

# Sexual Misconduct Response

## Standards of Conduct – General Expectations

### CWU Policy 701-02

**Effective:** June 13, 2018

**Policy Review Date:** YEAR

**Policy Executive:** Chief of Staff

**Responsible Office/Unit:** Office of Civil Rights Compliance

#### **Policy Statement:**

#### **Applicability:**

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#### **Content:**

Policy

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#### **(1) Introduction**

- A. Central Washington University (CWU) does not tolerate sexual assault, sexual violence, or sexual misconduct in any form. The university affirms respect, responsibility, and caring among all persons within the community. Allegations of sexual misconduct by students will be administered by the Office of Student Rights & Responsibilities under the Office of the Dean of Student Success. Allegations of sexual misconduct by faculty or staff will be administered by Human Resources.
- B. CWU is committed to preventing all forms of sexual assault, sexual violence, or sexual misconduct and to providing accessible, responsive services for dealing with such offenses. Sexual misconduct on the part of any member of the university community is clearly inconsistent with CWU values. It is also considered a form of sexual harassment in violation of university policies and corresponding procedures, including, but not limited to: Title IX: Discrimination and the Basis of Sex and Sexual Misconduct (CWU 401-01), Sexual Harassment (CWU 401-02), Gender Equity (CWU 403-03), Equal Opportunity and Nondiscrimination (WAC 106-72-004), and CWU Student Conduct Code (WAC 106-125), as well as a violation of state and federal law.

#### **(2) Definitions**

- A. Sexual Misconduct: Includes sexual harassment, sexual intimidation, and sexual violence.
  1. Sexual Harassment:

- a. Unwelcome conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature that is sufficiently serious as to deny or limit, based on sex, the ability of a student to participate in or benefit from the university's educational program, or that creates an intimidating, hostile, or offensive environment for any campus community member(s).

2. Sexual Intimidation:

- a. Incorporates the definition of "sexual harassment" and includes threatening or emotionally distressing conduct based on sex, including stalking (or cyberstalking), voyeurism, indecent exposure, or the nonconsensual recording of sexual activity or distribution of such recording. Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for such person's safety or the safety of others, or to suffer substantial emotional distress.

3. Sexual Violence:

- a. Incorporates the definition of "sexual harassment" and includes a physical sexual act perpetrated against a person's will or where the person is incapable of giving consent, including rape, sexual assault, sexual battery, and sexual coercion. The term further includes acts of dating or domestic violence. A person may be incapable of giving consent by reason of age, threat or intimidation, lack of opportunity to object, disability, drug or alcohol consumption, unconsciousness, or other cause.

B. Consent:

1. Requires an agreement between the parties involved to share some type of sexual activity and must include the following elements:
  - a. It must be informed. Parties must be able to effectively communicate and agree on the type of sexual activities. Any party has the right to change their mind, at any time. There must be a clear indication that consent is being withdrawn.
  - b. Any party may modify or terminate agreements at any time.
  - c. Consent is a free choice when it has been granted without the use of force (real or imagined), threats, intimidation, coercion or fraud.
  - d. It is the responsibility of the party that initiates any type of sexual activity to obtain consent from all individuals involved.
  - e. Consent to one type of sexual act does not imply consent to other forms of sexual activities.
  - f. Silence, or a previous sexual relationship, or a present relationship with the party who initiates the sexual activity, should not be interpreted as consent.
  - g. The way an individual dresses does not imply consent for any form of sexual contact.
  - h. Accepting an invitation for a meal or date is not consent, nor does it imply consent.
  - i. Consent cannot be obtained from an individual whose capacity to consent is diminished by drug or alcohol consumption, unconsciousness, or other cause.

### **(3) Reporting and Assistance**

- A. CWU's highest concern is for the emotional and physical well-being of all individuals. The recipient of unwanted behavior shall have access to the full complement of university services that can help individuals maintain safety and well-being. These include, but are not limited to, assistance in changing academic, work, and living arrangements if these changes are reasonably available.
- B. If victim is a student:
  - 1. The university Violence Prevention & Response Coordinator will be the official first point of contact, other than police, for facilitating victim access to all needed services and reporting options for students. Violence Prevention & Response Coordinator contact: Telephone: 509-963-3213 or email: [VPRC@cwu.edu](mailto:VPRC@cwu.edu). Other departments, if contacted first, will make a referral to the Violence Prevention & Response Coordinator.
- C. If victim is a faculty/staff member:
  - 1. The CWU Title IX Coordinator will be the official first point of contact, other than police, for facilitating victim access to all needed services and reporting options for faculty or staff. Title IX Coordinator contact: telephone: 509-963-2050 or email: [crc@cwu.edu](mailto:crc@cwu.edu). Other departments, if contacted first, will make a referral to the Title IX Coordinator.
- D. Reporting:
  - 1. Any member of the university community may file a report of sexual misconduct through the university's Behaviors of Concern online reporting mechanism. Reports involving a faculty or staff member may be made to the Administrator for Equal Opportunity, 509-963-2206, [oeo@cwu.edu](mailto:oeo@cwu.edu). Third party reports may also be filed with the Violence Prevention & Response Coordinator, Title IX Coordinator, Student Medical and Counseling Clinic or CWU Police Services detailing an incident involving sexual misconduct. It is important to note that the university cannot initiate disciplinary action or a criminal complaint against the accused based on a third party report unless the name of the accused is provided. The report is encouraged, nonetheless, as it can provide useful information for protecting the community-at-large and connecting similar reports while protecting the victim's anonymity.

### **(4) Recourse and Disciplinary Actions (Grievance Procedures)**

- A. The university will initiate an investigation and pursue potential disciplinary action through the appropriate office when it is reported that sexual misconduct has occurred and the accused is identified. Faculty and Staff are encouraged to utilize Discrimination Complaint and Resolution Policy (CWU 403-04).
- B. Retaliation against a reporting party or any other party associated with a report of sexual misconduct is a clear violation of the Student Conduct Code (WAC 106-125-010) and Sexual Harassment (CWU 401-02) and provides for appropriate response and sanctions.
- C. The victim has the option to avoid face-to-face interaction with the accused during any campus investigations or hearings. Parties have the right to appeal the findings of investigations conducted by the Office of Student Rights & Responsibilities or Human Resources.

## **(5) Miscellaneous**

### **A. Confidentiality**

1. Under Title IX, CWU has an obligation to fully investigate allegations of sexual misconduct. The privacy of all parties involved in a complaint of sexual misconduct will be respected. This means exchange of information will only occur on a need to know basis. People not directly involved in the investigation will not have access to information and/or written materials. Violations of the privacy of the victim or the accused student may lead to appropriate disciplinary action by the university. In all complaints of sexual misconduct, the victim and accused will receive a copy of the findings in accordance with university policies and state and federal law. Certain university administrators may be informed on a confidential basis if necessary within the scope of their role. CWU also must statistically report the occurrence of campus violent crimes, including certain sex offenses, in an annual report of campus crime statistics. This statistical report does not include personally identifiable information.

### **B. Naming the Accused**

1. The university must conduct an investigation of sexual misconduct through the appropriate office when the accused is identified. The university is required to investigate reports of sexual misconduct when allegations provide enough identifiable information that the university is aware there is an alleged violation of the above mentioned university policies. If the reporting party does not name the accused, the university is limited in its response but will ensure appropriate services and resources are provided to the victim.

## **History:**

*PAC: 11/17/04, BOT: 12/3/04; Motion 04-54: Responsibility: Dean of Student Success; Authority: Provost/VP for Academic & Student Life; Reviewed/Endorsed by: Provost's Council 7-24-2012; 06/03/18; Cabinet/UPAC; Review/Effective Date: 05/01/2013; 06/13/18; Approved by: James L. Gaudino, President  
Reformatted and Assigned new Policy Number - Previous Policy CWUP 8-40-050, June 2025*