle registration is recommended for faculty, staff and students who ride on the EWU Spokane Campus, because bicycles can be a target of theft. Registration is an aid for recovery of a bicycle that is stolen, and it is free and easy. Bicycles can be registered online at <https://inside.ewu.edu/police/police-services/bicycle-registration/>. In addition, keep your bike locked to a bike rack at all times and check it often.

Self-Defense Classes

The EWU Police Department provides free self-defense classes to students, faculty, staff and the community to train both men and women in basic self-defense techniques and offer viable

options when confronted with various threats of violence and aggression.

Self-defense classes train on the following tactics:

- Identifying an imminent attack
- Close quarters defensive tactics
- Defeating attacks from behind
- Creating opportunities for acquiring assistance during an attack
- A multitude of other self-protection skill sets

These classes help create a new set of awareness, assertiveness verbal confrontation skills, and safety strategies, and provide techniques that enable you to prevent, escape, resist, and survive attacks.

EWU Police Department typically offers self-defense training three to four times per year, and classes are posted at <https://inside.ewu.edu/police/police-services/training-and-classes/>. Self-defense courses can also be requested for a group by calling (509) 370-3069.

Vehicle Safety Checks

Two weeks before winter break, EWUPD partners with ASEWU to hold vehicle safety checks on the Cheney campus. This service includes a check of windshield wipers, tire tread, tire pressure, fluid levels and lights so that any issues can be addressed before students drive home for the winter break. There are also raffles and giveaways of products to promote the safety of students while traveling.

Response to Sexual Violence

The University takes its commitment to providing students and employees with a safe environment seriously. Threats and acts of violence on our campus and other property, and in university programs and activities, are prohibited. EWU will not tolerate any form of sexual misconduct, sexual harassment, sexual assault, domestic violence, dating violence, stalking or retaliation, and will take appropriate action against a university employee, student, visitor, volunteer or contractor found in violation. These crimes are addressed in the Student Conduct Code, EWU Policy 603-01 (Campus Safety, Security and Crime Prevention), EWU Policy 402-01 (Sexual Misconduct, Interpersonal Violence & Title IX Responsibilities), and EWU Policy 402-05 (Title IX Investigations & Hearings).

DEFINITIONS

Violence is the use of physical force with intent, effect, or reasonable likelihood of causing pain, harm, injury or damage to any person or property. The crimes of domestic violence, dating violence, and sexual assault are among those included in the term “violence.” **Threats** are words or actions intended, causing, or reasonably likely to cause pain, harm, injury or damage to any person or property. Stalking is one of the crimes included in the term “threats.”

Dating Violence: An act of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

[Dating violence is defined under Washington State law as a type of domestic violence. The definition of family or household members under Washington law includes those who have been or are in a dating relationship. A dating

relationship is “a social relationship of a romantic nature.” Factors that the court may consider in making this determination include: (a) The length of time the relationship has existed; (b) the nature of the relationship; and (c) the frequency of interaction between the parties.” RCW 10.99.020(3), (4); 7.105.010(8)]

Domestic Violence: A felony or misdemeanor crime of violence committed by a current spouse or intimate partner of the victim; a person with whom the victim shares a child in common; a person that is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; adult persons related by blood or marriage; adult persons who are presently residing together or who have resided together in the past; and persons who have a biological or legal parent-child relationship; or any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the State of Washington or 34 U.S.C. 12291(a)(8).

[Under state law, the crime of domestic violence is defined as physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, sexual assault or stalking of one family or household member by another family or household member. Domestic violence includes but is not limited to any of the following crimes when committed by one family or household member against another family or household member, or one intimate partner against another intimate partner: Assault in the first, second, third or fourth degree; Drive-by shooting; Reckless endangerment; Coercion; Burglary in the first or second degree; Criminal trespass in the first or second degree; Malicious mischief in the first, second or third degree; Kidnapping in the first or second degree; Unlawful imprisonment; Violation of the provisions of a restraining order, no-contact order, or protection order restraining or enjoining the person or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location; Rape in the first or second degree; Residential burglary; Stalking; and Interference with the reporting of domestic violence. RCW 10.99.020(4)].

Sexual Assault: Any sexual act directed against another person, without a person’s consent, including instances where a person is not capable of giving consent. An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s UCR program:

- **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without consent of the victim.

[The Washington State definition of rape (RCW 9A.44) is sexual intercourse (any penetration, however slight); and also means any penetration of the vagina or anus, however slight, by an object, when committed on one person by another, whether such persons are of the same or opposite sex except when such penetration is accomplished for medically recognized treatment or diagnostic purposes; or sexual contact between persons involving the sex organs of one person and the mouth or anus of another, whether such persons are of the same or opposite sex, by forcible compulsion, where the victim did not consent to sexual intercourse, or where there is threat of substantial unlawful harm to property rights of the victim.]

- **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity. *[In Washington State, a person is guilty of indecent liberties when he or she knowingly causes another person to have sexual contact with him/her or another as described in RCW 9A.44.100.]*
- **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. *[In Washington State a person is guilty of incest if he or she engages in sexual intercourse or sexual contact with a person whom he or she knows to be related to him or her, either legitimately or illegitimately, as an ancestor, descendant, brother or sister of either the whole or the half blood. RCW 9A.64.020]*
- **Statutory Rape** is sexual intercourse with a person who is under the statutory age of consent. *[In Washington State a person is guilty of Rape of Child in the third degree when the person has sexual intercourse with another who is under the statutory age of consent as defined in RCW 9A.44.073, and 9A.44.076, 9A.44.079.]*

Stalking: Engaging in a course of conduct directed at a specific person, including without limitation by means of following, monitoring, observing, surveilling, threatening or

communicating to or about a person or interfering with a person's property, that would cause a reasonable person to fear for the person's safety or the safety of others or suffer significant mental suffering or anguish that may, but does not necessarily require, medical or other professional treatment or counseling.

[Per RCW 9A.46.110, a person commits the crime of stalking if, without lawful authority and under circumstances not amounting to a felony attempt of another crime he or she intentionally and repeatedly harasses or repeatedly follows another person; intentionally contacts, follow, tracks or monitors another person after being given notice that the person does not want to be contacted, followed, tracked or monitored, or knowingly and without consent installs or monitors an electronic tracking device to track the location of another person; and the person being harassed, followed, tracked or monitored suffers substantial emotional distress or is placed in fear that the stalker intends to injure the person, another person, or property of the person or of another person. The feeling of fear must be one that a reasonable person in the same situation would experience under all the circumstances; and the stalker either intends to frighten, intimidate, or harass the person; or knows or reasonably should know that the person is afraid, intimidated, or harassed even if the stalker did not intend to place the person in fear or intimidate or harass the person.]

Definition of Consent

Per EWU policy, consent means actual words or conduct indicating freely given agreement to sexual activity. Consent cannot be inferred from silence, passivity or lack of active resistance. There is no consent where there is a threat of force of violence or any other form of coercion, intimidation, or deception, physical or psychological. Consent must be established through clear words or actions.

Sexual activity is nonconsensual when one person is incapable of consent due to any of the following:

- Force or threat of force (physical violence, restraint or threat of violence used during sex is not consent);
- Lack of clear words or actions (silence or lack of participation before or during sex is not consent);

- Resistance either verbally or physically (asking to stop or pushing away is not consent);
- Withdrawal of consent (if a person initially agrees to sex but withdraws consent before or during sex, you must stop);
- Deception (if you trick the person into having sex because they believe you are someone else, you don't have consent);
- Coercion (if you repeatedly ask the person to engage in sex, intimidate them or pressure them, you may not have consent); and
- Incapacitated due to alcohol/drugs (slurred speech, difficulty balancing, vomiting, incoherent, unusual behavior, passed out are all signs of incapacitation and unable to give consent).

Washington state law defines consent as “at the time of the act of sexual intercourse or sexual contact there are actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact.” RCW 9A.44.010(2).

Crimes of violence, including sexual assault and stalking, are a very serious concern at Eastern Washington University. **If you are a victim of a violent crime, the EWU Police Department will guarantee the following.**

OUR COMMITMENT

- We will meet with you privately, at a time and local place of your choice, to take your report.
- We will NOT notify your parents without your consent.
- We will treat you and your case with courtesy, sensitivity, dignity, understanding and professionalism.
- Our officers will NOT judge you, and you will NOT be blamed for what occurred.
- We will assist you in arranging for any necessary medical or health treatment.
- We will assist you in obtaining emergency housing if needed.
- We will assist you in privately contacting counseling and other available resources.
- If you would feel more comfortable talking with a friend or advocate of your choice present, we will do our best to accommodate your request.
- If you choose to file a police report, we will fully investigate your case and will help you to achieve the best outcome. This may involve the arrest and full prosecution of the suspect responsible. You will be kept up to date on the progress of the investigation and/or prosecution.
- We will continue to be available to answer your questions, to explain the system and process involved (prosecutor, courts, etc.), and to be a listening ear if you wish.
- We will take your case seriously, regardless of your gender or the gender or status of the suspect.

Eastern Washington University will not tolerate any form of sexual misconduct, sexual harassment, sexual assault, domestic or dating violence, stalking or retaliation, and will take appropriate action against a university employee, student visitor, volunteer, or contractor who violates any part of this policy (EWU Policy 402-01 – Sexual Misconduct, Interpersonal Violence & Title IX Responsibilities). Enforcement of this policy is subject to constitutional protections related to freedom of speech, association and the press.

As a public institution of higher education, the university has a special responsibility to create and maintain an academic environment that promotes freedom of inquiry and expression while protecting the rights, opportunities and welfare of employees, students, program participants, visitors, volunteers and contractors. The goal of this policy is to promote an environment that is free of sexual misconduct and interpersonal violence. To facilitate this goal, the university retains authority to discipline or take other appropriate action for any conduct that is deemed unacceptable or inappropriate, regardless of whether the conduct rises to the level of unlawful sexual misconduct or interpersonal violence.

All persons, including students, employees, program participants, visitors, volunteers and contractors are required to comply with this policy while on campus or participating in university programs or activities. EWU students and employees are also required to comply with this policy while conducting university business, participating in university activities or using university resources. Students and employees are also responsible for violations of this policy off-campus or outside of a university program or activity when the conduct in question has an impact on the person's duties or responsibilities as a university student or employee.

Reporting

If you have experienced discrimination on the basis of sex/LGBTQ+ status, sexual harassment, sexual assault, fondling, domestic violence, dating violence, stalking, retaliation, discrimination on the basis of sex/sexual orientation/gender identity or expression, or other forms of sexual misconduct, we encourage you to report the incident. You can file a complaint with the university or with local law enforcement, or both, using one of the following options:

University Reporting Process

A report can be filed with EWU's Title IX team at <https://inside.ewu.edu/titleix/reporting/>, by contacting the Title IX Coordinator via email to ascharosch@ewu.edu or calling 509-359-6724.

Reporting to Law Enforcement

A report may also be made to local law enforcement. If it is an emergency, call 911. If it is not an emergency and the incident occurred on the EWU Spokane Campus, call Spokane County Crime Check at 509-456-2233. If you need assistance in identifying the appropriate law enforcement agency, you can contact EWU's Police Department at 509-359-7676 or by submitting a report at: <https://inside.ewu.edu/police/report-a-crime/>.

Complainants may pursue both a criminal complaint and an administrative complaint consecutively or concurrently. Victims of violence and/or threats may also decline to notify law enforcement authorities if they so choose.

Anonymous or Confidential Reporting

If a complainant wishes to remain anonymous, EWU will take reasonable steps to gather information about the complaint but may not be able to investigate the complaint due to a lack of information or witnesses. The university shall inform the complainant that its ability to investigate and respond to the allegation will be limited and that any type of retaliation is prohibited, and of EWU's commitment to respond to complaints of retaliation. If a complainant wishes to remain anonymous, the Title IX Coordinator must determine whether and to what extent the university can investigate the complaint.

Anonymous reporting options include the following:

1. Anonymous report to the Title IX Coordinator: <https://inside.ewu.edu/titleix/>
2. University Police Anonymous Tip Line at 509-359-4286
3. University Police Reporting Form: <https://inside.ewu.edu/police/report-a-crime/>

Students may also seek advice and assistance on a confidential basis from Counseling and Wellness Services (CWS) at (509) 359-2366.

Mandatory Reporting of Sexual Misconduct

All EWU employees, except licensed professional counselors at Counseling and Wellness Services (CWS) are mandated reporters. Therefore, any incidents of alleged sexual misconduct reported to an EWU employee (other than a licensed professional counselor at CWS) must be reported to the Title IX Coordinator within 24 hours. You can file an employee report at <https://inside.ewu.edu/titleix/reporting/> by clicking the "Report Title IX Concern" button or by contacting the Title IX Coordinator directly at ascharosch@ewu.edu or 509-359-6724.

Employees must report complaints regardless of the person reporting the incident's desire for the matter to remain confidential and regardless of whether a report is made with campus or local law enforcement. Mandatory reporting is not required when a person discloses sexual misconduct during a public awareness event, such as "Take Back the Night." Employees who are uncertain as to whether or not a disclosure is subject to mandatory reporting should contact the Title IX Coordinator. Employees that have been subjected to sexual misconduct are not required to self-report the alleged incident they were involved in, but are encouraged to do so.

External Reporting

A complaint may also be filed with the federal Department of Education's Office of Civil Rights (OCR). Information about how to file a complaint with OCR is available at: <https://www2.ed.gov/about/offices/list/ocr/complaintprocess.html>. OCR can also be contacted at: Department of Education, Office for Civil Rights, 915 Second Avenue, Room 3310 Seattle, WA 98174, by phone at (206) 607-1600 or by email, OCR@ed.gov.

Amnesty for Certain Student Conduct Charges

The university encourages students to report incidents of sexual misconduct without fear of consequences for having possessed or consumed alcohol and/or drugs at the time of the incident. The university's primary concern is to address student safety, discrimination and sexual misconduct. The university does not condone drinking, use of illegal drugs, or other violations of law or university policy; however, the university generally will not pursue student conduct code allegations against a complainant for alcohol or drug use and/or possession at the time of the reported sexual misconduct. This amnesty does not extend to other potential violations of

the student conduct code. This limited amnesty is applicable only to university student conduct code proceedings and is at the university's discretion.

Complaint and Investigative Procedures

Upon receipt of a complaint under EWU Policy 402-01 (Sexual Misconduct, Interpersonal Violence & Title IX Responsibilities), the Title IX Coordinator or designee shall determine the appropriate process for handling the complaint.

A formal Title IX complaint is defined as:

- A. A formal signed complaint filed by a complainant who is a current student, employee, applicant, or person participating or seeking to participate in a university program or activity, or by the Title IX Coordinator;
- B. Alleging sexual harassment, sexual assault, domestic violence, dating violence, or stalking as defined for Title IX purposes in university policy; and,
- C. Occurring on EWU premises, during a university program or activity within the United States, or at a building owned or controlled by a student organization that is officially recognized by the university.

EWU Policy 402-05 – Title IX Investigations & Hearings outlines EWU's investigatory and hearing process for responding to formal Title IX complaints against an employee for sexual misconduct and interpersonal violence. Complaints against students for violations of this policy are handled in accordance with the procedures contained in the Student Conduct Code (WAC 172-121). If the student also serves as an employee, following a determination of responsibility under the student conduct code, the matter will be referred to the student employee's supervisor to determine whether disciplinary action is appropriate from an employment perspective. Complaints against other members of the university community, including employees, program participants, visitors, volunteers and contractors that do not meet the definition of a formal Title IX complaint are handled under EWU Policy 402-01.

SEXUAL MISCONDUCT & INTERPERSONAL VIOLENCE COMPLAINTS AGAINST STUDENTS - OVERVIEW OF DISCIPLINARY PROCEEDINGS

(For FULL PROCESS, see EWU Student Conduct Code, WAC 172-121)

Complaints

Any person or the university may file a complaint against a student or student organization for violation of the student conduct code. The complaint must be submitted, in writing, to Student Rights and Responsibilities (SRR), or the Title IX Coordinator. All student conduct code complaints will be forwarded to the director of SRR for further review and action.

Upon receiving a complaint, the director of SRR shall review the complaint to determine whether it includes allegations of sexual misconduct or interpersonal violence, or may lead to suspension or expulsion and/or felony-level criminal conduct to determine which student conduct process applies and if appropriate law enforcement or other authorities should be notified. If a complaint falls within such categories, it shall be referred to a hearing under WAC 172-121-122. The director of SRR shall report all complaints that may constitute any form of sexual misconduct or interpersonal violence to the university Title IX coordinator within twenty-four hours.

The Title IX coordinator will determine whether or not the allegation of sexual misconduct or interpersonal violence constitutes a Title IX complaint. In cases of Title IX complaints, the university will not move forward with initiating a Title IX investigation or student conduct hearing unless a formal complaint from the person alleged to have been subjected to sexual misconduct or interpersonal violence, or a complaint from the Title IX coordinator requesting initiation of the student conduct process has been received.

If allegations include sexual misconduct or interpersonal violence, but do not meet the definition of a Title IX complaint, the Title IX coordinator will inform the complainant and the respondent that the complaint is not considered a Title IX complaint and the reasons it does not fit within the required elements of a formal Title IX complaint. If the complainant or respondent disagrees with the Title IX coordinator's decision, the party may file an appeal with the dean of students within three calendar days of the decision. The dean of students can affirm, reverse or remand the decision, and such decision must be communicated in writing to the parties. SRR may proceed, however, with pursuing a student conduct case against the respondent for misconduct outside of Title IX, including, but not limited to, sexual misconduct or interpersonal violence that does not fit the definition of a Title IX complaint.

To facilitate the investigative process and protect privacy, information will be maintained in a confidential manner to the fullest extent permissible by law. During an investigation, complaint information will be disseminated on a need-to-know basis. If the complainant wishes to remain anonymous, the university will take all reasonable steps to investigate the allegation without disclosing the name of the complainant to the extent allowed by state and federal law, and the university shall inform them that its ability to investigate and respond to the allegation will be limited. The university cannot ensure confidentiality, as its legal obligations under federal or state law may require investigation of the allegation and possible disclosure of the complainant's name.

Once the university is notified of an allegation of sexual misconduct or interpersonal violence that could constitute a crime, it will notify the potential complainant of their right to file a criminal complaint with campus or local law enforcement. If the complainant wishes to report the conduct to local law enforcement, the university will assist them in doing so. The university will also notify the complainant that he or she is not required to file a report with local law enforcement. The university will report allegations of sexual misconduct or interpersonal violence to law enforcement or other authorities when it is required to do so under federal, state, and local law.

During the complaint review, the director of SRR or Title IX coordinator will review whether any supportive measures or interim restrictions are needed.

The university shall investigate any complaint alleging sexual misconduct or interpersonal violence when it is legally required to do so. The university's goal is to have complaints of sexual misconduct or interpersonal violence resolved within 90 days. If the university needs additional time, the investigator or director of SRR should provide written notice to the complainant and respondent of the delay and the reasons for the delay. Delays and extensions beyond the 90 days must be based on good cause.

The university will investigate complaints of sexual misconduct and interpersonal violence allegations, including Title IX complaints, and may, at its discretion, ask for an investigation of other alleged misconduct. During the investigation, the investigator is responsible for gathering evidence relating to the complaint. The investigator will contact the complainant, respondent, and other witnesses to ask questions and gather relevant evidence. Parties may be assisted by an advisor during the investigative process, and will be provided with an equal opportunity to identify witnesses and other evidence that supports their position. Prior to any investigatory interview regarding a Title IX complaint, the investigator will provide written notice of the meeting with the date, time, location, participants, and purpose with sufficient time for the person to prepare to participate in the interview.

Prior to completion of the investigative report for a Title IX complaint, the investigator will send to each party the evidence obtained during the investigation that is directly related to the allegations raised. Each party will then have at least 10 calendar days to submit a written response for a Title IX complaint. The investigator will consider the written response prior to completion of the investigative report. At the conclusion of the investigation, the investigator will prepare a final written report that fairly summarizes the relevant evidence. The investigative report, along with any evidence collected during the investigation, shall then be transmitted to the director of SRR at least 10 days prior to any hearing or other determination of responsibility. In cases of sexual misconduct or interpersonal violence, a copy of the report must also be provided to the parties for their review and written response.

The director of SRR will contact the respondent, and the complainant in cases of sexual misconduct or interpersonal violence, and provide them with the following information:

1. The respondent's and complainant's rights under the student conduct code;
2. A summary of the allegations the complainant has against the respondent;
3. The potential conduct code violations related to the allegations; and

4. How to report any subsequent problems or retaliation, including intimidation, threats, coercion, or discrimination.

In all cases alleging sexual misconduct or interpersonal violence, both parties will be provided with written information that will include, at a minimum:

1. The student's rights and options, including options to avoid contact with the other party; a list of available university and community resources for counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other academic and housing services at the university and in the community; and options for, available assistance in, and how to request changes to, academic, living, transportation, and working situations or protective measures;
2. The importance of preserving evidence of the alleged incident and procedures to follow to preserve evidence of the alleged incident;
3. Who will receive a report of the allegation;
4. Their right to file or not file a criminal complaint and the ability to be assisted by campus authorities in notifying law enforcement authorities if the complainant wishes to do so;
5. A list of resources for obtaining protective, no contact, restraining, or similar orders, if applicable;
6. The procedures the university will follow when determining if discipline is appropriate;
7. Steps the university will take to ensure confidentiality of complainants and other necessary parties and the limits this may place on the university's ability to investigate and respond; and
8. Information regarding the university's policy against retaliation, steps the university will take to prevent and respond to any retaliation, and how the student should report retaliation or new incidents.

Following the complaint review, the director of SRR will either dismiss the matter, refer it to adaptable dispute resolution, or arrange a prehearing conference. If the director of SRR determines the allegations, even if true, would not rise to the level of a conduct violation, they may dismiss the matter. In such cases, the director of SRR will prepare a written record of the dismissal. The director of SRR will also notify the complainant of their decision, if such notification is permissible under FERPA. In cases of sexual misconduct or interpersonal violence or for a Title IX complaint, the complainant may request a review of the dismissal by the Dean of Students by filing a request for review with the director of SRR. The director may refer the complaint to the adaptable dispute resolution process.

Adaptable dispute resolution includes various processes of voluntary, structure facilitation between impacted parties aimed to balance support and accountability. Examples of adaptable dispute resolution include, but are not limited to, restorative justice circles, restorative justice conference, negotiation, facilitated dialogues, impact panels, and mediation. The various types of adaptable dispute resolution available at the university and procedures for resolution are available on SRR's website.

If the director of SRR does not dismiss the matter they will arrange a prehearing conference.

Conduct review proceedings

Conduct review proceedings in which the allegations involve a Title IX complaint, felony level crimes, or the potential sanction is suspension or expulsion, are considered full hearings under the Administrative Procedure Act. Formal rules of process, procedure, and/or technical rules, such as are applied in criminal or civil courts, do not apply in student conduct code proceedings. All Title IX complaints shall follow the regulations prescribed under 34 C.F.R. part 106.

When a charge is directed towards a student organization, the Conduct Review Officer (CRO) will communicate all matters relative to conduct review proceedings with the president of the organization or their designee. The complainant and the respondent may be assisted by one advisor of their choice, subject to the following provisions:

1. Any fees or expenses associated with the services of an advisor are the responsibility of the complainant or the respondent that employed the advisor;
2. The advisor may be an attorney or any other person of the student's choosing;
3. The advisor must provide the CRO with a FERPA release signed by the student they are assisting;
4. If a complainant or the respondent is represented by an attorney, the attorney shall provide the CRO and other parties with the attorney's name, address, telephone number, and email address. The attorney must file a notice of appearance when hired to represent a person and a notice of withdrawal upon withdrawal of representation. A notice of appearance must be filed at least two business days prior to any conduct review proceeding;
5. If a complainant or respondent wishes to have an advisor for a Title IX complaint and is not able to identify one, the student may contact SRR for assistance in finding an advisor; and
6. In addition to an advisor, a complainant or respondent may bring a certified therapy animal with a handler for the hearing. The handler is not allowed to participate in the hearing process.

In full hearings, the respondent and, in cases of sexual misconduct or interpersonal violence, the complainant may request to view material related to the case prior to the scheduled hearing by contacting the director of SRR. The party should contact the director of SRR as early as possible prior to the scheduled hearing. The director of SRR shall make a reasonable effort to support the request to the extent allowable by state and federal law.

Continuances, extensions of time, and adjournments may be ordered by the CRO. A party may file a timely request for a continuance if the party shows good cause for the continuance. A request for a continuance may be oral or written. Before granting a motion for a continuance, the CRO shall allow any other party to object to the request. The CRO will make a decision on the request and will communicate his/her decision in writing to the parties along with the reasons for granting or denying the request.

Notice of allegations and initial scheduling

If the director of SRR refers a complaint to an investigation, the director shall provide the respondent with a notice of investigation that:

1. Is made in writing;
2. Includes a written list of allegations against the respondent with sufficient details of the allegations based on current information including, if known, date and time of the incident, description of the conduct and the specific sections of the conduct code allegedly violated;
3. Indicates that the complaint has been assigned to an investigator (with the investigator's contact information);
4. Provides notice that the respondent is presumed not responsible for the alleged conduct, and that a determination of responsibility will be made at the end of the hearing;
5. Provides a reminder that the person may have an advisor of their choice;
6. Provides a statement that students are prohibited from knowingly furnishing false information; and
7. Provides information about supportive measures and resources available to the respondent, as well as information about the university's prohibition on retaliation.

If the director of SRR decides to send the case to hearing following a review of the investigative report (if any), the director shall appoint a CRO to the case and notify the respondent of the CRO and the date of a prehearing conference. In cases alleging sexual misconduct or interpersonal violence, the CRO and session council assigned must have completed training on issues relating to sexual misconduct and interpersonal violence, the Violence Against Women Reauthorization Act, and Title IX requirements. Notification of the allegations to the respondent must:

1. Be made in writing;
2. Include a written list of the allegations against the respondent with sufficient details of the allegations based on current information, including, if known, date and time of the incident, description of the conduct, and the specific sections of the conduct code allegedly violated;
3. Provide notice that the respondent is presumed not responsible for the alleged conduct and a determination of responsibility will be made at the end of the hearing;
4. Provide a reminder that the person may have an advisor of their choice and, for Title IX complaints, that the university will provide them with an advisor upon request for the purposes of conducting cross-examination;
5. Provide information about how to review the evidence gathered prior to the hearing;
6. Provide a statement that students are prohibited from knowingly furnishing false information during the student conduct process; and,
7. Include a date, time and location of the prehearing conference.

In all cases alleging sexual misconduct or interpersonal violence, the SRR office shall notify the complainant of the date, time, and location of the prehearing conference and of their right to attend the conference. The SRR office shall also follow up with the complainant and respondent to inform them of the process of reporting any retaliation or new incidents. If the complainant or

respondent engages in retaliatory behavior, the university shall take immediate steps to protect the complainant or respondent from further harassment or retaliation. The complainant will also be notified that they have a right to an advisor during the hearing process and, for Title IX complaints, that the university will provide an advisor upon request for the purposes of conduct cross-examination. If additional information is learned during the investigation that may rise to additional allegations, the university must provide the respondent with an updated notice of allegations.

Full hearing procedures

The CRO exercises control over hearing proceedings. All procedural questions are subject to the final decision of the CRO. The CRO chairs the disciplinary council. All conduct review hearings will be closed. Admission of any person to a conduct review hearing shall be at the discretion of the CRO.

In cases where proper notice has been given but the respondent fails to attend a conduct review hearing, the council shall decide the case based on the information available, without the respondent's input. The council may not make an inference about the determination regarding responsibility based solely on a party's or witness's failure to appear at the hearing. However, non-appearance by a party may impact the evidence available for the council to make a decision.

The parties will be provided options for reasonable alternative arrangements if they do not wish to be present in the same room as the other student during the hearing. The parties may appear at the conduct review hearing in person via a method that allows the council to hear the parties and physically observe them while testifying. If a party does not appear at the hearing, the council will decide the case based on the information available. Evidence, including hearsay evidence, is admissible if in the judgment of the CRO it is the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs.

The complainant and the respondent may be assisted by one advisor during conduct review hearings. For Title IX complaints, the university will provide an advisor to a party upon request for the purposes of conducting cross-examination. Any person, including the respondent or advisor, who disrupts a hearing, may be excluded from the proceedings. In the interest of fairness and expedience, the CRO may permit any person to appear by a method that allows the person to be seen and heard by the council.

The council shall determine whether the respondent violated the student conduct code, as charged, based on a preponderance of the evidence. A preponderance means, based on the evidence admitted, whether it is more probable than not that the respondent violated the student conduct code.

The SRR office or designee will arrange for a prehearing conference with the parties to advise them about the student conduct process. During the prehearing conference, the SRR office or designee will:

1. Review the written list of allegations;

2. Inform the respondent who is bringing the complaint against them;
3. Provide the respondent and complainant with a copy of the student conduct code and any other relevant university policies;
4. Explain the respondent's and complainant's rights and responsibilities under the student code;
5. Explain the conduct review procedures;
6. Explain possible penalties under the student conduct code
7. Review the option for admitting responsibility under WAC 172-121-118;
8. Schedule a date for the full hearing; and
9. Address any preliminary matters or motions.

Following the prehearing conference, the director shall schedule the hearing and notify the respondent and complainant of the date, time, location, participants, and purpose of the hearing. The notices will include information about how to request accommodations or interpreters for any parties or witnesses. Any request for the presence of an emotional support animal or any other accommodation must be directed to Disability Support Services and approved as a reasonable accommodation in advance of the hearing. A person may bring a certified therapy animal with a handler to a hearing. The notice of hearing must be served on the respondent and complainant at least 7 business days prior to the hearing. The director may coordinate with the parties to facilitate scheduling, but is not required to do so.

The council may accept pertinent records, exhibits and written statements as information for consideration. Any investigation conducted by the university will be admitted into evidence as long as the investigator testifies at the hearing. Evidence, including hearsay evidence, is admissible based on the judgment of the CRO. The CRO shall exclude evidence that is excludable on constitutional or statutory grounds or on the basis of evidentiary privilege recognized by Washington courts, and may exclude irrelevant material. For Title IX complaints, prior to allowing a question to be answered during cross-examination, the CRO must determine that the question is relevant, and, if excluded, the CRO must explain on the record the reason for the exclusion.

The respondent and complainant have the right to view all material presented during the course of the hearing. If a respondent's disciplinary history is considered solely for sanctioning purposes, the complainant does not have a right to review the history. All testimony of parties and witnesses shall be made under oath or affirmation.

Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference. Official notice may be taken of any easily verifiable facts such as dates or weather conditions, technical or scientific facts within EWU's specialized knowledge, and codes or standards that have been adopted by an agency of the United States, of any state, or by a nationally recognized organization or association. Parties shall be notified either before or during hearing of the material and the sources, and will be given an opportunity to contest the facts and material.

Discovery is not permitted under the code, except for requests for documentary information from the university. Either party may request the university to produce relevant documents in the university's possession as long as such request is submitted at least 5 business days prior to the

hearing, absent extenuating circumstances. If the CRO determines the request is not relevant to the present allegation, the CRO may deny the request. The university will provide the requested information prior to the hearing to the extent permitted by state and federal law.

Subpoenas may be issued by the presiding officer or an attorney. Any subpoena issued must conform to EWU's subpoena form. A subpoena may be served by any suitable person over eighteen years of age, by exhibiting and reading it to the witness, or by giving them a copy thereof, or by leaving such copy at the place of their abode. When service is made by a person other than an officer authorized to serve process, proof of service shall be made by affidavit or declaration under penalty of perjury. Subpoenas may not be used to threaten or intimidate parties or witnesses.

The complainant, respondent, and the university's presenter may call witnesses at full hearings. The person wishing to call a witness is responsible for ensuring that the witness is available and present at the time of the hearing. An attorney may subpoena a witness to appear at the hearing, and non-attorneys may request the CRO to subpoena witnesses. The CRO may exclude witnesses from the hearing room when they are not testifying. The CRO is not required to take the testimony of all witnesses called by the parties if such testimony may be irrelevant. For Title IX complaints, any decision to exclude a witness shall be explained on the record. All parties have the right to hear all testimony provided by witnesses during the hearing. The parties should inform the CRO of any possible need for an interpreter or any accommodation requests at least 5 business days prior to the hearing.

The complainant's advisor, respondent's advisor, and the university's presenter may ask questions of any witness or party, including cross-examination questions. For Title IX complaints, if a party does not have an advisor, the university will provide the party with an advisor aligned with that party to conduct cross-examination if the party requests such an advisor at least 5 business days in advance of the hearing. The CRO may also ask questions. The CRO may preclude any questions that he/she considers irrelevant, which must be explained on the record.

The CRO must exclude and the council shall not consider any questions or evidence pertaining to the complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The CRO will explain to the parties the reason for rejecting any questions and will maintain a record of the questions submitted and rulings made. The council may ask their own questions of any witness or party called before them.

The CRO may accommodate concerns for personal safety, well-being, or fears of confrontation of any person appearing at the hearing by providing separate facilities, or by permitting participation by video conferencing or other means that allows the council and parties to see and hear the party answering questions, as determined appropriate.

Following the hearing, the council will determine whether, by a preponderance of the evidence, the respondent violated the student conduct code based on the evidence presented at the hearing.

If the council determines the respondent violated the student conduct code, the CRO shall then decide what sanctions and remedies shall be imposed. The CRO may review the respondent's previous disciplinary history for purposes of determining the appropriate sanction. In addition to sanctions under this code, if the student is also an employee of the university, the CRO's decision may be forwarded to the student's supervisor to determine whether any employment actions outside of this code should be taken in accordance with university policy.

The council shall issue a decision including their findings, conclusions, and rationale. The findings shall be based exclusively on the evidence provided at the hearing. If the council finds the respondent violated the code, the CRO shall add the decision regarding sanctions and remedies to the council's decision. Such decisions should be issued within 10 business days from the date of the hearing. The written decision shall also:

1. Be correctly captioned identifying EWU and the name of the proceeding;
2. Designate all parties and representatives participating in the proceeding;
3. Identify the allegations at issue;
4. Describe the procedural steps taken;
5. Contain appropriate numbered findings of fact;
6. Contain appropriately numbered conclusions regarding the application of university policies and student conduct code to the facts;
7. Include a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed, and if any remedies are necessary to provide to the complainant in a Title IX complaint to restore or preserve equal access to the university's educational programs or activities; and
8. Contain a statement describing rights to appeal and the procedures for appealing.

The council's and CRO's decision becomes final at either the conclusion of the appeal process, if an appeal is filed, or, if an appeal is not filed, the date on which an appeal would no longer be timely. In cases of sexual misconduct or interpersonal violence, the CRO shall serve the respondent with a copy of the decision and notice of the right to appeal, and simultaneously provide written notice to the complainant that includes:

1. The university's determination as to whether sexual misconduct or interpersonal violence occurred;
2. The complainant's right to appeal;
3. Any change to the results that occurs prior to the results becoming final;
4. Information regarding the discipline of the respondent will not be released unless the information contained in the record directly relates to the complainant, such as an order requiring the student harasser to not contact the complainant; or the misconduct involves a crime of violence or a sexual assault, including rape, dating violence, domestic violence or stalking; and

The complainant shall receive a copy of the decision provided to the respondent, and the Title IX coordinator must be provided with notice of the decision for effective implementation of any remedies.

Appeals

The respondent may file an appeal following a hearing. The complainant may also file an appeal following dismissal of a complaint or from a hearing involving sexual misconduct or interpersonal violence. Appeals may be filed for one or more of the following reasons:

1. To determine whether the hearing was conducted according to established procedures that affected the outcome of the matter.
2. The hearing authority misinterpreted the student conduct code.
3. To determine whether the decision reached by the hearing authority, or the director of SRR's decision to not proceed with a hearing, was based on the information presented and that information was sufficient to reasonably establish that a violation of the conduct code did or did not occur based on a preponderance of the evidence.
4. To determine whether the sanction(s) imposed were reasonable and appropriate for the associated conduct code violation(s).
5. To consider newly discovered, material information that was not available at the time the determination finding responsibility or dismissal was made that could affect the outcome of the matter. The university is not obligated to grant an appeal and conduct a new hearing when parties do not take reasonable efforts to prepare their cases for the original hearing.
6. The Title IX coordinator, investigator, or hearing authorities had a conflict of interest or bias for or against complainants or respondents generally, or the individual complainant or respondent, that affected the outcome of the matter.

Appeals may be filed following a hearing, or dismissal of a complaint, subject to the following provisions:

1. The appeal must be submitted to the director of SRR within 10 business days from service of the council's decision following a full hearing or dismissal of a complaint;
2. The appeal shall be in writing and shall include the appellant's name, the nature of the decision and sanctions reached by the hearing official, the basis for the appeal, and what remedy the appellant is seeking; and
3. In cases of sexual misconduct or interpersonal violence, the other party must be given a copy of the appeal and provided with an opportunity to provide his/her own written response to the appeal within 3 business days.

Sanctions go into effect immediately after the hearing decision is issued. If the respondent wishes to have a sanction stayed during the appeal process, a request for a stay must be filed with SRR within 5 calendar days of the decision.

For dismissal of a complaint, appeals are determined by the dean of students. For full hearings, appeals are determined by the vice president for student affairs or designee. The director of SRR shall forward the appeal to the appropriate appeal authority. The submitted appeal will include, at a minimum, the appellant's written appeal and the written report of the case. The director of SRR may also forward any other written records related to the case.

Before rendering a decision, the appeal authority may request additional information or explanation from any of the parties to the proceedings. Except as required to explain the basis of new information, an appeal shall be limited to a review of the verbatim record of the conduct review hearing and supporting documents. In making its decision, the appeal authority will only consider the written record before it, the appellant's notice of appeal, the other party's response, and other information and/or explanation it has requested from the parties to the proceedings.

After reviewing the appeal, the appeal authority may affirm, reverse, modify, or remand the decision(s) of the hearing authority. The appeal decision shall include an explanation of the appeal authority's decision and rationale. The appeal decision must be issued within 30 calendar days of the appeal authority receiving all necessary documentation. In cases where the appeal authority remands the decision or sanction(s) of the hearing authority, the case will be returned to the hearing authority for reconsideration or other action as specified by the appeal authority. Following such reconsideration, the hearing authority will return the case to the appeal authority for further review/action. The appeal authority will then complete the appeal process or remand the case again. No appeal may be remanded more than two times. After a case has been remanded twice, the appeal authority must affirm or reverse the decision and affirm, reverse, or modify the sanctions.

The appeal authority may affirm, reverse, remand, or modify the sanctions assigned to the respondent. When determining sanctions, the appeal authority may consider the complete record of the respondent's prior conduct and academic performance in addition to all other information associated with the case.

Once the appeal authority has made a final decision to affirm or reverse and/or to modify the sanctions assigned, the appeal authority shall forward the decision to the director of SRR. The director of SRR shall serve the respondent, and notify the complainant, with a brief written statement setting forth the outcome of the appeal. The appeal authority's decision is final and no further appeals may be made under the student conduct code.

Supportive measures and interim restriction

During the complaint review, the director of SRR, Title IX coordinator, or designee will evaluate the circumstances and determine if any supportive measures to assist or protect the parties during the conduct code process are needed. Supportive measures are provided to students free of charge and may include, but are not limited to, safety planning with the university, mutual restrictions on contact between the parties, academic or workplace modifications, providing counseling for the complainant and/or respondent, or campus housing modifications. The purpose of a supportive measure is to provide an equitable process for both students that minimizes the possibility of a hostile environment on campus. Supportive measures are designed to restore or preserve equal access to the university's educational programs or activities without unreasonably burdening either party, including protecting the safety of all parties and the university's educational environment, or deterring sexual harassment. Supportive measures in cases of sexual misconduct and interpersonal violence are coordinated by the Title IX Coordinator or designee.

In situations where there is cause to believe that a student or a student organization poses an immediate threat to the physical health or safety of any student or other individual, including themselves, the Title IX coordinator in conjunction with the director of SRR may take immediate action(s) against the student or student organization after conducting an individualized safety and risk analysis without prior notice or hearing. Simultaneous with such action(s), the director of SRR will refer the allegations to the CRO, who will process such allegations in accordance with the provisions of the student conduct code.

The director of SRR will determine what restriction(s) will be placed on a student and will prepare a brief memorandum for record containing the reasons for the interim restriction. The director will serve the memorandum on the restricted student and notify all other persons or offices bound by it. At a minimum, the memorandum will state:

1. The alleged act(s) or behavior(s) of the student or student organization which prompted the interim restriction;
2. How those alleged act(s) or behavior(s) could constitute a violation of the student conduct code;
3. How the circumstances of the case necessitated the interim restriction action(s); and
4. An explanation of the process for emergency appeal reviews.

In cases alleging sexual misconduct or interpersonal violence, the complainant will be provided with notice of any interim restrictions that relate directly to the complainant. If the respondent appeals such interim restrictions, the complainant will be given notice of the respondent's appeal and an opportunity to submit a statement within 5 business days of the notice as to why the interim restriction should or should not be modified.

If a student has been suspended on an interim basis, the student will automatically receive an emergency appeal review with the vice president for student affairs, or designee. If the interim restriction is something less than a suspension, the student or student organization subject to the interim restriction must file a written appeal with the vice president for student affairs within 5 business days after service of the interim restriction. In all cases, the student must submit any information the student wishes the vice president to consider within 10 business days after service of the interim restriction. The appealing party should outline the desired modification(s) to the interim restriction as well as the specific challenge(s) to the interim restriction decision. Challenges to interim restriction decisions are limited to threat to health or safety of the university community, potential for creating campus disorder, impeding the lawful activity of others, etc. Appealing parties are limited to submitting their own written statements. Any other evidence should be submitted to the investigator or provided to the CRO under the regular hearing process.

The vice president for student affairs, or designee, will conduct an emergency appeal review after receiving the respondent's review and complainant's response, if any. Emergency appeal reviews will address only the interim restriction decision of the director and the basis on which the restriction modification or termination is requested by the appealing party. The emergency appeal review does not replace the regular hearing process. In the emergency appeal review, the vice president will only review materials available to and information considered by the director and/or dean of students at the time the interim restriction was imposed, written statements by

the two parties, and information that becomes available as a part of the university's investigation that the vice president deems relevant.

If a complainant believes the interim restriction does not adequately protect their health and safety, the complainant may appeal the interim restriction. If the complainant files an appeal, all parties shall be given notice of the appeal and shall be provided the opportunity to submit a written statement to the vice president within 5 business days of receiving notice of the complainant's appeal.

During the emergency appeal review, the vice president for student affairs will review available materials and statements, and issue a written decision upholding, modifying, or terminating the interim restriction action. The written decision shall include a rationale for the basis of the decision and be issued within 15 business days of the date of service of an interim restriction.

The interim restriction does not replace the regular hearing process, which will proceed as quickly as feasible. An interim restriction will remain in effect until terminated, in writing, by the student disciplinary council, CRO, or the vice president for student affairs.

Sanctions and Remedies

If any student or student organization is found to have committed any of the offenses described in the student conduct code, one or more of the sanctions described in this section may be imposed against the student or student organization. Imposed sanctions are effective as of the date the CRO or council issues its decision unless the decision specifically identifies an alternative date. Failure to comply with any imposed sanction may result in additional sanctions. If a student is also an employee of the university, the university may impose additional discipline in accordance with its policies and procedures pertaining to employees.

1. **Admonition:** An oral statement to a student that he/she has violated university rules and regulations.
2. **Warning:** A notice to the student or student organization that they have violated the standards for student conduct and that any repeated or continuing violation of the same standard, within a specified period of time, may result in more severe disciplinary action.
3. **Censure:** A written reprimand for violation of specified regulations. A censure will also state that more severe disciplinary sanctions may be imposed if the student or student organization is found in violation of any regulation within a stated period of time.
4. **Disciplinary probation:** A formal action that places one or more conditions, for a specified period of time, on the student's continued attendance. Disciplinary probation sanctions will be executed in writing and will specify the probationary conditions and the period of the probation, and will inform the student that any further misconduct will automatically involve consideration of suspension. Probationary conditions may include but are not limited to restricting the student's university-related privileges, limiting the student's participation in extra-curricular activities, and/or enforcing a "no contact" order which would prohibit direct or indirect physical and/or verbal contact with specific individuals or groups.

5. **Restitution:** Reimbursement to the university or others for damage, destruction, or other loss of property suffered as a result of theft or negligence. Restitution also includes reimbursement for medical expenses incurred due to conduct code violations. Restitution may take the form of appropriate service or other compensation. Failure to fulfill restitution requirements will result in cancellation of the student's registration and will prevent the student from future registration until restitution conditions are satisfied.
6. **Fines:** The CRO and the student disciplinary council may assess monetary fines up to a maximum of \$400 against individual students for violation of university rules or regulations or for failure to comply with university standards of conduct. Failure to promptly pay such fines will prevent the student from future registration and may also result in additional sanctions.
7. **Discretionary sanctions:** Work assignments, service to the university community or other related discretionary assignments for a specified period of time as directed by the hearing authority.
8. **Loss of financial aid:** A person who participates in the hazing of another forfeits entitlement to state-funded grants, scholarships or awards for a specified period of time determined by the university.
9. **Assessment:** Referral for drug/alcohol or psychological assessment may be required. Results of the assessment may lead to the determination that conditions of treatment and further assessment apply to either continued attendance or return after a period of suspension.
10. **Suspension:** Exclusion from classes and other privileges or activities for a specified period of time. Suspensions will be executed through a written order and will state all restrictions imposed by the suspension, as well as the suspension period and conditions of readmission, if any. Suspensions may be noted on the student's transcript during the period of time the suspension is in effect.
11. **Expulsion:** Permanent separation of the student from the university with no promise (implied or otherwise) that the student may return at any future time. The student will also be barred from university premises. Expulsions may be noted on the student's transcript.
12. **Loss of institutional, financial aid funds:** Formal withholding of all or a part of institutional funds currently being received by the student or promised for future disbursement to the student for a specified period of time. Loss of financial aid is subject to the processes outlined in the student conduct code, except any such loss must be approved by the dean of students and the vice president for student affairs before such sanction is imposed.
13. **Revocation of degree:** A degree awarded by the university may be revoked for fraud, misrepresentation, or other violation of law or university standards. Revocation of a degree must also be approved by the university president.

OVERVIEW OF FORMAL TITLE IX INVESTIGATION

(For FULL PROCESS, see [EWU Policy 402-05 – Title IX Investigations & Hearings](#))

If a Title IX complaint is filed against an employee, the Title IX Coordinator or designee will review the complaint to determine whether or not it constitutes a formal Title IX complaint. A formal title IX complaint is defined as:

1. A formal signed complaint filed by a complainant who is a current student, employee, applicant or person participating or seeking to participate in a university program or activity, or by the Title IX Coordinator;
2. Alleging sexual harassment, sexual assault, domestic violence, dating violence, or stalking as defined for Title IX purposes; and
3. Occurring on EWU premises, during a university program or activity within the U.S., or at a building owned or controlled by a student organization that is officially recognized by the university.

If a complaint doesn't meet all of the criteria or if the Title IX allegations are dismissed, it will be evaluated as a potential violation of EWU Policy 402-01 or other policy, collective bargaining agreements or performance expectations, and may be investigated under EWU's investigative guidelines. If a complaint meets all the requirements for a formal Title IX complaint, the parties will be notified that the complaint meets the definition of a formal Title IX complaint, and it will be investigated and adjudicated under EWU Policy 402-05.

After receiving a complaint, the Title IX Coordinator or designee will promptly reach out to the complainant to provide information about EWU's Title IX process, their rights, reporting options and available resources and supportive measures regardless of whether a complaint is filed. The Title IX Coordinator or designee will review the complaint and determine whether or not supportive measures or interim restrictions are needed. Requests for supportive measures may be directed to the Student Accommodations and Support Services or Title IX Coordinator, and may be in place before a complaint is filed, during the investigation and decision-making process, and/or after the final determination of responsibility. Supportive measures are available for both complainants and respondents, and may include safety planning with EWU, mutual restrictions on contact between the parties, academic or workplace modifications, leaves of absence, increased security, counseling options on campus or through the Employee Assistance Program, or campus housing modifications.

The Title IX Coordinator or designee, in conjunction with the relevant appointing authority, will review the information provided in the complaint and any supplementary information provided by the complainant, witnesses, EWU Police Department or other entities to determine whether the employee should be placed on administrative leave and any conditions of such leave. Additionally, the Title IX Coordinator and appointing authority should determine whether or not any interim restrictions on the respondent's ability to utilize campus resources or be on campus are needed.

If a complaint meets all of the requirements for a formal Title IX complaint, the Title IX Coordinator will assign it to an investigator, which may be the Title IX Coordinator. The investigator shall provide the respondent and complainant with a written notice of investigation that includes:

- A. A written list of the allegations;
- B. Contact information for the investigator;
- C. Parties' rights during the process, including:
 - Right to a fair and equitable process.
 - Right to have decision-makers with no conflict of interest or bias against the parties.
 - Right to remain silent during the investigation and hearing.
 - Right to have an advisor of their choice, at their cost (may be an attorney or union representative) during the investigation and hearing process.
 - Right to an advisor provided by the university for the purposes of conducting cross-examination if they do not have an advisor.
 - Right to be presumed not responsible and that a conclusion of responsibility is not made until the conclusion of the hearing process.
 - Right to request an accommodation or interpreter for the process.
- D. Notify both parties that complainants, respondents, and witnesses are prohibited from knowingly furnishing false information during the investigative and hearing process;
- E. EWU's prohibition on retaliation and how to report acts of retaliation; and,
- F. Information about supportive measures and resources available to both parties.

The investigative process includes:

- A. Contacting the complainant and respondent to review the complaint, gather more information, and to identify relevant witnesses and relevant evidence. The complainant may be contacted more than once during the course of the investigation to obtain additional information and clarification. The respondent may choose to respond verbally, in writing, or not at all.
- B. Conducting interviews with witnesses who have knowledge of the alleged behavior, and gathering relevant evidence.
- C. Parties and witnesses may be contacted once or numerous times as necessary to gather the relevant information.
- D. Parties may present fact witnesses, expert witnesses, and other inculpatory and exculpatory evidence. If a party wishes to present an expert witness, the party is responsible for any costs associated with the expert witness.

If the investigator is not able to obtain sufficient evidence or if the complainant withdraws the complaint during the investigative process, the investigator may refer the complaint back to the Title IX Coordinator to consider whether or not mandatory or discretionary dismissal is appropriate.

After gathering relevant evidence, the investigator must provide both parties and their advisors an equal opportunity to inspect and review evidence obtained as part of the investigation that is

directly related to the allegations raised. The parties have 10 calendar days to submit a written response for consideration by the investigator. The investigator will consider the written responses before finalizing an investigative report.

The investigator will provide an investigative report to both parties and their advisors for their review and written response. Any written response to the investigative report must be provided to the investigator within 5 calendar days. The investigator will provide a copy of the investigative report, evidence, and the parties' written responses to the Labor Relations Manager for purposes of convening a hearing board.

Parties may have an advisor of their choice, at their cost, during the investigative and hearing processes. During the investigative process, the advisor may be present and advise the party, but may not answer questions on the party's behalf. During the hearing process, the advisor may make an opening and closing statement on behalf of a party and ask questions of witnesses and parties. If a complainant or respondent does not have an advisor, they should contact the Title IX Coordinator to request one. The university will provide an advisor for purposes of conducting cross-examination of witnesses and parties.

After the investigative process is complete, the Labor Relations Manager or designee shall convene a hearing board, comprised of three current EWU employees. One member shall be the AVP for Human Resources or designee, who will serve as the presiding officer. Members of the hearing board must have completed training on issues relating to sexual misconduct and interpersonal violence, Title IX, and the Violence Against Women Reauthorization Act, and be free of conflict or bias.

The hearing will be scheduled by the Labor Relations Manager, and both parties will be notified. The hearing must take place at least 10 calendar days after the investigative report is completed and no more than 30 calendar days after completion of the report, unless there are extenuating circumstances. The hearing notice must include:

- Time, date, and location of the hearing;
- Names of people who have been selected to serve on the board;
- A written list of the allegations;
- Information about how to request accommodations or an interpreter;
- Right to have an advisor or union representative present at the hearing and who to contact if they need the university to provide them with an advisor;
- Overview of the purpose of the hearing, the hearing process, and what types of evidence may be presented; and,
- Explanation that if a party fails to appear at the hearing, the board will make its decision without consideration of their testimony or statements previously provided.

The hearing board will be provided a copy of the investigative report prior to the hearing, and will consider evidence presented by the complainant, respondent and the university. Evidence, including hearsay evidence, is admissible, if in the judgment of the presiding officer it is the kind of evidence on which reasonably prudent persons are accustomed to rely upon in the conduct of their affairs. Evidence may be excluded when necessary to comply with applicable state and/or federal laws. The presiding officer shall exclude evidence that is excludable on constitutional or

statutory grounds or that is excludable under EWU's policy. Witnesses and parties must testify under oath or affirmation. Members of the hearing board may ask questions of any of the witnesses or parties, and advisors may ask questions of any of the witnesses. For cross-examination of parties, a complainant's advisor may ask questions of the respondent and a respondent's advisor may ask questions of the complainant.

The presiding officer may preclude any questions the officer considers irrelevant and must make such determination before an answer is given. The presiding officer must also exclude any questions or evidence pertaining to the complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence are offered to prove that someone other than the respondent committed the alleged conduct, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The presiding officer will explain to the parties the reason for rejecting any questions and will maintain a record of the questions submitted and rulings made.

If a party has physical evidence that they want the board to consider, such as videos, text messages, or social media posts, the evidence should be provided to the Labor Relations Manager at least 2 calendar days prior to the hearing. The Labor Relations Manager will make sure copies of the physical evidence are available to both parties and the hearing board. The parties have the right to view all material presented during the course of the hearing, except a respondent's previous corrective/constructive or disciplinary history.

The hearing shall proceed in the following manner:

1. Each party has the option of providing an opening statement for 5 minutes.
2. The investigator shall provide a summary of the process followed, people interviewed, and evidence collected, and answer questions asked by the board, university presenter and the advisors. The investigative report will be admitted into evidence. Statements obtained from witnesses or parties who do not testify at the hearing and make themselves available for cross-examination shall not be considered by the board.
3. If there is a law enforcement investigation or report, a representative from the applicable law enforcement agency may provide a summary of the process followed, people interviewed, and evidence collected, and answer questions asked by the board and the advisors. The police report will be admitted into evidence. Statements obtained from witnesses or parties who do not testify at the hearing and make themselves available for cross-examination shall not be considered by the board.
4. Witnesses may then be presented by the university presenter, complainant, and respondent. Parties are responsible for making sure their witnesses are available and present at the hearing.
5. The complainant will be provided with an opportunity to testify.
6. The respondent will be provided with an opportunity to testify.
7. The hearing board can also call any witnesses to testify.
8. Following the testimony of all witnesses, the complainant or complainant's advisor and then the respondent or respondent's advisor will be given 10 minutes to make closing statements before the hearing is closed.

The presiding officer may exclude witnesses from the hearing room when they are not testifying,

and may decline to allow a witness to testify if the information provided by the witness will be irrelevant. A witness or party may request the opportunity to appear remotely by contacting the Labor Relations Manager or designee at least 3 calendar days in advance of the hearing. Hearings must be recorded by the university. Upon request, a recording of the hearing must be provided to the parties for inspection and review. The presiding officer shall issue a protective order closing the hearing to the public to protect the confidentiality of the parties and witnesses.

The hearing board must make findings of facts and conclusions as to whether or not the respondent violated a university policy or engaged in misconduct based on a preponderance of the evidence, meaning that it is more likely than not (50+%) that something did or did not occur. Neither the complainant nor the respondent has the burden of proof. This means the respondent is presumed to be not responsible and does not have to prove they are not responsible. Rather, the university has the burden of collecting evidence to establish whether or not the respondent is responsible based on a preponderance of the evidence.

Following the hearing, the hearing board will objectively review all relevant evidence during a closed session. The hearing board must determine, based on a majority vote, whether or not the respondent violated a university policy or expectation based on a preponderance of the evidence. The hearing board will make findings of fact only on allegations that fall within the scope of a formal Title IX complaint, and will determine whether or not the respondent violated the Title IX portions of EWU Policy, and what discipline or corrective/constructive action to impose and remedies to award.

Within 10 calendar days of the hearing, the hearing board must issue a written decision that includes findings of fact and conclusions as to whether or not university policy has been violated, the respondent failed to meet university expectations or engaged in misconduct. The hearing board's decision must include:

- A. Identification of the allegations;
- B. A description of the procedural steps taken from receipt of the formal complaint through the hearing board decision;
- C. Findings of fact supporting the determination;
- D. Conclusions regarding whether or not the substantiated facts constitute a violation of EWU policy or misconduct;
- E. Level of discipline or corrective/constructive actions imposed;
- F. A statement of, and rationale for, the result as to each allegation, including determinations regarding responsibility and corrective/constructive or disciplinary actions;
- G. Whether the university will provide the complainant with any remedies designed to restore or preserve equal access to EWU's programs or activities; and,
- H. The basis on which the decision may be appealed and how to follow and appeal.

The presiding officer shall ensure that a copy of the written decision is provided simultaneously to the complainant, respondent, respondent's supervisor, and Title IX Coordinator. If neither party timely appeals, the hearing board's decision becomes final either on the date the time for the appeal has expired or, if an appeal is timely filed, when the appellate authority's decision is issued.

The hearing board may issue appropriate disciplinary or corrective/constructive action in accordance with the applicable collective bargaining agreement or university policy. This may include, but is not limited to, corrective/constructive action or discipline, including letters of expectation, letters of coaching and counseling, performance improvement plans, verbal or written reprimand/warning, temporary suspension, demotion, reassignment, mandatory training, and/or termination.

The hearing board must also consider whether any remedies are needed to restore or preserve the complainant's equal access to the university's educational programs and activities. This may include long-term supportive measures. A remedy may be disciplinary and burden a respondent, such as permanently prohibiting the respondent from contacting the complainant or restricting the respondent's ability to participate in a particular activity. Substantiated findings of sexual misconduct must be included in the respondent's personnel file.

Title IX Appeal Process

The complainant or respondent may appeal the hearing board's decision by filing a written appeal within 10 calendar days of the hearing board's decision. To file an appeal, the complainant or respondent must either email or physically deliver a written appeal to the Labor Relations Manager. The appeal must set forth why the person believes the hearing board's decision was incorrect, how it fits within the basis for appeal, and the relief requested.

An appeal may be filed from the decision to dismiss a Title IX complaint and/or from the hearing board's decision on the following bases:

- A. Procedural irregularity or failure to comply with a collective bargaining agreement that affected the outcome of the case;
- B. New evidence that was not reasonably available at the time of the decision that could affect the outcome of the case; or,
- C. The Title IX Coordinator, investigator, or hearing board had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent which affected the outcome of the case.

Upon receipt of an appeal, the Labor Relations Manager shall notify the other party of the appeal, provide them with a copy, and give them an opportunity to respond. The responding party may submit a response to the appeal or a counter-appeal within 10 calendar days of receiving the appeal.

The university shall appoint a senior administrator to serve as the appellate authority. Typically, this will be the appointing authority for the division under which the respondent is employed. The appellate authority cannot be someone who served on the hearing board, the investigator, or the Title IX Coordinator. The appellate authority must have completed training on issues relating to sexual misconduct and interpersonal violence, Title IX, and the Violence Against Women Reauthorization Act and must be free of conflict or bias.

The appellate authority shall review all of the evidence presented and admitted during the hearing, including a review of either the audio recording or transcript of the testimony and the documentary evidence. The appellate authority shall also review the appeal and the response from the responding party, if any. The appellate authority may affirm, reverse or modify the hearing board's decision based on the grounds for appeal. The appellate authority may also remand the case back to the hearing board to take additional evidence or for a new hearing before a new board. The appellate authority must issue a written decision describing the result of the appeal and the rationale of the result, which must be simultaneously provided to the respondent, complainant, respondent's supervisor, and Title IX Coordinator. The appeal decision must be issued within 30 calendar days of receipt of the responding party's response to the notice of appeal. The appellate authority's decision is the final decision of the university. Judicial review of such decision may be available under RCW 34.05. The decision is not subject to grievance or arbitration under a collective bargaining agreement.

OVERVIEW OF INVESTIGATION OF SEXUAL MISCONDUCT & INTERPERSONAL VIOLENCE

(For FULL PROCESS, see [EWU Policy 402-01 – Sexual Misconduct, Interpersonal Violence & Title IX Responsibilities](#) and [EWU Guideline 401-01 – Investigations](#))

Complaints of sexual misconduct and interpersonal violence that do not meet the requirements for a formal Title IX complaint will be assigned to an investigator and handled under EWU Guideline 401-01 (Investigations), with some additions and exceptions as outlined in EWU Policy 402-01, Sexual Misconduct, Interpersonal Violence & Title IX Responsibilities. Each investigation is unique and may or may not include all of the tasks described.

Upon receipt of a complaint under this policy, the Title IX Coordinator or designee shall determine the appropriate process for handling the complaint. For complaints that do not fall within the definition of a formal Title IX complaint, the following process applies.

After receiving a complaint, the Title IX Coordinator or designee will promptly reach out to the complainant to provide information about EWU's process, their rights, reporting options and available resources and supportive measures regardless of whether a complaint is filed. The Title IX Coordinator will review the complaint and determine whether or not supportive measures or interim restrictions are needed. Supportive measures are available regardless of whether an individual wants to file a formal complaint. Supportive measures may be requested from the Student Accommodations and Support Services or Title IX Coordinator, and are available for both complainants and respondents.

The Title IX Coordinator or designee, in conjunction with the relevant appointing authority, will review the information provided in the complaint and any supplementary information provided by the complainant, witnesses, EWU police department or other entities to determine whether the employee should be placed on administrative leave and any conditions of such leave. Additionally, the Title IX Coordinator and appointing authority should determine whether or not any interim restrictions on the respondent's ability to utilize campus resources or be on campus are needed. The information gathered during an investigation into a Title IX complaint will be maintained in a confidential manner to the extent permitted by law.

After reviewing the report and determining that an investigation is appropriate, the Title IX Coordinator will assign the complaint to an investigator, which may be the Title IX Coordinator. The investigator will proceed with an investigation under EWU Guideline 401-01 (Investigations) and EWU Policy 402-01 Sexual Misconduct, Interpersonal Violence & Title IX Responsibilities.

- A. **Notice of Investigation to Respondent.** After determining the specific alleged behaviors at issue, the investigator will send a notice of investigation to the respondent with a copy of the investigative guidelines. The notice shall conform to any particular requirements of the applicable collective bargaining agreement. The notice must (i) contain a list of the allegations with sufficient details of the allegations based on current

information, including, if known, date and time of the incident, description of the conduct, and the specific policies or expectations allegedly violated; (ii) information about how to seek supportive measures and available resources; (iii) right to have an advisor of their choice, at their cost, during the investigation and disciplinary process; (iv) right to request an accommodation or interpreter for the process; and (v) information about EWU's prohibition on retaliation and how to report acts of retaliation.

- B. **Notice of Investigation to Complainant.** The complainant must also receive a notice of investigation that contains the same information identified above for the notice of investigation to respondent. The complainant may have a union representative or advisor of their choice present during any meeting or interview.
- C. **Initial Meeting with Respondent.** The investigator will set up an initial meeting with the respondent. At the initial meeting, the investigator will explain the investigative process. The respondent may have a union representative or advisor of their choice present during any meeting or interview.
- D. **Provision of the Complaint.** The investigator will provide the respondent with a copy of the written complaint, if any. If there is not a complaint, the respondent will be provided with a written statement of the specific behavior/incident being investigated.
- E. **Interview Respondent.** The respondent will be provided an opportunity to respond to the allegations, either at the first meeting and/or at subsequent meetings. The response may be either verbal and/or in writing. The respondent will have an opportunity to provide relevant information/documents regarding witnesses and evidence (emails, memos, photos, etc.).
- F. **Interviews.** The investigator will determine the order of interviews depending on the nature of the complaint. The investigator will arrange interviews with witnesses having firsthand knowledge of the alleged behavior and gather evidence relevant to the allegations. If necessary, the investigator may contact identified witnesses on more than one occasion during the course of the investigation to obtain additional information and clarification.

The investigator and decision-maker may not gather or consider evidence about the complainant's sexual predisposition or prior sexual behavior, unless the evidence is relevant to demonstrate that someone other than the respondent committed the conduct alleged by the complainant, or the evidence concerns specific incidents of the complainant's prior sexual behavior with respect to the respondent and is relevant to the question of consent.

- G. **Investigative Report.** After completing the interviews and gathering evidence supporting or rejecting the allegations, the investigator will draft a report. The investigator will determine whether or not the allegations are substantiated based on a preponderance of the evidence. A preponderance means that it is more likely than not (50+%) that something did or did not occur. The university has the burden of collecting

evidence to establish whether or not the respondent is responsible based on a preponderance of the evidence.

After gathering statements and evidence from the complainant, respondent and witnesses, the investigator should provide both the complainant and respondent with a copy of the initial draft of the investigative report and give them 5 days to respond in writing to the information contained therein. After 5 days and considering any additional statements received, the investigator may finalize the report.

The final report will assess each of the allegations and may conclude there is sufficient evidence to substantiate the alleged behaviors based on a preponderance of the evidence or there is insufficient evidence to substantiate the alleged behaviors. The final report will not include legal conclusions or determine whether a policy has been violated or misconduct has occurred. There is no appeal of an investigation finding.

- H. **Investigative File.** The investigator will confirm the final investigative file is organized and complete with a copy of the final investigative report and copies of any evidence (e.g. written statements, notes, documents, photos, etc.) gathered in the course of the investigation.
- I. **Final Reports.** Upon completion of an investigation, the final investigative report must be provided to the Labor Relations Manager and Decision Maker. After the investigator has finished the investigative report, a copy of the report must also be simultaneously provided to the complainant, respondent, respondent's supervisor and the Title IX Coordinator.

All final investigative reports must be reviewed by an individual serving in the capacity of President, Vice President, Vice Provost, Dean or Associate Vice President ("Decision Maker"). The Decision Maker will review the investigative report, determine whether or not the employee has violated a law, policy or regulation; engaged in misconduct; or has a performance issue. The Decision Maker will also determine the appropriate level of discipline, if any, in consultation with the Labor Relations Manager or designee. If required by a collective bargaining agreement, the Decision Maker and Labor Relations Manager will hold a pre-disciplinary meeting with the employee and, if requested, union representative before making a final decision.

- J. **Notice of Intent to Discipline.** If a respondent is entitled to notice of the university's intent to impose discipline under any applicable collective bargaining agreement, a copy of such notice must also be provided simultaneously to the complainant.
- K. **Pre-Disciplinary Meeting.** If a respondent is entitled to a pre-disciplinary meeting under an applicable collective bargaining agreement, the complainant must be notified in advance of the time and place of such meeting. The complainant shall have an equal opportunity to provide additional information for the supervisor's consideration at the pre-disciplinary meeting. If the respondent is allowed to provide additional information in writing, the same opportunity must be provided to the complainant.

- L. **Disciplinary Decision.** A copy of the university's written disciplinary decision shall be provided simultaneously to the complainant and the respondent. The decision shall include the rationale for the result and the discipline imposed. The complainant and respondent shall be simultaneously informed in writing of any changes made to the disciplinary action, and when the results become final. A copy of all disciplinary decisions must also be provided to the Title IX Coordinator.
- M. **Right to be Present.** During any disciplinary meeting where the respondent has the opportunity to be present, the complainant also has the right to be present as required by federal law. If the respondent has the right to have an advisor accompany them to a disciplinary meeting, the complainant has the same right.
- N. **Access to Information.** The complainant and respondent will, upon request, be provided with access to any information reviewed by the supervisor in determining whether to impose discipline.
- O. **Limitations of Appeals/Grievances.** Neither the complainant nor the respondent has the right to appeal or challenge a faculty finding in an investigation. If the respondent has the right to challenge any discipline imposed under the applicable collective bargaining agreement by filing a grievance, the complainant has an analogous right to timely challenge the level of discipline imposed by filing a request for reconsideration with the respondent's supervisor. If a grievance is filed challenging discipline imposed under this policy, the complainant has the right to be present and participate to the same extent as the respondent in any subsequent disciplinary or grievance procedures as required by the Violence Against Women Reauthorization Act.

**PROCEDURES VICTIMS SHOULD FOLLOW IF A SEXUAL ASSAULT,
DOMESTIC VIOLENCE OR STALKING OCCURS**

- 1) Find a safe environment away from the assailant.
- 2) Call a close friend or relative (someone who will offer unconditional support).
- 3) Seek medical care. If possible, do not change clothes, bathe, douche or brush your teeth until evidence is collected, but if you have, it is still important to be evaluated. A complete medical evaluation includes evidence collection, a physical exam, treatment and/or counseling. You do not have to do any part of the evaluation that you do not want to do. You should seek medical care even if some time has elapsed since the event or there is no evidence for collection. The following hospitals are closest to the university and have experience in performing sexual assault exams:

- Sacred Heart Medical Center, 101 W 8th Ave, Spokane, 509.474.3131
- MultiCare Deaconess Hospital, 800 W 5th Ave, Spokane, 509.473.5800
- Providence Holy Family Hospital, 5633 N Lidgerwood St, Spokane, 509.482.2460

EWU Police can be contacted for a free ride to one of these hospitals for a sexual assault exam by calling 509.359.7676. A Lutheran Community Services Northwest Advocate will be available to assist you at the hospital.

- 4) Write down details. Try to write down, or have a friend write down, everything you can remember about the incident including a physical description of the perpetrator.
- 5) Consider reporting the incident to university officials (EWU's Title IX Team and/or EWU Police Department). A victim has the option to decline reporting to law enforcement; and
- 6) Utilize support, advocacy and resources. You are encouraged to contact the Student Accommodations and Support Services (SASS) Team at 509.359.7924 in 015 Hargreaves Hall to learn more about your reporting options (confidential v. private). Throughout this process, a SASS Team member will support you by providing a private place to discuss your situation. An advocate can also assist you in reporting to the police, exploring and arranging for counseling, academic assistance, safety planning and changes in living situations.

Victim Services on EWU Cheney Campus

- **Counseling and Wellness Services (CWS)**, located in 225 Martin Hall; 509.359.2366 - offers short-term counseling services, typically consisting of 1 to 6 sessions per academic year. Services are available at the Cheney campus and the Spokane Catalyst Building Monday, Tuesday, Wednesday & Friday, and visa telehealth (Zoom). Crisis Walk In are currently offered Monday – Friday afternoons. Schedule may vary over breaks. [C]
- **Dean of Students Office** – 301 Pence Union Building; 509.359.7924 – can provide support and referrals, and explain students' rights and options. The university will modify students' academic schedules or living situations on campus after an alleged sex offense, domestic violence, dating violence or stalking if those changes are requested by the student, and are reasonably available. The Student Accommodations & Support Services Team (015 Hargreaves Hall) can contact resources on the student's behalf and assist with requests for modifications.
- **Title IX Coordinator & AVP for Civil Rights, Compliance & Risk Management** – 211 Tawanka, 509.359.6724 – Coordinates EWU's Title IX compliance efforts and provides training to the campus community.
- **EWU Police Department** – 101 Red Barn; Business office 509.359.6498, or immediate police assistance 509.359.7676; can provide information regarding laws and victim rights, as well as self-defense classes.
- **Human Resources** – 314 Showalter Hall, 509.359.2381.
- **Student Rights and Responsibilities** – 125 Showalter Hall, 509.359.6960 – Facilitates opportunities and processes for individual and community responsibility that support the maintenance of the Student Conduct Code to foster a community of care and cultivate student growth and integrity.
- **Washington State Employee Assistance Program (EAP)** – Confidential counselors, financial consultation and legal consultation for Washington State employees: 509.482.3686. [C]

Victim Services Off Campus

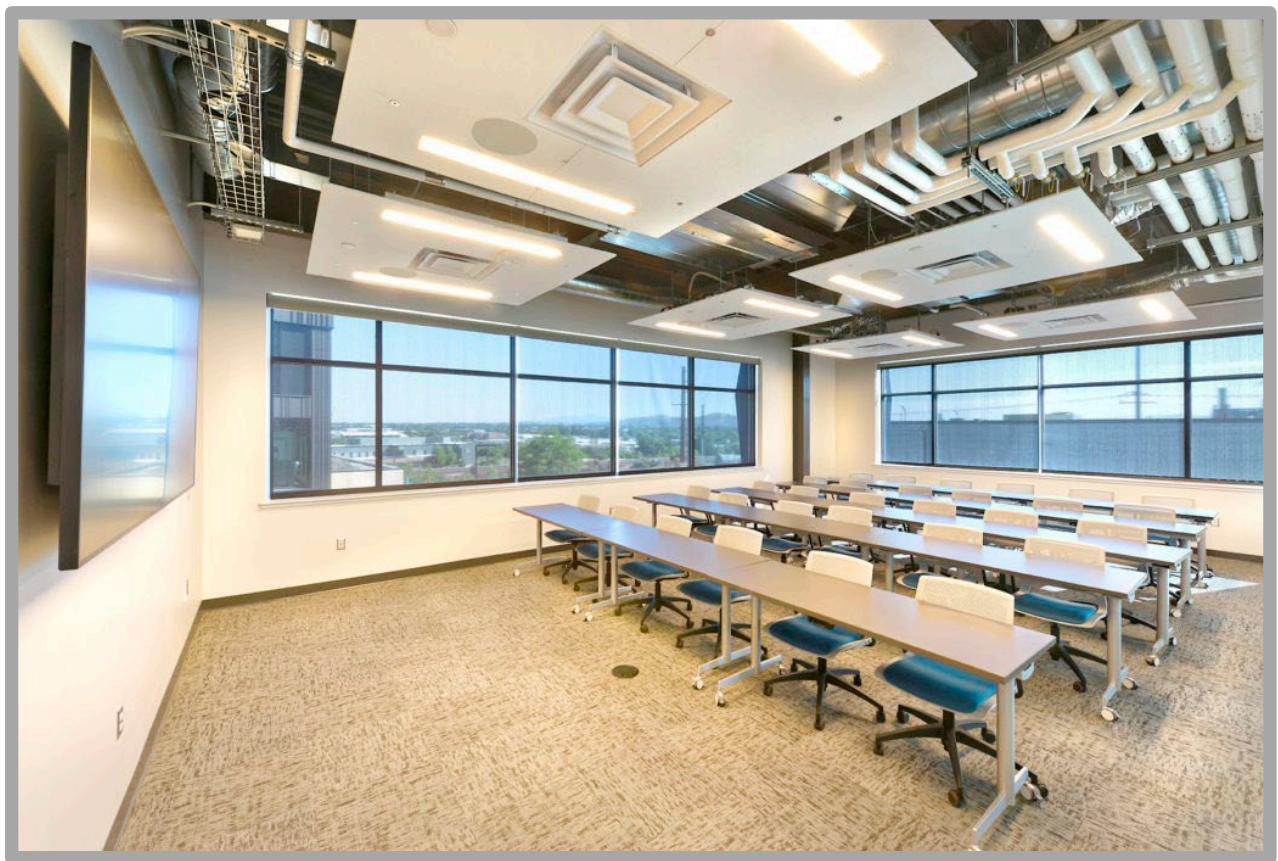
- 24/7 Regional Crisis Line (Frontier Behavioral Health) provides services for and on behalf of individuals whose health or safety is in danger because of a mental health or substance use condition: 1.877.266.1818. [C]
- Lutheran Community Services (LCS) Northwest provides wide-ranging, confidential services and a 24/7 Sexual Assault Crisis Line through its SAFeT Resource Center: 509.624.7273, and they are on campus as needed. They also provide services for children and families. [C]
- Kalispel Tribe Victim Assistance Services has partnered with EWU to offer free, confidential support services to victims of all types of crimes. Please contact them at 509.789-7671 or 509.789-7665; 24/7 Help Line 877.700.7175. [C]
- National Domestic Violence Hotline – advocates available to talk with anyone experiencing domestic violence, seeking resources or information or questioning unhealthy aspects of their relationship. 1.800.799.7233 [C]
- RAINN (National Sexual Assault Hotline), a national resource for survivors: 1.800.656.HOPE (4673) or chat online: <http://apps.rainn.org/ohl-bridge/> [C]
- YWCA Alternatives to Domestic Violence – 24/7 hotline: 509.326.2255

Employee Leave Related to Domestic Violence, Sexual Assault and Stalking

EWU Policy 403-05 (Employee Leave Related to Domestic Violence, Sexual Assault & Stalking), provides reasonable leave from work, intermittent leave, or leave on a reduced schedule so an employee who is a victim or has a family member who is a victim of domestic violence, sexual assault or stalking can:

1. Seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or employee's family members;
2. Seek treatment by a health care provider for physical or mental injuries caused by domestic violence;
3. Obtain, or assist a family member in obtaining, services from a domestic violence shelter, rape crisis center, or other social services program for relief from domestic violence, sexual assault or stalking;

4. Obtain, or assist a family member in obtaining, mental health counseling related to domestic violence, sexual assault or stalking; and
5. Participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members from future domestic violence, sexual assault or stalking.



Statement of Prevention and Awareness Education

The University educates its community about sexual assault, domestic violence, dating violence and stalking through education that begins before students get to campus, during welcome week orientation programming, and throughout a student's time at EWU. New students receive training about personal safety, residence hall security, the university's prohibition and definition of crimes, the definition of consent in Washington State, a description of safe and positive options for bystander intervention, information on risk reduction, an overview of programs EWU offers to prevent such crimes, the procedures EWU will follow when one of these crimes is reported, and an overview of the student process for such crimes. The training is designed to stop these types of crimes from occurring through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention and promote positive social norms. New employees receive training about their responsibilities to respond to and report crimes of sexual and interpersonal violence.

EWU mandates that all employees, including student employees, receive training about sexual harassment, sexual assault, domestic violence, dating violence and stalking. EWU offers both online training and in-person training sessions. This training includes: (1) information about EWU's policies prohibiting sexual harassment, sexual assault, domestic violence, dating violence, and stalking; (2) the definition of domestic violence, dating violence, sexual assault and stalking in Washington State; (3) the definition of consent in Washington state; (4) safe and positive options for bystander intervention; (5) information on recognizing harassing behavior; and (6) employees' responsibility to report incidents to the Title IX Coordinator.

Our primary and ongoing sexual assault prevention programs include the following:

- *Get Inclusive* is an online 40–60-minute training that all incoming students are asked to take. Eastern Washington University believes that the health and wellbeing of our students is an important aspect of getting through college successfully. One way in which our University commits to this is by providing students with training around identities and inclusion, consent and sexual violence, alcohol and other drugs, and

hazing and intimidation. We want each student to have information and resources around these topics for themselves or a friend. We recognize that each member of our community plays a key role in keeping our campus communities safe and vibrant places to work, study, live and play. *Get Inclusive* online discrimination and harassment training is also offered to employees

- *Sex Rules* is an interactive, highly engaging program that we offer to new students each year during Welcome Week. This program addresses sexual assault education, bystander intervention, and interpersonal communication about sex, consent, and healthy relationships.
- *Sexual Assault Action Week* is held in April and offers a variety of educational and awareness events around topics related to sexual assault prevention and resources. This year, activities included: Weekly Health Huts focused on a specific aspect of sexual assault prevention, a presentation on victim advocacy and human trafficking, One Love presentations to sororities and fraternities, the Clothesline Project, and Denim Day. Counseling and Wellness Services offers at least one event on the EWU Spokane Campus during sexual assault action week.
- *EWU Title IX & Nondiscrimination Training* provides information to employees to help them understand their roles and responsibilities under Title IX, including an introduction to Title IX, what a responsible employee is, what information must be shared with the Title IX coordinator, and how to respond to and report crimes of sexual assault, domestic violence, relationship violence and stalking. It also includes training about nondiscrimination and harassment.
- The Title IX Coordinator provides in-person training on the definitions of sexual assault, domestic violence, dating violence, stalking and sexual harassment. This training covers reporting options, resources, supportive measures, rights, and process, and bystander intervention. The training is offered to employees that prefer in-person training to the on-line option. All student athletes and members of the Greek Life community are required to go through this training annually.

Prevention programs offered on the campus are based on research-informed practices and strive to be culturally relevant, inclusive, and responsive. Sustainable prevention programming is

based on the socio-ecological model and considers the relationship of individuals with their university, community, and society. Educational programs may be requested by contacting Counseling & Wellness Services: 201 University Recreation Center; 509.359.2366.

Bystander Intervention

A bystander is a person who is present when an event takes place but isn't directly involved. Bystanders might be present when sexual assault or abuse occurs—or they could witness the circumstances that led to these crimes. Stepping in may give the person you're concerned about a chance to get to a safe place or leave the situation. Below are ways you can be an effective, active bystander without posing risk to yourself:

1. **Create a Distraction.** Distracting is a subtle and innovative way of intervening. The purpose of distraction is to interrupt the incident, safely, by communicating with the individual at risk and giving them an opportunity to safely exit the potentially dangerous situation.
2. **Ask Directly.** Asking directly to the individual at risk can help you determine if an action needs to be taken immediately to ensure a safe environment. You can ask “Do you need help?” or “Would you like me to stay with you?” or “Would you like to get out of here and go somewhere safe?” Make sure to ask the question when the perpetrator is not listening or nearby to de-escalate the situation from turning into a crisis.
3. **Rally Others.** It can be intimidating to approach a situation alone. If you need to, enlist another person to support you. Sometimes the safest way to intervene is to enlist an authority figure like a resident assistant, bartender, bouncer or security guard. If the situation has escalated and involves imminent danger and actual harm, the best intervention technique that can be used is to call 911.
4. **Extend Support.** After experiencing such a situation, the individual at risk may feel panicked and be unsure about what to do next. Extending a helping hand and empathetic ear can make a huge difference.

5. **Your Actions Matter.** Whether or not you were able to change the outcome, by stepping in you are helping to change the way people think about their role in preventing sexual assault.

Risk Reduction

Reducing Risk of Non-Consensual Acts

Risk reduction tips can often take a victim-blaming tone, even unintentionally. With no intention to victim-blame, and with recognition that only those who commit sexual assault are responsible for those actions, these suggestions may nevertheless help you to reduce your risk experiencing a non-consensual sexual act:

- If you have limits, make them known as early as possible.
- Tell a sexual aggressor “NO” clearly and firmly.
- Try to remove yourself from the physical presence of a sexual aggressor.
- Find someone nearby and ask for help.
- Take care of your friends and ask that they take care of you. A real friend will challenge you if you are questioning a decision. Respect them when they do.

Reducing Risk of Committing Non-Consensual Acts

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk for being accused of sexual assault:

- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
- Understand and respect personal boundaries.
- Don't make assumptions about consent; about someone's sexual availability; about whether they are attracted to you; about how far you can go or about whether they are physically and/or mentally able to consent. If there are any questions or ambiguity, then you do not have consent.

- Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. They may not have figured out how far they want to go with you yet. You must respect the timeline for sexual behaviors with which they are comfortable.
- Don't take advantage of someone's drunkenness or drugged state, even if they did it to themselves.
- Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Don't abuse that power.
- Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.
- Silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

While you can never completely protect yourself from sexual assault, there are some things you can do to help reduce your risk of being assaulted in social situations.

In a Social Situation

When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.

- Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately.
- Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
- Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.

- Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.

Sex Offender Notification

The Eastern Washington University Police Department considers the protection of our community from sex offenders of significant importance. The objective of the 1990 Community Protection Act was to provide adequate notice to the community concerning sex offenders who are, or will be attending, working or residing on the campus, and to assist our community members in developing constructive plans to prepare themselves and their children for residing near released sex offenders.

The Eastern Washington University Police Department maintains records of sex offenders who have been brought to the attention of the EWUPD by the Spokane County Sheriff's Office. Additionally, the Spokane County Sheriff's Office maintains an online registry of Level 2 and 3 sex offenders who are registered to live in Spokane County. Sex offenders may be searched in this registry by ZIP code or by an offender's name.

Information that is relevant and necessary to protect the public and to counteract the danger created by a particular offender is released pursuant to RCW 4.24.550. The extent and content of the disclosure of relevant and necessary information shall be related to:

1. The offender's risk classification;
2. The risk posed by the offender to the community;
3. The location where the offender resides, intends to reside, is regularly found, or is employed; and,
4. The needs of affected community members for information that is necessary to protect their interests and safety.

Notification will generally follow this guideline:

1. Level 1: Notification will be provided to the faculty for each class in which the student registers, or may be disclosed upon request to a community member who resides near an offender.

2. Level 2: In addition to the Level 1 Sex Offender requirements above, EWUPD will place notifications of Level 2 Sex Offenders in the registered sex offender binders that are located at the Dean of Students office, Title IX office and the EWU Police Department (Red Barn). Electronic notifications will also be provided to any facility where children are educated or cared for, including Running Start. Notification may also be provided through other means as deemed necessary.
3. Level 3: Level 3 offender information is available to the public and strategically located in several locations through the campus, including the University Police Department (Red Barn), Title IX Coordinator's Office, Dean of Students Office and the EWU Child Care Center. Names of known Level 3 sex offenders who participate in programs or activities on an EWU campus or attend online classes will be posted on the EWU Police Department website with links to the Spokane County sex offender database website.

For more information regarding registered sex offender notification at Eastern Washington University, either visit the Red Barn during university business hours or see the website at:

<https://inside.ewu.edu/police/crime-data/sex-offenders/>

Using this public information to threaten, intimidate or harass sex offenders is not tolerated.

Alcohol and Drug Policies

University and Community

The University is committed to promoting the health and safety of the campus community by offering programs of alcohol education and enforcing relevant policies. While activities covered by the laws of the community and those covered by the University's rules may overlap, the community's laws and the University's rules operate independently and do not substitute for each other. The University may pursue enforcement of its own rules whether legal proceedings are under way or being considered, and may use information from third-party sources, such as law enforcement agencies and courts, to determine whether University rules have been broken. The University does not shield members of the University community from the law. Membership in the University community does not exempt anyone from local, state or federal laws, but rather imposes the additional obligation to abide by all of the University's regulations.

Alcohol Policies

The health and safety of the campus community is promoted by the University through alcohol education programs and the implementation of pertinent policies. EWU strives to provide a substance-free environment in which the university mission may be realized. Well-being is a state of intellectual, physical, emotional, social and spiritual health involving responsible decisions regarding substance use. The University's Substance Abuse Prevention Program is dedicated to coordinating efforts of the university in promoting wellness and responsible decision-making regarding alcohol and drug use. Employment and student enrollment at Eastern Washington University is conditional on each employee's and student's willingness to abide by these policies and procedures.

EWU prohibits the unlawful possession, use, consumption or distribution of alcohol by students, employees or visitors on university property or during any university-sponsored program or activity, whether held on or off campus. Any authorized use of alcohol must comply with state and federal laws, and all university policies, rules and regulations. Specifically,

possession or consumption of alcohol by persons under the age of 21, and selling or furnishing alcoholic beverages to persons under the age of 21 is not permitted on campus. University alcohol policies and guidelines must be met before any alcohol-related event may be permitted. No kegs or “keg-quantities” of alcohol are allowed in the residence halls. Minor in possession of alcohol is a misdemeanor offense; if convicted, it may have a negative effect on educational and job requirements or opportunities. Further information about the alcohol policy at EWU is contained in WAC 172-64, as well as EWU Policy 602-01 (Drug and Alcohol Abuse Prevention). University rules and policies are available at <https://inside.ewu.edu/policies/>. The state’s criminal law regarding alcohol is RCW 66.44.270.

Drug Policies

Drug-Free Zone

EWU Policy 602-01 establishes standards and regulation for the prevention of drug and alcohol abuse as prescribed by the Drug-Free Schools and Communities Act and the Drug-Free Workplace Act of 1988. Eastern Washington University is a Drug-Free Zone. It is prohibited, while on any university owned or controlled property, including within residence halls, while conducting university business or during any university-sponsored activity, for any person to use, possess, distribute, manufacture, sell or to be under the influence of a controlled substance. The use of prescription and over the counter drugs is permitted when taken as prescribed or as directed by package instructions as long as the medications do not adversely affect the ability, performance, or safety of the consumer or others. Please note: Marijuana remains illegal under federal laws, and policies regarding marijuana at EWU remain unchanged. It is illegal to possess, produce, distribute or use marijuana on EWU property or during school-sanctioned events.

EWU will also impose disciplinary sanctions on students and employees, up to and including expulsion or termination of employment and referral for prosecution, for violations of these policies. A disciplinary sanction may include the completion of an appropriate rehabilitation program.

The following is a partial list of illicit drugs considered to be controlled substances by the State

of Washington (RCW 69.50): Narcotics (opium, cocaine and heroin); methamphetamine; barbiturates; and hallucinogenic substances (LSD, peyote, mescaline, psilocybin, PCP, THC, MDA, STP).

Partial list of Washington state drug offenses/penalties

Violation	Amount	Penalty
Manufacture, deliver or sell less than 2 kg of a Schedule I or Schedule II Narcotic	Less than 2 kg	Prison: Up to 10 years Fine: Up to \$25,000
Manufacture, deliver or sell 2 kg or more of a Schedule I or Schedule II Narcotic	2 kg or more	Prison: Up to 10 years Fine: Up to \$100,000 for the first 2 kg, and \$50 for each additional gram
Manufacture, deliver, or sell any other controlled substance classified in Schedule I, II, III, IV or V	Any	Prison: Up to 5 years Fine: Up to \$10,000
Possession of a controlled substance	Any	Prison: Up to 6 months, Fine: Up to \$1,000 (first two convictions)

As regulated in Title 21, USC, Section 860: Distribution, possession with the intent of distribution, or manufacture of a controlled substance in, or within 1,000 feet of the real property comprising Eastern Washington University, is subject to additional penalties as defined in that code.

EWU upholds all state and federal laws pertaining to alcohol and controlled substances. EWU will take action against any person who violates state law, federal law or any university regulation or policy concerning alcohol or controlled substances when such violation:

1. Occurs in or on property controlled or owned by EWU;
2. Involves university business or activities; or
3. Affects the fitness of university employees to perform the duties of their job or position.

The university encourages employees and students to voluntarily seek appropriate assistance if they are dependent on alcohol or drugs.

Firearms and Weapons Policies

Weapons, including concealed weapons, are not allowed on campus per [WAC 172-122-120](#).

Possession, carrying, discharge, or other use of any weapon is prohibited on property owned or controlled by Eastern Washington University, with the following exceptions:

- Commissioned law enforcement officers may carry weapons, which have been issued by their respective law enforcement agencies, while on campus or other university-controlled property, including residence halls. Law enforcement officers must notify the EWUPD of their presence on campus upon arrival.
- A person may possess a personal protection spray device as authorized by RCW 9A.160 while on property owned or controlled by EWU.
- A person may bring a weapon onto campus for display or demonstration purposes directly related to a class or other educational activity if they obtain prior authorization from the university police department.
- Weapons that are owned by the institution for use in organized recreational activities or by special groups, such as EWU ROTC or university sponsored clubs or teams, must be stored in a location approved by the university police department. These weapons must be checked out by the advisor or coach and are to be used only in organized recreational activities or by legitimate members of the club or team in the normal course of the club or team's related activity.

Examples of weapons under this section include, but are not limited to: explosives, chemical weapons, shotguns, rifles, pistols, air guns, BB guns, pellet guns, longbows, hunting bows, throwing weapons, stun guns, electroshock weapons, and any item that can be used as an object of intimidation and/or threat, such as replica or look-a-like weapons.

Emergency Response and Evacuation Procedures

The University's Comprehensive Emergency Management Plan (CEMP) details emergency procedures and evacuation of the campus. The CEMP addresses a broad range of guidelines specific to a critical incident. University departments are responsible for developing contingency plans and continuity plans for their staff and areas of responsibilities. The University emergency response and evacuation procedures are available at <https://inside.ewu.edu/police/emergency-response-procedures/>. The university also distributes emergency response flipcharts to employees, and provides emergency response training specific to each building.

The University conducts at least one emergency response exercise each year, such as tabletop exercises, field exercises, and tests of the emergency notification system. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution. Training exercise details are sent to the campus community, along with information on the University's emergency response and evacuation procedures. EWUPD maintains documentation of each emergency response exercise, including the date, time, description of the exercise, and whether the exercise was announced or unannounced. EWUPD officers are trained in Incident Command and Responding to Critical Incidents on campus, and the Incident Command System (ICS) and Unified Command System (UCS) are utilized when responding to incidents. EWUPD works with partner agencies including Cheney PD, Spokane County Sheriff's Office, Washington State Patrol, FBI, and Cheney Fire Department.

Notification to EWU Community about an Immediate Threat

The 'EWU Alerts' Campus Emergency Mass Notification System is a service provided by EWU to employees, students and other campus community members as a method of communicating information about an immediate threat. Anyone may subscribe to the service through the EWU Alerts web page at <https://www.ewu.edu/stories/ewu-moving-to-new-emergency-mass-notification-system/>.

The President, Director of Public Safety or designee will decide whether a situation is an emergency and poses an immediate threat to the health or safety of the EWU community. Examples of a significant emergency include, but are not limited to, an approaching wildfire, fire in a building, an outbreak of a serious contagious illness, extreme weather conditions, earthquake, gas leak, terrorist incident, armed intruder, bomb threat, rioting, explosion, or hazardous waste spill. If a significant emergency exists, the Director (or designee) will send an emergency notification via numerous media applications, without delay, and considering the safety of the community. If EWU Police Department personnel are not available to initiate an alert, another authorized EWU official may activate the system.



The Director of Public Safety (or designee) will create and disseminate the emergency message using available information on a case-by-case basis. Notifications may be sent through any or all of the following options: banners on <https://www.ewu.edu> and <https://inside.ewu.edu> webpages; text (SMS) messages; email; fire alarms; Facebook, “X” or other social media; outdoor warning speakers; vehicle public address speakers; voicemails on campus telephone numbers; voice messages to cell phones; EagleSafe App; or other appropriate methods. Updates will be posted on the above-mentioned media outlets to ensure current information is provided to the community. When the emergency is no longer a threat to the health and safety of the EWU community, the Director of Public Safety will notify the community utilizing the various media outlets listed above. Because many of our students, faculty and staff commute between our campuses, all segments of our campus community will be notified when any significant

emergency threatens the operation of the campus or poses an immediate threat to health or safety.

Evacuation

The need to evacuate and move a group of people may range from a single building to the entire campus, or even the entire surrounding community. The pace of evacuation will be dictated by the type of incident. The evacuation process includes notification, instructions, assembly points, methods of transportation, and destinations. Building evacuation procedures are as follows:

1. All staff and students should:
 - Understand the evacuation plan;
 - Follow evacuation instructions; and
 - Know at least two ways out of the building from your regular workspace, classrooms or living quarters, and practice using those exits.
2. When you hear a fire alarm or are told to evacuate the building:
 - Remain calm, leave quickly;
 - Building captains present in each department shall be responsible for ensuring that all members of their department evacuate the area;
 - Every employee should check that all others in their work area are leaving as instructed and accompany or assist disabled persons and any co-worker who appears to need direction or assistance;
 - Report any person who is unwilling or unable to evacuate to emergency responders;
 - If you are at your workstation, take personal items such as car keys, purse, briefcase and coat. Do not attempt to take large or heavy objects or attempt to save possessions at the risk of personal injury;
 - Close all doors behind you as you go. Closed doors can slow the spread of fire, smoke and water;
 - Do not use elevators, but proceed to stairways as quickly as possible and in an orderly manner; and

- Stay to the right and hold handrails when walking on stairs. Make way for emergency personnel.
3. Once out of the building, move away from the structure and go to the appropriate assembly area.
 4. Wait for further instructions. Do not re-enter the building until cleared to do so by emergency personnel.

In most cases, the President or their designee must approve any significant evacuation. However, in an extreme emergency, any University official, police officer or fire department personnel can evacuate a building. The Incident Commander will issue the order and implement the evacuation plan.

Warning and evacuation instructions will be communicated to the campus population via any or all of the following: banners on <https://www.ewu.edu> and <https://inside.ewu.edu> webpages; text (SMS) messages; email; fire alarms; Facebook, “X” or other social media; outdoor warning speakers; vehicle public address speakers; voicemails on campus telephone numbers; voice messages to cell phones; EagleSafe App; or other appropriate methods. Information may include the nature of the threat, time allotted for the requested action, instructions to shelter in place and await further direction, instructions to move to a designated assembly area, leave the campus in personal transportation and take someone with you, or assemble at a public transportation pickup point.

Additional Resources and Phone Numbers

Notes and Additional Recommended Resources

- Counseling and Wellness Services Current Health Topics web page:
<https://inside.ewu.edu/bewell/current-health-topics/>
- The Handbook for Campus Crime Reporting:
<http://www2.ed.gov/admins/lead/safety/handbook.pdf>
- Employee Assistant Program (EAP) for EWU staff that needs assistance with personal or work-related problems (org code EWU):
https://www.advantageengagement.com/1669/login_company.php or contact Human Resources at 509.359.2381.
- EWU Title IX Information, Resources & Services: <https://inside.ewu.edu/titleix/>

Emergency.....	911
Spokane Crime Check (non-emergency police services)	509.456.2233
EWU Police Services (non-emergency)	509.359-7676
EWU Anonymous Tip Line.....	509.359.4286
YWCA DV 24-hour hotline	509.326.2255
LCS Northwest Sexual Assault Crisis Line (24/7).....	509.624.7273
Regional Crisis Line (24/7) – Frontier Behavioral Help.....	1.877.266.1818
EWU Dean of Students Office	509.359.7924
EWU Counseling & Wellness Services	509.359.2366
EWU Title IX Coordinator	509.359.6724