



**Seattle Pacific University**

**2023 Annual Security and Fire  
Safety Report**

Office of Safety & Security

## **SAFETY ON THE SPU CAMPUS**

The mission of Seattle Pacific University's Office of Safety and Security is to provide a safe working, learning, and living environment for the SPU community and to protect University assets through sound crime prevention and safety practices. The Office of Safety and Security ("OSS") focuses on four core competencies of emergency response: Medical, Fire, Criminal, and Critical Incident Response. OSS responds to an average of 400 criminal, fire, and medical incidents each year. Other OSS activities include community services (e.g., escorts, let-ins, property retrievals, and maintenance requests), incident prevention, building searches, policy violation investigations, and other support services. Each year security officers provide over 13,000 responses to these daily activities. In addition to these primary and community service functions, OSS provides additional support in transportation management, motor pool, special events, building access, and community safety programs.

OSS is responsible for the preparation and dissemination of Seattle Pacific University's Annual Security and Fire Safety Report ("ASFSR"). Typically, by October 1 of each year, all enrolled students and employees receive an email regarding the content and availability of the ASFSR (one exception was that the Department of Education announced in July 2020 that due to the COVID-19 pandemic, the deadline for distributing the 2020 ASFSR was December 31, 2020, so SPU sent its email announcing the availability of its 2020 ASFSR in December 2020). The email provides information regarding how to access the report via the Internet and how to request a printed copy of the report. To request a printed copy of this report, call 206-281-2922 or email [securityinfo@spu.edu](mailto:securityinfo@spu.edu). The University also provides a notice to prospective students and prospective employees that includes a statement of the report's availability, a description of its contents, and an opportunity to request a copy.

This report, in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the "Clery Act"), contains information regarding crime prevention programs offered at the University, tips on crime prevention and personal safety, instruction on reporting crimes and emergencies, SPU crime statistics, and security-related policies and statements. The policies and procedures contained in this report were developed in the interest of student safety. No matter how effective the University's programs may be, the primary responsibility for safety and security lies with each person. No security department or set of procedures can be effective unless individuals exercise reasonable care and prudence.

The purpose of this publication is to:

- Provide the SPU community with an overview of the services provided by OSS.
- Inform current and prospective students, employees, and visitors about the policies and programs designed to help keep them safe.
- Share crime statistics required by the Clery Act.
- Share information regarding emergency preparedness and planning.
- Share information regarding fire safety and fire statistics.
- Share information about sexual misconduct policies and procedures.

### **About the Office of Safety and Security**

The Office of Safety and Security ("OSS") provides continuous, year-round security and emergency response to the Seattle Pacific University community. OSS maintains a Security Operations Center with integrated alarm and surveillance monitoring. Non-commissioned officers patrol the campus on a 24-hour basis to render immediate aid and provide a variety of safety-related programs and services to the campus community.

### **Role, Authority, and Training**

Security officers are empowered by the University to enforce its policies and regulations on property owned or controlled by SPU. Pursuant to an arrangement with First Free Methodist Church (located at 3200 3<sup>rd</sup> Ave W, Seattle WA 98119), security officers may also patrol and respond to incidents on the church's property. Security officers do not have law enforcement powers or arrest authority. Security officers may also be able to render escort services, medical assistance, or other support in other areas in the vicinity of SPU's campus. Security officers are trained in advanced first aid skills and fire response tactics, and they also receive training in crisis intervention tactics from instructors with the Washington State Criminal Justice Training Commission. Additionally, they are trained to respond to threatening situations using mental health first aid and de-escalation and defensive tactics, and they receive extensive training in campus emergency response procedures. All security officers will be certified in first aid, CPR, and use of AEDs (automated external defibrillators).

### **Working Relationship with State and Local Law Enforcement Agencies**

An excellent working relationship exists between OSS and local law enforcement. Seattle Pacific University does not have written memoranda of understanding with state or local law enforcement agencies but has active dialogue with the Seattle Police Department (there is generally less need for interaction with county or state law enforcement agencies, although the University does work with state law enforcement officials to train its security officers). OSS frequently collaborates with the Seattle Police Department ("SPD") in investigating crimes that occur on campus or nearby campus so that there can be sharing of information. OSS will also notify SPD if there is a situation on campus that requires law enforcement authority involvement, and SPD will notify OSS if it becomes aware of a potential threat to campus that it thinks OSS should know about. In addition to the Seattle Police Department's response to campus for criminal incidents, OSS liaises with the SPD West Precinct Private Security Forum on community policing issues. OSS also works closely with the Seattle Fire Department to coordinate joint emergency response.

### **Access to and Security of Campus Facilities**

Seattle Pacific University's campus is private property, reserved for students, faculty, staff, and their guests. However, SPU is also located next to several public roads and private residences, so it is common for persons not directly connected to SPU to be near campus and occasionally on campus. SPU reserves the right to provide non-SPU persons with trespass admonishments if they create a disturbance, adversely affect SPU community members, or otherwise disrupt SPU activities.

Many SPU buildings are equipped with electronic access control systems. These systems permit OSS to remotely lock doors at several building entrances if it is determined that there is a threat to campus. Typically, many SPU administrative and classroom buildings remain unlocked during business hours. However, some buildings also employ access control systems during business hours, and SPU-issued identification cards must be scanned in order to permit entry. All SPU faculty, staff, and students are issued SPU identification cards. However, access to certain facilities may be limited or revoked if applicable expectations are not followed (including those stated in student and employee handbooks).

Access to residence halls is restricted to students, their permitted guests, and those staff members who have job-related business in the halls. All residence halls are equipped with electronic access control systems at their exterior entrances that require an SPU-issued identification card for entrance. Individual rooms require separate keys that are issued to room occupants. In general, only residential undergraduate students' cards are given permission to access residence halls. However, for health and safety reasons (e.g., to comply with government orders and/or to reduce the risk of spread of COVID-19), further limitations may be placed on who is permitted to access residence halls (to see current rules, see: <https://spu.edu/administration/office-of-student-life/handbook/residential-living>). Strict control of keys also limits access; when room keys are reported lost, room locks are changed. Propping security or fire

doors open is not allowed and failure to obey this rule may result in disciplinary action. Problems with doors should be reported immediately to the Building Maintenance staff at 206-281-2330 for correction.

Residence hall floor areas are segregated by sex and have hours which limit visitation by the opposite sex. Overnight visits by guests of the opposite sex are not permitted and other guests (when permitted) must limit their stay to three days, except by permission of the residence hall staff. Guests are expected to follow the same behavioral standards as the residents. Security officers patrol the campus, including areas around residence halls, and residence hall staff members are on duty with 24-hour assistance available.

Security officers patrol the SPU campus throughout the day and night. Also, several homes adjacent to the campus are owned and operated by the University as offices and residences. Both the Office of Safety and Security and the Seattle Police Department patrol these areas. The Office of Safety and Security also has an extensive network of surveillance cameras deployed across campus that assists in monitoring the security of campus buildings.

The Office of Facility and Project Management maintains University buildings and grounds with a concern for safety and security. The office regularly inspects campus facilities, responds to reports of potential safety and security hazards, and promptly makes repairs. The Office of Safety and Security, as well as individual students, faculty, and staff, help with these activities by reporting safety or security hazards. Custodial and building maintenance staff are required to dress in SPU-issued uniforms to make them clearly identifiable as authorized individuals who may access SPU facilities.

### **Electronic Alarm Systems**

A variety of intrusion, fire, and general emergency alarms have been installed on campus. By monitoring them, the Office of Safety and Security can provide immediate response to alarms.

### **Emergency Telephones**

The University has installed emergency phones throughout the campus, including inside residence halls and at the entrances to several academic and office buildings. The emergency telephones are rectangular boxes, have yellow sides, and automatically dial the Office of Safety and Security at the push of a button.

### **Architectural Design and Security Surveys**

The Office of Safety and Security and the Office of Facility and Project Management review campus buildings and exteriors to determine what maintenance is required in order to keep campus facilities safe and secure. Safety and security considerations are taken into account when designing new buildings on campus and renovating existing campus structures. Attention is given to exterior lighting, surveillance cameras, emergency phones, alarms, and building code requirements.

## **Campus Security Policies, Crime Prevention, and Safety Awareness**

### **Crime Prevention and Security Procedure Education Programs**

The University engages in several programs that are designed to inform students and employees about campus security procedures and practices and about the prevention of crimes. In these programs, students and employees are encouraged to take responsibility for their security and the security of others on campus. Examples of programs include:

#### ***Information Distributions***

- Each year in the fall, the University sends emails to all faculty, staff, and students with a summary of emergency preparedness resources and procedures.
- The University has placed quick reference emergency preparedness books titled “Stop. Think. Act.” in offices and classrooms across campus and has created [SPU Emergency Preparedness webpages](#) for easy access to important security information.

- The University circulates its Annual Security and Fire Safety Report each fall as required by the Clery Act.
- The University sends timely warning and other campus security messages to students periodically each year with reminders about important safety precautions.
- The Office of Safety and Security (“OSS”) website provides crime prevention information for the campus, including crime prevention tips posted on the OSS website.

### ***Practice Emergency Drills***

- The University generally conducts annual all-campus evacuation and lockdown drills to familiarize students and faculty with emergency procedures, and it conducts quarterly fire drills for residence halls.
- The University regularly conducts emergency communications system tests each quarter.

### ***Training Programs***

- Representatives of OSS make periodic in-person and online presentations to faculty members and students on various security-related topics during the year.
- The University offers gender-based violence primary prevention and ongoing awareness programs and the personal safety education activities as described below.
- New employees participate in online courses regarding sexual harassment and misconduct.
- On-campus students are informed of building safety issues at meetings with their Resident Advisors during orientation at the start of the year. Resident Advisors can also arrange floor-specific safety programs presented by OSS at any time.
- OSS promotes a bicycle registration program using a national bicycle registration system to help fight bicycle theft.

### **Safety Escorts**

OSS operates a safety escort service 24 hours a day, 365 days a year. An escort can be obtained by dialing 206-281-2922. For health and safety reasons (e.g., precautions taken in connection with COVID-19), modifications may be made to the safety escort service (e.g., only offer walking escorts, as opposed to driving escorts).

### **Personal Safety Education**

OSS offers several free courses on personal safety and crime prevention for students, staff, and faculty. Crime prevention classes can be requested by contacting 206-281-2922 and asking to speak to the RAD Coordinator.

OSS offers free self-defense classes that cater to specific groups on campus (such as on-campus residents, or club sponsored as well as staff/faculty). These programs are presented by OSS staff who are certified instructors with Rape Aggression Defense (RAD) Systems. Self-defense classes work to empower individuals to trust themselves through the use of physical techniques, as well as education surrounding the issues of gender-based violence, including consent, and scenario-based practice. For more information, contact OSS at 206-281-2922. For health and safety reasons (e.g., precautions taken in connection with COVID-19), in-person self-defense workshops have been paused but may resume when safety protocols permit. Online crime prevention workshops and webinars may be offered in lieu of in-person courses.

### **Crime Prevention Tips**

**Following are some tips to help keep you and your property safe.**

- Report all suspicious conduct and circumstances to OSS immediately by dialing 206-281-2911.
- Avoid walking alone at night. Use the Safety Escort Service.

- Do not allow anyone to follow you through a locked door. Remember that residence halls are restricted to the students who live there and their permitted guests.
- Know the locations of the emergency telephones located around campus and keep your cell phone accessible to call OSS. Program the OSS phone number (206-281-2911) into your cell phone ahead of time.
- Inventory your personal property and insure it with personal insurance coverage.
- Back-up your computer daily in case it gets stolen.
- Lock up bicycles using proper locking procedures and a good quality lock such as a U-lock.
- If you know that you will be returning to your vehicle when it's dark outside, use well-lit parking lots or park under a streetlight.
- Lock car windows and doors when leaving your car.
- Do not leave valuables in your car. If you must, put valuables in your trunk prior to your arrival at your destination.
- Carry only those items of value that you need on your person (e.g., limit the amount of cash and the number of credit cards, and never carry your social security card in your purse or wallet).
- Never leave valuables (wallet, purses, books, laptops, etc.) unattended and unsecured – even for a bathroom break.
- Always lock the door to your residence hall room, whether or not you are there. Keep windows closed and locked when you are away.
- Do not leave messages on your door advertising your departure or arrival times. This alerts thieves to your absence.

### **Gender-Based Violence Prevention and Awareness Programs**

The University offers primary prevention and ongoing awareness programs to students and employees addressing gender-based violence. These programs are intended to prevent dating violence, domestic violence, sexual assault, and stalking; to encourage positive bystander intervention; and to educate students and employees about applicable University procedures for when incidents of gender-based violence occur. This programming examines issues related to gender-based violence on college campuses, with definitions of sexual misconduct crimes, discussion of consent and bystander intervention training, and resources for how to respond when assault occurs and is disclosed. The programming makes clear that the University prohibits dating violence, domestic violence, sexual assault, and stalking.

#### ***The University's programs include the following:***

- In-person and online training on gender-based violence and bystander intervention is provided in the fall as a part of mandatory first year undergraduate student orientation activities.
- New employees are asked to complete an online course titled "Preventing Sexual Violence." Existing employees are also offered the chance to complete the training.
- An online presentation describing gender-based violence, bystander intervention, and applicable SPU procedures is offered to all students and employees.
- The Office of Safety and Security conducts activities as part of Domestic Violence / Dating Violence Awareness Month in October, Stalking Awareness Month in January, and Sexual Assault Awareness Month in April. These awareness campaigns include a variety of visual displays, informational resources, and in-person presentations and discussions.
- Additionally, OSS provides lectures on specific areas of gender-based violence to classes on campus that address these issues. Faculty whose course work covers sexual violence or who wish to educate their classes on the topic can request a representative speak to their class about specific topics, including resources available and how to report.

## **Elaboration – Dating Violence, Domestic Violence, Sexual Assault, Stalking, and Consent**

The University prohibits dating violence, domestic violence, sexual assault, and stalking. Federal regulations under the Clery Act require that the University inform students and employees how these terms are defined for purposes of Clery Act crime reporting and how they are defined under the law of the University's applicable jurisdiction (i.e., Washington state). The definitions used for purposes of Clery Act crime reporting are stated below under the section "Definitions of Reportable Crimes." The University has undertaken good faith research and has determined that some, but not all, of the terms are defined under Washington State criminal law. The University has identified definitions of stalking, consent, and domestic violence under Washington State criminal law, and has identified definitions of sex offenses under Washington State criminal law that could be seen as types of sexual assault (e.g., "rape," "rape of a child," and "indecent liberties"). The University has also identified the definition of "consent" (in reference to sexual activity) under Washington State law (as required by the Clery Act) and has identified a definition of "dating relationship" under Washington State law (because of its potential relevance to the term "dating violence"). These state law definitions are included in "Appendix A: Certain Washington State Law Definitions Related to Crimes of Gender-Based Violence." For purposes of University policy, any act that constitutes dating violence, domestic violence, sexual assault, rape, rape of a child, indecent liberties, or stalking is prohibited, as those terms are defined for purposes of Clery Act regulations or for purposes of Washington State law as listed in Appendix A. Also, to be clear, the prohibition of sexual assault includes a prohibition of non-stranger rape (also known as acquaintance rape, i.e., rape by a person known to the victim), statutory rape, and any other form of rape. For more information regarding University policies and procedures related to gender-based violence, see Section VI. Sexual Misconduct Policies and Procedures.

## **Bystander Intervention**

The Clery Act regulations define "bystander intervention" to mean safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

The University encourages its students and employees to practice safe bystander intervention if they observe a situation where there is a risk of dating violence, domestic violence, sexual assault, or stalking. The following practices are important when evaluating a situation for possible bystander intervention:

- Assess the situation as best you can. Be aware of someone who is being sexually aggressive or trying to seclude a person who is incapacitated or vulnerable.
- Use your best judgment and common sense. The most effective time to act may be later, not on the spot, and you may want to get help before intervening.
- Ensure your own safety. Don't choose a course of action that you're not comfortable with or that would endanger you or anyone else.

If you've determined it's safe to act, there are a variety of bystander intervention strategies that you can employ. One memory aid for identifying bystander options that is suggested by the Rape, Abuse and Incest National Network (<https://rainn.org/get-information/sexual-assault-recovery/protecting-your-friends>) is to remember "A good friend knows how to CARE," where the letters C-A-R-E stand for:

- Create a Distraction: If you interrupt the situation, a distraction could give a vulnerable person an opportunity to get to a safe place. Distractions could include spilling your drink, turning on the lights, suggesting that people go out for pizza, or starting an activity that draws people in (e.g., a game, or a debate).
- Ask Questions: Talk to the person who might be in trouble. Ask questions to find out what is going on, who the person came to the event with, and/or who their friends are.

- Refer to an Authority: Sometimes the safest way to intervene is to involve a person in authority, which may include (depending on the situation) a Resident Advisor, a bartender, a security guard, or a party host. It is generally in the authority figure's interests to ensure that their guests, patrons, et al., are safe.
- Enlist Others: There can be strength in numbers—an aggressor may be less likely to act if a group of people is watching or opposing him or her. Look for friends of the vulnerable person who can approach the situation with you.

In any case, if you believe that you or someone else is in immediate danger, do not hesitate to call campus security (if you are on campus) or the police.

## **Risk Reduction**

Whereas bystander intervention is about seeking to help others, students and employees are also encouraged to consider ahead of time how they can reduce their risk of being a victim of sexual assault, dating violence, domestic violence, or stalking. The Clery Act regulations define “risk reduction” in part as options designed to decrease perpetration and increase empowerment for victims in order to promote safety. Several risk reduction strategies are listed below (many of these are based on suggestions from the Rape, Abuse and Incest National Network (<https://rainn.org/get-information/sexual-assault-prevention/campus-safety-sexual-assault>):

- Know your resources. Consider who you could contact if you or a friend needs help. Know where emergency phones are located and program the phone number for campus security (206-281-2911) into your phone.
- Stay alert and be aware of your surroundings. Consider inviting a friend to join you or asking campus security for an escort. If you're alone, do not put headphones in both ears.
- Be careful about posting your location. Many social media sites, like Facebook, use geolocation to publicly share your location. Consider disabling this function.
- Make others earn your trust. Give people time to earn your trust before placing yourself in a situation where you may be vulnerable.
- Think about Plan B. Have a back-up plan for sticky situations. If your phone dies, do you have a few numbers memorized to get help? Do you have emergency cash in case you can't use a credit card?
- Be secure. Lock your door and windows when you're asleep and when you leave the room. If you see a door to your residential building propped open, close it and report it to campus security.
- Promote safety through groups. If you're going to a party, go with people you trust. Agree to watch out for each other and plan to leave together. If your plans change, make sure to touch base with the other people in your group. Don't leave someone stranded in an unfamiliar or unsafe situation.
- Protect your drink. Don't leave your drink unattended, and watch out for your friends' drinks if you can. If you go to the bathroom or step outside, take the drink with you or toss it out. Drink from unopened containers or drinks you watched being made and poured. It's not always possible to know if something has been added to someone's drink. In drug-facilitated sexual assault, a perpetrator could use a substance that has no color, taste, or odor.
- Know your limits. If you are drinking alcohol, keep track of how many drinks you've had, and be aware of your friends' behavior. If one of you feels extremely tired or more drunk than you should, you may have been drugged. Leave the party or situation and find help immediately.
- Carry a personal safety alarm. This convenient, portable device can deter potential attacks or other crimes by emitting a loud alarm when you pull a pin. Contact OSS for more information.
- Watch for warning signs of abusive behavior. If you notice one or more of the following red flags, consider talking to someone about your situation to determine whether you may be at risk:
  - You feel afraid of your ex/partner
  - Your ex/partner treats you so badly that you are embarrassed in front of family and friends
  - Your ex/partner blames you for their own abusive behavior

- Your ex/partner treats you as property or an object to meet their desires, not as a person
- Your ex/partner has a bad and unpredictable temper
- Your ex/partner hurts you or threatens to hurt you or kill you
- Your ex/partner threatens to hurt themselves if you break up with them
- Your ex/partner refuses to take no for an answer with respect to sexual activity
- Your ex/partner destroys your property
- Your ex/partner acts excessively jealous or possessive, constantly checks up on you, or tries to control where you go and what you do
- Your ex/partner grabs you, pushes you, blocks your path, grabs your cell phone from you when you are calling for help

### **Information about Registered Sex Offenders**

Federal law (42 U.S.C. 14071, known as the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act), has established criteria for state registration programs for sex offenders. In Washington State, The Community Protection Act of 1990 (RCW 9A.44.130) requires a sex offender who resides in Washington, or who is a student, is employed, or carries on a vocation in Washington, to register with the county sheriff for the county of the person's residence (or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation). If any adult or juvenile is required to register as a sex offender pursuant to RCW 9A.44.130, then such adult or juvenile offender must give notice to the county sheriff of the county with whom the person is registered within three business days (i) prior to arriving at a school or institution of higher education to attend classes, (ii) prior to starting work at an institution of higher education, or (iii) after any termination of enrollment or employment at a school or institution of higher education.

Under the Clery Act, Seattle Pacific University must provide a statement advising the campus community about where law enforcement agency information provided by Washington State concerning registered sex offenders may be obtained.<sup>1</sup> You may search for information about registered sex offenders in Washington State using the following Washington Association of Sheriffs and Police Chiefs website:

<http://www.icrimewatch.net/index.php?AgencyID=54528&disc=> . For additional information about classification and registration of sex offenders in Washington state (e.g., what is a registered sex offender, what do the sex offender levels mean), see the following website:

[http://sheriffalerts.com/cap\\_safety\\_1.php?office=54528](http://sheriffalerts.com/cap_safety_1.php?office=54528) .

### **Weapons and Firearms Policy**

Possession or use of the following is prohibited on campus:

- Any type of firearm, including BB pellet guns, paint guns, realistic facsimiles of weapons or any counterfeit weapons, stun guns, or Taser weapons.
- Ammunition, including rounds, casings, shells, clips, magazines, and paint pellets, and cartridges.
- Folding knives or fixed blades over 3" that are not designed and used for cooking.
- Bows and arrows.
- Martial arts weapons.
- Slingshots and water balloon launchers.

---

<sup>1</sup> Specifically, the Clery Act requires "a statement advising the campus community where law enforcement agency information provided by a State under section 121 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16921), concerning registered sex offenders may be obtained" (34 CFR 668.46(b)(12)). SPU does not know whether Washington State is in full compliance with the Adam Walsh Child Protection and Safety Act of 2006 (e.g., see a 2016 memorandum from the Sex Offender Policy Board at [https://sgc.wa.gov/sites/default/files/public/sopb/documents/sorna\\_findings\\_and\\_recommendations.pdf](https://sgc.wa.gov/sites/default/files/public/sopb/documents/sorna_findings_and_recommendations.pdf)), but SPU believes this section of the ASFSR identifies sex offender registry information made available by Washington State.

- Explosive devices and fireworks.
- Dangerous chemicals or other hazardous materials.
- All other weapons listed in the Revised Code of Washington (RCW) 9.41, and/or other weapons considered dangerous on University premises or at University sponsored events.

Notwithstanding the prohibition stated above, SPU security officers are permitted to carry the weapons issued to them by the University. Also, law enforcement officials on campus are permitted to carry weapons issued to them as required by their agencies.

### **Whistleblower Policy**

It is the policy of Seattle Pacific University not to retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising his or her rights or responsibilities under the Clery Act.

### **Missing Student**

If a student, employee, or other person has reason to believe that a student who resides in on-campus housing is missing (i.e., has been missing at least 24 hours), he or she should immediately notify the Office of Safety and Security (“OSS”) at 206-281-2911. Concerns that a student is missing may also be reported to the Asst Prov, Community Life or the Vice Provost for Student Formation and Community Engagement. Any missing student report must be referred immediately to OSS by calling 206-281-2911. OSS is available to receive calls 24 hours a day, year-round.

OSS will generate an incident report and initiate an investigation. The University may investigate circumstances for non-residential students who are missing out of concern for student well-being when it is determined that the University might be able to assist the student. OSS will also immediately notify the Office of Residence Life of the missing person report if they have not been previously notified. The Office of Residence Life will assist OSS in their investigation, which may include interviewing roommates, floor mates, classmates, and student staff.

After investigating the missing person report, should OSS determine that the student is missing and has been missing for at least 24 hours, the Seattle Police Department will be notified (unless the Seattle Police Department made the determination that the student was missing) within 24 hours of the determination that the student is missing. The University may notify appropriate authorities without delay when it has reason to believe the student is in danger or missing under involuntary circumstances.

Students residing in on-campus housing have the option to identify confidentially one or more individuals to be contacted by the University in the event the student is determined to be missing for at least 24 hours. This information will be accessible only to authorized campus officials and may not be disclosed except to law enforcement personnel in furtherance of a missing person investigation. If a student has identified an individual, the University will notify that individual no later than 24 hours after the student is determined by OSS or local law enforcement (as told to OSS) to be missing. Students who wish to identify a confidential contact can do so through the Banner Information System on the web, [www.spu.edu/banweb/](http://www.spu.edu/banweb/). Select the *Personal Menu*, then select *Emergency Contact Information*. Select add a new contact or edit an existing contact. Under the “relationship” drop down menu, select “missing person contact.” Contact the CIS Help Desk if you have questions concerning entering contact information into the Banner Information System. If the missing student is under 18 years of age and is not emancipated, the University must notify the student’s custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student.

OSS will be primarily responsible for coordinating the notification of local law enforcement, designated emergency contacts, and/or custodial parents or guardians as described above. Typically, OSS will notify police, and a staff member from the Office of Residence Life will notify the other individuals, when required.

## **Monitoring Noncampus Locations of Student Organizations**

The Clery Act requires that the University have a statement of policy concerning the monitoring and recording through local police agencies of criminal activity by students at noncampus locations of student organizations officially recognized by the University. The University believes it does not currently have any such noncampus locations of student organizations and that currently there is not opportunity for any such monitoring.

## **Reporting Campus Crimes and Emergencies**

### **How to Report a Crime**

Students, staff, and faculty are strongly encouraged to promptly report all crimes, accidents, emergencies, and other public safety related incidents to the Office of Safety and Security (“OSS”) at 206-281-2911. Reporting these incidents to OSS is important because: (1) it can help the University take action that may prevent harm to yourself and other members of the community (e.g., by sending emergency notifications or timely warning messages, as described more fully later in this report), (2) it can help law enforcement officials apprehend perpetrators and seek justice for victims, and (3) it enables the University to record and publish the incidents as part of the crime statistics that the Clery Act requires the University to disclose (as described below).

To report a crime, fire, medical emergency, or other emergency, call OSS by dialing 206-281-2911. You may also contact OSS by pushing the call button on any campus emergency phone. Any crime against property or persons that is committed on campus should be reported immediately.

For non-emergency calls, you may dial 206-281-2922. You may also report non-emergency crimes using the [SPU Report a Concern Form \(https://spu.edu/administration/human-resources/nondiscrimination-title-ix-hr/report-a-concern\)](https://spu.edu/administration/human-resources/nondiscrimination-title-ix-hr/report-a-concern) and the information will be relayed to the Office of Safety and Security. When submitting an online Report of Concern, reporting parties will need to log on to SPU applications using their SPU credentials. If reporting parties have not previously been logged on, they may be directed to the Banner Menu.

When making a report, gather as much pertinent information about the suspect and the incident as you can, such as sex, race, hair color and length, body size, clothing description, scars and other noticeable characteristics, modes of travel, type of vehicle, vehicle color and license plate information, and information about location.

Campus community members are encouraged to program the OSS phone numbers into their cell phones to reduce emergency response time. Crimes that occur off-campus should be reported to your local law enforcement agency. OSS will assist you in making a report to a local law enforcement agency if you wish, or if you are unable to make such a report. OSS encourages the prompt and accurate reporting of all crimes to OSS and (where appropriate) to the applicable police agency when the victim of a crime elects to, or is unable to, make such a report. Crimes may be reported directly to the Seattle Police Department by calling 911.

### **University Response to Crime Reports**

An OSS dispatcher is on duty at all times to receive calls regarding crime reports. In response to a call, OSS may dispatch an officer to the caller’s location or ask the caller to submit a written report. The OSS dispatcher will also notify the Director of Safety and Security, the Associate Director of Safety and Security, or the other supervising security officer as necessary depending on the nature of the incident. OSS is the primary investigative office at Seattle Pacific University for all crimes committed and reported on campus or at SPU-operated facilities located within a reasonable distance from the main campus. Matters occurring at properties that are more distant from the main campus may be handled entirely by the local law enforcement agency with jurisdiction. For on-campus incidents, SPU security officers will conduct a

thorough investigation of all incidents and offenses. The identity of complainant(s), victim(s), and witness(es) will be kept confidential to the extent reasonably possible. Arrests will be made in coordination with local law enforcement agencies, if warranted. OSS incident reports may be shared with other university administrators depending on the nature of the incident. If OSS leadership determines that there is an immediate threat to campus then they may initiate the University's emergency procedures, as described below. Alternatively, OSS leadership may determine that a timely warning is necessary in response to a crime report (see discussion below of timely warning policy).

### **Recognizing Urgent or Potential Threats**

It is important that all members of our community be vigilant and report to OSS any suspicious activity or person that does not fit the "normal" pattern of daily campus life at SPU. As noted above, in an emergency, call 206-281-2911; and for non-emergencies, call 206-281-2922.

Any potential or urgent threat of violence or threatening behavior, including from within the SPU community (faculty, staff, and/or students), should be reported to OSS. An emerging or potential threat is one where you believe a situation has the potential for becoming violent over time because it exhibits one or more behaviors of concern.

An urgent threat is where there is actual violent behavior, or where it appears that violent behavior is likely to take place, such as a verbal altercation that appears to be escalating. If there is an urgent threat, do not approach the individual yourself. Contact OSS at 206-281-2911. Report the type of concerning behavior and the location. Relay pertinent information concerning the person including: age, sex, dress, vehicle, and direction of travel, as applicable.

Violent or threatening behavior can include: physical acts, oral or written statements, harassing email messages, harassing telephone calls, gestures and expressions, or behaviors such as stalking. Individuals who engage in violent behavior may be removed from the premises, and may be subject to dismissal or other disciplinary action, arrest, and/or criminal prosecution.

#### ***Behaviors of concern are:***

- Extreme overreaction to situations
- Drastic performance decline and/or attendance problems
- Withdrawal from all friends and acquaintances
- Abandoning grooming habits
- Injuries and excuses (relationship violence)
- Extreme changes in personality, mood, or behavior
- Bizarre, belligerent, or inappropriate behavior
- Blaming others for anything that goes wrong, with no sense of one's own responsibility
- Engaging in substance abuse
- Exhibiting hopelessness or total loss of options due to failure
- Significant or constant conflicts with peers, supervisors, customers
- Expressions of self-harm
- Causing fear on the part of co-workers/students

### **Hate Crime Policy**

OSS is responsible for collecting and reporting statistics about hate-motivated crimes. Anyone receiving a report of hate violence is urged to review the circumstances of the incident with OSS to ensure that an appropriate report is completed, the perpetrator is held accountable, statistics are collected and disseminated, and the victim and/or communities are provided with assistance/referrals.

Reports of hate-motivated incidents are closely reviewed because there is a potential for recurrence and/or escalation into a criminal act. The key criterion in determining whether or not any crime or incident fits into

the definition of a hate crime or incident is the motivation behind the incident. For example, hate crimes may be motivated by bias based on race, national origin, ethnicity, gender, gender identity, sexual orientation, religion, or disability. This list is not all-inclusive.

A criminal act may include any of the following: burning cross or religious symbol; explosives; bomb threats; assault; disorderly conduct; interrupting or disturbing religious, ethnic, cultural, political, or other meetings; or unlawful use of the telephone. Under the Clery Act, the University is required to report hate crimes and to list them according to the category of crime committed, as depicted later in the crime statistics section of this report.

### **Voluntary Confidential Reporting**

Victims or witnesses of crime that do not want to pursue formal action within the University system or the criminal justice system may still want to consider making a confidential or anonymous report.

Confidential reports can be made as described on SPU's [SPU Report a Concern Form](https://spu.edu/administration/human-resources/nondiscrimination-title-ix-hr/report-a-concern) webpage (<https://spu.edu/administration/human-resources/nondiscrimination-title-ix-hr/report-a-concern>); the form itself is found at

[https://forms.office.com/pages/responsepage.aspx?id=JAMn1xDqoUeuX3TboHP4\\_W0YA7vrOvZKrayd8gHSvuVUQzdDTFBBSDM2N0k4NVNUR0k1RFhVWkZDWC4u](https://forms.office.com/pages/responsepage.aspx?id=JAMn1xDqoUeuX3TboHP4_W0YA7vrOvZKrayd8gHSvuVUQzdDTFBBSDM2N0k4NVNUR0k1RFhVWkZDWC4u). This form should not be used in a situation where immediate police, medical, psychological or other emergency services are needed. In the event of an emergency, call 911 for assistance if off campus, or 206.281.2911 if are on campus.

The information that is reported will be shared with OSS. OSS can file a report on the details of the incident without revealing the victim's identity. The purpose of a confidential report is to comply with the victim's wish to keep the matter confidential, while taking steps to promote the future safety of the victim and others. With such information, the University can keep an accurate record of the number of incidents involving students, employees, and visitors; determine where there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution as required by the Clery Act, and generally will not be used for other purposes unless the University believes other action is required by law (e.g., state mandatory reporting law, or Title IX of the Education Amendments Act of 1972) or community safety. While complete confidentiality cannot be guaranteed in all cases, and information may need to be shared with certain SPU administrators and agents, the University will try to provide confidentiality to the extent reasonably possible.

Reports may be submitted with attribution or submitted anonymously. Reports submitted anonymously will not include IP Addresses or other identifiable information. Although SPU takes seriously each report that is submitted, its ability to respond to anonymous reports may be limited.

### **Reporting Responsibilities**

All SPU employees are encouraged to promptly report crimes occurring on or near campus. SPU employees and students designated as "Campus Security Authorities" (or "CSAs") are required to promptly report certain types of crimes occurring on or near campus, as explained more fully below. Also, most SPU employees have an obligation to report child abuse and neglect under Washington State law, and may also have an obligation to report abuse, neglect, or exploitation of vulnerable adults under Washington State law. In addition, all SPU employees are Title IX Responsible Employees (except for professional counselors, pastoral counselors, Health Center staff, and student employees), and are required to promptly report incidents of sexual misconduct that occur on campus, occur at SPU activities, or are committed by an SPU student, employee, or visitor. Plus, even SPU employees who are not Title IX Responsible Employees may still have an obligation to report certain crimes pursuant to other laws (e.g., state mandatory reporting laws). For this purpose, "sexual misconduct" means any unwelcome behavior of a sexual nature that is committed without consent or by force, intimidation, coercion or manipulation. A

summary of the University's reporting expectations for employees, volunteers, and student leaders is posted online

(<https://wiki.spu.edu/display/HR/Reporting+Expectations+for+Employees%2C+Volunteers%2C+and+Students+Leaders>) and incorporated into the Employee Handbook.

### **Reporting by Campus Security Authorities**

Seattle Pacific University has identified certain employees and students who are Campus Security Authorities ("CSAs"). CSAs are University officials who are involved in security or who have a significant responsibility for student and campus activities. These individuals must report crimes to OSS for federal reporting purposes under the Clery Act. All personally identifiable information is kept confidential (to the extent reasonably practicable), but statistical information must be passed along to OSS regarding the type of incident and its general location (e.g., on or off-campus, in the surrounding area) for publication in the annual security and fire safety report. This report helps provide the community with a picture of the extent and nature of campus crime, to promote greater community safety.

The information to be collected by the CSA and reported to OSS includes the date, the location of the incident (using Clery Act location categories), and the type of crime reported. This reporting protects the identity of the victim and may be done anonymously.

Campus "Pastoral Counselors" and "Professional Counselors," when acting as such, are not considered to be CSAs and are not required to report crimes for inclusion into the annual disclosure of crime statistics (but they may still be required to make reports under other applicable law or SPU policy, such as if state mandatory reporter laws required that a report be made). As a matter of policy, they are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics. If the person being counseled wishes, the Pastoral or Professional Counselor may submit a crime report on their behalf.

A Pastoral Counselor is an employee of an institution who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.

A Professional Counselor is an employee of an institution whose official responsibilities include providing psychological counseling to members of the institution's community and who is functioning within the scope of his or her license or certification.

### **Persons Designated as Campus Security Authorities**

The University has identified the following individuals as CSAs:

- Office of Safety and Security staff and student employees
- Human Resources staff
- Office of Student Life staff
- Athletic Directors and Coaches
- Regular faculty members
- Study Abroad Program staff and faculty
- Student Employee Supervisors
- Staff in Roles of Ministry or Counseling\*
- Building Emergency Coordinators (BECs) and building monitors
- Resident Assistants (RAs)
- Health Center staff
- Student Academic Services counselors
- Club advisors
- Faculty conductors / directors of band or choral groups

- Faculty directors of theater productions
- Supervisory staff members at Camp Casey and Blakely Island

*\* See discussion above regarding confidentiality exceptions that may apply for professional counselors.*

### **Disclosure of Results of Disciplinary Proceedings to Victims of Crimes of Violence**

Upon written request, the University will disclose to the alleged victim of a crime of violence (as such term is defined in Section 16 of Title 18 of the United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by SPU against a student who is the alleged perpetrator of the crime or offense with respect to such crime or offense. If the alleged victim of such crime or offense is deceased as a result of the crime or offense, the University will treat the next of kin of such alleged victim as the alleged victim for purposes of the preceding sentence.

### **Disclosure of Crime Statistics Pursuant to the Clery Act**

#### **Introduction**

In accordance with the Clery Act, the University makes information about crimes on campus available to prospective students, prospective employees, matriculated students, and current employees by maintaining a crime log and publishing crime statistics. Crime statistics for reported crimes that occur at on-campus, “non-campus,” and public property locations identified by the Clery Act (see definitions below) are published annually in the Annual Security and Fire Safety Report (i.e., this document), which is posted on the OSS website. The statistics represent alleged criminal offenses reported to Campus Security Authorities and/or local police agencies. Therefore, the data collected do not necessarily reflect prosecutions or convictions for crime. Because some statistics are provided by non-police authorities, the data are not directly comparable to data from the FBI's Uniform Crime Reporting System which only collects statistics from police authorities. College and university campus crime statistics are an important resource that members of the campus community can use to promote their safety.

#### **Daily Crime Log**

OSS makes the crime log for the most recent 60 day period open to public review during normal business hours, Monday through Friday, except holidays. Any portion of the log beyond 60 days, if not immediately available, will be made accessible within two business days of a request for public inspection. The University's student newspaper, The Falcon, publishes a crime blotter on a regular basis.

#### **Annual Crime Statistics**

The pages that follow present statistics for the three full calendar years preceding the publication of this report (i.e., 2020, 2021, and 2022) for criminal offenses, hate crimes, VAWA offenses (i.e., “Violence Against Women Act” offenses), and arrests and judicial referrals, as required by the Clery Act. This report complies with 20 U.S. Code Section 1092(f). The Office of Safety and Security reminds the University's Campus Security Authorities at least annually that they should promptly report Clery Act crimes to OSS, and it also contacts the Office of Student Life at least annually to confirm that it has obtained all relevant information about Clery Act Crimes from that University department. OSS also contacts the local police department at least annually to request information about crimes that should be reflected in the University's Annual Security and Fire Safety Report. The statistics reported for the sub-categories on liquor laws, drug laws, and weapons offenses represented the number of people who were arrested or who were referred to campus judicial authorities for respective violations without being arrested, not necessarily the number of offenses documented.

Crime Statistics	2020				2021				2022			
	<i>On campus (student housing only)</i>	<i>On campus (total)</i>	<i>Non-campus</i>	<i>Public Property</i>	<i>On campus (student housing only)</i>	<i>On campus (total)</i>	<i>Non-campus</i>	<i>Public Property</i>	<i>On campus (student housing only)</i>	<i>On campus (total)</i>	<i>Non-campus</i>	<i>Public Property</i>
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	2	2	0	0
Fondling	0	0	0	0	0	0	0	0	1	2	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	2	0	1	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	3	0	0	0	0
Burglary	4	8	0	0	2	3	0	0	6	15	0	0
Motor vehicle theft	0	3	0	0	0	2	0	1	3	5	0	4
Arson	0	0	0	0	0	0	0	1	2	3	0	2

Crime Statistics	2020				2021				2022			
	On campus (student housing only)	On campus (total)	Non-campus	Public Property	On campus (student housing only)	On campus (total)	Non-campus	Public Property	On campus (student housing only)	On campus (total)	Non-campus	Public Property
Hate Crimes												
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Larceny-theft	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0
Destruction/damage/vandalism of property	0	0	0	0	0	0	0	0	0	0	0	0

Key: Ra = Race; Re = Religion; SO = Sexual Orientation; G = Gender; GI = Gender Identity; D = Disability; E = Ethnicity; NO = National Origin<sup>17</sup>

Crime Statistics	2020				2021				2022			
	On campus (student housing only)	On campus (total)	Non-campus	Public Property	On campus (student housing only)	On campus (total)	Non-campus	Public Property	On campus (student housing only)	On campus (total)	Non-campus	Public Property
<b>VAWA Offenses</b>												
Domestic violence	0	0	0	0	0	0	0	0	1	3	0	0
Dating violence	0	0	0	0	1	1	0	0	2	2	0	0
Stalking	0	0	0	0	1	3	0	0	5	6	0	0

Arrests & Judicial Referrals	2020				2021				2022			
	On campus (student housing only)	On campus (total)	Non-campus	Public Property	On campus (student housing only)	On campus (total)	Non-campus	Public Property	On campus (student housing only)	On campus (total)	Non-campus	Public Property
<b>Arrests</b>												
Weapons: carrying, possessing, etc.	0	0	0	0	0	0	0	1	0	0	0	0
Drug abuse violations	0	0	0	0	0	0	0	0	0	0	0	0
Liquor law violations	0	0	0	2	0	0	0	0	0	0	0	0
<b>Judicial Referrals</b>												
Weapons: carrying, possessing, etc.	0	0	0	0	0	0	0	0	0	0	0	0
Drug abuse violations	11	11	0	0	15	15	0	0	9	10	0	3
Liquor law violations	21	22	0	0	29	29	0	0	29	29	0	0

The University had no hate crimes for 2020, 2021, and 2022. If it had any hate crimes to report for any such year, the hate crime would be labeled according to the key listed below the table that identifies the hate crime by category of bias (i.e., race, religion, sexual orientation, gender, gender identity, disability, ethnicity, or national origin).

The University had no “unfounded” crimes for 2020, 2021, and 2022. For purposes of the Clery Act, a reported crime may be withheld or removed from the University’s crime statistics if sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless.

### **Definitions of Reportable Crimes**

Murder/Nonnegligent Manslaughter: the willful (nonnegligent) killing of one human being by another.

Negligent Manslaughter: the killing of another person through gross negligence.

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.

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. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

Burglary: the unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition 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 to commit any of the aforementioned.

Motor Vehicle Theft: theft or attempted theft of a motor vehicle. Pursuant to federal regulations, SPU will classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned—including joyriding.

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, personal property of another, etc.

Sex offenses (sexual assault): any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

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 the consent of the victim. This offense includes the rape of both males and females.

Fondling: the touching of the private body parts of another person for the purpose of sexual gratification, without the 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.

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

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

Domestic Violence: A felony or misdemeanor crime of violence committed: (A) by a current or former spouse or intimate partner of the victim; (B) by a person with whom the victim shares a child in common;

(C) by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (D) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or (E) by 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 jurisdiction in which the crime of violence occurred.

Dating Violence: 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 determined 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. For the purposes of this definition: (A) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse; and (B) Dating violence does not include acts covered under the definition of domestic violence.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress. For the purposes of this definition:

- “Course of conduct” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- “Reasonable person” means a reasonable person under similar circumstances and with similar identities to the victim.
- “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Hate Crime: A crime reported to local police agencies or to a Campus Security Authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Although there are many possible categories of bias, under the Clery Act, only the following eight categories are reported: a victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

Larceny/Theft (except Motor Vehicle Theft): the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

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 actual physical attack.

Destruction/Damage/Vandalism to Property (except Arson): to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Liquor Law Violation: 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.

**Drug Law Violation:** the violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

**Illegal Weapons Possession:** 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. This classification encompasses weapons offenses that are regulatory in nature.

### **Categories of Prejudice**

***Race:*** A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity, which distinguish them as a distinct division of humankind (e.g., Asians, blacks or African Americans, whites).

***Gender:*** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.

***Religion:*** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists).

***Sexual Orientation:*** A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual Orientation is the term for a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.

***Ethnicity:*** A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term "race" in that "race" refers to a grouping based mostly upon biological criteria, while "ethnicity" also encompasses additional cultural factors.

***National Origin:*** A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.

***Disability:*** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age, or illness.

***Gender Identity:*** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals. Gender non-conforming describes a person who does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing or a man wearing makeup. A gender non-conforming person may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived as such.

### **Definitions of Geography**

As specified in the Clery Act, the following property descriptions are used to identify the location of crimes on and around SPU's campus.

### ***On-Campus Buildings or Property:***

- 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 within or reasonably contiguous to the area identified in the above paragraph, that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or retail vendor).

### ***Non-Campus Buildings 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 Buildings or Property:***

- All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus.
- The Seattle Pacific University crime statistics do not include crimes that occur in privately owned homes or businesses within or adjacent to the campus boundaries.

## **Sexual Misconduct Policies and Procedures**

Seattle Pacific University has established various grievance procedures for different types of discrimination, harassment and other misconduct complaints. These procedures are intended to promote a safe and healthy working and learning environment and to comply with applicable laws. The list below briefly describes each procedure, and each individual procedure states more specifically the scope and elements of such procedure, including if and how a formal complaint may be filed.

- **Title IX Sexual Harassment and Related Conduct Policy**

(<https://wiki.spu.edu/display/POL/Title+IX+Sexual+Harassment+and+Related+Conduct+Policy>):

This Policy informs members of the University community about the University's prohibition against Sexual Harassment and Retaliation. It provides information about resources, reporting options, and prompt and equitable resolution options. The Policy reinforces the University's commitment to preventing and responding to Sexual Harassment in a manner consistent with applicable federal, state, and local law. Consistent with the procedures set forth and referenced in this Policy, the University will take steps to eliminate Sexual Harassment, prevent its recurrence, and remedy any discriminatory effects for members of the University community. A copy of this policy, as of the date of this ASFSR, is included as Exhibit A.

- **Title IX Sexual Harassment and Related Conduct: Resolution Procedure**

(<https://wiki.spu.edu/display/POL/Title+IX+Sexual+Harassment+and+Related+Conduct%3A+Resolution+Procedure>)

The University's grievance procedures are intended to provide a prompt, fair, and impartial resolution of complaints. The purpose of this Procedure is to provide an internal resolution process for Formal Complaints of prohibited forms of sexual harassment, including sexual assault, domestic violence, dating violence, and stalking as defined in the Title IX Sexual Harassment and Related Conduct Policy. A copy of this policy, as of the date of this ASFSR, is included as Exhibit B.

- **Discrimination and Harassment Grievance Procedure (DHGP)**

(<https://wiki.spu.edu/display/POL/Discrimination+and+Harassment+Grievance+Procedure>): The DHGP is the applicable procedure for formal complaints against employees in violation of SPU's nondiscrimination policy, but that are not subject to the Title IX Sexual Harassment and Related

Conduct Policy. A copy of the Discrimination and Harassment Grievance Procedure, as of the date of this ASFSR, is included as Exhibit C.

- **Student Accountability Process**

(<https://spu.edu/administration/office-of-student-life/handbook/behavioral-community-expectations/student-accountability-process>): This process is used to examine alleged violations of **Student Standards of Conduct** (<https://spu.edu/administration/office-of-student-life/handbook/behavioral-community-expectations/student-standards-of-conduct>) by undergraduate students and is managed by the Office of Student Life. It may be used, for example, when there are alleged acts of discrimination or harassment by one student against another that are not subject to other SPU grievance procedures. Students may report alleged conduct violations, but there is not a formal role for complainants in the accountability process. A copy of the Student Accountability Process, as of the date of this ASFSR, is included as Exhibit D.

- **Employee and Volunteer Sexual Misconduct Policy**

(<https://wiki.spu.edu/pages/viewpage.action?spaceKey=HR&title=Employee+and+Volunteer+Sexual+Misconduct+Policy>): This policy identifies prohibited conduct for Employees and Volunteers (as defined below) and outlines SPU's response to reports of such conduct. While all forms of nonconsensual sexual conduct are prohibited, certain terms and concepts are explicitly highlighted in this policy both for clarity and to help satisfy certain legal and insurance requirements applicable to SPU. A copy of this policy, as of the date of this ASFSR, is included at Exhibit E.

- **Reporting Suspected Abuse**

(<https://wiki.spu.edu/display/HR/Reporting+Suspected+Abuse>)

State law requires certain professionals to make an immediate oral report to law enforcement authorities (for example, to Child Protective Services or Adult Protective Services or local police) whenever they have reasonable cause to believe that a child (person under 18 years of age) or vulnerable adult (e.g., an adult dependent or developmentally disabled person) has suffered abuse or neglect. For vulnerable adults, abandonment and financial exploitation must also be reported. . A copy of this policy, as of the date of this ASFSR, is included at Exhibit F.

- **Additional Definitions of Relevant Terms**

For purposes of University sexual misconduct related policy and procedures additional terms have been defined. A copy of these definitions, as of the date of this ASFSR, is included at Exhibit G.

The University also has instituted practices to comply with [RCW 28B.112.080](#), which requires that the University undertake certain screening activities for sexual misconduct in connection with hiring new employees and that the University disclose information regarding findings of sexual misconduct to certain prospective employers of current or former SPU employees.

## **Drug and Alcohol Policy**

### ***DRUG FREE SCHOOLS AND CAMPUSES***

*As part of the Federal Drug Free Schools and Communities Act and Drug Free Workplace Act, the University delivers annual notification to all employees of the University's policy on illicit drugs and alcohol, consequences of policy violations, health risks, and legal sanctions, as well as community resources for individuals seeking treatment for substance abuse problems. This information may be found below.*

#### **Statement of University Policy**

1. Seattle Pacific University does not permit faculty, staff, or students to unlawfully possess, use, or distribute illicit drugs or alcohol.

2. In addition to prohibiting what is unlawful, University policy prohibits its employees and students from possessing, using, or distributing alcohol in certain circumstances. The other prohibitions and sanctions imposed on employees may be found in the [Employee Handbook](#). The other prohibitions and sanctions imposed on students may be found in the [Student Handbook](#) (for undergraduate students) or [Graduate Student Handbook](#) (for graduate students).

The University will impose appropriate disciplinary sanctions on any employee or student who violates any of the University's drug or alcohol policies. In the case of a student, possible disciplinary sanctions include a warning, written reprimand, disciplinary probation, counseling, fine, restitution, community service, loss of privilege, transfer to different student housing unit, suspension from housing, exclusion from part or all of the campus, suspension, behavioral contract, and other appropriate sanctions, up to and including expulsion (termination of student status). In the case of an employee, possible disciplinary sanctions include verbal counseling, written warning, withholding of wage increases, suspension with or without pay, demotion, and other appropriate sanctions, up to and including termination of employment.

Even though Washington state decriminalized marijuana possession under 1 oz. for adults over age 21, it is still illegal under Federal law to possess, use, or distribute any amount of marijuana. Possession, use, or distribution of any amount of marijuana at any time is also not permitted for employees under SPU policy.

### **Health Risks**

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life-threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants can have irreversible physical abnormalities and intellectual disabilities. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

### **Legal Sanctions**

Washington State prohibits underage drinking. In Washington, it is illegal for a person under the age of 21 years to possess, consume, or otherwise acquire any liquor (e.g., alcohol, spirits, wine, beer). It is also illegal for a person under age 21 to exhibit the effects in a public place of having consumed liquor (e.g., being intoxicated in public).

Washington State also prohibits facilitating underage drinking for others. In Washington, it is illegal for any person to sell, give, or otherwise supply liquor to someone under age 21. It is also illegal for any person to permit someone under age 21 to consume liquor on the person's premises (e.g., you cannot let someone under age 21 consume alcohol in your house, car, or boat).

There are limited exceptions to the foregoing prohibitions (e.g., when liquor is provided for medicinal purposes by an authorized person). However, generally violations can result in fines of up to \$5,000 and

imprisonment for up to 12 months. For more information, see [RCW 66.44.270](#) (i.e., the applicable Washington law).

The possession, use, or distribution of illicit drugs is prohibited by federal and state law. Strict penalties are provided for drug convictions, including mandatory prison terms for many offenses. See below for a Summary of Federal and State Drug Laws. For more information, you can also review the federal [Controlled Substances Act](#) and the state [Uniform Controlled Substances Act](#).

### **Treatment/Counseling Availability**

1. You may refer to the Student Counseling Center's list of Resources and Referrals (e.g., see "Addictions – Alcohol and other drugs"): <https://spu.edu/administration/student-counseling-center/resources-referrals>
2. Additionally, you may be eligible to participate in our Employee Assistance Program through Health Advocate. This assistance is available 24/7 to SPU employees by calling 1-888-293-6948 or online at [HealthAdvocate.com/Standard3](http://HealthAdvocate.com/Standard3). For more information, consult the Employee Assistance Program webpage (<https://wiki.spu.edu/display/HR/Employee+Assistance+Program>) in the Employee Benefits Handbook.
3. Alcohol/Drug 24-hour Help Line [Washington Recovery Helpline](#) 206-461-3610 (TTY), 866-789-1511

If you have questions about the University's policy on Drugs, Alcohol and Tobacco, please contact the Assistant Vice President of Human Resources – Terry Winn [winnt@spu.edu](mailto:winnt@spu.edu) or call x2678.

### **Health Risks from substance abuse**

#### **Some Possible Long-Term Effects**

- Alcohol physical dependence, neurological and liver damage, fetal alcohol syndrome, impaired judgment
- Amphetamines (uppers, speed, crank) loss of appetite, delusions, hallucinations, heart problems, hypertension, irritability, insomnia, toxic psychosis, rebound depression
- Barbiturates (barbs, bluebirds, blues) severe withdrawal symptoms, possible convulsions, toxic psychosis, depression, physical dependence, impaired judgment
- Benzodiazepines (Valium, Xanax, Ativan, Dalmane, Rohypnol) (benzos, downers, sleepers, tranqs, roofies) impaired judgment, sedation, panic reaction, seizures, psychological dependence, physical dependence
- Cocaine & Cocaine freebase (coke) loss of appetite, depression, weight loss, seizure, heart attack, stroke, hypertension, psychosis, chronic cough, nasal passage injury, hallucinations
- Codeine - physical dependence, constipation, loss of appetite, lethargy, respiratory depression
- Heroin (H, junk, smack) physical dependence, constipation, loss of appetite, lethargy, respiratory depression
- Inhalants (ames, gas, laughing gas, poppers, snappers) psychological dependence, psychotic reactions, confusion, frozen airway, sudden death
- LSD (acid) may intensify existing psychosis, panic reactions, can interfere with psychological adjustment and social functioning, insomnia, flashbacks
- MDA, MDMA, MOMA (ecstasy, xtc) same as LSD, sleeplessness, nausea, confusion, increased blood- pressure, sweating, paranoia
- Marijuana (cannabis) (pot, grass, dope, weed, joints) bronchitis, conjunctivitis, mood swings, paranoia, lethargy, impaired concentration
- Mescaline (peyote cactus) (mesc, peyote) may intensify existing psychosis, hallucinations at high dose

- Methamphetamines (crystal, crystal meth, crank, tweak, speed, ice or glass) can cause nausea, tremors, dizziness, hyperthermia, heart failure, and stroke. Can cause anxiety and hallucinations where the person feels panicked and paranoid, and may behave violently toward other people or themselves.
- Methaqualone (ludes) coma, convulsions
- Morphine (M, morf) physical dependence, constipation, loss of appetite, lethargy
- PCP (crystal, tea, angel dust) psychotic behavior, violent acts, psychosis, hallucinations at high dose
- Psilocybin (magic mushrooms, shrooms) may intensify existing psychosis
- Steroids (roids, juice) cholesterol imbalance, acne, baldness, anger management problems, masculinization of women, breast enlargement in men, premature fusion of long bones preventing attainment of normal height, atrophy of reproductive organs, impotence, reduced fertility, stroke, hypertension, congestive heart failure, liver damage, depression

## **SUMMARY OF FEDERAL AND STATE DRUG LAWS**

### **FEDERAL DRUG LAWS**

Possession, use, or distribution of illicit drugs is prohibited by federal law. Strict penalties are provided for drug convictions, including mandatory prison terms for many offenses. Penalties increase significantly where use of the illicit drugs results in death or serious bodily injury. The following information, although not complete, is an overview of federal penalties for first convictions.

#### **Federal Drug Possession Penalties (21 USC §844)**

<http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title21-section844&num=0&edition=prelim>

Persons convicted of illegally possessing any controlled substance face penalties of up to 1 year in a prison and a minimum fine of \$1,000, or both. Second convictions are punishable by not less than 15 days but not more than 2 years in prison and a minimum fine of \$2,500. Subsequent convictions are punishable by not less than 90 days but not more than 3 years in prison and a minimum fine of \$5,000.

Special sentencing provisions for possession of Flunitrazepam (Rohypnol, “roofies” or “roaches”) impose a prison term of up to 3 years, a fine, or both.

Civil penalties of up to \$10,000 may also be imposed for possession of controlled substances, whether or not criminal prosecution is pursued. Persons convicted of possession may also be fined for the reasonable costs of the investigation and prosecution of the offense. Penalties for possession with intent to distribute are potentially even more severe.

#### **Drug Paraphernalia (21 USC §863)**

<http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title21-section863&num=0&edition=prelim>

Persons convicted on federal charges of the sale, import, export, or shipping of drug paraphernalia face penalties of up to 3 years in prison and a monetary fine.

#### **Forfeiture of Personal Property, Real Estate (21 USC §853)**

<http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title21-section853&num=0&edition=prelim>

Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation, including houses, cars, and other personal belongings. Property may be seized upon arrest on charges that may result in forfeiture.

**Denial of Federal Benefits (21 USC §862)**

<http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title21-section862&num=0&edition=prelim>

A federal drug conviction may result in the loss of federal benefits, including school loans, grants, contracts, and licenses. Federal drug trafficking convictions may result in denial of federal benefits for up to 5 years for a first conviction, 10 years for a second conviction, and permanent denial of federal benefits for a third conviction. Federal drug convictions for possession may result in denial of federal benefits for up to 1 year for a first conviction and up to 5 years for subsequent convictions.

**Drug Trafficking (21 USC §841)**

<http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title21-section841&num=0&edition=prelim>

Penalties for federal drug trafficking convictions vary according to the quantity of the controlled substances involved in the transaction. The tables below summarize penalty information for several types of controlled substances. Persons who violate federal drug trafficking laws within 1,000 feet of university may face penalties or prison terms and fines up to twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least one year (21 USC §860).

Federal Trafficking Penalties for Schedules I, II, III, IV, and V (except Marijuana)				
Schedule	Substance/Quantity	Penalty	Substance/Quantity	Penalty
II	Cocaine 500-4999 grams mixture	<b>First Offense:</b> Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.  <b>Second Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	Cocaine 5 kilograms or more mixture	<b>First Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.  <b>Second Offense:</b> Not less than 20 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.  <b>2 or More Prior Offenses:</b> Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
II	Cocaine Base 28-279 grams mixture		Cocaine Base 280 grams or more mixture	
II	Fentanyl 40-399 grams mixture		Fentanyl 400 grams or more mixture	
I	Fentanyl Analogue 10-99 grams mixture		Fentanyl Analogue 100 grams or more mixture	
I	Heroin 100-999 grams mixture		Heroin 1 kilogram or more mixture	
I	LSD 1-9 grams mixture		LSD 10 grams or more mixture	
II	Methamphetamine 5-49 grams pure or 50-499 grams mixture		Methamphetamine 50 grams or more pure or 500 grams or more mixture	
II	PCP 10-99 grams pure or 100-999 grams mixture		PCP 100 grams or more pure or 1 kilogram or more mixture	

Substance Quantity	Penalty
Any Amount Of Other Schedule I & II Substances	<b>First Offense:</b> Not more than 20 yrs. imprisonment; but if death or serious bodily injury, not less than 20 yrs. or more than life imprisonment. Fine not to exceed \$1 million if an individual, \$5 million if not an individual.
Any Drug Product Containing Gamma Hydroxybutyric Acid	
Flunitrazepam (Schedule IV) 1 Gram or less	<b>Second Offense:</b> Not more than 30 yrs. imprisonment; but if death or serious bodily injury, life imprisonment. Fine not to exceed \$2 million if an individual, \$10 million if not an individual.
Any Amount Of Other Schedule III Drugs	<b>First Offense:</b> Not more than 10 yrs. imprisonment; but if death or serious bodily injury, not more than 15 yrs. imprisonment. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.

	<b>Second Offense:</b> Not more than 20 yrs. imprisonment; but if death or serious injury, not more than 30 yrs. imprisonment. Fine not more than \$1 million if an individual, \$5 million if not an individual.
Any Amount Of All Other Schedule IV Drugs (other than one gram or more of Flunitrazepam)	<b>First Offense:</b> Not more than 5 yrs. imprisonment. Fine not more than \$250,000 if an individual, \$1 million if not an individual. <b>Second Offense:</b> Not more than 10 yrs. imprisonment. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.
Any Amount Of All Schedule V Drugs	<b>First Offense:</b> Not more than 1 yr. imprisonment. Fine not more than \$100,000 if an individual, \$250,000 if not an individual. <b>Second Offense:</b> Not more than 4 yrs. imprisonment. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.

<b>Federal Trafficking Penalties for Marijuana, Hashish and Hashish Oil, Schedule I Substances</b>	
Marijuana 1,000 kilograms or more marijuana mixture or 1,000 or more marijuana plants	<b>First Offense:</b> Not less than 10 yrs. or more than life imprisonment; but if death or serious bodily injury, not less than 20 yrs. or more than life imprisonment. Fine not more than \$10 million if an individual, \$50 million if other than an individual.  <b>Second Offense:</b> Not less than 20 yrs. or more than life imprisonment; but if death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana 100-999 kilograms marijuana mixture or 100-999 marijuana plants	<b>First Offense:</b> Not less than 5 yrs. or more than 40 yrs. imprisonment; but if death or serious bodily injury, not less than 20 yrs. or more than life imprisonment. Fine not more than \$5 million if an individual, \$25 million if other than an individual.  <b>Second Offense:</b> Not less than 10 yrs. or more than life imprisonment; but if death or serious bodily injury, life imprisonment. Fine not more than \$8 million if an individual, \$50 million if other than an individual.
Marijuana 50-99 kilograms marijuana mixture, 50 to 99 marijuana plants	<b>First Offense:</b> Not more than 20 yrs. imprisonment; but if death or serious bodily injury, not less than 20 yrs. or more than life imprisonment. Fine not more than \$1 million if an individual, \$5 million if other than an individual.  <b>Second Offense:</b> Not more than 30 yrs. imprisonment; but if death or serious bodily injury, life imprisonment. Fine not more than \$2 million if an individual, \$10 million if other than an individual.
Hashish More than 10 kilograms	
Hashish Oil More than 1 kilogram	
Marijuana less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight)  1 to 49 marijuana plants	<b>First Offense:</b> Not more than 5 yrs. imprisonment. Fine not more than \$250,000 if an individual, \$1 million if other than an individual.  <b>Second Offense:</b> Not more than 10 yrs. imprisonment. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.
Hashish 10 kilograms or less	
Hashish Oil 1 kilogram or less	

### **WASHINGTON STATE DRUG LAWS ([RCW 69.50](#))**

The following is a partial list of drugs considered to be controlled substances by the State of Washington: narcotics (opium, cocaine, and heroin); marijuana; methamphetamine; barbiturates; and hallucinogenic substances (LSD, peyote, mescaline, psilocybin, PCP, THC, MDA, STP). The following is a partial list of acts prohibited by Washington state law:

- Illegal Sale of Controlled Substances
- Illegal Manufacture or Delivery of Controlled Substances
- Illegal Possession of Controlled Substances
- Possession of more than 1 oz. of marijuana
- Use, delivery, or possession of drug paraphernalia

More severe penalties are provided for persons convicted of providing controlled substances to minors, for repeat offenses, and for providing controlled substances in or near schools or parks. See below for a table that summarizes certain penalties for state drug law violations.

<b>Violation</b>	<b>Amount</b>	<b>Penalty</b>
Manufacture, deliver or sell less than 2 kg of a Schedule I or Schedule II Narcotic	Less than 2 kg	<u>Prison</u> : Not more than 10 years <u>Fine</u> : Not more than \$25,000
Manufacture, deliver or sell 2 kg or more of a Schedule I or Schedule II Narcotic	2 kg or more	<u>Prison</u> : Not more than 10 years <u>Fine</u> : Not more than \$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	<u>Prison</u> : Not more than 5 years <u>Fine</u> : Not more than \$10,000
Possession of a controlled substance	Any	<u>Prison</u> : Not more than 5 years <u>Fine</u> : Not more than \$10,000

### **Emergency Alerts and Timely Warnings**

It is the policy of the University to issue immediate alerts to the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus. In such cases, the Office of Safety and Security (“OSS”) is responsible for initiating SPU’s emergency notification system, as described in this section. The method by which OSS will seek to communicate the existence of a significant emergency or dangerous situation will vary depending on the circumstances but generally will involve those methods described below under “SPU-Alert Emergency Notification System.” The University will, without delay, and taking into account the safety of the community, determine the content of the emergency notification and initiate the notification system, unless issuing a notification will, in the judgment of OSS or other ranking University administrator, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. OSS will seek to confirm whether or not a significant emergency or dangerous situation exists by consulting all available relevant information, which may include reports from the Seattle Police Department or Seattle Fire Department, information provided by University alarms and surveillance cameras, and reports from faculty, staff, students, and/or visitors to campus. OSS generally will err on the side of caution when it is uncertain whether a significant emergency or dangerous situation exists on campus. OSS will determine which segments of the campus should be informed of the emergency or dangerous situation based on the facts and circumstances indicating who may be at risk and will use the SPU-Alert functions to send communications that are most likely to reach the intended audience. Where possible and applicable, OSS will use messages that have already been prepared for emergency situations in order to send messages rapidly. Otherwise, OSS will draft emergency messages that must be sent immediately and will work with the University’s emergency communications team to draft additional messages to provide follow-up information to the campus community as needed. The University’s emergency communications team, which is overseen by SPU’s Vice President for Enrollment Management and Marketing and SPU’s Director of Public Information, is also responsible for determining whether additional steps should be taken to disseminate emergency information beyond the campus community using the University website, Twitter, calls to local news media, or other means. OSS and the University’s emergency communications team typically collaborate to notify the campus community using one or more SPU-Alert communication methods when an emergency situation has concluded. Depending on the circumstances, the Director of Safety and Security or a different University administrator may send an email to some or all of the campus community after an emergency with a summary of the incident.

It is also the policy of the University to make timely reports to the campus community on crimes that are reportable under the Clery Act, that are considered to be a serious or continuing threat to other students and employees, and that are reported to the Office of Safety and Security (including through designated Campus Security Authorities) or local police agencies. Timely warnings withhold as confidential the names and other identifying information of victims. Timely warnings are intended to aid in the prevention of similar crimes. The Director of Safety and Security will consult, as appropriate and necessary, with other University officials regarding whether a timely warning should be issued. The decision to issue a timely warning shall be made on a case-by-case basis after consideration of the available facts, including factors such as the nature of the crime, the continuing danger or risk to the campus community, and the possible risk of compromising law enforcement efforts. When a determination is made that a timely warning should be issued, OSS will take appropriate steps to ensure timely notification of the campus community, which may include some or all of the communication methods available through SPU-Alert, described below, depending on the circumstances. Typically, the Director of Safety and Security consults with the Assistant Vice President for Risk Management and/or the Senior Vice President for Finance and Administration regarding whether a timely warning message should be distributed and what the content of the message should be, and then the Director of Safety and Security distributes the timely warning by sending an email to the relevant campus population. Depending on the facts and circumstances, however, other University officials may also be involved in the process of considering, drafting, and distributing a timely warning message.

## **Emergency Response and Evacuation Procedures**

SPU is concerned with the welfare of faculty, staff, and students at all times. Since emergency situations are a potential threat to the safety of those at the University, faculty, staff, and students must be aware of the emergency procedures that will be utilized in a time of crisis. The University sends annual written reminders to its students and employees about emergency preparedness precautions and procedures. University students and employees should familiarize themselves with these procedures, and are encouraged to read the emergency plan provided at <https://spuonline.sharepoint.com/sites/ep/SitePages/Home.aspx>. A thorough understanding of this plan increases the potential to maximize safety in an emergency. The University has also posted summaries of emergency policies and procedures online in a manner that can be easily accessed using mobile devices (see <https://emergency.spu.edu/>).

## **SPU-Alert Emergency Notification System**

The SPU-Alert Emergency Notification System is a communication system that allows the University's leadership to send mass-notification emergency messages. Messages can be sent via email, text message, loudspeakers, electronic reader boards (located in many classrooms and high-use areas such as Gwinn Commons), and "pop-up" messages on University-maintained computers. SPU-Alert can also send recorded voice messages to mobile phones. In addition to communicating emergency information using SPU-Alert, the University may also post information on the University website, tweet information using the University Twitter account @SPUnews, or relay information through Building Emergency Coordinators, described below. The Office of Safety and Security is responsible for sending initial notifications of emergencies using the SPU-Alert system, and the University's emergency communications team is responsible for drafting and sending follow-up messages using SPU-Alert, Twitter, and the University website, when appropriate.

Rapid communication to the campus in the event of an emergency is essential. SPU-Alert can only contact faculty, staff, and students via text message if their mobile phone numbers are in the Banner Information System. All faculty, staff, and students are strongly encouraged to review their information in Banner and to post their mobile phone numbers if they are not already there. Mobile phone numbers listed in Banner are automatically enrolled in SPU-Alert unless the user opts out of SPU-Alert within Banner. To submit or update personal contact information, use the SPU Banner System on the web at:

<https://www.spu.edu/banweb/>. Once in the Banner System, select the *Personal Menu* then choose the *Emergency Alert System* menu. SPU email addresses are pre-populated in the system, and students and employees may also enter alternate email addresses to receive emergency notifications. The University intends to solicit mobile phone numbers from all new students and new employees and to remind all continuing students and employees at least annually to review and update their contact information listed in Banner.

The University also permits University guests to sign up to receive text and email messages through SPU-Alert as “Guest Users.” To sign up as a guest user, go to the following website:

<https://www.getrave.com/login/spu>. A list of terms and conditions for guest users can be found here: <https://wiki.spu.edu/display/HKB/SPU-Alert+System>.

### **Personal Emergency Contact and Emergency Medical Information**

Students and employees are encouraged to maintain current information in Banner about who to contact in the event that they are injured or reported missing. To enter or update your information, go to the Banner System (<https://www.spu.edu/banweb/>), select the *Personal Menu*, and then select *Emergency Contact Information*. The University intends to remind all students and employees at least annually to review and update their emergency contact information. Access to this data will be strictly limited to OSS staff to assist in responding to an emergency and will not be forwarded to any other department.

### **Building Emergency Coordinators (BECs)**

Each building is assigned one or more building emergency coordinators who assist the community during emergencies. The BECs are vital in the efforts to respond successfully to an emergency situation. During an evacuation, they will be recognizable by their bright orange vests. In the event of an emergency or a drill, please give BECs your full cooperation.

### **Campus Lockdown and Evacuation Information**

Many of our buildings can be secured rapidly from a central location. If there is a threat of violence on campus, a campus wide lockdown would likely occur. The University community would be notified via the SPU-Alert system that a lockdown is in effect.

#### ***In a lockdown:***

- Building entrances will be locked, and everyone inside a building should remain in the building at a secure location, such as a locked room, away from windows and doors (unless it is clearly unsafe to remain—e.g., if an active shooter is in the room). Do not leave a secured area during an emergency to see what is happening. Also, do not allow another person into a secured area during a lockdown unless told to do so by law enforcement authorities or SPU officials.
- Individuals locked out during an event should seek shelter off-campus. In general, campus cards will not permit an individual to gain entry to a campus building during a lockdown.
- Individuals who are off campus when they are alerted that the campus is in lockdown can assume that they should not come to campus. A communication will go out via a number of avenues — including email and text — to the community if classes or events will resume as originally scheduled.
- Cooperate with law enforcement officials, and take precautions so that you are not mistaken for a threat. For example, if police approach you in a secured room, stand still, keep your hands open and visible, and follow their instructions.

#### ***Evacuation – General Guidance:***

An evacuation will be considered if a campus building is affected. A building will always be evacuated if the fire alarm sounds. In the event of an evacuation, individuals should immediately gather personal belongings (purse, keys, cell phone, SPU ID card, etc.) and proceed to the nearest exit. Most classrooms

contain a wall plaque on or next to the classroom door showing the evacuation route and the assembly site for the building. The elevator should not be used.

Once individuals have evacuated a building, they should proceed to the nearest evacuation assembly area. Evacuation assembly areas are listed online (at <https://emergency.spu.edu/campus-emergency-procedures/evacuation-and-assembly-areas/>), in the [Emergency and Crisis Management Plan](#), and in the ["Stop. Think. Act." book](#). Community members will be instructed to check-in with a Building Emergency Coordinator (BECs are easily recognizable by their bright orange vests). During emergencies, please give BECs your full cooperation whenever they issue directions or information.

### **"Stop. Think. Act." Books and Emergency Information Websites**

All offices and classrooms on campus have received a ["Stop. Think. Act." book](#), which contains a list of evacuation sites for each building and steps to be taken in response to specific types of emergencies. Also, the University has posted summaries of important emergency policies and procedures online (at <https://emergency.spu.edu/>) in a mobile-friendly format for ease of access. These webpages include instructions for specific types of emergencies listed in the ["Stop. Think. Act." book](#).

### **Emergency Drills**

Drills are a necessary component of preparing for a potential emergency. To both prepare for emergencies and comply with government requirements, the University generally conducts annual all-campus evacuation and lockdown/shelter-in-place drills and conducts quarterly fire drills in residence halls during the academic year.<sup>2</sup> The drills may be announced or unannounced (including announced to employees in advance but not announced to students in advance). The University has a practice of publicizing its emergency response and evacuation procedures in advance of the evacuation drill each year.

The Office of Safety and Security will document each test with a description of the exercise, the date, the time, and whether the test was announced or unannounced. The University tests the SPU-Alert Emergency Notification System in connection with the all-campus evacuation and lockdown/shelter-in-place drills.

## **Annual Fire Safety Report**

### **Introduction**

In accordance with the 2008 changes to the Higher Education Opportunity Act, institutions that maintain on-campus housing, shall, on an annual basis, publish a fire safety report. This document consists of both the University's annual security report and its annual fire safety report, and therefore is titled the Annual Security and Fire Safety Report. The following pages contain the annual fire safety report.

Reporting a fire is everyone's responsibility. All fires should be reported immediately to the Office of Safety and Security ("OSS") and/or 911. Additionally, concerns about fire that are not considered an emergency may be reported to a Residence Life Coordinator, a supervisor, a designated Building Emergency Coordinator, the Office of Facility and Project Management, or OSS. For purposes of the annual fire safety report, a "fire" is any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

### **Fire Extinguishers and Inspections**

Inspections for fire safety equipment and a mandatory state inspection of the hot water heaters are done as state law and University policy requires in student residential facilities.

---

<sup>2</sup> During the 2019-2020 academic year, the annual lockdown drill was not conducted due to disruption of the academic year by the COVID-19 pandemic. SPU conducted an all-campus lockdown drill during autumn quarter 2020 and conducted fire/evacuation drills for residence halls during the 2020-21 academic year, but did not conduct an all-campus evacuation drill during the 2020-21 academic year due to COVID-19 disruption.

A fire extinguisher is located in every apartment; tenants should learn where it is located. At least one fire extinguisher is located on each floor of a residence hall as well. Never relocate the fire extinguisher. If the extinguisher is used to extinguish a fire, immediately notify OSS and it will be replaced at no cost. The University inspects fire extinguishers once a year, but tenants should periodically inspect the gauge to be certain the fire extinguisher is properly charged. If the needle indicates that it is undercharged or overcharged notify OSS.

### **Electrical Appliances and Prohibited Items in Residential Housing**

Barbecue grills, space heaters, halogen lamps and combustible materials such as propane, gasoline, kerosene, and items containing combustible materials (e.g., lanterns) are not permitted inside residential facilities (including storage closets/units). Any supplemental lighting used must be UL approved. Hoverboards are also prohibited.

Because of the risk of burning incense or an open flame left unattended, the use of such is prohibited in residence halls. Candles or lanterns may not be used even in the event of a power outage. Residents are encouraged to have flashlights or similar devices to provide emergency lighting.

In accordance with state law, smoking is prohibited in University buildings. This includes balconies and stairwells to residence hall rooms or public areas.

Extension cords must contain a ground wire, indicated by having a three-prong plug. Any extension cord having more than one outlet must also have a built-in circuit breaker (e.g., a surge-suppression strip commonly used with a personal computer). Total electrical requirements added to rooms and apartments may not exceed one power strip per electrical outlet. Multiple socket plugs are prohibited. Extension cords may not be run under rugs or through doorways or be fastened through their insulation. Do not use frayed cords.

Possession, use, storage, manufacture, transport, display, sale, or distribution of fireworks, live ammunition, incendiary devices, explosives, flammable liquids, and all other hazardous materials is strictly prohibited on University property. Propane and other compressed gases (including spray paint) are also prohibited unless approved for a specific purpose. The term “hazardous material” means any hazardous, toxic, or harmful substance, material, or waste that is or becomes regulated by any local government for any jurisdiction that includes any University campus, the state of Washington, or the United States. Items so prohibited will be confiscated and disposed of by University staff members, and the student(s) responsible will be subject to disciplinary action, including dismissal from housing, and possibly criminal prosecution.

### **Smoke Alarms/Detectors**

Smoke alarms are located on the ceiling/wall in every apartment and in every dorm room; students should learn where they are located. When the alarm is set off, it will make a loud piercing sound. If the alarm beeps intermittently, the batteries need to be replaced.

Please notify OSS as soon as possible of any issues with a smoke detector. Tampering with smoke detectors may result in disciplinary action, including a fine and/or eviction. Excessive amounts of smoke from cooking or excessive amounts of steam from the bathroom may activate the smoke alarm. If this occurs, simply ventilate the apartment by opening the doors and windows and turning on the fan. The detector will automatically stop sounding when the smoke or steam is completely removed from the area.

### **Fire Alarms and Evacuation Procedures for Student Housing**

Each student housing facility is equipped with at least one a smoke detector that emits an audible alarm when it detects smoke. Each residence hall, and several campus apartment buildings, also have fire alarms that are monitored by the Office of Safety and Security (“OSS”), so that OSS receives an automated message when the fire alarm is triggered. All students and employees are expected to report all fires to the

Office of Safety and Security, as described below. If a student or employee notices a fire that has not yet triggered an alarm, they are instructed to trigger the alarm as well.

Residents are instructed to evacuate immediately when an alarm sounds. In residence halls and in several campus apartment buildings, fire alarms will sound throughout the entire building once activated. In residence halls and in some of the larger apartment buildings on campus, individual rooms or floors have posted placards showing evacuation routes. Also, each residential building on campus is assigned a designated evacuation assembly area. Evacuation assembly areas are listed online (at <https://emergency.spu.edu/campus-emergency-procedures/evacuation-and-assembly-areas/>), in the [Emergency and Crisis Management Plan](#), and in the [“Stop. Think. Act.” book](#). Special procedures for helping students with disabilities evacuate may be planned on a case-by-case basis. University staff members who serve as Residence Life Coordinators, together with student Resident Advisors, are expected to assist with taking roll following an evacuation.

As soon as OSS learns of a fire alarm, OSS notifies 911 and dispatches one or more security officers to the scene. When University security officers arrive, they will evaluate the situation, including whether there is an active fire, whether anyone has been injured or is in danger, and whether the situation can be addressed by the officers with their own equipment (e.g., fire extinguishers) or whether they should wait until the Seattle Fire Department arrives. OSS will coordinate with Residence Life staff and the University’s Facility and Project Management staff to determine when students may reenter a building following a fire alarm.

### **Fire Safety Education and Training for Students and Employees**

The University publicizes instructions for students and employees about emergency preparedness, including fire safety, each year at the start of the school year. Resident Advisors also discuss fire safety with the students who live on their floors in residence halls at the start of the year. The University generally does an all-campus evacuation drill once a year during Autumn Quarter to help students and employees learn evacuation routes and assembly areas, and building specific fire drills are performed for University residence halls quarterly during the academic year. Specific fire safety tips for students and employees include the following:

- Report the fire by calling the Office of Safety and Security at 206-281-2911.
- Sound the fire alarm.
- Evacuate the building.
- Alert OSS if somebody with disabilities requires assistance evacuating the building.
- Notify Building Emergency Coordinators (“BECs”) and other emergency officials if you suspect anyone may be trapped in the building.
- If clothing catches fire: Stop, Drop, and Roll—do not run.
- If caught in heavy smoke, drop to hands and knees and crawl; hold breath as much as possible, breathe shallowly through nose, and use a blouse, shirt, or jacket as a filter.
- If trapped by fire, place a wet towel or other clothing at the base of the door to prevent smoke from seeping in. Close as many doors as possible between you and the fire. Use a phone to request assistance by calling OSS or yell out a window for assistance (but if you open a window, be careful not to let in outside smoke).
- Do not attempt to extinguish a fire by yourself unless it is very small and localized. Always call OSS for assistance.
- Do not ignore alarms or assume they are false alarms.
- Do not use elevators.
- Do not return to your building until you are notified that it is safe to do so by University officials.

Evacuation procedures are already described above for on-campus student housing. Similar procedures apply for other buildings on campus that are used by University employees. These buildings are equipped

with smoke and/or fire alarms, many of which are monitored directly by OSS. Evacuation routes are posted in most buildings and evacuation assembly areas are listed online (at <https://emergency.spu.edu/campus-emergency-procedures/evacuation-and-assembly-areas/>), in the [Emergency and Crisis Management Plan](#), and in the [“Stop. Think. Act.” book](#). OSS staff respond to fires in non-residential buildings similar to how they respond to fires in residential buildings. Administrative buildings are assigned Building Emergency Coordinators (BECs) and their responsibilities include assisting staff members in an evacuation and helping to take roll after a building has been evacuated.

### Reporting a Fire

All active fire and explosion emergencies must be reported immediately regardless of size and nature by calling the Office of Safety and Security (“OSS”) at 206-281-2911. OSS will immediately relay this information to 911. If you are indoors and see visible fire or smoke you should activate the fire alarm system by pulling a pull station located near the exit then evacuate the building. To comply with SPU policy as well as regulations, all fire related incidents, including minor fires that self-extinguish and those that do not require emergency assistance or evacuation, must be reported to OSS promptly. Fires should be reported even if they are discovered some time after they have occurred. Fires reported to OSS by calling its main phone number will be documented by OSS staff in an incident report and will be included in fire statistics that are compiled by OSS and published annually pursuant to the Clery Act, as reflected in this report.

### Fire Safety Improvements

Facilities are periodically reviewed for fire safety to determine if additional improvements are needed. Also, any new facilities are constructed in a manner that corresponds with current fire code. In 2014, timers were added to residence hall range ovens to reduce unattended cooking activity. In 2017, the University completed upgrading smoke alarms in campus houses and apartments to models with a longer battery life and with a hush button. In 2017 and 2018, the University added tamper alarms for fire extinguishers and heat detectors in kitchen lounges in certain residential buildings. The University has not determined that any other future improvements to fire safety are necessary at this time but it will continue to review fire safety for its facilities to determine whether other measures are necessary or beneficial.

### Fire Log

Seattle Pacific University maintains a fire log that records any fire that occurs in an on-campus student housing facility. The fire log includes the date and time the fire was reported, the date and time the fire occurred, the nature of the fire, and the general location of each fire. Entries are made within two business days of the receipt of information. The fire log for the most recent sixty day period is open to public inspection during normal business hours (8:00 AM to 5:00 PM, Monday through Friday) at OSS. Any portion of the log older than sixty days is available within two business days of a request for inspection.

### Fire Drills

The Office of Safety and Security works with residence hall staff to conduct fire drills for each residence hall quarterly during the academic year. Students are instructed on evacuation procedures during this process. See the table below for a list of fire drills performed for residence halls and the Wesley Apartments during 2020, 2021, and 2022.

#### Fire Drill Information for Residence Halls and Wesley Apartments (for years 2020, 2021, and 2022)

Date of Drill	Time of Drill	Type of Drill	Location	Announced / Unannounced
19-Sep-22	8:30pm – 8:45pm	Residential Fire Drill	Hill Hall	Unannounced
19-Sep-22	8:00pm - 8:15pm	Residential Fire Drill	Emerson Hall	Unannounced

19-Sep-22	7:30pm – 7:45pm	Residential Fire Drill	Wesley Apartments	Unannounced
19-Sep-22	9:30pm – 9:45pm	Residential Fire Drill	Arnett Hall	Unannounced
19-Sep-22	9:00pm – 9:15pm	Residential Fire Drill	Ashton Hall	Unannounced
6-Apr-22	6:45pm – 7:00pm	Residential Fire Drill	Arnett Hall	Unannounced
6-Apr-22	7:15pm – 7:30pm	Residential Fire Drill	Ashton Hall	Unannounced
5-Apr-22	7:30pm – 7:45pm	Residential Fire Drill	Hill Hall	Unannounced
5-Apr-22	7:00pm – 7:45pm	Residential Fire Drill	Emerson Hall	Unannounced
4-Apr-22	8:00pm – 8:15pm	Residential Fire Drill	Wesley Apartments	Unannounced
23-Jan-22	7:15pm – 7:30pm	Residential Fire Drill	Hill Hall	Unannounced
23-Jan-22	6:45pm – 7:00pm	Residential Fire Drill	Emerson Hall	Unannounced
17-Jan-22	8:00pm – 8:15pm	Residential Fire Drill	Wesley Apartments	Unannounced
10-Jan-22	8:15pm – 8:30pm	Residential Fire Drill	Arnett Hall	Unannounced
10-Jan-22	8:00pm – 8:15pm	Residential Fire Drill	Ashton Hall	Unannounced
22-Sep-21	8:15pm – 8:30pm	Residential Fire Drill	Arnett Hall	Unannounced
22-Sep-21	8:45pm – 9:00pm	Residential Fire Drill	Ashton Hall	Unannounced
21-Sep-21	8:30pm – 8:45pm	Residential Fire Drill	Emerson Hall	Unannounced
21-Sep-21	6:00pm – 6:15pm	Residential Fire Drill	Wesley Apartments	Unannounced
27-Apr-21	5:30pm – 5:45pm	Residential Fire Drill	Ashton Hall	Unannounced
27-Apr-21	6:15pm – 6:30pm	Residential Fire Drill	Hill Hall	Unannounced
26-Apr-21	5:30pm – 5:45pm	Residential Fire Drill	Wesley Apartments	Unannounced
26-Apr-21	7:00pm – 7:15pm	Residential Fire Drill	Emerson Hall	Unannounced
26-Apr-21	7:45pm – 8:00pm	Residential Fire Drill	Arnett Hall	Unannounced
1-Mar-21	8:15pm – 8:30pm	Residential Fire Drill	Arnett Hall	Unannounced
1-Mar-21	7:30pm- 7:45pm	Residential Fire Drill	Emerson Hall	Unannounced
1-Mar-21	6:45pm – 7:00pm	Residential Fire Drill	Wesley Apartments	Unannounced

24-Feb-21	5:30pm – 5:45pm	Residential Fire Drill	Hill Hall	Unannounced
24-Feb-21	4:45pm – 5:00pm	Residential Fire Drill	Ashton Hall	Unannounced
1-Oct-20	6:30pm – 7:00pm	Residential Fire Drill	Arnett Hall	Announced
1-Oct-20	6:00pm – 6:30pm	Residential Fire Drill	Emerson Hall	Announced
29-Sep-20	6:45pm – 7:15pm	Residential Fire Drill	Ashton Hall	Announced
29-Sep-20	6:15pm – 7:15pm	Residential Fire Drill	Hill Hall	Announced
28-Sep-20	6:15pm – 7:15pm	Residential Fire Drill	Wesley Apartments	Announced
27-Apr-20	5:30pm – 6:30pm	Residential Fire Drill	Ashton Hall, Hill Hall	Unannounced
26-Apr-20	5:30pm – 8:00pm	Residential Fire Drill	Wesley Apartments, Emerson Hall, Arnett Hall	Unannounced
1-Mar-20	6:45pm – 8:30pm	Residential Fire Drill	Wesley Apartments, Emerson Hall, Arnett Hall	Unannounced
24-Feb-20	4:45pm – 5:30pm	Residential Fire Drill	Ashton Hall, Hill Hall	Unannounced

#### Description of On-Campus Student Housing Facility Fire Safety Systems

Campus Student Housing Facility	Fire Alarm Monitored On Site by OSS or Central Station	Partial* Sprinkler System	Full** Sprinkler System	Smoke Detection	Heat Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	# of fire drills each calendar year
13 W Cremona St (Cremona Wesley Apts)	X		X	X	X	X	X	3
14 W Cremona St				X		X		0
18 W Cremona St				X		X		0
20 W Dravus St (Dravus Wesley Apts)	X		X	X	X	X	X	3
22 W Cremona St				X		X		0

26 W Cremona St				X		X		0
3019 Third Ave W (Davis Apts)	X	X		X	X	X		0
303 W Dravus St				X		X		0
3041-55 Third Ave W. (Bailey Apts)				X		X		0
307 W Dravus St				X				0
314 W Dravus St				X		X		0
320 W Dravus St				X		X		0
3201-03 5th Ave W				X		X		0
3205 5th Ave W				X		X		0
3206 4th Ave W				X		X		0
3212 6th Ave W				X		X		0
3214 6th Ave W				X		X		0
323 W Dravus St				X		X		0
3231 Sixth Ave W (Hill Hall)	X	X		X	X	X	X	3
3234 Fifth Ave W (Moyer Hall)	X			X	X	X	X	3
3304 7th Ave W				X		X		0
3309 6th Ave W (Arnett Hall)	X		X	X	X	X	X	3
339 W Nickerson St				X		X		0
34 W Cremona St	X			X	X	X		0

(Cremona Apts)								
3463 Sixth Ave W (Falcon Duplex)				X		X		0
3469-75 Sixth Ave W (Falcon Fourplex)				X		X		0
35 W Cremona St (Sprague Apts)	X			X	X	X		0
37 W Dravus St (Andrews Apts)				X		X		0
403 W Dravus St				X		X		0
409 W Dravus St				X		X		0
415 W Dravus St				X		X		0
500 W Emerson St (Emerson Hall)	X		X	X	X	X	X	3
516 W Dravus St				X		X		0
528 W Dravus St				X		X		0
600 W Emerson St (Falcon Apts)	X			X	X	X		0
605 W Emerson St				X		X		0
608 W Emerson St (Falcon Twin Apts)	X			X	X	X		0
611 W Dravus St (Ashton Hall)	X	X		X	X	X	X	3
617 W Emerson				X		X		0

St (Emerson Triplex)								
650 W Cremona St	X			X	X	X		0
650 W Bertona St	X			X	X	X		0
651 W Bertona St				X		X		0
703 W Bertona St				X		X		0

**Notes about above table:**

- Partial Sprinkler System is defined as having sprinklers in trash disposal areas.
- Full Sprinkler System is defined as having sprinklers in both common areas and individual rooms.
- “617 W Emerson St (Emerson Triplex)” is alternatively known as “615-619 W Emerson St.”
- 339 W Nickerson St was not used for student housing during 2019 and it was demolished in August 2020. The information above for 339 W Nickerson St reflects fire systems that were in place during 2017 and 2018.
- For other information about when facilities listed above were added to, or removed from, student housing inventory, see the section titled “Housing Inventory Caveats,” below.

**Fire Statistics and Related Information for On-Campus Student Housing Facilities**

As part of the Annual Security and Fire Safety Report, Seattle Pacific University publishes statistics for the three most recent complete calendar years pertaining to on-campus student housing only. Those statistics include location, total number of fires in each building, date, time, cause of the fire, number of injuries requiring treatment at a medical facility, number of deaths related to a fire, value of the property damage caused by the fire, and a unique case number.

**Fire Statistics**

Campus Student Housing Facility	2020			2021			2022		
	Fires	Injuries	Deaths	Fires	Injuries	Deaths	Fires	Injuries	Deaths
14 W. Cremona St	0	0	0	0	0	0	0	0	0
18 W. Cremona St.	0	0	0	0	0	0	0	0	0
26 W. Cremona St.	0	0	0	0	0	0	0	0	0
303 W. Dravus St.	0	0	0	0	0	0	0	0	0
307 W. Dravus St.	0	0	0	0	0	0	0	0	0
314 W. Dravus St.	0	0	0	0	0	0	0	0	0
320 W. Dravus St.	0	0	0	0	0	0	0	0	0
3201-03 5th Ave. W.	0	0	0	0	0	0	0	0	0
3205 5th Ave. W.	0	0	0	0	0	0	0	0	0
3206 4th Ave. W.	0	0	0	0	0	0	0	0	0
3212 6th Ave. W.	0	0	0	0	0	0	0	0	0
3214 6th Ave. W.	0	0	0	0	0	0	0	0	0
323 W. Dravus St.	0	0	0	0	0	0	0	0	0
3304 7th Ave W	0	0	0	0	0	0	0	0	0

339 W. Nickerson St	0	0	0	0	0	0	0	0	0
403 W. Dravus St.	0	0	0	0	0	0	0	0	0
409 W. Dravus St.	0	0	0	0	0	0	0	0	0
415 W. Dravus St.	0	0	0	0	0	0	0	0	0
516 W. Dravus St.	0	0	0	0	0	0	0	0	0
528 W. Dravus St.	0	0	0	0	0	0	0	0	0
605 W. Emerson St.	0	0	0	0	0	0	0	0	0
617 W Emerson St (Emerson Triplex)	0	0	0	0	0	0	0	0	0
650 W. Bertona St.	0	0	0	0	0	0	0	0	0
650 W. Cremona St.	0	0	0	0	0	0	0	0	0
651 W. Bertona St.	0	0	0	0	0	0	0	0	0
703 W. Bertona St.	0	0	0	0	0	0	0	0	0
37 W Dravus St (Andrews Apts)	0	0	0	0	0	0	0	0	0
3309 6th Ave W (Arnett Hall)	0	0	0	0	0	0	0	0	0
611 W Dravus St (Ashton Hall)	0	0	0	0	0	0	0	0	0
3041-55 Third Ave W (Bailey Apts)	0	0	0	0	0	0	0	0	0
34 W Cremona St (Cremona Apts)	0	0	0	0	0	0	0	0	0
13 W Cremona St (Cremona Wesley Apts)	0	0	0	0	0	0	0	0	0
3019 Third Ave W (Davis Apts)	0	0	0	0	0	0	0	0	0
20 W Dravus St (Dravus Wesley Apts)	0	0	0	0	0	0	0	0	0
500 W Emerson St (Emerson Hall)	0	0	0	0	0	0	0	0	0
600 W Emerson St (Falcon Apts)	0	0	0	0	0	0	0	0	0
3463 Sixth Ave W (Falcon Duplex)	0	0	0	1	0	0	0	0	0
3469-75 Sixth Ave W (Falcon Fourplex)	0	0	0	0	0	0	0	0	0
608 W Emerson St (Falcon Twin Apts)	0	0	0	0	0	0	0	0	0
3231 Sixth Ave W (Hill Hall)	0	0	0	0	0	0	1	0	0
3234 Fifth Ave W (Moyer Hall)	0	0	0	NA	NA	NA	NA	NA	NA
35 W Cremona St (Sprague Apts)	0	0	0	0	0	0	0	0	0
22 W Cremona St	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>

In the table above, if the designation “NA” appears, it means the housing facility was not used for student residential housing for the given calendar year. For information about when facilities listed above were added to, or removed from, student housing inventory, see the section titled “Housing Inventory Caveats,” below. As reflected in the table above, no residential fires were reported for 2019, or 2020. One residential fire was reported in 2021 and one in 2022.

***Additional Information about Fires***

When SPU has residential fires to report in its ASFSR, SPU includes a table that describes the following information about the residential fires: the campus student housing facility where the fire occurred; the incident number assigned by the Office of Safety and Security to the fire; the date and time that the fire was reported to the Office of Safety and Security; the date and time that the fire occurred; whether the fire

was on-campus; a description of the cause of the fire; an estimate of value of the property damage caused by the fire; the number of injuries that resulted from the fire; and the number of deaths that resulted from the fire. However, as noted above, no residential fires were reported for 2019, or 2020. One residential fire was reported in 2021 and one in 2022.

Campus Student Housing Facility	Incident #	Date/Time of Report	Date/Time of Fire	On Campus	Cause of Fire	Property Damage	Injury(s)	Death(s)
3463 Sixth Ave W (Falcon Duplex)	20210318-88	3/18/2021 01:56 PM	3/18/2021 11:00 AM	Yes	Unintentional – Pan on stove	\$100 - \$999	0	0
3231 Sixth Ave W (Hill Hall)	20221022-606	10/22/2022 6:11pm	10/22/2022 6:00pm	Yes	Unintentional – Plastic in toaster oven	\$100 - \$999	0	0

### Housing Inventory Caveats

No housing facilities were added to, or removed from, the University’s inventory of student residential facilities during the calendar years 2019 or 2020. 339 W Nickerson St was not used for student housing during 2019 and it was demolished in August 2020. Moyer Hall was not used for student housing in 2021 and 2022.

When such housing facilities are added or removed in the preceding three calendar years, the University notes such changes in this section of the ASFSR.

Campus Student Housing Facility	Notes
3234 Fifth Ave W (Moyer Hall)	Moyer Hall was not used for student housing in 2022 and 2021 but was used for student housing in 2019 and 2020.

**APPENDIX A: CERTAIN WASHINGTON STATE LAW DEFINITIONS  
RELATED TO CRIMES OF GENDER-BASED VIOLENCE**

Definitions Related to Sexual Assault: Rape (First, Second, and Third Degree); Rape of a Child (First, Second, and Third Degree); Indecent Liberties; and Related Definitions (including Consent)

<http://apps.leg.wa.gov/RCW/default.aspx?cite=9A.44>

**RCW 9A.44.040** *Rape in the first degree.*

(1) A person is guilty of rape in the first degree when such person engages in sexual intercourse with another person by forcible compulsion where the perpetrator or an accessory:

- (a) Uses or threatens to use a deadly weapon or what appears to be a deadly weapon; or
- (b) Kidnaps the victim; or
- (c) Inflicts serious physical injury, including but not limited to physical injury which renders the victim unconscious; or
- (d) Feloniously enters into the building or vehicle where the victim is situated.

(2) Rape in the first degree is a class A felony.

**RCW 9A.44.050** *Rape in the second degree.*

(1) A person is guilty of rape in the second degree when, under circumstances not constituting rape in the first degree, the person engages in sexual intercourse with another person:

- (a) By forcible compulsion;
- (b) When the victim is incapable of consent by reason of being physically helpless or mentally incapacitated;
- (c) When the victim is a person with a developmental disability and the perpetrator is a person who:
  - (i) Has supervisory authority over the victim; or
  - (ii) Was providing transportation, within the course of his or her employment, to the victim at the time of the offense;
- (d) When the perpetrator is a health care provider, the victim is a client or patient, and the sexual intercourse occurs during a treatment session, consultation, interview, or examination. It is an affirmative defense that the defendant must prove by a preponderance of the evidence that the client or patient consented to the sexual intercourse with the knowledge that the sexual intercourse was not for the purpose of treatment;
- (e) When the victim is a resident of a facility for persons with a mental disorder or chemical dependency and the perpetrator is a person who has supervisory authority over the victim; or
- (f) When the victim is a frail elder or vulnerable adult and the perpetrator is a person who:
  - (i) Has a significant relationship with the victim; or
  - (ii) Was providing transportation, within the course of his or her employment, to the victim at the time of the offense.

(2) Rape in the second degree is a class A felony.

**RCW 9A.44.060** *Rape in the third degree.*

(1) A person is guilty of rape in the third degree when, under circumstances not constituting rape in the first or second degrees, such person engages in sexual intercourse with another person:

(a) Where the victim did not consent as defined in RCW 9A.44.010(7), to sexual intercourse with the perpetrator; or

(b) Where there is threat of substantial unlawful harm to property rights of the victim.

(2) Rape in the third degree is a class C felony.

**RCW 9A.44.073 *Rape of a child in the first degree.***

(1) A person is guilty of rape of a child in the first degree when the person has sexual intercourse with another who is less than twelve years old and the perpetrator is at least twenty-four months older than the victim.

(2) Rape of a child in the first degree is a class A felony.

**RCW 9A.44.076 *Rape of a child in the second degree.***

(1) A person is guilty of rape of a child in the second degree when the person has sexual intercourse with another who is at least twelve years old but less than fourteen years old and the perpetrator is at least thirty-six months older than the victim.

(2) Rape of a child in the second degree is a class A felony.

**RCW 9A.44.079 *Rape of a child in the third degree.***

(1) A person is guilty of rape of a child in the third degree when the person has sexual intercourse with another who is at least fourteen years old but less than sixteen years old and the perpetrator is at least forty-eight months older than the victim.

(2) Rape of a child in the third degree is a class C felony.

**RCW 9A.44.100 *Indecent liberties.***

(1) A person is guilty of indecent liberties when he or she knowingly causes another person to have sexual contact with him or her or another:

(a) By forcible compulsion;

(b) When the other person is incapable of consent by reason of being mentally defective, mentally incapacitated, or physically helpless;

(c) When the victim is a person with a developmental disability and the perpetrator is a person who:

(i) Has supervisory authority over the victim; or

(ii) Was providing transportation, within the course of his or her employment, to the victim at the time of the offense;

(d) When the perpetrator is a health care provider, the victim is a client or patient, and the sexual contact occurs during a treatment session, consultation, interview, or examination. It is an affirmative defense that the defendant must prove by a preponderance of the evidence that the client or patient consented to the sexual contact with the knowledge that the sexual contact was not for the purpose of treatment;

(e) When the victim is a resident of a facility for persons with a mental disorder or chemical dependency and the perpetrator is a person who has supervisory authority over the victim; or

(f) When the victim is a frail elder or vulnerable adult and the perpetrator is a person who:

(i) Has a significant relationship with the victim; or

(ii) Was providing transportation, within the course of his or her employment, to the victim at the time of the offense.

(2)

(a) Except as provided in (b) of this subsection, indecent liberties is a class B felony.

(b) Indecent liberties by forcible compulsion is a class A felony.

**RCW 9A.44.010 Definitions.**

As used in this chapter:

(1) "Sexual intercourse"

(a) has its ordinary meaning and occurs upon any penetration, however slight, and

(b) 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, and

(c) Also means any act of 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.

(2) "Sexual contact" means any touching of the sexual or other intimate parts of a person done for the purpose of gratifying sexual desire of either party or a third party.

(3) "Married" means one who is legally married to another, but does not include a person who is living separate and apart from his or her spouse and who has filed in an appropriate court for legal separation or for dissolution of his or her marriage.

(4) "Mental incapacity" is that condition existing at the time of the offense which prevents a person from understanding the nature or consequences of the act of sexual intercourse whether that condition is produced by illness, defect, the influence of a substance or from some other cause.

(5) "Physically helpless" means a person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act.

(6) "Forcible compulsion" means physical force which overcomes resistance, or a threat, express or implied, that places a person in fear of death or physical injury to herself or himself or another person, or in fear that she or he or another person will be kidnapped.

(7) "Consent" means that 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.

(8) "Significant relationship" means a situation in which the perpetrator is:

(a) A person who undertakes the responsibility, professionally or voluntarily, to provide education, health, welfare, or organized recreational activities principally for minors;

(b) A person who in the course of his or her employment supervises minors; or

(c) A person who provides welfare, health or residential assistance, personal care, or organized recreational activities to frail elders or vulnerable adults, including a provider, employee, temporary employee, volunteer, or independent contractor who supplies services to long-term care facilities licensed or required to be licensed under chapter 18.20, 18.51, 72.36, or 70.128 RCW, and home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW, but not including a consensual sexual partner.

(9) "Abuse of a supervisory position" means:

(a) To use a direct or indirect threat or promise to exercise authority to the detriment or benefit of a minor; or

(b) To exploit a significant relationship in order to obtain the consent of a minor.

(10) "Person with a developmental disability," for purposes of RCW 9A.44.050(1)(c) and 9A.44.100(1)(c), means a person with a developmental disability as defined in RCW 71A.10.020.

(11) "Person with supervisory authority," for purposes of RCW 9A.44.050(1) (c) or (e) and 9A.44.100(1) (c) or (e), means any proprietor or employee of any public or private care or treatment facility who directly supervises developmentally disabled, mentally disordered, or chemically dependent persons at the facility.

(12) "Person with a mental disorder" for the purposes of RCW 9A.44.050(1)(e) and 9A.44.100(1)(e) means a person with a "mental disorder" as defined in RCW 71.05.020.

(13) "Person with a chemical dependency" for purposes of RCW 9A.44.050(1)(e) and 9A.44.100(1)(e) means a person who is "chemically dependent" as defined in \*RCW 70.96A.020(4).

(14) "Health care provider" for purposes of RCW 9A.44.050 and 9A.44.100 means a person who is, holds himself or herself out to be, or provides services as if he or she were: (a) A member of a health care profession under chapter 18.130 RCW; or (b) registered under chapter 18.19 RCW or licensed under chapter 18.225 RCW, regardless of whether the health care provider is licensed, certified, or registered by the state.

(15) "Treatment" for purposes of RCW 9A.44.050 and 9A.44.100 means the active delivery of professional services by a health care provider which the health care provider holds himself or herself out to be qualified to provide.

(16) "Frail elder or vulnerable adult" means a person sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself. "Frail elder or vulnerable adult" also includes a person found incapacitated under chapter 11.88 RCW, a person over eighteen years of age who has a developmental disability under chapter 71A.10 RCW, a person admitted to a long-term care facility that is licensed or required to be licensed under chapter 18.20, 18.51, 72.36, or 70.128 RCW, and a person receiving services from a home health, hospice, or home care agency licensed or required to be licensed under chapter 70.127 RCW.

## **Definition of Stalking**

<http://apps.leg.wa.gov/RCW/default.aspx?cite=9A.46.110>

### **RCW 9A.46.110 *Stalking.***

(1) A person commits the crime of stalking if, without lawful authority and under circumstances not amounting to a felony attempt of another crime:

(a) He or she intentionally and repeatedly harasses or repeatedly follows another person; and

(b) The person being harassed or followed 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

(c) The stalker either:

(i) Intends to frighten, intimidate, or harass the person; or

(ii) 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.

(2)

(a) It is not a defense to the crime of stalking under subsection (1)(c)(i) of this section that the stalker was not given actual notice that the person did not want the stalker to contact or follow the person; and

(b) It is not a defense to the crime of stalking under subsection (1)(c)(ii) of this section that the stalker did not intend to frighten, intimidate, or harass the person.

(3) It shall be a defense to the crime of stalking that the defendant is a licensed private investigator acting within the capacity of his or her license as provided by chapter 18.165 RCW.

(4) Attempts to contact or follow the person after being given actual notice that the person does not want to be contacted or followed constitutes prima facie evidence that the stalker intends to intimidate or harass the person. "Contact" includes, in addition to any other form of contact or communication, the sending of an electronic communication to the person.

(5)

(a) Except as provided in (b) of this subsection, a person who stalks another person is guilty of a gross misdemeanor.

(b) A person who stalks another is guilty of a class B felony if any of the following applies: (i) The stalker has previously been convicted in this state or any other state of any crime of harassment, as defined in RCW 9A.46.060, of the same victim or members of the victim's family or household or any person specifically named in a protective order; (ii) the stalking violates any protective order protecting the person being stalked; (iii) the stalker has previously been convicted of a gross misdemeanor or felony stalking offense under this section for stalking another person; (iv) the stalker was armed with a deadly weapon, as defined in RCW 9.94A.825, while stalking the person; (v)(A) the stalker's victim is or was a law enforcement officer; judge; juror; attorney; victim advocate; legislator; community corrections' officer; an employee, contract staff person, or volunteer of a correctional agency; court employee, court clerk, or courthouse facilitator; or an employee of the child protective, child welfare, or adult protective services division within the department of social and health services; and (B) the stalker stalked the victim to retaliate against the victim for an act the victim performed during the course of official duties or to influence the victim's performance of official duties; or (vi) the stalker's victim is a current, former, or prospective witness in an adjudicative proceeding, and the stalker stalked the victim to retaliate against the victim as a result of the victim's testimony or potential testimony.

(6) As used in this section:

(a) "Correctional agency" means a person working for the department of natural resources in a correctional setting or any state, county, or municipally operated agency with the authority to direct the release of a person serving a sentence or term of confinement and includes but is not limited to the department of corrections, the indeterminate sentence review board, and the department of social and health services.

(b) "Follows" means deliberately maintaining visual or physical proximity to a specific person over a period of time. A finding that the alleged stalker repeatedly and deliberately appears at the person's home, school, place of employment, business, or any other location to maintain visual or physical proximity to the person is sufficient to find that the alleged stalker follows the person. It is not necessary to establish that the alleged stalker follows the person while in transit from one location to another.

(c) "Harasses" means unlawful harassment as defined in RCW 10.14.020.

(d) "Protective order" means any temporary or permanent court order prohibiting or limiting violence against, harassment of, contact or communication with, or physical proximity to another person.

(e) "Repeatedly" means on two or more separate occasions.

### Definition of Domestic Violence

<http://app.leg.wa.gov/RCW/default.aspx?cite=10.99.020>

#### RCW 10.99.020(4) *Definitions.*

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

...

(4) "Domestic violence" includes but is not limited to any of the following crimes when committed either by (a) one family or household member against another family or household member, or (b) one intimate partner against another intimate partner:

- (i) Assault in the first degree (RCW 9A.36.011);
- (ii) Assault in the second degree (RCW 9A.36.021);
- (iii) Assault in the third degree (RCW 9A.36.031);
- (iv) Assault in the fourth degree (RCW 9A.36.041);
- (v) Drive-by shooting (RCW 9A.36.045);
- (vi) Reckless endangerment (RCW 9A.36.050);
- (vii) Coercion (RCW 9A.36.070);
- (viii) Burglary in the first degree (RCW 9A.52.020);
- (ix) Burglary in the second degree (RCW 9A.52.030);
- (x) Criminal trespass in the first degree (RCW 9A.52.070);
- (xi) Criminal trespass in the second degree (RCW 9A.52.080);
- (xii) Malicious mischief in the first degree (RCW 9A.48.070);
- (xiii) Malicious mischief in the second degree (RCW 9A.48.080);
- (xiv) Malicious mischief in the third degree (RCW 9A.48.090);
- (xv) Kidnapping in the first degree (RCW 9A.40.020);
- (xvi) Kidnapping in the second degree (RCW 9A.40.030);
- (xvii) Unlawful imprisonment (RCW 9A.40.040);
- (xviii) 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 (RCW 10.99.040, 10.99.050, 26.09.300, \* 26.10.220, 26.26B.050, 26.44.063, 26.44.150, 26.50.060, 26.50.070, 26.50.130, 26.52.070, or 74.34.145);
- (xix) Rape in the first degree (RCW 9A.44.040);
- (xx) Rape in the second degree (RCW 9A.44.050);
- (xxi) Residential burglary (RCW 9A.52.025);

(xxii) Stalking (RCW 9A.46.110); and

(xxiii) Interference with the reporting of domestic violence (RCW 9A.36.150).

### **Definition of Dating Relationship**

<http://app.leg.wa.gov/RCW/default.aspx?cite=26.50.010>

#### **RCW 26.50.010(2) *Definitions.***

As used in this chapter, the following terms shall have the meanings given them: . . .

(2) "Dating relationship" means 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.

## **EXHIBIT A: TITLE IX SEXUAL HARASSMENT AND RELATED CONDUCT POLICY (AS OF 9-29-23)**

### **Purpose**

This Policy informs members of the University community about the University's prohibition against Sexual Harassment and Retaliation. It provides information about resources, reporting options, and prompt and equitable resolution options. The Policy reinforces the University's commitment to preventing and responding to Sexual Harassment in a manner consistent with applicable federal, state, and local law. Consistent with the procedures set forth and referenced in this Policy, the University will take steps to eliminate Sexual Harassment, prevent its recurrence, and remedy any discriminatory effects for members of the University community.

This policy supersedes the university's Sexual Misconduct Policy and Title IX Sexual Harassment Grievance Procedure.

### **Entities Affected By This Policy**

This policy applies to all students, staff, faculty, volunteers, and other individuals participating in or seeking to participate in the University's programs or activities, including education and employment.

### **Preventing and Responding to Sexual Harassment**

The University prohibits Sexual Harassment, as defined below, by any person governed by this Policy. The University, through this Policy, encourages prompt reporting of Sexual Harassment; identifies persons to whom Sexual Harassment may be reported; prohibits Retaliation against persons who exercise any rights under this Policy; assures confidentiality and privacy to the extent possible consistent with federal, state, and local law and the need to address and resolve reports of Sexual Harassment appropriately; explains how each report of Sexual Harassment will receive a prompt response from the University; assures all members of the University community that each Formal Complaint of Sexual Harassment will receive a prompt, equitable, impartial and thorough investigation and/or alternative resolution; and provides for appropriate remedial, disciplinary, or other corrective action.

1. The University is committed to addressing Sexual Harassment through prevention and education, while it is the responsibility of every member of the University community to foster an environment free of Sexual Harassment. All members of the University community are encouraged to take reasonable and prudent actions to prevent or stop an act of Sexual Harassment. Taking action may include direct intervention when safe to do so, enlisting the assistance of friends, contacting law enforcement, or seeking assistance from a person in authority.
2. The University will respond to reports and allegations of Sexual Harassment in a timely manner, using informal and formal procedures designed to eliminate the conduct, prevent its recurrence, and remedy any adverse effects of the conduct on members of the campus community or in University Programs or Activities. A person who experiences and reports (or is reported to have experienced) Sexual Harassment under this Policy will be offered prompt, reasonable, and appropriate supportive measures, and a person who is found responsible for violating this Policy may be subject to a range of potential disciplinary action, up to and including expulsion or termination. Some forms of Sexual Harassment may also violate federal, state, and/or local criminal laws, and criminal prosecution may occur independently of any actions taken by the University.
3. Sexual Harassment can be committed by or against individuals of any sex or gender and can occur between individuals of the same sex/gender or different sexes/genders. Sexual Harassment can also occur between strangers or acquaintances, as well as persons involved in intimate, sexual, dating, domestic, or familial relationships. Intoxication or impairment from alcohol, drugs or other substances is not a defense to a violation of this Policy. Unless specifically noted, intent is not a required element to establish a Policy violation.

4. The University also prohibits Retaliation (which includes words or acts, as described below) against an individual or group of individuals involved in a protected activity under this Policy. A **protected activity** may include participating, testifying, assisting, or refusing to participate in any manner in proceedings under this Policy; making a good faith report under this Policy; filing an external complaint; or opposing in a reasonable manner and consistent with University policy, an action reasonably believed to constitute a violation of this Policy. Retaliation can take many forms, including, but not limited to, adverse action or violence, discrimination, threats, coercion, and intimidation that would discourage a reasonable person (under similar circumstances) from engaging in protected activity.
5. All University community members are expected to provide truthful information in any proceeding under this Policy. Intentionally submitting or providing false or misleading information to the University in bad faith, for personal gain, or to cause intentional harm to another in connection with any proceeding under this Policy is prohibited, and may be subject to disciplinary sanctions in accordance with applicable University policy or procedures. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are not later substantiated.
6. Nothing in this Policy shall be deemed to revoke any right of a faculty member may have to file a grievance under the Faculty Code or limit academic freedom. Accordingly, in an academic setting, expression that is reasonably designed or reasonably intended to contribute to academic inquiry, education, or debate on issues of public concern does not violate this Policy.
7. While this Policy specifically seeks to address issues of sexual assault and/or harassment, community members should also be mindful of the guidelines around healthy sexual activity that exist for students and employees.

## Notice of Non-Discrimination & Role of Title IX Coordinator

Consistent with the University's Nondiscrimination Policy, the University does not unlawfully discriminate against any person in any of its education or employment programs and activities, including admissions, on any basis prohibited by federal, state, or other applicable law, including on the basis of sex, and it does not tolerate Discrimination or Discriminatory Harassment on the basis of sex. The University complies with Title IX of the Education Amendments of 1972 ("Title IX") which prohibits discrimination on the basis of sex in the University's programs and activities; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) as amended by the Violence Against Women Reauthorization Act of 2013 (VAWA) which, along with Title IX, provides the authority for this Policy and the University's response to Sexual Assault, Dating Violence, Domestic Violence and Stalking. The University also complies with Title VII of the Civil Rights Act of 1964 ("Title VII"), which prohibits discrimination on the basis of sex in employment, and other applicable law.

Concerns about the University's application of Title IX may be addressed to the University's Interim Title IX Coordinator (at [michac@spu.edu](mailto:michac@spu.edu)); the United States Department of Education, Clery Act Compliance Division (at [clery@ed.gov](mailto:clery@ed.gov)); the United States Department of Education, Office for Civil Rights (at [OCR@ed.gov](mailto:OCR@ed.gov) or 800-421-3481); and/or the Equal Employment Opportunity Commission (at [info@eeoc.gov](mailto:info@eeoc.gov) or 800-669-4000).

To request disability accommodations in connection with this Policy and corresponding procedure, students should contact the Office of Disability Support Services at 206-286-72348 or [dss@spu.edu](mailto:dss@spu.edu). Employees and applicants for employment should contact the Human Resources at 206-281-2809.

### The Role of the Title IX Coordinator

The University has designated a Title IX Coordinator to oversee the implementation of this Policy, to ensure compliance with Title IX, and relevant portions of VAWA and Title VII, and to work with the Division of

Business and Finance on compliance with the Clery Act and other applicable laws. The University's Interim Title IX Coordinator is Cheryl Michaels.

**Cheryl Michaels**

Interim Title IX Coordinator

601 West Emerson

Seattle, WA 98119

Phone: (206) 281-2625

Email: [michac@spu.edu](mailto:michac@spu.edu)

The University's Title IX Coordinator oversees the University's centralized response to all reports of Sexual Harassment to ensure implementation of this Policy and compliance with applicable federal, state, and local law. To ensure compliance, the Title IX Coordinator and designated staff will:

1. Communicate with all members of the University community regarding applicable law and policy and provide information about how individuals may access resources and reporting options.
2. Maintain and implement applicable University policies and procedures in effort to comply with applicable law.
3. Ensure that all students and employees have access to education and training regarding Title IX, related provisions of the Clery Act, and Sexual Harassment as defined in this Policy.
4. Respond to any report regarding conduct that may violate this Policy. In this capacity, the Title IX Coordinator shall:
  - a. Direct the provision of any Supportive Measures.
  - b. Oversee the prompt and equitable investigation and/or alternative resolution of a report of Sexual Harassment.
  - c. Take appropriate action to respond to reports of Sexual Harassment, prevent its recurrence, and remedy its effects.
5. Maintain centralized records of all reports, investigations, and resolutions.
6. Implement any remedies provided to a Complainant after a Respondent is found responsible for Sexual Harassment after the completion of the applicable grievance procedure.

The Title IX Coordinator maintains broad oversight responsibility but may delegate responsibilities or activities under this Policy to the University's Deputy Title IX Coordinator (contact below), other designated administrators, or external professionals who will have appropriate training and/or experience. When used in this Policy, the term Title IX Coordinator may include an appropriate designee.

**Vacant**

Deputy Title IX Coordinator

Human Resources

330 West Nickerson

Seattle, WA 98119

**Prohibited Conduct**

*Key terms related to this Policy are defined immediately below. Additional important terms are defined throughout the text of the Policy.*

**Title IX Sexual Harassment**

For the purposes of Title IX Sexual Harassment, sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of SPU conditioning an educational benefit or service of SPU on an individual's participation in unwelcome sexual conduct.

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to SPU's education program or activity;
3. A **VAWA Offense**, meaning "sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).
  - a. **Sexual Assault** is defined as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. NOTE: If the following sexual assault definitions are updated in the NIBRS User Manual (available online at FBI UCR Technical Specifications), the updated definitions are applied.
    - i. **Rape** (except Statutory Rape): The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
    - ii. **Sodomy**: Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
    - iii. **Sexual assault with an object**: To use an object or instrument to unlawfully penetrate, however, slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
    - iv. **Fondling**: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
    - v. **Incest**: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
    - vi. **Statutory Rape**: Sexual intercourse with a person who is under the statutory age of consent.
  - b. **Dating Violence** is defined as 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 is to be determined based on length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
  - c. **Domestic Violence** – a felony or misdemeanor crime of violence committed:
    - i. By a current or former spouse or intimate partner of the victim;
    - ii. By a person with whom the victim shares a child in common;
    - iii. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
    - iv. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of Washington, or
    - v. By any other person against an adult or youth victim who is protected from that person's act under the domestic or family violence laws of Washington.
  - d. **Stalking**– engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
    - i. Fear for the person's safety or the safety of others; or
    - ii. Suffer substantial emotional distress.

For the purposes of this definition:

- 1.

- a.
  - i. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
  - ii. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
  - iii. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

## **Title VII Sexual Harassment**

Amongst employees, harassment because of sex is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when any of the following conditions are met:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decision affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

## **Understanding Consent and Incapacitation**

*(This definition of consent is not meant to condone sexual activity or other conduct that is in violation of the University's [Student Standards of Conduct](#), but is included in order to define other terms in this policy.)*

For purposes of this policy, consent is knowing, voluntary and clear permission by word or action to engage in sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to determine that the other has consented before engaging in the activity. Consent to engage in one form of sexual activity does not imply or constitute consent to engage in another form of sexual activity. Consent to engage in sexual activity with one individual does not imply or constitute consent to engage in sexual activity with another.

Consent cannot be inferred from silence, passivity, or lack of verbal or physical resistance. Relying on nonverbal communication alone may result in a violation of this policy. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct.

Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain *their* consent to being kissed back. Consent can also be withdrawn once given if the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time.

The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced. Even if words or conduct alone seem to imply consent, sexual activity is nonconsensual when:

1. Force or coercion is threatened or used to procure compliance with the sexual activity.
  - a. Force is the use of physical violence, physical force, threat, or intimidation to overcome resistance or gain consent to sexual activity.

- b. Coercion is unreasonable pressure for sexual activity. Examples of coercion may include using blackmail or extortion to overcome resistance or gain consent to sexual activity.
2. The person is asleep, unconscious, or physically unable to communicate their unwillingness to engage in sexual activity; or a reasonable person would or should know that the other person lacks the mental capacity at the time of the sexual activity to be able to understand the nature or consequences of the act, whether that incapacity is produced by illness, defect, the influence of alcohol or another substance, or some other cause.

## **Incapacitation by drugs or alcohol**

When alcohol or drugs are involved, a person is considered incapacitated or unable to give valid consent if the individual cannot fully understand the details of the sexual interaction (i.e., who, what, when, where, why, and how), and/or the individual lacks the capacity to reasonably understand the situation and to make rational, reasonable decisions.

Alcohol and other drugs impact everyone differently and determining whether an individual is incapacitated requires an individualized determination. The University does not expect Students, Faculty, or Staff to be medical experts in assessing incapacitation. Individuals should look for common and obvious warning signs that show that an individual may be incapacitated or approaching incapacitation. An individual's level of intoxication is not always demonstrated by objective signs; however, some signs that an individual may be incapacitated include clumsiness, difficulty walking, poor judgment, difficulty concentrating, slurred speech, vomiting, combativeness, or emotional volatility.

Another effect of excessive alcohol consumption can be memory impairment or an inability to recall entire or partial events (sometimes referred to as "black-out" or "brown-out"). An individual may experience this symptom while appearing to be functioning "normally," including communicating through actions or words that can reasonably and objectively be interpreted as communicating consent to engage in sexual activity. Total or partial loss of memory, alone, may not be sufficient, without additional evidence, to prove that an individual was incapacitated under this policy. Whether sexual activity under these circumstances constitutes Prohibited Conduct depends on the presence or absence of the outwardly observable factors indicating that an individual is incapacitated, as described above.

An individual's level of intoxication may change over a period based on a variety of individual factors, including the amount of substance intake, speed of intake, body mass, height, weight, tolerance, quantity and pattern of food and sleep, drinking pattern, and metabolism. It is critical, therefore, that any individual engaging in sexual activity is aware of both their own and the other individual's level of intoxication and capacity to give consent.

In evaluating affirmative consent in cases involving incapacitation, the University considers the totality of available information in determining two issues:

1. Did the Respondent know the Complainant was incapacitated?; or, if not,
2. Would a sober, reasonable individual in a similar set of circumstances as the Respondent have known that the Complainant was incapacitated?

If either question is answered positively, consent was absent, and the conduct is likely a violation of this Policy.

## **Reasonable Belief in Affirmative Consent**

A Respondent may indicate that they had a reasonable belief in affirmative consent as a defense to sexual assault. In evaluating whether a Respondent's belief was plausible and reasonable, the University will consider the totality of circumstances, including information known to the Respondent, as well as information that should reasonably have been known to the Respondent. The University will evaluate whether the communication (through clear words and/or actions) between the parties would be interpreted

by a reasonable person (under similar circumstances and with similar identities) as a willingness to engage in a particular sexual act.

Belief in affirmative consent is not reasonable if it arose from a Respondent's voluntary intoxication or recklessness, and such intoxication is not an excuse for engaging in Prohibited Conduct. Further, such belief is not reasonable if reasonable steps are not taken to determine consent.

## **Scope and Jurisdiction**

This Policy applies to Sexual Harassment that occurs in the University's Programs or Activities. This Policy may also apply to Sexual Harassment that occurs outside the University's Programs or Activities when, at the discretion of the Title IX Coordinator:

- - there is close proximity between the reported conduct and the University community;
  - there is a sufficient nexus between the reported conduct and the University's Programs or Activities; and/or
  - the reported conduct has alleged continuing adverse effects or creates a hostile environment on campus or in the University's Programs or Activities.
1. Where reported conduct involves a potential violation of both this Policy and another University policy, the University may choose to investigate and/or adjudicate all of the alleged misconduct under the procedures set forth in this Policy, provided that doing so would not unduly delay a prompt or equitable resolution of the report.
  2. This Policy applies to all reports of Sexual Harassment that are received by the University on or after the effective date of this Policy, regardless of when the Sexual Harassment is alleged to have occurred. Where the date of the reported Sexual Harassment precedes the effective date of this Policy, the definition of Sexual Harassment in existence at the time of the alleged incident(s) will be used, except where use of such definition would be contrary to law. The procedures under this Policy, however, will be used to investigate and resolve all reports of Sexual Harassment subject to this Policy made on or after the effective date of this policy, regardless of when the alleged incident(s) occurred, except where the use of such procedures would be contrary to law.
  3. Allegations of discrimination and other misconduct on the basis of sex that are not covered by this Policy may be governed by other University policies or processes, including but not limited to the Code of Student Conduct, the Student Accountability Process, the Employee Handbook, the Faculty Code, the university's Non-Discrimination Policy, and amorous relationship policies.
  4. This Policy supersedes any conflicting information in any other University policy with respect to the definitions or procedures relating to Sexual Harassment within the scope of this Policy and provides the exclusive University remedy for alleged Sexual Harassment within the scope of this Policy.

## **Understanding Privacy and Confidentiality**

Issues of privacy and confidentiality play important roles in this Policy and may affect individuals differently. While they are closely related, the concepts of privacy and confidentiality are distinct terms that are explained in more detail in Appendix A.

1. Individuals involved in the resolution processes under this Policy are encouraged to exercise discretion in sharing information in order to safeguard the integrity of the process and to avoid the appearance of retaliation. While discretion regarding the process is important, Complainants and Respondents are not restricted from discussing and sharing information with others who may support or assist them during the process.
2. Intentional disclosures that are not for the purpose of preparing for the resolution process or obtaining support may be subject to the prohibition on retaliation if determined to be retaliatory in nature. All parties are encouraged to maintain the privacy of Family Educational Rights and Privacy Act (FERPA)-protected and/or sensitive information gathered or learned in the process.

## Reporting Options and Resources

The University encourages all individuals to promptly report Sexual Harassment to the Title IX Coordinator and report VAWA Offenses to the Title IX Coordinator and law enforcement. The University also recognizes that deciding to report can be difficult and is an intensely personal decision. Complainants and witnesses are encouraged to seek assistance from campus and community resources and to explore all potential reporting and support options.

1. A Complainant has the right to report or decline to report crimes to law enforcement. Under limited circumstances (i.e., threats to the health or safety of an individual) or to comply with applicable law, the University may independently notify law enforcement.
2. University processes and law enforcement investigations operate independently of one another, although the Title IX Coordinator may coordinate information with SPU's Office of Safety and Security as part of the intake assessment.
3. Anyone can make a report as follows:

Make a report to the Interim Title IX Coordinator in person, by telephone, by email or online:

**Cheryl Michaels**  
Interim Title IX Coordinator  
Human Resources  
601 West Emerson  
Seattle, WA 98119  
Email: [michac@spu.edu](mailto:michac@spu.edu)  
Phone: (206) 281-2625

- Reports can also be submitted online 24/7 using the [Report a Concern](#). Reports can be submitted anonymously and are received by SPU's Response Team:
  - Ms. Cheryl Michaels, Interim Title IX Coordinator | Director of Safety and Security, (206) 281-2625; [michac@spu.edu](mailto:michac@spu.edu)
  - Mr. Terry Winn, Assistant Vice President of Human Resources | Interim Section 504 Coordinator: (206) 281-2678; [winnt@spu.edu](mailto:winnt@spu.edu)
- If on campus, contact OSS 24/7 for assistance in filing a criminal complaint and preserving physical evidence at:

**Office of Safety and Security**  
601 West Emerson  
Seattle, WA 98119  
Email: [securityinfo@spu.edu](mailto:securityinfo@spu.edu)  
Emergencies (from on campus): x2911 | (from off campus): 206-281-2911

- If off campus, **call 911** to reach local emergency response.

An individual may pursue some or all of these steps at the same time (e.g., one may simultaneously pursue a Title IX report and a criminal complaint). When initiating any of the above options, an individual does not need to know whether they wish to request any particular course of action nor how to label what happened. As part of a report to the Title IX Coordinator, an individual can also request [Supportive Measures](#). When a report of Sexual Harassment is made to the Title IX Coordinator, the Title IX Coordinator will promptly contact the Complainant and conduct an assessment to determine next steps, including whether the University may offer Supportive Measures. However, the University will not commence a resolution process without a [Formal Complaint](#).

If a Title IX administrator is identified as a Respondent, Complainants and/or reporting parties may submit reports to the Assistant Vice President for Human Resources.

## **Anonymous Reporting**

Anonymous reports will be preliminarily investigated to the extent possible, both to assess the underlying allegation(s) and to determine if remedies can be provided. However, anonymous reports typically limit the University's ability to investigate, respond, and provide remedies, depending on what information is shared.

## **Timeframe for Reporting**

There is no time limitation on reporting alleged violations of this Policy. However, if the Respondent is no longer subject to the University's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited. Acting on allegations significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer resources and/or remedies, and/or engage in informal or formal action, as appropriate. When a significant time delay impacts the reporting of alleged violations, the University will apply the policy in place at the time of the alleged violation, and the procedures in place at the time the violation is reported.

## **Community Immunity**

The University seeks to eliminate barriers for Complainants and witnesses who may be hesitant to seek medical or emergency assistance, report an incident to University officials, or participate in resolutions processes because they fear that they themselves may be in violation of certain policies at the time of the incident. In general, the University will not pursue disciplinary action for pre-marital sexual activity, personal consumption of alcohol or drugs, or other activities that would otherwise be a violation of the Code of Student Conduct against a student who makes a good faith report to the University, or participates as a party or witness to Sexual Harassment, provided the misconduct did not endanger the health or safety of others. The University may engage in an assessment or educational discussion or pursue other non-disciplinary options.

## **Requests for Anonymity**

Once a report has been shared with the Title IX Coordinator, a Complainant may request that their identity not be shared with the Respondent (request for anonymity), that no investigation occur, or that no resolution process be pursued. The University will carefully balance this request in the context of the University's commitment to provide a safe and non-discriminatory environment for all University community members. The University will make all reasonable efforts to respond to the report consistent with a Complainant's request, but to pursue a resolution against a Respondent under this Policy, the Respondent must be provided with sufficient notice of the reported conduct, including the Complainant's identity if known. In some cases, including where the University determines that the failure to pursue a resolution process would be inconsistent with its legal obligations, the University may choose to pursue a resolution even if a Complainant requests that no resolution be pursued. More information about how to report Sexual Harassment that is in progress or threatened, and information about medical care, is available on the following website: <https://spu.edu/administration/human-resources/nondiscrimination-title-ix-hr/resources-options>

## University Community Members' Reporting Obligations

It is important to understand the different reporting responsibilities of University community members. Some community members are designated as Confidential Resources (e.g., pastoral counselors, health care providers and mental health counselors acting within their professional capacities) while others are Title IX Responsible Employees. Confidential Resources will generally not report personally identifying information shared with them about Sexual Harassment to the Title IX Coordinator. Conversely, Title IX Responsible Employees are required by the University to promptly share all available information about Sexual Harassment with the Title IX Coordinator. The University encourages Complainants to seek clarification about an employee's reporting obligations before making disclosures.

### Responsible Employees

Title IX Responsible Employees are University community members who are required by this Policy to promptly report suspected or alleged incidents Sexual Harassment or potential violations of this Policy to the Title IX Coordinator. Unless identified and acting as a Confidential Resource, SPU Responsible Employees include:

1. President, Provost, Vice Presidents, Deans, and Department Chairs
2. Deputy, Vice, Assistant and Associate, Provosts, Deans, and individuals who directly report to any of these roles
3. Faculty
4. Athletic Director, Coaches, Assistant Coaches, Graduate Assistants and other Athletics Department employees
5. All Residence Directors and Area Coordinators
6. Anyone who directly supervises students, student workers, faculty, or other staff
7. Managers, coordinators, program heads, directors (including deputy, vice, assistant or associate positions)
8. All staff in Enrollment Management and Marketing
9. Faculty Academic Advisors and Undergraduate Academic Counselors
10. All staff in the Office for Inclusive Excellence
11. All staff in the Department of Human Resources
12. All staff in the Division of Student Formation and Community Engagement
13. All staff in the Division of Finance and Administration
14. Safety and Security Police Department Staff
15. Individuals designated as Campus Security Authorities under the Clery Act

Responsible Employees must report all known information, including the identities of the parties, the date, time, and location, and any details about the reported incident to the Title IX Coordinator that are known. Responsible Employees may provide support and assistance to a reporting party, but they cannot promise confidentiality or withhold information about Sexual Harassment. Failure by a Responsible Employee to promptly report suspected or alleged Sexual Harassment may subject them to appropriate discipline, including removal from a position or termination of employment. There are limited exceptions to this requirement. The exceptions are:

1. Employees, interns, professional trainees, volunteers, contractors, and other similar individuals who have received information while providing services within their professional capacity at the Student Health Services, SPU Clinical Psychology Practicum programs or University Ministries, or while otherwise designated by SPU to provide counseling or health services.
2. Employees participating in preventative education for students regarding sex and gender-based violence or a related program, during which a student or employee discloses having experienced a form of Sexual Harassment.
3. Employees engaged in research and climate surveys which include gathering information on discrimination and harassment, during which a research participant discloses, for the purpose of

the research, having experienced discrimination and harassment, unless otherwise required by applicable law.

4. Employees working in Admissions or engaged in recruitment activities who learn about incidents of sexual harassment or sexual violence that may have impacted student applicants or admitted students prior to their matriculation at SPU.
5. The Responsible Employee requirements described in this section do not apply when the only employee with information about conduct that may constitute Sexual Harassment is the employee-complainant.

Some Responsible Employees may also be designated as Campus Security Authorities (CSAs). All CSAs should be aware of their reporting obligations under the Clery Act and promptly report Clery crimes to the Office of Safety and Security.

## **Confidential Resources**

Students and employees who wish to discuss Sexual Harassment in a confidential setting may consult with the list of Confidential Resources identified in Appendix B. Confidential Resources will generally not disclose personally identifying information to the Title IX Coordinator without the express permission of the Complainant. Speaking with an employee or non-employee Confidential Resource about Sexual Harassment will not constitute a report to the University or law enforcement. When an employee who is otherwise is a Confidential Resource receives information outside of their professional role in the provision of services, the individual may have institutional [Reporting Obligations](#) which requires that they share information with the Title IX Coordinator. For example, a licensed psychologist in the Student Health Center who receives a disclosure in the context of attending University lecture would be required to share the information with the Title IX Coordinator.

Although employee Confidential Resources are not obligated to report Sexual Harassment to the Title IX Coordinator, they are expected to explain their confidential status to any person who informs the confidential employee of conduct that may constitute Sexual Harassment and must provide that person with contact information for the Title IX Coordinator and explain how to report the incident, which may include providing access to this Policy.

## **Emergency Resources and Law Enforcement**

Emergency medical assistance and campus safety/law enforcement assistance are available 24/7 both on and off campus. Individuals are encouraged to contact law enforcement and seek medical treatment as soon as possible following an incident that may pose a threat to safety or physical well-being or following a potential criminal offense. Such incidents can be reported to [SPU's Office of Safety and Security](#).

Members of the University community who believe their safety or the safety of others is threatened or who have experienced or witnessed Sexual Harassment that may be criminal in nature should immediately call OSS at (206) 281-2911 or call 911 to reach local law enforcement. Incidents that are reported to OSS that fall within the scope of this Policy will also be reported to the Title IX Coordinator.

## **Intake**

Upon receipt of a report of Sexual Harassment, the Title IX Coordinator will promptly contact the Complainant to (1) discuss the availability of and the Complainant's wishes with respect to Supportive Measures and (2) explain the process for filing a Formal Complaint. As part of the intake assessment, the Title IX Coordinator will typically:

1. assess the nature and circumstances of the report, including whether it provides the names and/or any other information that identifies the Complainant, the Respondent, any witness and/or any other individual with knowledge of the reported incident;

2. assess the nature and circumstances of the report to determine whether the reported conduct raises a potential Policy violation, and whether the reported conduct is within the scope of this Policy;
3. address immediate physical safety and emotional well-being;
4. notify the Complainant of their right to contact (or decline to contact) law enforcement or seek a civil protection order;
5. notify the Complainant of the right to seek medical treatment;
6. notify the Complainant of the importance of preservation of evidence;
7. consult with the OSS or other University administrators as appropriate;
8. refer the report to OSS to enter the report into the University's daily crime log if required by the Clery Act;
9. with OSS, assess the reported conduct and discern the need for a timely warning under the Clery Act;
10. provide the Complainant with written information about campus and community resources;
11. notify the Complainant of the right to reasonable Supportive Measures regardless of whether they choose to file a Formal Complaint;
12. provide the Complainant with an explanation of the procedural options, including formal resolution and alternative resolution;
13. notify the Complainant of the right to be accompanied at any meeting by an advisor of their choice;
14. assess the available information for any pattern of alleged conduct by Respondent;
15. discuss the Complainant's expressed preference for the manner of resolution and any barriers to proceeding (e.g., confidentiality concerns);
16. explain the University's policy prohibiting retaliation and how to report acts of retaliation; and
17. determine the age of the Complainant; and if the Complainant is a minor, make the appropriate report of suspected abuse consistent with the University's [Reporting Expectations Policy](#)
18. determine whether the allegations would prompt an evaluation of NSF notification and reporting requirements.

If the allegations in the report would not, if true, rise to the level of Sexual Harassment as defined in this Policy, the Title IX Coordinator may nevertheless continue to offer Supportive Measures. If the reported conduct, if true, would constitute Sexual Harassment under this Policy but took place outside the University's Programs or Activities, the Title IX Coordinator has the discretion to determine whether to proceed under the procedures set forth in this Policy (based on the factors discussed in the Scope and Jurisdiction section above) or refer to another University office for review and resolution.

The intake assessment will be conducted promptly, with the timeframe for the intake assessment tailored to the context and circumstances. The University will seek to complete the intake assessment within 10 Business Days, but recognizes that there may be circumstances in which this assessment takes longer.

## **Supportive Measures**

Supportive measures are non-disciplinary, non-punitive individualized services, accommodations, and other assistance that the University may put in place, without fee or charge, after receiving notice of possible Sexual Harassment. Supportive Measures are designed to restore or preserve access to the University's education programs and activities and protect the safety of all parties and the University's educational environment while not being punitive in nature or unreasonably burdening any party. Whether a possible Supportive Measure for one party would unreasonably burden another party is a fact-specific determination that considers the nature of the educational programs, activities, opportunities, and benefits in which an individual is participating.

1. Upon receipt of a report of Sexual Harassment, the Title IX Coordinator, will contact a Complainant to:
  - a. discuss the availability of Supportive Measures

- b. explain that Supportive Measures are available with or without the filing of a Formal Complaint.
2. The Title IX Coordinator will consider the Complainant's wishes with respect to implementation of Supportive Measures.
3. Reasonable and appropriate Supportive Measures are also available to the **Respondent**. The University may provide reasonable Supportive Measures to third parties as appropriate and available, considering the role of the third party and the nature of any contractual relationship with the University.
4. To determine the appropriate Supportive Measure(s) to be implemented, the University conducts an individualized assessment based on the unique facts and circumstances of each situation. The University will consider a number of factors, including:
  - a. the needs of the individual seeking supportive measures;
  - b. the severity and/or pervasiveness of the alleged conduct;
  - c. any continuing effects on the parties;
  - d. whether the Complainant and the Respondent share the same residence hall, academic course(s), or job location(s); and
  - e. whether court proceedings have been used to protect any parties (e.g., protective orders).
5. The University will work in good faith to implement the requirements of judicially issued protective orders and similar orders, to the extent that doing so is within its authority.
6. The Title IX Coordinator is responsible for ensuring the implementation of Supportive Measures and coordinating the University's response with the appropriate offices on campus. The Title IX Coordinator has the discretion to impose and/or modify any Supportive Measure based on all available information and is available to meet with a Complainant or Respondent to address any concerns about the provision of Supportive Measures.
7. The University will maintain the privacy of any Supportive Measures provided under this Policy to the extent that maintaining such confidentiality would not impair the University's ability to provide the Supportive Measures, and the University will promptly address any violation of a Supportive Measure.

### **Supportive Measures may include:**

1. facilitating access to counseling and medical services;
2. guidance in obtaining a sexual assault forensic examination;
3. assistance in arranging rescheduling of exams and assignments and extensions of deadlines;
4. academic support;
5. assistance in requesting long-term academic accommodations through Disability Support Services (DSS) if the individual qualifies as an individual with a disability;
6. change in class schedule, including the ability to transfer course sections or withdraw from a course;
7. allowing either a Complainant or a Respondent to drop a class in which both parties are enrolled in the same section without penalty;
8. changes in the Complainant's or Respondent's University work schedule or job and/or leadership assignments;
9. change in campus housing;
10. escort and other safety planning steps;
11. mutual "no contact directive," an administrative remedy designed to curtail contact and communications between two or more individuals;
12. voluntary leave of absence;
13. referral to resources to assist in obtaining a protective order;
14. referral to resources to assist with any financial aid, visa or immigration concerns;
15. limiting an individual's access to certain University facilities or activities; and/or

16. any other remedial measure, as appropriate, that is non-disciplinary, non-punitive, and does not unreasonably burden any party's access to the University's education programs and activities.

The University may also impose an administrative leave (on either a paid or unpaid basis) for an employee following a Formal Complaint and during the pendency of a resolution process. The decision to impose an administrative leave may be made at any point in the process.

### **Emergency Removal**

The Title IX Coordinator, in consultation with other University employees as appropriate, retains the right to remove a Respondent from the University's Program or Activities on an emergency basis. A Respondent may be removed on an emergency basis when, based on an individualized safety and risk analysis, the University determines that an immediate threat to the physical health or safety of any individual arising from the allegations of Sexual Harassment justifies removal. A Respondent who is subject to emergency removal from the University's Programs and Activities will be provided notice and an opportunity to challenge the decision promptly following the removal.

### **Advisor of Choice**

During intake, and throughout this Policy's procedures, each party has the right to consult with an advisor of their choosing, including but not limited to, an attorney. Each party may be accompanied by no more than one advisor to a meeting or proceeding related to the resolution of a report under this Policy. The advisor may provide support and advice to the parties at any meeting and/or proceeding. Other than at a live hearing for the sole purpose of conducting any cross-examination, an advisor may not speak on behalf of a party or otherwise participate in, or in any manner delay, disrupt, or interfere with meetings and/or proceedings. The University will not unduly delay the scheduling of meetings or proceedings based on an advisor's unavailability. An advisor may be asked to meet with a University administrator in advance of any proceedings to understand the expectations of the role, privacy considerations, and appropriate decorum.

### **Initiating a Formal Complaint**

Formal Complaints alleging a violation(s) of this Policy may be resolved using the Title IX Sexual Harassment and Related Conduct Resolution Procedure.

## **Appendix A: Privacy, Confidentiality & Record Keeping**

### **Privacy**

Privacy refers to the discretion that will be exercised by the University, including the Title IX Office, in the course of any process under this Policy. Information related to a report of Sexual Harassment will be handled discreetly and shared with a limited circle of University employees or designees who need to know in order to assist in the assessment, investigation, resolution of the report, and related issues. Individuals will receive training on how to safeguard private information. The University will make reasonable efforts to investigate and address reports of Sexual Harassment under this Policy, and information may be disclosed to participants in the resolution process as necessary to facilitate the thoroughness and integrity of the resolution process. In all such proceedings, the University will maintain the privacy of the parties to the extent reasonably possible. The privacy of student education records will be protected in accordance with the University's Policy on the Privacy of Student Records, the Family Educational Rights and Privacy Act (FERPA), and Title IX. Access to an employee's personnel records is also governed by university policy and by applicable local laws.

### **Confidentially**

Confidentiality refers to the statutory protections provided to individuals who disclose information in legally protected or privileged relationships, including professional mental health counselors, medical professionals, and ordained clergy. These professionals must maintain the confidentiality of

communications disclosed within the scope of the provision of professional services and they may not disclose the protected information to any third party without the individual's permission or unless permitted or required consistent with ethical or legal obligations. Similarly, medical and counseling records cannot be released without the individual's permission or unless permitted or required consistent with ethical or legal obligations.

## **Clery Act Reporting**

Pursuant to the Clery Act, the University includes statistics about certain offenses in its daily crime log and annual security report and provides those statistics to the United States Department of Education in a manner that does not include any personally identifying information about individuals involved in an incident. The Office of Safety and Security makes the crime log for open to public review during normal business hours for the most recent 60 day period. Any portion of the crime log beyond 60 days, if not immediately available, will be made accessible within two business days of a request for public inspection. The University's student newspaper, The Falcon, publishes a crime blotter on a regular basis. The Clery Act also requires the University to issue timely warnings to the University community about certain crimes that have been reported and may continue to pose a serious or continuing threat to campus safety. Consistent with the Clery Act, the University withholds the names and other personally identifying information of complainants when issuing timely warnings to the University community. Some Confidential Resources (see Appendix C) are required to submit non-personally identifiable information about Clery reportable crimes to the Office of Safety and Security.

## **Record Keeping**

The University will maintain for a period of at least seven years records of:

1. Each Sexual Harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under 34 CFR 106.45, any disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant designed to restore or preserve equal access to the University's education program or activity;
2. Any appeal and the result therefrom;
3. Any informal resolution and the result therefrom; and
4. All materials used to train the Title IX Coordinator, any Deputy Title IX Coordinator, Investigators, Decision Makers, Appeal Reviewers, and Informal Process Facilitators.

The University will make the training materials used to train the Title IX Coordinator, any Deputy Title IX Coordinator, Investigators, Decision Makers, Appeal Reviewers, and Informal Process Facilitators publicly [available on its website](#). Regardless of whether a Formal Complaint is filed, in each case that the University is required to respond to a report of Sexual Harassment under Title IX and 34 CFR 106.44, the University will create, and maintain for a period of seven years, records of any actions, including any Supportive Measures, taken in response to a report or Formal Complaint of Sexual Harassment. In each instance, the University will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the University's education program or activity. If the University does not provide a Complainant with Supportive Measures, then the University will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the University in the future from providing additional explanations or detailing additional measures taken.

The University may also include information in an employee's personnel file or other employment records regarding any allegations of Sexual Harassment and any findings made at the conclusion of a grievance procedure. The University has no obligation to provide access to records or copies of records to any person, unless the law or a University policy gives a person such right. Requirements in this Policy to

provide access to evidence to the parties or their advisors will only apply while a Formal Complaint proceeding is in process, unless otherwise required by law.

## **Appendix B: Campus, Community, and Emergency Resources;**

### **Confidential Resources**

The University offers resources and assistance to impacted members of the University community regardless of whether the University ultimately determines that Sexual Harassment occurred. The University may also assist those individuals in identifying and contacting external law enforcement agencies and community resources. The University encourage the development of a network of support, such as friends and family, and the utilization of campus resources such as the following:

#### **On-campus resources:**

- Office of Safety and Security: 206-281-2911 (for safety, security, and transportation)
- Office of Student Life: 206-281-2481 (for guidance about academics and on-campus housing)
- Human Resources: 206-281-3809 (for faculty/staff employment, leave, and accommodations)
- Office of International Student Services: 206-281-2550 (for visa/immigration)
- Office of Disability Support Services: 206-281-2475 (student disability accommodations)

### **Confidential Resources**

Confidential Resources will not disclose personally identifying information about you to the Title IX Coordinator without your permission. Some Confidential Resources can maintain the confidentiality of communications under applicable law as discussed in the Confidentiality section of Appendix B. Speaking with a Confidential Resource who is acting within the scope of their employment about Sexual Harassment will not constitute a report to the University or law enforcement.

#### **Confidential resources at SPU include:**

- [Student Counseling Center](tel:206-281-2657): 206-281-2657 (for counseling and mental health - undergraduate students only).
- [Student Health Services](tel:206-281-2231): 206-281-2231 (for medical and health care).
- [Employee Assistance Program](tel:888-293-6948): Customer Service (888) 293-6948.
- [University Ministries](tel:206-281-2966): 206-281-2966.

#### **Off-campus resources are also available. Please confirm confidentiality with individual providers:**

- King County Sexual Assault 24-Hour Resource Center: 888-998-6423, [kcsarc.org](http://kcsarc.org). KCSARC can assist with crisis response, advocacy, legal advocacy, and other support.
- Rape Abuse and Incest National Network (RAINN): 800-656-HOPE, [rainn.org](http://rainn.org).
- Harborview Center for Sexual Assault & Traumatic Stress: 206-744-1600, [depts.washington.edu/hcsats](http://depts.washington.edu/hcsats)
- Sexual Violence Law Center: 206-832-3632 (or 1-888-998-6423), [svlawcenter.org](http://svlawcenter.org). SVLC provides services for survivors including legal representation, consulting, resources, and referrals.
- Male Survivor: [malesurvivor.org](http://malesurvivor.org)
- 1in6: [1in6.org](http://1in6.org)
- Abused Deaf Women's Advocacy Services: 206-812-1001, [adwas.org](http://adwas.org)
- API Chaya: multilingual, culturally relevant survivor support: 877-922-5292, [apichaya.org](http://apichaya.org)

## **Medical Treatment and Preservation of Evidence**

Regardless of whether a report is filed with local law enforcement, individuals should preserve all evidence that could be relevant to any criminal charges that may be brought or that might be needed to obtain a protection order. In general, "evidence" is anything that can help prove that an incident of sexual misconduct occurred. Evidence can vary depending on the incident. For example, evidence of stalking may include emails, texts, or other examples of such unwanted communications - in this case, be sure to keep copies of all such messages.

Individuals who have been subjected to sexual assault are encouraged to obtain a physical examination by a Sexual Assault Nurse Examiner (SANE) as soon as possible. Before obtaining a SANE or SAFE examination, individuals should avoid showering, washing, changing clothes, combing hair, drinking, eating or altering their physical appearance. Even if a SANE exam or SAFE is not sought, all victims of violence should consider obtaining medical attention so that any issues relating to possible injury or disease from the incident may be addressed. For victims assaulted in Washington State, the medical forensic exam, evidence collection and post assault lab work and medications are billed to the Washington Crime Victims Compensation Program. These services are paid for regardless of whether a victim makes a report to law enforcement or chooses to participate in the criminal justice system.

## **Appendix C: Balancing Complainant Autonomy with University**

### **Responsibility to Investigate**

The Title IX Coordinator may proceed with an investigation even if a Complainant specifically requests that the matter not be pursued and declines to file a Formal Complaint. The Title IX Coordinator may decide to sign a Formal Complaint and initiate an investigation of potential violations of this Policy even absent a formal report or identified Complainant or Respondent and even if a report has been withdrawn. In such circumstances, the Title IX Coordinator will take into account a Complainant's articulated concerns, the safety of the campus community, fairness to all individuals involved, and the university's obligations under Title IX. The Title IX Coordinator will balance a Complainant's request that a matter not be pursued against the following factors in reaching a determination on whether the request can be honored:

- the totality of the known circumstances;
- the nature and scope of the alleged conduct, including whether the reported behavior involves the use of a weapon;
- the respective ages and roles of the Complainant and Respondent;
- the risk posed to any individual or to the campus community by not proceeding, including the risk of additional violence;
- whether there have been other reports of other Sexual Harassment or other misconduct by the Respondent;
- whether the report reveals a pattern of misconduct related to Sexual Harassment (e.g., illicit use of drugs or alcohol) at a given location or by a particular group;
- a Complainant's interest in the university not pursuing an investigation or resolution process and the impact of such actions on the Complainant; • whether the university possesses other means to obtain relevant evidence;
- fairness considerations for both the Complainant and the Respondent;
- the university's obligation to provide a safe and non-discriminatory environment; and
- any other available and relevant information.

## **Determination that a Complainant's request(s) can be honored**

Where the Title IX Coordinator determines that a Complainant's request(s) that a matter not be pursued can be honored, the University may nevertheless take other appropriate steps to eliminate the reported conduct, prevent its recurrence and remedy its effects on the Complainant and the University community. Those steps may include offering appropriate Supportive Measures, providing targeted training and prevention programs, and/or providing or imposing other remedies. The Title IX Coordinator may also reopen a Formal Complaint if any new or additional information becomes available, and/or if the Complainant later decides that they would like to file a Formal Complaint. The Title IX Coordinator will also document the decision to not file a Formal Complaint, explaining why the University determined that it did not need to proceed with the resolution process.

## **Determination that a Complainant's request(s) cannot be honored**

In those instances when the Title IX Coordinator determines that the University must proceed with an investigation despite a Complainant's request that it not occur, the Title IX Coordinator will notify the Complainant that the University intends to initiate an investigation. Where a report of Sexual Harassment is involved, the Title IX Coordinator will sign a Formal Complaint to begin the investigative process. The Title IX Coordinator will also document the decision to file a Formal Complaint, explaining why the university determined that it must proceed with the resolution process.

The Complainant is not required to participate in the investigation or in any of the actions taken by the University. However, while the Complainant may choose not to participate in the resolution process initiated by the Title IX Coordinator's signing of a Formal Complaint, the Complainant will still be treated as a party entitled to inspect and review evidence and to receive all notices, including the notice of allegations, the notice of hearing, and the notice of outcome.

The University's ability to investigate and respond fully to a report may be limited if a Complainant declines to participate in an investigation. In all cases, the final decision on whether, how and to what extent the University will conduct an investigation and whether other Supportive Measures will be taken in connection with a report of Sexual Harassment will be made in a manner consistent with this Policy.

## **Appendix D: Sexual Violence: Risk Reduction Tips**

Risk reduction tips can often take a victim-blaming tone, even unintentionally. Only those who commit sexual violence are responsible for those actions. We offer the tips below with no intention to victim-blame, but rather with recognition that these suggestions may nevertheless help individuals reduce their risk of experiencing a non-consensual sexual act. Below, suggestions to avoid committing a non-consensual sexual act are also offered:

- 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 affirmative responsibility for your alcohol intake/drug use, and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
- Give thought to sharing your intimate content, pictures, images, and videos with others, even those you may trust. If you do choose to share, clarify your expectations as to how or if those images may be used, shared, or disseminated.
- Take care of your friends and ask that they take care of you. Real friends will challenge you if you are about to make a mistake. Respect them when they do.

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 misconduct:

- Clearly communicate your intentions to sexual partners 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 others are attracted to you; about how far you can go; or about whether potential partners are physically and/or mentally able to consent. Consent should be affirmative and continuous. 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 the person. Individuals may not have figured out how far they want to go with you yet. You must respect the timeline for sexual behaviors with which each person is comfortable.
- Don't take advantage of someone's drunkenness or altered state, even if the person willingly consumed alcohol or substances.
- Realize that your potential partner could feel intimidated or coerced by you. You may have a power advantage simply because of your gender or physical presence. Don't abuse that power.
- Do not share intimate content, pictures, images, and videos that are shared with you.
- Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.
- Silence, passivity, or non-responsiveness cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

**Definition of Terms**

Term	Definition
Business Day	means any day other than a Saturday, Sunday, or University holiday. For this purpose, "University holiday" means those holidays scheduled on the University's master calendar when the University's administrative offices are closed for business. If a particular stage in this Policy or corresponding Procedure is required to be completed within a prescribed number of days, then the day that includes the event that starts the time period will not be counted, but the last day of the time period will be counted. Any action required by the end of any time period must be completed by 5 pm on the last day of the period.
Complainant	an individual who is alleged to have experienced Sexual Harassment.
Course of Conduct	Course of conduct means, in the context of Stalking, two or more acts, including but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, devise, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
Formal Complaint	a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the University investigate the allegation of Sexual Harassment.

Term	Definition
Respondent	an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.
Standard of Evidence	The Decision Maker (and, if applicable, the Appeal Reviewer) will make a decision using a preponderance of the evidence standard (that is, whether a finding is more likely than not). This standard of evidence will apply for all determinations regarding Formal Complaints under this Policy, whether against students or employees.
Substantial Emotional Distress	Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
University Programs or Activities	means any operation of the University, including: (1) locations, events, or circumstances where the University exercised substantial control over both the Respondent and the context in which the sexual harassment occurs; and (2) any building owned or controlled by a student organization officially recognized by the university.
Violence	Violence means, in the context of Dating Violence and Domestic Violence, the use of, or threatened use of, physical force with intent, effect, or reasonable likelihood of causing pain, harm, injury or damage to any person or property.

- Related Policies and Procedures  
[Title IX Sexual Harassment and Related Conduct: Resolution Procedure](#)

## **EXHIBIT B: TITLE IX SEXUAL HARASSMENT AND RELATED CONDUCT: RESOLUTION PROCEDURE (AS OF 9-29-23)**

### **Statement and Purpose**

The University's grievance procedures are intended to provide a prompt, fair, and impartial resolution of complaints. The purpose of this Procedure is to provide an internal resolution process for Formal Complaints of prohibited forms of sexual harassment, including sexual assault, domestic violence, dating violence, and stalking as defined in the Title IX Sexual Harassment and Related Conduct Policy.

This Procedure is intended to satisfy the requirements imposed by Title IX and 34 CFR 106.45 with respect to Formal Complaints of Title IX Sexual Harassment, as defined in 34 CFR 106.

*Certain terms in this procedure are defined at the Title IX Sexual Harassment and Related Conduct Policy*

### **Entities Affected By This Procedure**

This Procedure applies to all students, staff, faculty, volunteers, and other individuals participating in or seeking to participate in the University's programs or activities, including education and employment.

### **Reason for Procedure**

Where a Complainant seeks to utilize this Procedure for resolving allegations that SPU's Title IX Sexual Harassment and Related Conduct Policy (hereafter "the Policy") has been violated, a Complainant may file a written Formal Complaint with the Title IX Coordinator in person, by mail, by email, or other means. The Formal Complaint must contain the Complainant's physical or digital signature or otherwise indicate that the Complainant is the person filing. At the time a Formal Complaint is filed, the Complainant must be participating in or attempting to participate in the University's Programs or Activities in order for the Formal Complaint to trigger these resolution procedures. If at the time a Formal Complaint is filed the Complainant is not participating or attempting to participate in the University's Programs or Activities, the Title IX Coordinator has the discretion to determine whether the Complaint may be investigated, or otherwise resolved according to this Procedure.

The Title IX Coordinator also has discretion to file a Formal Complaint even if the Complainant chooses not to participate in the process and/or does not wish to file a complaint. When making this decision, the Title IX Coordinator will balance the wishes of the Complainant with the University's responsibility to investigate. For more information on what is considered in this decision please see Appendix C of the Policy. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party to the resolution processes. The Title IX Coordinator's decision to sign a Formal Complaint is not a basis to assert that the Title IX Coordinator is biased toward the Respondent, or respondents generally.

Upon the filing of a Formal Complaint, whether by a Complainant or the Title IX Coordinator, the University will proceed with one of the following options:

1. Proceed with an investigation under the formal resolution process;
2. Proceed with alternative resolution; or
3. Refer the matter to another University office for resolution, as appropriate, if the Title IX Coordinator determines that a Formal Complaint filed by a Complainant is outside the scope and jurisdiction of the Policy.

### **Possible Dismissal of Formal Complaints**

If the Formal Complaint sets forth allegations that, if true, would 1) not allege Title IX Sexual Harassment as defined in the Policy, 2) did not occur in the University's Programs or Activities, or 3) did not occur against a person who is participating in, or attempting to participate in a University Program or Activity, and/or 4) did not occur in the United States, then the Title IX Coordinator will dismiss the Formal Complaint for Title

IX purposes. Despite dismissal of the Formal Complaint for purposes of Title IX, the Title IX Coordinator has discretion to continue to investigate and adjudicate a Formal Complaint in accordance with this Procedures if the alleged conduct meets the definition of one or more forms of prohibited sexual harassment and otherwise occurred within the scope and jurisdiction of the Policy. In such cases, the formal resolution process will include a comprehensive investigation and a written determination by a Decision Maker; however, a Title IX hearing with cross-examination by advisor is not required. See sections 3 and 4 for more details.

In addition, the Title IX Coordinator may exercise discretion to dismiss a Formal Complaint under the Policy if at any time during the investigation or resolution process:

1. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint (or allegations asserted in the Formal Complaint);
2. The Respondent is not enrolled or employed by the University; or
3. Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint.

If a Formal Complaint, or allegations therein, are dismissed for any of these reasons, the Title IX Coordinator will promptly send written notice of the dismissal and reason(s) for the dismissal simultaneously to the parties, along with information about how to appeal the Title IX Coordinator's decision.

If the Title IX Coordinator dismisses the Formal Complaint for purposes of Title IX but elects to continue to investigate the conduct in accordance with this Procedure, the Title IX Coordinator will promptly send written notice of this decision simultaneously to the parties, including notice of the decision to move forward with the Formal Complaint, notice of and reasons for the dismissal for purposes of Title IX, and information about how to appeal the Title IX Coordinator's decision to dismiss the Formal Complaint for purposes of Title IX.

### **Consolidation of Allegations into a Single Formal Resolution**

The Title IX Coordinator has the discretion to consolidate multiple Formal Complaints, or allegations related to those complaints, into a single investigation and/or hearing if the allegations arise out of similar facts or circumstances. Consolidation might involve multiple Complainants and a single Respondent, multiple Respondents, or multiple Formal Complaints between the same Complainant and Respondent.

### **Written Notice of Allegations**

Upon receipt of a Formal Complaint, and a determination that the Formal Complaint is within the scope and jurisdiction of this Policy, the Title IX Coordinator will send the parties a written Notice of Allegations that contains the following:

1. Notice and information about the formal resolution and alternative resolution processes used by the University;
2. Notice of the allegations of prohibited conduct, providing sufficient detail known at the time and sufficient time for a response to be prepared before any initial interview, including:
  - a. identities of the parties, if known;
  - b. the conduct allegedly constituting sexual harassment, sexual assault, domestic violence, dating violence or stalking;
  - c. the date and location of the alleged incident, if known; and
  - d. the Policy provisions the conduct is alleged to violate;
3. A statement that the Respondent is presumed not responsible for violations of the Policy until a determination regarding responsibility is made at the conclusion of the formal resolution process;

4. Notice that each party may have an advisor of their choice who may be, but is not required to be, an attorney and who may inspect and review evidence;
5. Notice that the University prohibits knowingly making false statements and knowingly submitting false information during the resolution process; and
6. The University's prohibition against retaliation.

If at any time during the resolution procedures the University determines that additional allegations, not contained in the written Notice of Allegations, will be investigated as part of the same resolution, the University will provide the parties with a supplemental Notice of Allegations.

## **Options for Resolving a Formal Complaint**

The University is committed to providing a prompt, thorough, equitable, and impartial resolution of all Formal Complaints of violations of the Policy. In doing so, the University offers two processes to resolve Formal Complaints of Sexual Harassment:

1. a formal resolution, involving an investigation and, if applicable, a hearing; or
2. an alternative resolution, allowing for an informal or remedies-based option for resolving reports.

## **Formal Resolution: Investigation**

The Title IX Coordinator will appoint one or more investigators to assist in investigating the Formal Complaint. An investigator may be a University employee or a third party engaged by the University. The investigator will conduct a prompt and equitable investigation to gather information relevant to the Formal Complaint.

During the formal resolution proceedings, both the Complainant and Respondent have equitable opportunities, including the opportunity to participate in the investigation; to review and present information and evidence; to be accompanied by an advisor of their choice to any meeting and proceeding; and to timely notice of meetings at which their presence will be requested or required.

The investigator, not the parties, is responsible for gathering relevant evidence. The Complainant and Respondent will be asked and have the opportunity to identify witnesses and provide other relevant information, such as documents, communications and other evidence, if available. The parties are encouraged to provide all relevant information as promptly as possible to facilitate prompt resolution and are encouraged to preserve relevant evidence. In the event that a party declines to voluntarily provide material information, the university's ability to conduct a prompt, thorough and equitable investigation may be impacted.

The investigator will receive annual training on: (1) issues of relevance; (2) the definition of sexual harassment provided in the Policy; (3) the scope of the University's programs or activities; (4) how to conduct an investigation; and (5) how to serve impartially, including by avoiding prejudice of the facts at issue, conflicts of interest, and bias. The investigator will be impartial and free from conflict of interest or actual bias for or against the Complainant or Respondent and complainants or respondents generally.

## **Initiating the Investigation**

Before any interview, the individual being interviewed will be informed in writing of the date, time, location, participants, and purpose of the interview. Such notice will be provided with sufficient time for the individual to prepare for the interview.

## **Investigative Steps**

During an investigation, the investigator will seek to meet separately with the Complainant, Respondent, and relevant witnesses. Witnesses are individuals who may have information relevant to the incident,

including individuals who may have observed the acts in question, may be able to provide contextual information, or may have other information related to the incident, the disclosure, the parties or related matters. Witnesses may not participate solely to speak about an individual's character. Where witnesses are interviewed as part of the investigation, the name of the witness and the information gathered in the interviews will be included in the final investigative report, which the parties will have the opportunity to review at the conclusion of the investigation. The investigators may record interviews with the consent of the interview participants. The investigator will also gather other relevant information or evidence, including documents, photographs, communications between the parties, medical records (subject to the consent of the applicable person), and other electronic records as appropriate.

## **Social Media and Personal Communications**

While the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the University and not on the parties, the University does not actively monitor online sources. Therefore, and as with all potentially relevant information, the Complainant, Respondent and witness should bring online information to the attention of the investigator if they believe it is relevant. The investigator may also consider information accessible from online sources that comes to the attention of investigator.

The investigator may consider communications involving or relating to one or both parties that either party brings to the attention of the investigator or that is provided by the parties in response to a request by the investigator. The investigator may also seek to review information stored on University devices or servers, consistent with the University's technology policies.

## **Other Evidence: Site Visits and Experts**

The investigator may visit relevant sites or locations and record observations through written, photographic, or other means. In some cases, the investigator may consult with relevant experts when deemed appropriate and necessary by the University. The University will not consider polygraph results as relevant.

## **Medical and Counseling Records**

In general, a person's medical and counseling records are confidential and not accessible to the investigator unless the person voluntarily chooses to share those records with the investigator in writing. In those instances, information from those records that is relevant or directly related to the allegations must be shared with the other party.

### **Prior or Subsequent Conduct**

Prior or subsequent conduct may be considered in determining pattern, knowledge, intent, or motive. For example, evidence of an articulable pattern of prohibited conduct by the Respondent, either before or after the incident in question, regardless of whether there has been a prior finding of a Policy violation, may be deemed relevant to the determination of responsibility for the allegations under investigation. The determination of relevance of pattern evidence will be based on an assessment of whether the previous or subsequent conduct was substantially similar to the allegations. The investigator will determine the relevance of this information, which may involve additional investigative steps, and both parties will be informed if evidence of prior or subsequent conduct is deemed relevant.

### **Prior Sexual History**

The sexual history of the Complainant will never be used to prove character or reputation. Evidence related to the prior sexual history is generally not used in determining whether a violation of the Policy has occurred and will only be considered when a determination is made that it is directly relevant to the investigation. For example, if Consent is at issue, the sexual history between the parties may be relevant to determine the nature and manner of communications between the parties, which may inform the determination whether Consent was sought and reasonably appeared to have been given during the

incident in question. As set forth in the Consent definition, even in the context of a relationship, Consent on one occasion does not constitute Consent on a subsequent occasion. In addition, prior sexual history may be relevant to prove that someone other than the Respondent committed the conduct alleged by the Complainant. The investigator will determine the relevancy of this information and both parties will be informed if evidence of prior sexual history is deemed relevant.

## **Impact and Mitigation Statements**

Complainants and Respondents may voluntarily submit a written impact or mitigation statement. The University will not draw any adverse inference solely from a Complainant's or Respondent's decision to submit or not submit an impact or mitigation statement.

An impact statement is written information from the Complainant regarding how the alleged Sexual Harassment has affected them and the Complainant's views on their desired outcome. A mitigation statement is written information from the Respondent regarding any potential mitigating factors.

Parties will receive a copy of the impact or mitigation statement provided by the other party.

## **Relevance**

The investigator will review all information identified or provided by the parties and will determine the relevancy of the information developed or received during the investigation. In general, the investigator will not consider statements of personal opinion or statements as to any party's general reputation..

## **Expectations of the Parties**

The University expects all members of the University community to cooperate fully with the University's procedures for resolving a Formal Complaint. It is understood that there may be circumstances in which a Complainant or Respondent wish to limit their participation, and the University will respect the choice of the Complainant or Respondent as to how to engage in the process. The University may, however, move forward with an investigation and resolution without the participation of a party or parties.

If a Complainant or Respondent chooses not to answer any or all questions in an investigation for any reason, the University will continue its process. The University will not draw any adverse inference solely from a Complainant's or Respondent's decision not to participate in the investigation or alternative resolution; however, the Complainant or Respondent should be aware that declining to participate in the investigation may impact the timing and outcome of the case.

Parties are reminded that any form of retaliation, including intimidation, threats of violence, or other conduct intended to cause a party or witness to not participate in an investigation or not appear for a hearing are expressly prohibited.

## **Timing of Investigation**

The investigator (or Title IX Coordinator) will provide periodic updates to the parties about the status of the investigation, with a goal to complete the fact-gathering portion of the investigation within approximately 50 Business Days.

## **Review of the Evidence**

At the conclusion of the fact-gathering portion of the investigation, the Complainant and Respondent will have an equal opportunity to inspect and review all evidence, both inculpatory and exculpatory, obtained as part of the investigation that is directly related to the allegations in the Formal Complaint, regardless of whether the University intends to rely on that evidence in reaching a determination.

The evidence will be made available to the Complainant and the Respondent, and each party's advisor, if any. The evidence subject to the parties' inspection and review will be available at the live hearing and each party will have an equal opportunity to refer to such evidence during the hearing.

Each party will have ten (10) Business Days to:

1. provide written comment or feedback,
2. submit additional information,
3. identify additional witnesses, and/or
4. request the collection of other information by the investigator.

The investigator will determine the appropriateness of additional investigative steps and the relevance of additional information. If either party provides a written response or makes a request for additional investigation, the written response and any additional information gathered by the investigator will be shared with the other party and incorporated as appropriate in the final investigative report.

Any information gathered through additional investigation steps will be shared with both parties, and, as appropriate, each will have the opportunity for further response. Typically, each party will have three (3) Business Days to review any additional substantive information.

As necessary, the investigator will designate reasonably prompt timeframes to ensure a timely completion of the process while also providing an adequate opportunity for both parties to respond thoroughly to the information gathered during the investigation.

## **Investigative Report**

Unless there are significant additional investigative steps requested by the parties or identified by the investigator, normally within ten (10) Business Days after receipt and consideration of additional comments, questions, and/or information from the parties, the investigator will prepare a final investigative report that fairly summarizes the relevant evidence. At least ten (10) Business Days prior to a hearing, the investigator (or Title IX Coordinator) will provide each party and each party's advisor, if any, access to the investigative report for their review and optional written response. Both parties will receive simultaneous written notification of the availability of the final investigative report. Parties must provide their written response to the final investigative report, if any, to the Title IX Coordinator at least two (2) Business Days prior to the scheduled hearing. In the absence of good cause, information known to a party (or obtainable with reasonable diligence) but not provided to the investigator before the hearing will not be considered by the Decision Maker in determining responsibility for the allegation(s).

If a Title IX hearing is not required, the investigator (or Title IX Coordinator) will provide each party and each party's advisor, if any, access to the investigative report for their review and optional written response. Both parties will receive simultaneous written notification of the availability of the final investigative report. Parties must provide their written response to the final investigative report, if any, to the Title IX Coordinator within 10 Business Days. In the absence of good cause, information known to a party (or obtainable with reasonable diligence) but not provided to the investigator during the investigation will not be considered by the Decision Maker when making a determination of responsibility after the conclusion of the hearing.

## **Formal Resolution: Title IX Hearing**

If the allegations of the Formal Complaint are consistent with Title IX Sexual Harassment definitions and jurisdiction, a hearing will be scheduled consistent with [section 3](#) of this Procedure. If the allegations do not include allegations of Title IX Sexual Harassment, no hearing will be required before a Decision Maker makes a written determination of responsibility. If no hearing is required, the completed investigative report, along with any responses from the parties, will be sent to the Decision Maker for the purpose of making a written determination of responsibility, consistent with [section 4](#).

## Decision Maker

The Decision Maker is the individual designated by the University to preside over the Title IX hearing, if a hearing is required, and to issue a written determination regarding responsibility. The Decision Maker will be impartial and free from actual bias or conflict of interest. The Decision Maker will receive annual training regarding the University's policies and procedures; the handling of Title IX Sexual Harassment cases; how to conduct a hearing; issues of relevance, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant; how to serve impartially by, among other things, avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and other relevant issues. The Decision Maker will also be trained on any technology that might be used during a hearing.

The Decision Maker is typically the University administrator with appointing or disciplinary authority over the Respondent:

1. If the Respondent is a faculty member, the Decision Maker will be the Provost (or the Provost's designee).
2. If the Respondent is a residential undergraduate student, then the Decision Maker will be the Director of Residence Life (or designee).
3. If the Respondent is a non-residential undergraduate student, the Decision Maker will be the Assistant Provost for Community Life (or designee).
4. If the Respondent is a graduate student, the Decision Maker will be the Vice Provost for Academic Affairs (or designee).
5. If the Respondent is an employee (other than a student employee), the Decision Maker will be the employee's Area Vice President (or designee); and
6. If the Respondent does not fit into any of the preceding categories, the Decision Maker will be an individual designated by the Title IX Coordinator.

The parties will be informed of the identity of the Decision Maker at least five (5) Business Days before the hearing, if a hearing is required. If a hearing is not required, the parties will be informed of the identity of the Decision Maker at least (5) days before the issuance of a written determination of responsibility. If the Decision Maker has concerns that they cannot conduct a fair or unbiased review, the Decision Maker must report those concerns to the Title IX Coordinator and a different Decision Maker will be assigned. Similarly, a Complainant or a Respondent who has concerns that the assigned Decision Maker cannot conduct a fair and unbiased hearing, may report those concerns to the Title IX Coordinator who will assess the circumstances and whether a different Decision Maker should be assigned.

## Hearing Process

1. Hearings will ordinarily be scheduled within 10 Business Days of providing the final investigative report to the parties. The Title IX Coordinator will provide written notice to the Complainant and Respondent of the hearing date, time, location, and procedures. Unless otherwise approved by the Title IX Coordinator, no one may attend the hearing unless the individual is a Complainant, Respondent, witness, advisor, or University administrator or contractor who has a role in conducting the hearing.
2. Live hearings may be conducted with all parties physically present in the same geographic location or, at the Decision Maker's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other. In addition, at the request of either party, the University will provide for the live hearing to occur with the parties located in separate rooms with technology enabling the Decision Maker and parties to simultaneously see and hear the party or the witness answering questions.
3. If an individual who is asked to attend the hearing does not appear at the scheduled hearing, then at the discretion of the Title IX Coordinator, the hearing may be rescheduled, or may continue in the individual's absence (in which case, at the discretion of the Title IX Coordinator, a follow-up hearing

may be scheduled). In making a determination, the Title IX Coordinator will consider the importance of the individual's participation, availability of the parties, the reason the individual did not attend, and other relevant factors.

4. The live hearing will be facilitated by the Decision Maker. The Decision Maker may receive assistance from the Title IX Coordinator, the University's legal counsel or designee in conducting the hearing. The Decision Maker may question any party or witness and must also permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally. Only relevant cross-examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Decision Maker must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Responses provided to questions during the hearing may be used in determining responsibility.
5. If a party does not have an advisor present at the live hearing, the University will provide without fee or charge to that party, an advisor of the University's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.
6. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless:
  - a. 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
  - b. 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.
7. The Decision Maker has the authority to remove any advisor from the hearing who does not follow the University's hearing procedures. If a party's advisor is removed, the University will appoint an advisor to conduct cross-examination of the other party and witnesses.
8. The University will create a recording of any live hearing and make the transcript available to the parties for inspection and review.
9. In general, no additional investigation will be performed after a live hearing. However, if a Decision Maker determines that additional investigation should be performed, each party will be provided with an opportunity to review the additional evidence. Each party will have five (5) Business Days to provide a written response regarding the new evidence once the new evidence is made available to the party, and the investigator will add an addendum to the investigator's report, which will be shared with both parties. The Decision Maker and Title IX Coordinator will schedule an additional live hearing to address the new evidence.

## **Written Notice of Outcome, including Remedies and/or Sanctions**

The University's Formal Resolution process is designed to determine whether there has been a violation of the Policy and identify and implement a tailored and individual response intended to eliminate prohibited forms of sexual harassment, prevent its recurrence, and remedy its effects while supporting the University's educational mission and legal obligations. Remedies and sanctions may also serve to promote safety and/or deter other individuals from similar future behavior. Other remedies may include corrective action that is intended to be non-punitive, such as targeted or broad-based educational programming or training.

After the live hearing, or after the completion of the investigative process if no hearing is required, the Decision Maker will make a finding of responsibility using the preponderance of the evidence standard to determine whether it is more likely than not that the Respondent(s) violated the Policy and will issue a written notice of outcome.

Regardless of their participation in the Formal Resolution process, the Complainant and Respondent will simultaneously receive the written notice of outcome.

If the Decision Maker determines that the Respondent is responsible for violating the Policy, the Decision Maker will determine the appropriate remedies and/or sanction(s). Remedial measures and sanctions will not be imposed until any appeal process described in this Procedure is complete.

### **Sanctions and Corrective Action for Student Respondents**

- Sanctions and corrective actions for student Respondents include warning, censure, disciplinary probation, removal from University housing, suspension, expulsion, restriction from employment at the University, educational program attendance, educational project, professional assessment, removal from specific courses, activities or organizations, notification to receiving institutions (if required), withholding or delaying the conferral of a degree, prohibitions against participation in academic honor ceremonies, such as graduation, training, guidance, and measures to protect health and safety.
- Student-employees who are reported to have engaged in prohibited conduct in their employment capacity may be subject to sanctions both in connection with their employment and in connection with their student status, as appropriate under applicable processes. If a student is employed through a financial aid package, such as work study, any modification to the employment will not result in a decrease in student aid funds.

### **Sanctions and Corrective Action for Staff Respondents**

Sanctions and corrective actions for staff Respondents include oral or written warning, disciplinary probation, suspension, termination of employment, no rehire, mandatory training and/or coaching, guidance, adjustment of responsibilities, limitation on participation in University committees, events, organizations, or programs and activities, and measures to protect health and safety.

### **Sanctions and Corrective Action for Faculty Respondents**

Sanctions and corrective actions for faculty Respondents include oral or written warning, reprimand, censure, training, guidance, adjustment of supervisory, evaluative or other academic or non-academic responsibilities, measures to protect health and safety, leave, suspension, dismissal, non-reappointment, and a recommendation that proceedings be initiated to terminate tenure under section 11.6.4 of the Faculty Handbook.

### **Formal Resolution: Appeals**

The Complainant or Respondent may appeal the 1) dismissal of the Formal Complaint and 2) the written notice of outcome based on the grounds for appeal described below. Written appeals must be submitted within five (5) Business Days of receiving the applicable notice. The appeal will be conducted in an impartial manner and equivalent procedural rights will be provided to both parties throughout the process.

#### **Appeals Officer**

The appeal review will be conducted by an Appeals Officer. The Appeals Officer will be impartial and free from actual bias or conflict of interest and will receive annual training regarding the University's policies and procedures and other relevant issues.

#### **Grounds for Appeal**

A Complainant or Respondent may appeal on one or more of the following grounds:

1. There was a material deviation from the procedures that affected the outcome of the case.

2. There is new and relevant information that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter.
3. The sanction(s) was clearly inappropriate and/or disproportionate to the conduct for which the Respondent was found responsible.
4. The Title IX Coordinator, investigator(s), or Decision Maker had an actual bias or conflict of interest for or against the Complainant or Respondent, or against complainants or respondents generally that affected the outcome of the matter.

## **Process for Review**

1. The appeal shall consist of a plain, concise and complete written statement outlining the reason(s) for appeal and all relevant information to substantiate the appeal. Dissatisfaction with the outcome is not sufficient grounds for appeal. The appeal will be narrowly tailored to the stated appeal grounds.
2. Each party will be given the opportunity to review and respond in writing to the other party's appeal. Any response by a party to the other party's appeal must be submitted within three (3) Business Days of receiving the other party's appeal.
3. The Appeals Officer will review the matter based on the issues identified in the appeal(s) materials. The Appeals Officer has the authority to determine the appropriateness of evidence, including whether certain evidence should be considered, and the strength and weight that evidence will be given. The Appeals Officer will consider the final investigative report, the written notice of outcome, and any written appeal submissions by the parties. The Appeals Officer may request additional information as necessary.
4. Appeals are not intended to be a reevaluation of the facts gathered, nor may the Appeals Officer substitute their judgment for that of the investigators or Decision Maker merely because they disagree with the outcome. The finding and sanction are presumed to have been decided reasonably and appropriately, and the Appeals Officer should give deference to the underlying outcome unless there is clear error based on the stated appeal grounds.
5. Based upon its review of an appeal of a dismissed Formal Complaint, the Appeals Officer may:
  - a. Deny the appeal and uphold the dismissal; or
  - b. Grant the appeal and refer the Formal Complaint back to the Title IX Coordinator with instructions.
6. Based upon its review of an appeal of a written notice of outcome, the Appeals Officer may:
  - a. Deny the appeal and affirm the outcome;
  - b. Grant the appeal and refer the matter back for a new hearing (or review of evidence for non-Title IX complaints) with instructions;
  - c. Grant the appeal and refer the matter back to the investigative process with instructions;
  - d. Affirm the Decision Maker's findings and refer the matter to the supervisor of the Decision Maker for modification of the sanctions.

The Appeals Officer will strive to complete the appeal review within 10 Business Days of receipt of all documents. The entire appeal process, from the date the appeal is filed through the written notice of the outcome of the appeal, will ordinarily take no more than 21 Business Days. In the event good cause requires an extension of that timeframe, the University will inform the parties and provide the reasons for the extension of the timeframe. Both parties will be provided with written notice of the outcome of the appeal simultaneously. The notice will describe the result of the appeal and rationale for the Appeals Officer's decision. The determination by the Appeals Officer is final, except in cases where the Appeals Officer refers the matter for further action, as stated above.

## Alternative Resolution

1. Alternative resolution is a voluntary and remedies-based resolution that may be available after a Formal Complaint is filed. Alternative resolution requires the mutual informed written consent of all parties and the University. Alternative resolution is not available to resolve allegations that an employee sexually harassed a student.
2. Potential remedies may include targeted or broad-based educational programming or training, supported direct conversation or interaction with the Respondent, and/or indirect action by the Title IX Coordinator. Depending on the form of alternative resolution, resolutions may involve disciplinary action against a Respondent. Disciplinary action will only be imposed against a Respondent where there is a sufficient factual foundation and both the Complainant and the Respondent have agreed to forego the Formal Resolution procedures set forth in this Policy and accept an agreed upon sanction.
3. The University will not compel a Complainant or Respondent to engage in any form of alternative resolution. The decision to pursue alternative resolution may be made at any time after a Formal Complaint is filed and prior to reaching a determination regarding responsibility, provided that:
  - a. The University provides the parties a written notice informing the parties of the following: (i) the allegations; (ii) the requirements of the alternative resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; (iii) that at any time prior to agreeing to a resolution, any party has the right to withdraw from the alternative resolution process and resume the formal resolution process with respect to the Formal Complaint; and (iv) any consequences resulting from participating in the alternative resolution process, including the records that will be maintained or could be shared; and
  - b. The University obtains the parties' voluntary, written consent to engage in the alternative resolution process.
4. A completed alternative resolution agreement will not result in a substantiated finding of responsibility by a Decision Maker. Either party can request to end alternative resolution and resume formal resolution with respect to the Formal Complaint at any time prior to signing an alternative resolution agreement.
5. If the agreement reached is acceptable to all parties and the University the terms of the agreement will be implemented, and the matter will be deemed resolved and closed. If an agreement is not reached and the Title IX Coordinator determines that further action is necessary, or if a Respondent fails to comply with the terms of the alternative resolution, the matter may be referred for an investigation under the formal resolution process.
6. Where the Complainant or the Respondent withdraws from alternative resolution or alternative resolution is otherwise terminated for any reason, any statements or disclosures made by the parties to the University during the alternative resolution may be considered in a subsequent investigation under the formal resolution process, to the extent required by law.

## Alternative Resolution Timeframe

The alternative resolution process, from the date of the Formal Complaint through a final resolution, will ordinarily take between 30 Business Days. In the event good cause requires an extension of that timeframe, the University will inform the parties and provide the reasons for the extension of the time frame.

## **EXHIBIT C: DISCRIMINATION AND HARASSMENT GRIEVANCE PROCEDURE (AS OF 9-29-23)**

### **Purpose**

1. Seattle Pacific University (the “University”) is committed to maintaining an environment that is free from Discrimination and Discriminatory Harassment.
2. This grievance procedure provides an opportunity for University employees, University students, and persons who apply to be employees or students at the University (“University Applicants”) to seek appropriate action in response to Discrimination and Discriminatory Harassment committed by University employees, or Discrimination resulting from University policies, practices, or systems. The procedure is intended to provide a prompt, fair, and impartial process from the initial report to the final result. It is also intended to help the University identify and eliminate misconduct, prevent its recurrence, and address its effects.
3. Although this grievance procedure is centered on unlawful Discrimination and Discriminatory Harassment, the University may take any action it deems appropriate to address workplace-related conduct that is inappropriate, unprofessional, or otherwise in violation of University policy, regardless of whether the conduct meets the definition of Discrimination or Discriminatory Harassment.

### **Scope and Limitations**

1. This procedure applies to alleged incidents of Discrimination, and Discriminatory Harassment where the Respondent is an employee of the University; provided, however, that if allegations fell under the jurisdiction of the Title IX Sexual Harassment and Related Conduct Policy (TIX+ Policy), then the TIX+ Policy will be implicated. Concerns about possible Discrimination, and Discriminatory Harassment where the Respondent is a student will be addressed using the applicable policy in the Undergraduate Student Handbook or Graduate Student Handbook. This procedure can also be used to evaluate complaints of Discrimination that are allegedly attributable to SPU policies, practices, or systems, but are not tied to a single Respondent. In such cases, this procedure will be interpreted, modified, and applied as determined by the Process Facilitator in a manner intended to fulfill the objectives of this procedure, and such interpretations and modifications will be explained to the Complainant.
2. Any person may make a report about a concern that a University employee has engaged in Discrimination and Discriminatory Harassment. However, only University applicants, University students, and University employees may initiate a formal complaint under this grievance procedure. The University will investigate other reports as it deems appropriate, and may choose to use this grievance procedure for complaints filed by other individuals at the University's sole discretion, but is not required to follow processes described in this grievance procedure for any of the following types of complaints:
  - a. A complaint by an individual who is not a University applicant, University student, or University employee;
  - b. A complaint by an individual on behalf of another person;
  - c. A complaint against a person who used to be but is no longer a University employee; or
  - d. A complaint against a visitor, guest, vendor, or other person on campus who is not a University employee.
3. For purposes of this policy, a student employee will be treated as a student and not an employee, unless the Process Facilitator determines that there are compelling reasons for different treatment.
4. Off-campus conduct and electronic communications (including, without limitation, emails, website posts, and social media messages) may be considered when evaluating whether Discrimination and Discriminatory Harassment has occurred, and SPU reserves the right to apply this Procedure when off-campus conduct or electronic communications impact SPU personnel or operations.

5. A formal complaint under this procedure must allege one or more specific factual incidents. This procedure is not intended to prohibit or limit the free exchange of ideas presented or debated in a respectful manner.

## Definitions

For purposes of this grievance procedure, the capitalized terms listed below have the meanings identified below:

1. **Discrimination:** The term "Discrimination" means unlawfully excluding a person from participation in, denying a person the benefits of, or otherwise subjecting a person to unlawful discrimination under any University education program or activity (including academic services, employment opportunities, and academic opportunities), in each case on the basis of one or more protected categories listed in the University's Nondiscrimination Policy.
2. **Discriminatory Harassment:** The term "Discriminatory Harassment" means any unwelcome conduct that relates to one or more of the protected categories in the University's Nondiscrimination Policy where (i) enduring the offensive conduct becomes a condition of continued employment, or (ii) the conduct is severe or pervasive enough to create a work or academic environment that a reasonable person would consider intimidating, hostile, or abusive. Petty slights, annoyances, and isolated incidents (unless extremely serious) do not constitute Discriminatory Harassment. Discriminatory Harassment has both a subjective and an objective component, meaning that the Complainant subjectively found the conduct to be offensive or unwelcome, and a reasonable person in the same position as the Complainant would also (objectively) find the conduct to be offensive or unwelcome.
3. **Complainant:** The term "Complainant" means an individual who is alleged to be the victim of Discrimination or Discriminatory Harassment.
4. **Respondent:** The term "Respondent" means an individual who is alleged to be responsible for Discrimination or Discriminatory Harassment.
5. **Process Facilitator:** The "Process Facilitator" is a University official who is charged with overseeing and facilitating this grievance procedure. The Process Facilitator is assigned according to the allegations described in a report or Formal Complaint and the status of the Respondent.
  - a. The Title IX/Section 504 Coordinator or designee will oversee allegations of Discriminatory Harassment and Discrimination that are based on sex or disability.
  - b. The Assistant Vice President for Human Resources or designee will oversee allegations of Discriminatory Harassment and Discrimination that are based on any protected characteristic other than sex or disability.
  - c. The Process Facilitator may delegate certain of his or her responsibilities under this procedure to other University officials if the Process Facilitator determines that it is reasonable and consistent with the purposes of this procedure. The Process Facilitator has the authority to interpret any ambiguity in this procedure.
  - d. If a Complainant makes allegations that would result in both the Title IX/Section 504 Coordinator and the AVP of Human Resources being the Process Facilitator, then the Title IX/Section 504 Coordinator (or designee) will be the Process Facilitator. The Process Facilitator may delegate certain of his or her responsibilities under this procedure to other University officials if the Process Facilitator determines that it is reasonable and consistent with the purposes of this procedure. The Process Facilitator has the authority to interpret any ambiguity in this procedure.
6. **Decision Maker:** The "Decision Maker" is the University official who is charged with determining whether it is more likely than not that the Respondent committed Discrimination or Discriminatory Harassment as alleged in the Formal Complaint.
  - a. If the Respondent is a faculty member, then the Decision Maker will be the Provost (or the Provost's designee).

- b. If the Respondent is an employee that is not a faculty member, an Area Vice President, or the President, then the Decision Maker will be the Area Vice President that supervises the Respondent's area (or the Area Vice President's designee).
  - c. If the Respondent is an Area Vice President, then the Decision Maker will be the President (or the President's designee), and no appeal will be available to either party.
  - d. If the Respondent is the President, then the Decision Maker will be the Chair of the Board of Trustees (or the Chair's designee), and no appeal will be available to either party.
7. Area Vice President: The term "Area Vice President" means a vice president of the University with supervisory authority for a particular area. For purposes of this policy: (i) a vice provost will be considered an Area Vice President; and (ii) the Provost will be considered an Area Vice President for faculty members and other employees not supervised by any other Area Vice President.
  8. Appeal Reviewer: The "Appeal Reviewer" will be the President (or the President's designee).
  9. Business Day: The term "Business Day" means any day other than a Saturday, Sunday, or University holiday. For this purpose, "University holiday" means those holidays scheduled on the University's master calendar when the University's administrative offices are closed for business.

## Timing

1. Complaints alleging Discrimination or Discriminatory Harassment may be made at any time. However, the ability of the University to investigate and gather evidence may be constrained if a complaint is made a long time after an alleged incident. Also, if a complaint is made more than three years after an alleged incident, the University reserves the right not to follow all of steps in this procedure if the Process Facilitator believes a different response would be more appropriate. Other time periods prescribed in this policy may be lengthened in a particular case by the Process Facilitator if they determine that there is adequate cause for allowing additional time and that an extension will not have a material negative effect on the purposes of this procedure; however, a request for an extension from a party that is received after the applicable deadline has passed generally will not be granted.
2. While the length of time necessary to address a complaint will vary depending on the circumstances, in general, the University will attempt to issue a decision within 75 Business Days of receiving a formal written complaint. The Process Facilitator may permit temporary delays of grievance processes or the limited extension of time frames for good cause and with written notice to the Complainant and the Respondent (as applicable) for the delay or extension and the reasons for the action.
3. If a particular stage of a procedure in this policy is required to be completed within a prescribed number of days, then the day that includes the event that starts the time period will not be counted, but the last day of the time period will be counted. Any action required by the end of any time period must be completed by 5 pm on the last day of the period.

## Principles and Protections

1. Employment: Neither the existence of this procedure, nor filing a complaint or being named as a Respondent in a complaint, is a guarantee of ongoing employment. The University reserves the right to take any permitted employment action it deems appropriate, including but not limited to placing an employee on leave.
2. Safety: The University reserves the right to respond with whatever measures it deems appropriate to prevent misconduct and preserve the safety and well-being of its students, faculty, staff, and visitors.
3. Confidentiality:
  - a. University officials will seek to protect (as reasonably possible in the circumstances) the privacy of Complainants and Respondents. However, the University cannot guarantee the anonymity of an individual making a report or a filing a formal complaint. The University may share information provided by a Complainant, Respondent, or others to comply with

legal requirements, promote the safety of students and employees, carry out this procedure, or address operational or administrative needs of the University. The University will take all reasonable steps to investigate and respond consistent with any request for confidentiality by a Complainant, including when implementing any interim or supportive measures. If a Complainant requests that the University not take action due to confidentiality or similar concerns, the University will consider whether it should grant the request in light of the circumstances and other applicable policies, objectives, and obligations.

- b. All persons who are involved in an alternative resolution process or formal complaint process under this procedure should respect the sensitive nature of the proceeding and follow any confidentiality instructions issued by the Process Facilitator or Decision Maker. This includes but is not limited to all Complainants, Respondents, witnesses, and investigators.

4. Retaliation:

- a. The University strictly prohibits retaliation against any person who files a complaint in good faith or otherwise participates in this procedure. This includes retaliation against anyone who makes a report or files a complaint about a violation of the University's Nondiscrimination Policy; who expresses an intent to make a report or complaint; or who testifies as a witness or otherwise provides information as part of an investigation or proceeding. Retaliation can be any type of adverse or negative action taken toward a person who has filed a complaint or otherwise participated in an investigation or proceeding (however, an adverse action is not retaliatory if it was taken for some other justifiable reason). Examples of retaliation include intimidation, coercion, harassment, threats, acts of violence, acts intended to embarrass another person, unjustified demotion or reduction in pay, unjustified denial of a promotion, unjustified termination of employment, or any other action that is likely to dissuade a reasonable person from making a complaint in the future. Any employee who commits retaliation may be subject to disciplinary action, up to and including termination of employment. Any person who believes he or she has been retaliated against should contact one of the Response Team. The Process Facilitator, in their discretion, will either (a) arrange for an investigation into the alleged retaliation, after which the applicable Decision Maker will make a determination applying a preponderance of the evidence standard, or (b) coordinate with the Dean of Students for Community Life to have the alleged retaliation addressed through the Student Accountability Process (if the person accused of retaliation is a student).

5. No False Statements: The University recognizes that false statements can have serious effects. If, at the conclusion of an investigation, it is determined that a Complainant, Respondent, or witness knowingly gave false or misleading information, it may be recommended that the individual be subjected to disciplinary action which may include, but is not limited to, written warning, demotion, transfer, suspension, dismissal, expulsion, or termination. A determination regarding responsibility, alone, is not a sufficient basis on which to conclude that any party made a materially false statement. A formal complaint by a party is not required for the University to charge an individual with making a materially false statement. Charging an individual with a violation of University policy for knowingly making a false or misleading statement in the course of this proceeding does not constitute retaliation.

6. Legal Counsel: If a party engages legal counsel, the legal counsel may not participate in the University's internal proceedings. This procedure does not interfere with the right of an individual to seek legal counsel or representation at such party's own expense.

7. Interim and Supportive Measures: The Process Facilitator will discuss with the Complainant and the Respondent at an early stage options regarding interim and supportive measures.

8. Conflict of Interest:

- a. The Process Overseer should determine if a Decision Maker or Appeal Reviewer has a conflict of interest, in which case the Process Overseer may identify a different person to

fulfill the assigned role. Conflicts of interest for this purpose are limited to situations where the Decision Maker or Appeal Reviewer is the Respondent or is directly related (by blood, adoption, or marriage) to one of the parties, or where there are other circumstances present that make it likely that the Decision Maker or Appeal Reviewer cannot be objective in the process (for example, where the Decision Maker or Appeal Reviewer has an outside business or financial arrangement with one of the parties). Prior adverse decisions made by a Decision Maker or Appeal Reviewer against one of the parties does not constitute a conflict of interest.

- b. If the Process Facilitator believes a designee or investigator has a conflict of interest, the Process Facilitator will instruct the Decision Maker or Appeal Reviewer (as applicable) to select another individual.
  - c. If the Process Facilitator's Area Vice President believes that the Process Facilitator has a conflict of interest, then such Area Vice President will designate a different Process Facilitator for the proceeding.
9. Gathering Information: The burden is on the University to gather information necessary in order to make a determination under this procedure.

## Evaluation

### Report

1. Concerns of Discrimination or Discriminatory Harassment may be submitted to members of the [Response Team](#) or appropriate Process Facilitator in person, by phone, email or through the online [Report a Concern](#) form. Upon initial evaluation of the report submitted, members of the [Response Team](#) or Process Facilitator will reach out to the affected individual(s) to discuss any applicable policies and procedures, confidentiality and its limitations, and available resources and support. If necessary, the Response Team may refer the affected individual(s) to the office most capable of responding to the issue. If more information is needed, the affected individual may be contacted with an invitation to schedule an intake interview.

### Intake

1. During an intake, the interviewer will gather enough facts to determine whether the allegation, if true, would support a finding that Discrimination, Discriminatory Harassment has been committed. If so, the Complainant may be offered supportive measures, and options for resolution, including how to file a Formal Complaint.
2. The interviewer will gather sufficient facts to determine whether the allegation would prompt an evaluation of the University's reporting obligations (e.g., Clery Act, Washington state Mandatory Reporter laws, NSF notification requirements) and, if so, the necessary information will be forwarded to the appropriate reporting official.
3. When proceeding under this Discrimination and Harassment Grievance Procedure, the appropriate Process Facilitator will be assigned to oversee and coordinate compliance with the procedural protections outlined above.

## Dismissal of Allegations

1. Allegations may be dismissed during the evaluation stage or after the filing of a Formal Complaint. As appropriate, in the evaluation stage, the Process Facilitator will assist the Complainant in understanding the information required to file a Formal Complaint and proceed to investigation. This will include explaining the investigation procedures and the rights of the parties. The Process Facilitator will coordinate appropriate assistance to Complainants who are persons with disabilities,

individuals of limited English proficiency, or persons whose communication skills are otherwise limited.

2. The Process Facilitator will dismiss an allegation, or, if appropriate, the Formal Complaint in its entirety, for the following reasons:
  - a. The allegation, on its face or as clarified, fails to state Discrimination or Discriminatory Harassment.
  - b. The allegation, on its face or as clarified, lacks sufficient factual detail (e.g., who, what, where, when, how) for the Process Facilitator to infer that Discrimination, Discriminatory Harassment may have occurred or may be occurring.
  - c. The Process Facilitator cannot reasonably conclude that the Respondent committed Discrimination or Discriminatory Harassment based on the facts/information provided by the Complainant or publicly available information.
  - d. The Process Facilitator determines that it lacks jurisdiction over the subject matter of the allegation. Where appropriate, the Process Facilitator will refer the allegations to the office who can best address the issue.
  - e. The Process Facilitator determines that it lacks jurisdiction over the entity alleged to have discriminated (i.e., the Respondent is no longer an employee of the University).
  - f. A Complainant notifies the Process Facilitator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein.
  - g. Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.
3. A dismissal under this procedure does not preclude action under another University policy or procedure. A Formal Complaint that is dismissed may be referred to a separate grievance procedure for further investigation or action. In such a case, the Process Facilitator may transfer all communications and information gathered to any other Process Facilitator who will be handling the referred Formal Complaint.
4. Before dismissing an allegation(s) the Process Facilitator will contact the Complainant to provide appropriate assistance by explaining by phone, letter, or e-mail the information necessary for the Process Facilitator to initiate an investigation of the allegation(s), ask the Complainant to provide this information to the Process Facilitator within 20 calendar days of the date of the request, and advise the Complainant that the Process Facilitator will dismiss the allegation(s) if the information is not received by that date. The Process Facilitator will dismiss the allegation(s) if the requested information is not received within 20 calendar days of the date of the request. When the Process Facilitator dismisses an allegation(s), they will issue a dismissal letter to the Complainant explaining the reason(s) for the dismissal.

## **Formal Process**

### **Filing a Formal Complaint**

1. An individual may initiate the Formal Complaint process by presenting the Process Facilitator with a written complaint. The written complaint should contain at least the following information:
  - a. The name of the person filing the complaint (i.e., the Complainant).
  - b. A description of the alleged discriminatory action or actions.
  - c. The date or dates of the alleged discriminatory actions; and
  - d. The name of each person alleged to have engaged in the discriminatory conduct (i.e., the Respondent(s) if known.)
2. The Process Facilitator is responsible for labeling each complaint and drafting the list (but not the narrative) of the allegations to be investigated. Complaint Forms and other written statements submitted by the Complainant must be written and/or signed by the Complainant.
3. Upon receiving the Formal Complaint, the Process Facilitator will mark the Complaint Form with the date received and that date will be referred to as the Filing Date. The Complainant will be

provided with a copy of the Complaint Form, with any attached allegations, along with a copy of this procedure and any other relevant policies.

### **Steps Taken to Inform the Respondent and Proceed with the Complaint**

1. If the Process Facilitator determines that the written Formal Complaint falls within the scope of this procedure, then the Process Facilitator will provide written Notice of the Allegations (NOA) to both the Respondent and Complainant within ten (10) Business Days of the filing date. The NOA will include:
  - a. The identities of the parties (if known).
  - b. A statement identifying the specific policy violations alleged.
  - c. A brief description of the allegations.
  - d. A copy of the Formal Complaint, this Discrimination and Harassment Grievance Procedure, and any other policies or procedures the Process Facilitator believes should be highlighted.
  - e. A statement that the Respondent is presumed not responsible for the alleged policy violations until a determination regarding responsibility is made at the conclusion of the grievance procedure.
  - f. If applicable, a statement that each party is entitled to have an advisor of their choosing.
  - g. Information regarding the parties' right to offer witnesses and evidence.
  - h. Information regarding the availability of resources and supportive measures for the parties.
2. The Respondent may provide a written response to the Process Facilitator within five (5) Business Days of receipt of the NOA. A Respondent may choose not to provide a written response or participate in the proceeding, but the proceeding may continue even if a Respondent chooses not to provide a response or participate, and a decision may be based on the available evidence. If a Respondent provides the Process Facilitator with a copy of a written response, then the Process Facilitator will provide a copy of the written response to the Complainant. Responses and other written statements submitted by the Respondent must be written and/or signed by the Respondent.

### **Formal Complaint Process: Investigation**

1. The Process Facilitator may appoint one or more investigators to assist with the investigating the Complaint. An investigator may be a University employee, or a third party engaged by the University to investigate the Complaint. Investigations may include personal interviews, research, and review of relevant evidence. The investigation will be impartial and as thorough as appropriate under the circumstances, as determined by the investigator based on factors such as the nature and seriousness of the allegations, availability of witnesses and other evidence, schedules, and available resources. The university retains the right to record investigative interviews.
2. Both the Complainant and the Respondent are entitled to an equal opportunity to present relevant witnesses and other evidence, and to receive periodic status updates. The results of any polygraph or similar test will not be allowed as evidence from either party in the formal complaint process.
3. If the Complainant or Respondent believes that someone should be interviewed as part of the investigation, then the Complainant or Respondent should provide the Process Facilitator and the appointed Investigator the name and contact information for that individual. However, the Investigator may determine it is not necessary to interview all persons identified by the Complainant or Respondent.
4. Each person interviewed shall have the opportunity to review the summary notes prepared by the investigator for the interview
5. The investigators shall prepare a written report of the facts, which includes:
  - a. A list of witnesses interviewed.
  - b. A list of witnesses suggested by the Complainant or Respondent whom the investigator declined to interview.

- c. list of individuals the investigator requested to interview but who declined to be interviewed.
  - d. Summaries of relevant portions of witness interviews.
  - e. Specific fact-finding for each element of each allegation.
6. At the discretion of the Decision Maker, the Complainant and Respondent may be provided with a copy of the report or other written materials prepared by investigators and given an opportunity to respond.

### **Formal Complaint Process: Decision**

1. After receiving the, the Decision Maker will make a determination as to whether the facts gathered would support a finding that university policy was violated by a preponderance of the evidence (i.e., whether a finding is more likely than not). The Decision Maker will consider each act of alleged misconduct and will also look at the totality of the conduct when making a decision..
2. If the Respondent is a faculty member, and the Decision Maker is considering dismissal of the faculty member for cause, then the process by which the Decision Maker makes a determination regarding the complaint will include the procedure described in Section 11.6.4 of the Faculty Employment Handbook.
3. The Decision Maker may adopt some, all, or none of any recommended findings from any appointed investigators. The Decision Maker may also require additional investigation before reaching a determination.
4. The Decision Maker may, at their sole discretion, ask to meet with the Complainant and Respondent prior to making a determination, so long as each party is given the same opportunity (if any) to meet with the Decision Maker and the meetings are held separately.
5. In cases of alleged sex Discrimination, the Title IX Coordinator will be consulted and will be promptly notified of the decision.
6. When appropriate, corrective action will be taken up to and including termination of employment. The goal of sanctions in a Discrimination or Discriminatory Harassment complaint proceeding is to end the Discrimination or Harassment (as applicable), prevent its recurrence, and remedy the harm, and sanctions should be crafted with the aim of achieving those goals. The type and degree of any corrective action will depend on the circumstances of each situation. Conduct history may be considered. Failure to fulfill the terms of corrective action may result in additional and more severe corrective action, including termination of employment. The types of corrective action that may be implemented include, but are not limited to:
  - a. a warning
  - b. a written reprimand
  - c. disciplinary probation
  - d. unpaid leave
  - e. attending counseling
  - f. paying restitution or fines
  - g. performing community service
  - h. being excluded from areas on campus
  - i. being restrained from contact with specific individuals or organizations
  - j. participation in an educational activity
  - k. reduction in pay
  - l. loss or deferral of opportunity for promotion or increase in pay; and/or
  - m. termination of employment.

### **Informing the Parties of the Decision**

1. Both parties will be notified of the decision separately. Both the Complainant and the Respondent will be simultaneously informed, in writing, of:
  - a. the outcome of any proceeding that arises from an allegation of misconduct;

- b. the University's procedures for the Complainant and Respondent to appeal the results of the proceeding, if available;
  - c. any change to the results that occurs prior to the time that such results become final; and
  - d. when such results become final.
2. A written decision should include a statement of rationale for the decision and sanctions, if applicable. Witnesses would not receive any information regarding the outcome of any case. A department chair or other appropriate supervisor or administrator might also be informed (e.g., if there is a need for monitoring of the work environment, or if any discipline were meted out).
  3. Unless otherwise stated in a decision letter, corrective action will begin to take effect at the expiration of the appeal period if no appeal is made. If an appeal is made, then the Decision Maker will determine whether some or all of the corrective action should be implemented pending the outcome of the appeal and will notify the Complainant and Respondent in writing of the decision.

### **Formal Complaint Process: Appeal**

1. If the Respondent is an Area Vice President or the President, then neither party may appeal a decision. In other cases, either party may appeal a decision by filing a written appeal with the Process Facilitator. Unless otherwise stated in the written decision, the appeal must be received by the Process Facilitator within five (5) Business Days after the earliest of when the party is sent the decision by mail, email, or hand-delivery. The appeal must describe the reason for appeal. The reasons for appeal may only be:
  - a. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that would likely affect the outcome of the matter.
  - b. Procedural irregularity that affected the outcome of the matter.
  - c. The Process Facilitator, Investigator(s), or Decision Maker 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.
  - d. The sanctions imposed are not appropriate to the violation(s).
2. The Process Facilitator will provide a copy of the appeal to the other party (i.e., the Complainant or Respondent), and the other party may file a written response to the appeal within five (5) Business Days after the earliest of the date the appeal is sent by mail, email, or hand delivery to such party.
3. The Appeal Reviewer may, at their sole discretion, ask to meet with the Complainant and Respondent prior to making an appeal determination, so long as each party is given the same opportunity (if any) to meet with the Appeal Reviewer and the meetings are held separately.
4. The Appeal Reviewer will make a determination regarding the appeal based on the four permitted reasons for appeal described above. The Appeal Reviewer's decision may affirm the original decision completely, affirm a finding but modify the prescribed corrective action, remand the matter for additional investigation, require a new investigation, or reverse the decision. If the Appeal Reviewer does not call for further investigation, then the decision of the Appeal Reviewer will be final, and no more appeals will be permitted.
5. Both the Complainant and the Respondent will be simultaneously informed, in writing, of the Appeal Reviewer's determination. A written determination should include a statement of rationale for the decision and sanctions, if applicable. Unless otherwise stated in an appeal decision letter, corrective action will begin to take effect the following Business Day after the appeal decision letter has been issued. Any interim measures may remain in place. If the employee is employed "at-will," nothing in this section prohibits the University from terminating an employee at any time, with or without cause.

## Alternative Resolution

1. Parties to a formal complaint under this procedure may be able to voluntarily pursue an Alternative Resolution to address the situation. Alternative resolution is a voluntary and remedies-based resolution option.
2. Potential remedies may include the implementation or continuation of supportive measures, targeted or broad-based educational programming or training, supported direct conversation or interaction with the Respondent, and/or indirect action by the Title IX Coordinator. An Alternative Resolution may also include mediation, negotiation, or other approaches necessary to reach a mutual agreement. Depending on the form of Alternative Resolution, agreements may involve disciplinary action against a Respondent. Disciplinary action will only be imposed against a Respondent where there is a sufficient factual foundation and both the Complainant and the Respondent have agreed to forego the Formal Resolution procedures set forth in this Policy and accept an agreed upon sanction.
3. A Complainant can seek an Alternative Resolution by notifying the Process Facilitator of their interest. The Process Facilitator, in consultation with the Decision Maker, will determine if an Alternative Resolution process is appropriate for the situation, and will determine the appropriate structure and timeline for that process. In deciding as to whether the Alternative Resolution is appropriate, the Process Facilitator will consider factors, including, but not limited to, the following:
  - a. The outcome of an individualized safety and risk analysis.
  - b. The nature of the alleged conduct, whether allegations involve multiple victims and/or a pattern of conduct, or other evidence-informed factors indicative of increased risk to campus safety.
4. At any point during the Alternative Resolution process, up until the signing of an Alternative Resolution Agreement, the parties, the Process Facilitator, or the Decision Maker may terminate the Alternative Resolution process. In that case, the Formal Complaint will revert to the Formal Investigation process.

## EXHIBIT D: STUDENT ACCOUNTABILITY PROCESS (AS OF 9-29-23)

The student accountability process at Seattle Pacific University is designed to help students take responsibility for their choices in a manner that is respectful, educational, and redemptive. It focuses on helping maintain community values and assisting students to learn from any issues that may arise from their choices. Students may still be subject to disciplinary sanctions, possibly up to and including dismissal, but the hope is that sanctions will help students develop individual responsibility, encourage self-discipline, and foster respect for the rights, freedoms, and safety of others. Students are expected to be active, honest participants throughout the investigation, meeting, and sanctioning stages in order to accomplish the educational and redemptive purposes of the process.

Students alleged to have violated Seattle Pacific University [Student Standards of Conduct](#) will be advised of the alleged violation or conduct concern and will be given the opportunity to provide oral and written statements and other relevant information to the dean of students for community life or designee. In certain situations the Office of Safety and Security will assist in gathering information related to specific cases. Students will receive written notice of the outcome of any accountability review proceeding, including a description of any disciplinary action or sanction. Seattle Pacific University uses preponderance of evidence (more likely than not) as its standard of proof. However, the student accountability process does not function like a court of law, and students should not expect the process to be the same as a civil or criminal legal proceeding.

The process described below applies to cases involving violations of the [Student Standards of Conduct](#) and/or [University Policies](#). Cases involving incidents of sexual misconduct will be handled as described in the [Sexual Misconduct Policy](#).

### **Safety of the Community and Interim Action**

The University reserves the right to respond with whatever measures it deems necessary in order to protect the personal safety of students, employees, and visitors on the campus. The University may also take immediate action against a student if the student's behavior is otherwise incompatible with the orderly operation of the University or if it threatens damage to University property. In some cases, the University may impose interim measures while it is still investigating the facts of a possible violation of University policy and prior to scheduling an accountability hearing.

Such protective measures and interim measures may include, but are not limited to, temporary removal of the student from an on-campus living situation or from the campus as a whole, modification of living arrangements, adjustments to the format of accountability hearings, and/or interim suspension from campus pending an accountability meeting..

### **Accountability Meetings**

Accountability meetings shall be conducted by an administrative staff person designated by the dean of students for community life according to the following guidelines. Accountability meetings will provide a prompt, fair, and impartial process.

- Accountability meetings will be conducted in private.
- Students who require additional accommodations as a part of their accountability meetings should request those from the person conducting the meeting no later than 24 hours prior.
- Admission of any person to the meeting will be at the discretion of the assigned staff person.
- In meetings involving more than one respondent, the staff person may, at the staff person's discretion, permit the meeting concerning each student to be conducted together with the consent of all respondents.
- The presence of parents at a meeting is not permitted.

- The presence of an attorney at a meeting is not permitted as the accountability proceeding is not meant to function as a court of law. An exception may be made only in instances where the respondent has been charged with a crime arising out of the same operative facts as the charge under [Student Standards of Conduct](#); however, the attorney must conform to the same requirements as applied to a support person described in the next paragraph. Even in those instances, counsel is present for a limited scope, which is to advise the student as to safeguarding the student's rights in the criminal proceeding. Student accountability meetings do not follow the rules of process, procedure, and/or evidence that are applied in criminal or civil court.
- The complainant and the respondent each have the right to be accompanied by a support person. The support person cannot be involved in the incident in question, and cannot be an attorney or serving as legal counsel. The support person is not permitted to speak to the administrative staff person unless directly questioned by them and cannot participate in the meeting other than quiet communication with the student they are accompanying. This communication may not interfere with the accountability process. Failure to comply will result in the removal of the support person. One five-minute break may be requested during the course of the meeting if the complainant and/or respondent wish to consult with her/his support person. It is the student's responsibility to find a support person, if desired, and the student must send a written request to the assigned staff person identifying the proposed support person in advance (preferably at least 24 hours before the meeting). The assigned staff person will decide whether the support person may attend the meeting and will attempt to notify the student of the decision prior to the meeting.
- Any pertinent materials and written statements (12-point font, five double-spaced pages maximum) must be submitted for consideration to the hearing officer at least 24 hours prior to the meeting.
- All procedural questions are subject to the final decision of the assigned staff person.
- After the meeting, the staff person will excuse all parties, deliberate, and determine which, if any, portion of the [Student Standards of Conduct](#) the student has violated.
- The assigned staff person's determination will be made on the basis of whether it is more likely than not that the respondent violated the [Student Standards of Conduct](#).
- Should new charges surface as a result of or during an accountability process, and no additional investigation is needed, the charges will be verbally introduced and heard during the current meeting. If additional investigation is needed, the assigned staff person will question the respondent, clarify items in the report, and send the respondent the findings following the meeting.
- Students charged with violations of the [Student Standards of Conduct](#) during Study Abroad or other travel courses, including SPRINT trips, will be notified of the charges after they are received by the staff person assigned to the matter and will have the opportunity to respond to those charges, as well as to appeal the outcome of their cases. However, the condensed duration of these courses and the limited availability of onsite administrators necessitate a modified accountability process in some situations.
- Students should be aware that failing to appear for an assigned meeting will be seen as waiving their opportunity to hear and present information related to the process, and that a decision will be made based on the information available.
- Students are expected to participate in the student accountability process actively. Students may be disciplined for the following actions committed in connection with the process:
- Failure to fully disclose to a University official all requested information or other information related to the alleged violation;
- Falsification, lying, hiding, distortion, or misrepresentation of information;
- Disruption or interference with orderly conduct; and
- Disrupting or attempting to disrupt another individual's participation.

- An individual's (or group's) conduct history will not be considered until the sanctioning phase of the deliberations.

### **Accountability Outcomes**

The sanctions imposed depend upon the particular circumstances of each situation. Sanctions may be imposed singly or in combination, as appropriate to the circumstances of each situation. A student's conduct history will be considered in determining a sanction, as will the nature of the violation. Repeated violations of policy may result in more severe sanctions and may result in the removal of the student from the University. A student's failure to fulfill the terms of an imposed sanction may result in the imposition of more severe sanctions. Unless a written decision states otherwise, sanctions will not go into effect until after the conclusion of any appeal.

The types of action and/or sanctions that may be implemented include, but are not limited to, the following:

- Warning;
- Written reprimand;
- Disciplinary probation (indicating that a student's status with the University may be evaluated should other violations of University policy occur. Probation may also impact a student's ability to participate in other campus opportunities, such as student leadership, living on or off campus, campus employment, co-curricular activities, athletics, study abroad, etc.; appropriate to the violation of the Student Standards of Conduct);
- Suspension (termination of housing and/or student status for a specified period of time and with specific conditions); and/or
- Dismissal (termination of housing and/or student status).

The situation may also be reported to local law enforcement, depending on the facts. Also, in some circumstances, the student may also be required to

- Participate in an educational activity;
- Attend counseling and follow therapeutic recommendations;
- Pay restitution or fines;
- Provide community service;
- Relocate to a different residence hall or housing unit;
- Be suspended from housing or be required to return to housing;
- Lose privileges;
- Be excluded from activities;
- Be excluded from areas on campus; and/or
- Be restrained from contact with the complainant.

### **Administrative Fee**

Any student found responsible for a violation of the drug and alcohol policy will be assessed a \$100 administrative fee that goes toward covering the cost of alcohol and drug prevention programs. Persons who host or in any way assist or promote gatherings (on or off campus) that include the violations of [any SPU policy relating to alcohol drugs, or tobacco](#) will be subject to a mandatory \$300 fine. A student who cannot afford to pay the fee can ask for a waiver as a part of the appeal [process](#).

## Appeals

A student who participates in a student accountability meeting has the opportunity for a self-initiated appeal of a disciplinary action. To be eligible to file an appeal, a student must address a notice of intent to appeal in writing to the University official who would review the appeal (as described below) within 48 hours of the written notice of disciplinary action. The notice of intent to appeal can simply be a written statement submitted via email indicating that the student plans to appeal. If a student files a notice of intent to appeal, the student must file an appeal within four calendar days of receipt of the written notice of disciplinary action. Appeals must be written by the student making the appeal; submissions from other persons (e.g., parents, attorneys) will not be accepted or considered.

If the University official instituting the discipline is a member of the Residence Life staff, then the appeal should be directed to the director of Residence Life. If the official instituting the discipline is a member of the Office of Student Involvement and Leadership or the director of Residence Life, then the appeal should be directed to the dean of students for community life or vice president for student life designee. If the dean of students for community life instituted the discipline, then the appeal should be directed to the vice president for student life. A student may appeal a decision only once.

An appeal is not a second hearing but is a limited review of the original process and decision. Appeals are only permitted in three situations:

- New Information - There is new information that has not yet been considered and that would likely alter the outcome. Information would be considered "new" if it was discovered after the student's accountability meeting. Information available to the student but not provided during the meeting is not considered "new."
- Excessive Sanctions - Sanctions imposed are not appropriate to the violation(s). Generally sanctions will only be considered excessive if they are significantly different from sanctions imposed by the University for similar violations under similar facts and circumstances.
- Procedural Irregularity - There were procedural errors or unfairness that would likely alter the outcome (e.g., the process outlined above was not followed).

A student's written appeal must include the following information:

1. Names of the parties involved
2. A narrative of the incident that describes:
  - What occurred
  - Why it occurred
  - When it occurred
  - Where it occurred
  - Who was present
3. A clear statement of the nature of the appeal that explains why one or more of the permitted reasons for appeal applies (i.e., new information, excessive sanctions, or procedural irregularity)
4. The student's desired outcome, which can include proposed alternative sanctions

The decision of the appeal may be made with or without meeting with students. The reviewer of the appeal may either affirm the decision completely, affirm a finding as to the existence of a policy violation but modify the sanctions, remand the case for additional fact-finding and consideration, require a new meeting with a different staff member, or reverse the decision. After a decision has been reached, the student will be notified in writing by the reviewer. Decisions made in the appeal process are final.

## Appeals Committee

In situations that result in University suspension or expulsion, the dean of students has the discretion (in consultation with the student) to convene additional campus community members as part of the appeal process. The dean of students or his/her designee will chair this committee to facilitate process. The

committee may consist of representatives from the University faculty, staff, and student body (each selected by the chief judicial officer or designee).

This group's task is to review information and deliberate, and then to make a recommendation to the dean of students or his/her designee whose decision is final.

Appeals of disciplinary action resulting from a violation of the [Sexual Misconduct Policy](#) are not eligible for committee review and should instead [follow the guidelines of that policy](#). Additionally, if the student behavior resulting in the disciplinary process involved violent or dangerous behavior, the committee shall be required to consider the safety of the community in its deliberations and recommendation, and any sanction imposed on the student shall not be stayed pending the appeal.

Additional information regarding the University's rationale for its behavioral standards or the accountability process is available by [contacting the dean of students for community life \(cstrawn@spu.edu\)](#).

## EXHIBIT E: REPORTING EXPECTATIONS FOR EMPLOYEES, VOLUNTEERS, AND STUDENT LEADERS (AS OF 9-29-23)

### Introduction

This policy describes the obligations of Seattle Pacific University (“SPU”) employees, volunteers, and students to report certain types of crimes and sexual misconduct to SPU officials. This policy is intended to promote the safety of the SPU community and to comply with requirements imposed on SPU by federal law, state law, and liability insurance carriers.

Failure to follow these expectations could endanger the SPU community. Also, SPU students, employees, and volunteers who fail to follow this policy may be subject to discipline by SPU (which could include termination of employment, removal from a position, or dismissal/suspension/expulsion) and may expose themselves and SPU to legal liability. SPU generally will not indemnify an employee against any legal claims that arise out of, or are related to, the misconduct that the employee failed to report by not following this policy.

Retaliation against anyone who makes a good faith report under this policy is prohibited and is subject to discipline.

### Definitions

For purposes of this policy, the following definitions apply:

- “Child” or “Minor” means an individual who is less than 18 years old.
- “Child Molestation” means any actual or alleged illegal or otherwise wrongful sexual conduct with a Minor.
- “Employee” means any employee of SPU other than a Student Employee.
- “Hazing” means any act committed as part of a person's recruitment, initiation, pledging, admission into, or affiliation with a student organization, athletic team, or living group, or any pastime or amusement engaged in with respect to such an organization, athletic team, or living group that causes, or is likely to cause, bodily danger or physical harm, or serious psychological or emotional harm, to any student or other person attending SPU, including causing, directing, coercing, or forcing a person to consume any food, liquid, alcohol, drug, or other substance which subjects the person to risk of such harm, regardless of the person's willingness to participate. “Hazing” does not include customary athletic events or other similar contests or competitions.
- “Serial Non-Student Sexual Misconduct” means any actual or alleged illegal or otherwise wrongful sexual conduct (a) with more than one victim, and (b) committed by or alleged to have been committed by any perpetrator who is not a student of SPU.
- “Sexual Harassment,” “VAWA Offense,” “Sexual Assault,” “Dating Violence,” “Domestic Violence,” and “Stalking” have the meanings assigned in the [Title IX Sexual Harassment and Related Conduct Policy](#).
- “SPU Response Team” means the individuals identified as Response Team members on [SPU's Report a Concern](#) webpage.
- “Student Employee” means an SPU student who is employed by SPU through SPU’s student employment program.
- “Student Leaders” means all Resident Advisors (RAs), Student Ministry Coordinators (SMCs), and ASSP Officers.
- “Volunteers” are individuals who provide voluntary service to SPU.

### Who is Obligated to Make Reports

This section lists SPU’s reporting rules for crimes and sexual harassment and related conduct. Because these rules are intended to satisfy requirements imposed by a variety of laws and by SPU’s liability insurance carriers, the rules consist of several parts, some of which are overlapping. The rules are

organized below according to position: Employees, Volunteers, and Student Employees and Student Leaders.

## 1. Employees

### a. *Title IX Responsible Employees*

- i. All Employees who are Title IX Responsible Employees are required to report all incidents of sexual misconduct that occur on SPU property, that occur off-campus at an SPU event or activity, or where the suspected offender is an SPU student, employee, volunteer, or guest.
- ii. For this purpose, “sexual misconduct” means any unwelcome behavior of a sexual nature that is committed without consent or by force, intimidation, coercion, or manipulation. Sexual misconduct includes but is not limited to Child Molestation.
- iii. All Employees are Title IX Responsible Employees, except for professional counselors, pastoral counselors, and Health Center staff. However, professional counselors, pastoral counselors, and Health Center staff are still required to report any Child Molestation as required by state law.
- iv. For more information, including definitions of the terms “pastoral counselor” and “professional counselor,” see the Title IX Sexual Harassment and Related Conduct Policy.

### b. *Campus Security Authorities*

- i. Employees designated as “Campus Security Authorities” (or “CSAs”) are required to promptly report certain types of crimes occurring on or near campus. The Office of Safety and Security (“OSS”) will notify Employees and students who are CSAs.
- ii. Pastoral counselors and professional counselors are not considered campus security authorities when acting in their roles as pastoral or professional counselors. However, professional counselors and pastoral counselors are still required to report any Child Molestation and are encouraged to report any sexual misconduct allegedly committed by an Employee or Volunteer.
- iii. CSAs must report all “Clery Act crimes” that occur (1) on campus, (2) on public property adjacent to and accessible from on-campus property, or (3) at off-campus buildings or property owned or controlled by SPU. A list of “Clery Act crimes” and other details about CSA responsibilities are included in the [Campus Security Authorities FAQ](#) document.

### c. *State Law Mandatory Reporters*

- i. Washington state law imposes obligations on various people to report abuse or neglect of Minors (see RCW 26.44.030) and to report abandonment, abuse, financial exploitation, or neglect of vulnerable adults (see RCW 74.34.035). In each case, sexual assault (of a Minor or a vulnerable adult) is required to be reported.
- ii. While the legal definitions are not entirely clear, it is likely that many SPU employees would be considered mandatory reporters under one or both state laws. For example, both laws require reporting by “professional school personnel,” and the child abuse and neglect law requires reporting by “administrative and academic or athletic department employees, including student employees, of . . . private institutions of higher education.”
- iii. Reports of child abuse or neglect must be made at the first opportunity, but in no case longer than forty-eight hours, after there is reasonable cause to believe that the child has suffered abuse or neglect. Reports of vulnerable adult abuse generally must be made immediately.
- iv. Reports of child abuse or neglect can be made to the Washington State Department of Children, Youth, and Families. For more information, see <https://www.dcyf.wa.gov/safety/report-abuse>.

- v. Reports of vulnerable adult abuse can be made to the Washington State Department of Social and Health Services. For more information, see <https://www.dshs.wa.gov/altsa/home-and-community-services/report-concerns-involving-vulnerable-adults>.
- vi. Employees who are required to make reports under Washington state law are expected to fulfill their legal obligations. Any time an Employee makes a report under Washington state law as described above the Employee should also make a report to SPU administrators as described below.

## 2. Volunteers

- a. All Volunteers are required to report the following incidents they learn about in connection with providing volunteer service to SPU:
  - i. All sexual misconduct (including all Child Molestation) that (i) is committed by or against any SPU student, Employee, or Volunteer, (ii) occurs on any property owned or controlled by SPU, or (iii) occurs at or in connection with any SPU sponsored event or activity; and
  - ii. Regardless of whether the Volunteer is a CSA, all crimes that (i) are committed by or against any SPU student, Employee, or Volunteer, (ii) occur on any property owned or controlled by SPU, or (iii) occur at or in connection with any SPU sponsored event or activity.
- b. In addition, if a Volunteer is required to make any report to law enforcement officials or a state agency about child abuse or neglect (pursuant to RCW 26.44.030) or about vulnerable adult abandonment, abuse, financial exploitation, or neglect (pursuant to RCW 74.34.035) that relates to any information learned while volunteering with SPU, the Volunteer is expected to make such a report. A Volunteer must also immediately notify SPU of any report made by the Volunteer to a law enforcement official or state agency about child abuse or neglect or about vulnerable adult abandonment, abuse, financial exploitation, or neglect.
- c. Notwithstanding anything to the contrary, if a Volunteer is a pastoral counselor or a professional counselor, the Volunteer is exempted from mandatory reporting to the same extent an Employee would be under this policy who is a pastoral counselor or professional counselor, respectively. For the avoidance of doubt, for purposes of the preceding sentence, a Volunteer who is a counseling intern or extern at the University's Student Counseling Center will be treated as a professional counselor while performing activities as a volunteer in such role.

## 3. Student Employees and Leaders

- a. All Student Employees and Student Leaders must report the following incidents that they learn about in connection with working as a Student Employee or Student Leader of SPU:
  - i. All sexual misconduct (including all Child Molestation) that (i) is committed by or against any SPU student, Employee, or Volunteer, (ii) occurs on any property owned or controlled by SPU, or (iii) occurs at or in connection with any SPU sponsored event or activity; and
  - ii. If the Student Employee or Student Leader has been designated as a CSA by the Office of Safety and Security, all "Clery Act crimes" that occur (1) on campus, (2) on public property adjacent to and accessible from on-campus property, or (3) at off-campus buildings or property owned or controlled by SPU. A list of "Clery Act crimes" and other details about CSA responsibilities are included in the [Campus Security Authorities FAQ](#) document.
- b. Student Employees and Student Leaders may be obligated by law to report to state agencies child abuse or neglect (pursuant to RCW 26.44.030) or vulnerable adult abandonment, abuse, financial exploitation, or neglect (pursuant to RCW 74.34.035) (see "State Law Mandatory Reporters" discussion above under "Employees"). If a Student Employee or Student Leader makes any report as described in the preceding sentence that

relates to any information learned or observed in connection with working as a Student Employee or Student Leader, then the Student Employee or Student Leader must also immediately make a report to SPU.

In addition, all SPU students, Employees, and Volunteers are encouraged to promptly report crimes occurring on or near campus. Students, Employees, and Volunteers will not be disciplined for choosing not to report incidents where they are the victim of sexual misconduct, but they are still encouraged to report such incidents so that SPU can identify available support resources and evaluate whether the reporter or others on campus may be at risk of further harm.

### **When and How to Make a Report**

This section summarizes how to make reports that are required by this policy to SPU officials. All reports should be made to SPU officials as soon as possible.

- **Crimes**
  - Reports of crimes can be made by calling the Office of Safety and Security (“OSS”) at 206-281-2911 or by using the [SPU Report a Concern Form](#).
  - In addition to the options above, Volunteers, Student Employees, and Student Leaders may also notify the SPU staff or faculty member who is such person’s supervisor (for Volunteers or Student Employees) or advisor (for Student Leaders) about crimes, in which case the supervisor or advisor should immediately make the report by calling the OSS or by using the [SPU Report a Concern Form](#).
- **Sexual Misconduct**
  - Reports of crimes can be made by contacting a member of the SPU Response Team or by using the [SPU Report a Concern Form](#).
  - In addition to the options above, Volunteers, Student Employees, and Student Leaders may also notify their supervisor (for Volunteers or Student Employees) or advisor (for Student Leaders) about sexual misconduct, in which case the supervisor or advisor should immediately make the report by contacting a member of the SPU Response Team or by using the [SPU Report a Concern Form](#).
- **Hazing**
  - Reports of hazing can be made by contacting a member of the SPU Response Team or by using the [SPU Report a Concern Form](#).
- **Child Molestation & State Law Mandatory Reports**
  - Notwithstanding the options listed above for crimes and sexual misconduct, reports of Child Molestation and notification of any other state law mandatory report to the University should be made by calling OSS (206-281-2911) or Cheryl Michaels (206-281-2625).
  - Volunteers, Student Employees, and Student Leaders may also notify their supervisor (for Volunteers or Student Employees) or advisor (for Student Leaders) of Child Molestation or other state law mandatory reports, in which case the supervisor or advisor should immediately call the OSS or Cheryl Michaels.

## **EXHIBIT F: REPORTING SUSPECTED ABUSE (AS OF 9-29-23)**

<https://wiki.spu.edu/display/HR/Reporting+Suspected+Abuse>

State law requires certain professionals to make an immediate oral report to law enforcement authorities (for example, to Child Protective Services or Adult Protective Services or local police) whenever they have reasonable cause to believe that a child (person under 18 years of age) or vulnerable adult (e.g., an adult dependent or developmentally disabled person) has suffered abuse or neglect. For vulnerable adults, abandonment and financial exploitation must also be reported.

Staff required to report generally include those who, in the regular course of their employment, are involved in teaching, counseling, nursing, or administration. When such staff have reasonable cause to believe that such abuse or neglect has occurred, the staff person shall report the incident to the appropriate law enforcement agency by telephone at the first opportunity, but in no case longer than 48 hours after there is reasonable cause to believe the child or adult has suffered abuse or neglect. This reporting requirement does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is a reasonable cause to believe other children, dependent adults, or developmentally disabled persons are or may be at risk of abuse or neglect by the accused, then the reporting requirement still applies. For additional information or for consultation, contact the University Counsel in the Office of Planning and Administration.

For purposes of the child abuse/neglect mandatory reporting law, "abuse or neglect" means the injury, sexual abuse, or sexual exploitation (e.g., prostitution or obscene filming) of a child by any person under circumstances which indicate that the child's health, welfare, or safety is harmed, or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child.

In the case of reporting suspected child abuse or neglect, the report should include the name, address and age of the suspected victim; name and address of the victim's parents or persons having custody of the victim; the nature and extent of the suspected injuries, neglect or sexual abuse; evidence of any suspected previous injuries; and any other information that may be helpful in establishing the cause of a victim's injuries and the identity of the alleged perpetrators. Reports of abuse, neglect, financial exploitation, or abandonment of a vulnerable adult should contain similar information, as well as the name and address of the person making the report.

## EXHIBIT G: ADDITIONAL DEFINITIONS OF RELEVANT TERMS (9/29/23)

For purposes of University sexual misconduct related policy and procedures, the following terms have the definitions stated below.

**Consent:** Consent means freely and affirmatively communicated willingness to participate in sexual activity, expressed by clear, unambiguous words or actions. It is the responsibility of the initiator of the sexual activity to ensure that she or he has the other person's consent to engage in sexual activity. Consent must be present throughout the sexual activity by all parties involved. At any time, a participant can communicate that she or he no longer consents to continuing the activity. Consent may never be obtained through the use of force, coercion, or intimidation or if the victim is mentally or physically disabled or incapacitated, including through the use of drugs or alcohol. Individuals cannot assume consent because of the existence of a previous dating or sexual relationship. The use of alcohol or drugs does not diminish a person's responsibility to obtain consent for sexual activity. (This definition of consent is not meant to condone sexual activity that is in violation of the University's Student Standards of Conduct, but is included in order to define other terms in this policy).

**Dating violence:** Dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Dating violence includes, but is not limited to, acts that constitute dating violence for purposes of Clery Act crime statistics (see the section title "Definitions of Reportable Crimes" in the University's Annual Security and Fire Safety Report).

**Domestic violence:** Domestic violence means violence committed within a domestic relationship (e.g., between current or former spouses, or between cohabitants). Domestic violence includes, but is not limited to, acts that constitute domestic violence under Washington state criminal law or for purposes of Clery Act crime statistics (see section titled "Definitions of Reportable Crimes" in the University's Annual Security and Fire Safety Report).

**Gender-based harassment:** Gender-based harassment is harassment based on notions of what is female/feminine versus male/masculine but that does not constitute sexual harassment.

**Sex-based discrimination:** Sex-based discrimination means excluding a person from participation in, denying a person the benefits of, or otherwise subjecting a person to discrimination under any University education program or activity, in each case on the basis of sex.

**Sexual assault:** Sexual assault means an actual or attempted sexual contact with another person without that person's consent. Sexual assault includes, but is not limited to:

- Sexual intercourse without consent;
- Intentional and unwelcome touching of a person's intimate parts (defined as genital area, groin, inner thigh, buttocks, or breast), or coercing, forcing, or attempting to coerce or force someone to touch another person's intimate parts;
- Acts that constitute rape, rape of a child, or indecent liberties under Washington State law;
- Acts that constitute sexual assault for the purposes of Clery Act crime statistics (see the section titled "Definitions of Reportable Crimes" in the University's Annual Security and Fire Safety Report); and

- Non-stranger rape (also known as "acquaintance rape," i.e., rape by a person known to the victim), statutory rape, or any other kind of rape.

**Sexual exploitation:** Sexual exploitation means abusing (or attempting to abuse) a position of vulnerability or trust for sexual purposes. Examples include, but are not limited to, non-consensual recording (video, audio, or otherwise) and/or distribution of sexual activity or of another person's intimate body parts, or engaging in or facilitating voyeurism.

**Sexual harassment:** Sexual harassment is any unwelcome verbal or physical conduct of a sexual nature that is sufficiently severe, persistent or pervasive such that it unreasonably interferes with, limits or deprives someone of the ability to participate in or benefit from the University's educational programs or employment opportunities.

**Stalking:** Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for his or her safety or the safety of others, or (b) suffer substantial emotional distress. Stalking behavior can include: (i) persistent, unwanted communications to the victim by phone, email, and/or other social media; (ii) repeatedly sending the victim unwanted gifts; (iii) following or waiting for the victim at home, school, work, or elsewhere; and (iv) direct or indirect threat(s) by the stalker to harm herself or himself, the victim, or the victim's friends and family, or to damage the victim's property. Stalking includes, but is not limited to, acts that constitute stalking under Washington state law or for purposes of Clery Act (see the section titled "definitions of Reportable Crimes" in the University's Annual Security and Fire Safety Report).