



**CENTRAL WASHINGTON UNIVERSITY
RESPONSE TO SEXUAL MISCONDUCT**

Know Your Rights and Options

CWU

Central Washington University's Response to Sexual Misconduct: Know Your Rights and Options

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Introduction

Central Washington University (CWU), in compliance with the Clery Act, including amendments by the Violence Against Women Reauthorization Act of 2013, has prepared this guide for University community members who have been impacted by acts or reports of sexual misconduct. Sexual misconduct is a form of prohibited sex discrimination which University violates University policy, as well as state and federal law, including but not limited to Title IX, Title VII of the Civil Rights Act of 1964 and RCW 49.60.

This booklet is intended to provide detailed information about reporting options and what to expect from the University's response to reports of sexual misconduct. For questions about the University's response to sexual misconduct, University community members are encouraged to contact the Title IX Coordinator.

Any student seeking assistance, whether for themselves or someone they are concerned about, is strongly encouraged to contact PATH (Prevention, Advocacy, Training, and Healing), a part of CWU's Wellness Center, located in SURC #139 and by phone at 509-963-3213. As a confidential resource, PATH can provide a starting point for students to discuss their various resources and support options, as well as the various reporting options available to them.

What is Sexual Misconduct?

Sexual Misconduct is a broad term that includes acts of sexual violence, sexual harassment, domestic violence, dating violence, and stalking.

Dating Violence and Domestic Violence

Dating and domestic violence is physical violence, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a member or members of a romantic or intimate partnership against another partner, which can include household members as well as former spouses and intimate partners.

Sexual Assault

Sexual assault is actual or attempted sexual intercourse or sexual contact without the consent of all involved parties.

Sexual Harassment

Sexual harassment is unwelcome conduct of a sexual nature, that creates an intimidating, hostile, or offensive environment, including but not limited to unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, as well as quid pro quo harassment.

Stalking

Stalking is a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

Dating violence, domestic violence, sexual assault, sexual harassment, and stalking are all criminal offenses under Washington state law, even though they may be referred to by different names. At CWU, all forms of sexual misconduct are prohibited.

For additional information and detailed definitions of prohibited sexual misconduct for University community members, please refer to the Title IX Grievance Procedure (CWUR 3-45-061), Sexual Harassment Policy (CWUP 2-35-050), Student Conduct Code (106-125-020), and Discrimination Complaint and Resolution Policy (CWUP 2-35-070).

What is Consent?

Consent means knowing, voluntary, and clear permission by words or actions, by all involved parties to engage in mutually agreed upon sexual activity.

Each party has the responsibility to make certain that the other has consented before and while engaging in the sexual activity. Any involved party may modify or terminate agreements at any time. For consent to be valid, there must be at the time of the act of sexual intercourse or sexual contact actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact.

Reporting Options and Confidentiality

Confidential Resources

If a University community member wants to discuss an experience of sexual misconduct with someone who does not have a responsibility to report the incident to the Title IX Coordinator, they may utilize the confidential services listed on pages 6-7 to get support and learn about the range of options available to them.

Non-confidential/Private Resources and Reporting

Disclosure of sexual misconduct to many members of the University community, all employees that are not specifically designated as confidential, will require the incident to be reported to the Title IX Coordinator.

The Title IX Coordinator will work with the Reporting Party and/or Third-Party Reporter to discuss their rights, options, and resources, as well as the formal complaint process, investigative options, and resolution options, if appropriate. Reports of sexual misconduct can also be made to the Central Washington University Police and Public Safety or through the [Behaviors of Concern reporting form](#).

If you are uncomfortable with initiating an investigative and/or resolution process, consider contacting a confidential resource first, listed on pages 6-7.

Requesting Confidentiality

If a University community member has reported to a non-confidential resource but wants the report to remain private and/or does not want to proceed with an investigative and/or resolution process, they can request confidentiality to the Title IX Coordinator or appropriate office. CWU aims to protect the privacy of the Complainant to the fullest extent possible. In many cases, the Title IX Coordinator can honor a request for confidentiality; however, several factors must be weighed during this determination to ensure that the University is maintaining a safe and nondiscriminatory environment for all members of the University community. For more information about requesting confidentiality, see the Title IX Grievance Procedure (CWUR 3-45-061), Student Discrimination Complaint Procedures (3-45-010), and Discrimination Complaint and Resolution Policy (CWUP 2-35-070).

Protecting Student Privacy in Public Records

Identifying information about the incident and any involved students are a part of the student's "education" record under the Federal Education Rights and Privacy Act (FERPA); therefore, documentation about sexual misconduct incidents is generally protected from public disclosure and withheld from public records. Limited information may be disclosable if the Respondent is found responsible for certain policy violations. For more information on FERPA or institutional record keeping, please contact Central Washington University's Office of Business Services: (509) 963-2310.

If potential on-campus sexual misconduct is reported, the University is required to include that statistic in the [Annual Security and Fire Safety Report](#), compiled by University Police and Public Safety.

Sex discrimination and sexual misconduct can affect and be perpetrated by people of any social identity, including but not limited to sex, gender, sexual or romantic orientation, race, ethnicity, and ability.

Resources

Confidential and Non-Confidential/Private Resources

Central Washington University offers resources for students including medical services, counseling, academic assistance, victim advocacy, and sources for confidential reporting. Community resources offer similar supports for all University community members. These services can include information & support regarding various criminal and civil legal options.

The resources included below are not inclusive of all possible resources available and should be used as a starting point for individuals seeking information and support.

Confidential University and Community Resources

The following resources are confidential, meaning a report will not be made to the Title IX Coordinator or the police. Confidential resources will share information per your wishes except in situations of immediate threat or danger, as well as abuse of a minor or elder. Any confidential resources only available to current students are indicated.

Prevention, Advocacy, Training, and Healing (PATH)

Wellness Center, SURC 139
CWU Ellensburg Campus
509-963-3213

The Wellness Center's PATH services offer a confidential starting point for students impacted by sexual assault, dating or domestic violence, stalking, &/or related concerns. The Wellness Center provides confidential and immediate support and assistance to students and can help with connections to additional campus and/or community resources, based on the students' needs and requests.

Student Counseling Services

Corner of 11th and Poplar
CWU Ellensburg Campus
509-963-1391

Information shared by a counseling client is confidential and not shared unless there is an immediate threat of serious harm to self or others. Student Counseling Services provides information, advocacy, and support to students via appointment, drop-in, or by phone. Student Counseling Services providers assist with access to other campus and community resources.

Student Health Services

Corner of 11th and Poplar
CWU Ellensburg Campus
509-963-1881

Information shared by a medical patient is confidential and not shared unless there is an immediate threat of serious harm to self or others. Student Health Services can provide Plan B, STI and pregnancy testing, and partner treatment to students via appointment or phone. All Student Health Services providers assist with access to other campus and community resources.



ASPEN Victim Advocacy Services

220 W. 4th Ave, Ellensburg
Business Hours Line: 509-925-9384
24-hour Crisis Line: 866-925-9384

ASPEN is a local, 24-hour confidential community resource (not affiliated with CWU) that provides free legal advocacy, access to free counseling information, and opportunities to work with advocates trained to address the needs of individuals who have been the recipients of sexual assault, dating or domestic violence, and/or stalking.

Kittitas Valley Healthcare

603 S. Chestnut St., Ellensburg
509-962-9841

Information shared by a medical patient is confidential and not shared unless there is an immediate threat of serious harm to self or others. Sexual Assault Nurse Examiners (SANE) can provide forensic medical exams to collect any physical or documentary evidence. University community members can receive any need medical assistance, including treatment for injuries, as well as preventative treat for STIs and pregnancy testing.

CWU Centers: Local Confidential Resources

Please contact your local information line or crisis line for resources specific to your area. Each CWU Center campus will have varied resources depending on location, including closest medical care center or emergency room, law enforcement agencies, and support services with victim advocacy assistance. If you need assistance finding or understanding local resources specific to sexual violence and misconduct, please contact PATH in the Wellness Center.

University Resources (Non-Confidential/Private)

The resources below are private and are NOT confidential, which means that a report will be made to the Title IX Coordinator. Regardless of the CWU Campus location of the Reporting Party or Third-Party Reporter, the following University resources provide support and response for all members of the University community. Information will only be shared with relevant campus partners to coordinate support and assistance.

Title IX Coordinator

Thomas Pedersen
CWU Ellensburg Campus
509-963-2031

The Title IX Coordinator is responsible for processing and responding to all reports of sexual misconduct. The Title IX Coordinator will work with the Complainant and/or Third-Party Reporter to discuss their rights, options, and resources.

Office of Student Rights and Responsibilities

Bouillon 205
CWU Ellensburg Campus
509-963-1817

The Office of Student Rights & Responsibilities (OSRR) collaborates with the Title IX Coordinator in their response to reports of sexual misconduct involving students.

Human Resources

Mitchell - 1st Floor
CWU Ellensburg Campus
509-963-1202

Human Resources collaborates with the Title IX Coordinator in their response to reports of sexual misconduct involving employees, including student employees, faculty, and staff.

University Police and Public Safety

1211 Wildcat Way
CWU Ellensburg Campus
509-963-2359
Emergency: 911
After Hours Non-Emergency:
509-925-8534

If appropriate, University Police and Public Safety may collaborate with the Title IX Coordinator, or appropriate office, in their response to reports of sexual misconduct involving any University community member. For more information about reporting sexual misconduct to law enforcement, please review "Reporting to Law Enforcement and Legal Interventions" on pages 13-15.

Any member of the University community may file a complaint with local law enforcement agencies by dialing 911 or by contacting their local law enforcement directly, especially in instances of immediate threat or danger.

Following a Sexual Misconduct Disclosure or Report

Central Washington University is committed to providing a learning, working, and living environment where every community member is comfortable reporting incidents of sexual misconduct. The University encourages community members to report incidents promptly so that we can address the impact of problematic behaviors, as well as provide appropriate resources and assistance as quickly as possible.

The University's highest concern is for the safety, health, and well-being of all involved parties and members of the University community. From modifications to academic and/or work schedules, to referrals to resources on and off-campus, the University can assist community members by providing various supportive measures. Any time the University receives a report of sexual misconduct, the Title IX Coordinator will initiate outreach to the Reporting Party and/or Third-Party Reporter regarding the report.

There are many reasons why a member of the University community may choose not to engage with the Title IX Coordinator. Responding to the Title IX Coordinator is optional for the Reporting Party. In those cases, the University encourages community members to seek resources and supportive measures through confidential resources both on and off-campus.

Supportive Measures

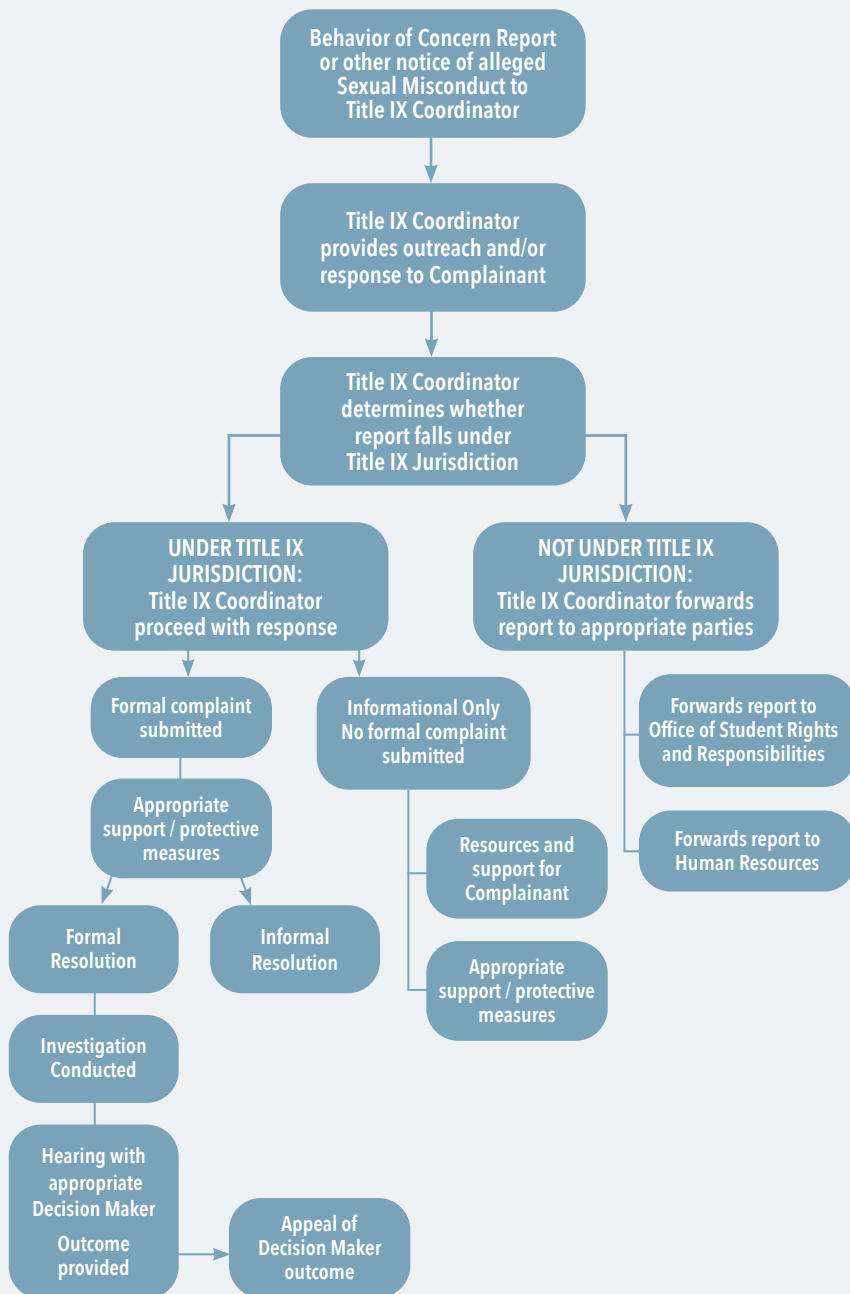
Once an incident has been reported, the Title IX Coordinator will arrange for supportive measures for the Complainant as needed. Supportive measures also may be implemented by the Title IX Coordinator or appropriate office to protect the safety of all University community members as well as deter retaliation and problematic behaviors from reoccurring. Supportive measures can be arranged or implemented by the University whether a formal complaint has been made, as well as whether the report is resolved informally or formally.

If notice of an investigation and/or resolution process is provided to both the Complainant and the Respondent, all involved parties may receive supportive measures, both during and after an investigative process or determination of responsibility. Support measures are individualized to each involved party and the University must comply with reasonable requests for supportive measures. University community members can receive supportive measures even if the other involved party is not a current member of the University community.

If reasonably available, supportive measures include, but are not limited to:

- Access to counseling services, medical assistance, or victim advocacy assistance
- Modifications to work or class schedules
- Modifications to on-campus living arrangements
- Transportation accommodations or assistance
- Campus escorts
- University no-contact orders and trespass from specific areas or buildings

Sexual Misconduct Reporting and Response Workflow



Sexual Misconduct Investigation and Outcomes

At CWU, all forms of sexual misconduct are prohibited. Dating violence, domestic violence, sexual assault, sexual harassment, and stalking are all prohibited conduct for University community members under the Title IX Grievance Procedure (CWUR 3-45-061), Sexual Harassment Policy (CWUP 2-35-050), Student Conduct Code (106-125-020), and Discrimination Complaint and Resolution Policy (CWUP 2-35-070). Other sexual misconduct prohibited under these policies includes sexual violence, sexual intimidation, statutory rape, incest, as well as sex and gender discrimination. This means if potential sexual misconduct is reported, an investigative and resolution process can occur. The investigative and resolution process used to address the reported sexual misconduct will differ depending on which policy applies to the alleged misconduct, but the information provided in this section is true for all policies that address sexual misconduct at CWU.

If a Reporting Party wants the reported sexual misconduct to remain private and/or does not want to proceed with an investigative and resolution process, they can request confidentiality to the Title IX Coordinator or appropriate office (see "Requesting Confidentiality" on page 5 for additional information.) The University has an obligation to respond to the alleged misconduct and to remedy its effects.

Timeline

When a sexual misconduct report is received, the University will respond in a timely and equitable manner. Circumstances, such as multiple witnesses and difficulties with availability and scheduling of parties and witnesses, may impact the timeliness of the investigative and resolution processes. Additionally, allowances for temporary delays and extensions will be made if good cause shown. Both involved parties will be notified, through written notice, of any temporary delay or extension.



Process

Under appropriate circumstances and if the involved parties agree to participate, a University official may be able to facilitate an informal resolution between involved parties. In some cases, informal resolution may not be appropriate and will not be considered. An informal resolution is completely voluntary and does not require the involved parties to meet face to face.

If an investigation process is initiated through the Title IX Coordinator or appropriate office, an investigator will contact and meet with each involved party separately to gather facts around the reported incident. The investigator will also meet with any identified witnesses as well as gather evidence related to the reported incident.

All University officials involved in sexual misconduct investigative and resolution processes receive annual training on investigative and resolution processes as well as specialized training around sexual misconduct. These officials include, but are not limited to, the Title IX Coordinator, investigators, hearing officers or hearing panel members, University appointed advisors of choice, and appellate officers.

CWU prohibits retaliation against those who report sexual misconduct, those who otherwise participate in an investigative and/or resolution process, as well as those who are thought to have reported sexual misconduct or participated in an investigative and/or resolution process.

For more information about investigative and resolution processes, please review the Title IX Grievance Procedure (CWUR 3-45-061), Student Conduct Code (106-125-020), Student Discrimination Complaint Procedures (WAC 3-45-010), and Discrimination Complaint and Resolution Policy (CWUP 2-35-070).

Procedural Rights

Throughout the process, all involved parties are entitled to equitable rights and opportunities, including but not limited to having an advisor of choice present at any investigative meetings or hearings, the opportunity to provide evidence related to the reported incident(s), as well as the opportunity to appeal the outcome of a formal resolution process

University community members who are accused of violating relevant University policies are called "Respondents". Respondents shall be presumed not responsible for alleged sexual misconduct until the appropriate investigative and resolution process has come to a close and a determination of responsibility is reached.

How Decisions are Made

Prior to imposing disciplinary or corrective action, the University is responsible for gathering and presenting evidence to determine responsibility using the preponderance of the evidence standard. A preponderance of the evidence means that there is sufficient evidence to show that it is more likely than not that the Respondent is responsible for relevant policy violation(s).

Following a Sexual Misconduct Disclosure or Report

Potential Sanctions

A student respondent found responsible for sexual misconduct may receive discipline up to and including dismissal from CWU. A description of other possible disciplinary sanctions and conditions that may be imposed against students can be found in WAC 106-125-030.

An employee respondent found responsible for sexual misconduct may receive discipline up to and including dismissal from employment. A description of possible disciplinary sanctions and conditions that may be imposed against employees can be found in the applicable CWU employment policies and collective bargaining agreements.

Reporting to Law Enforcement and Legal Interventions

If someone has recently experienced sexual misconduct, the University encourages community members to preserve evidence even if you are unsure about reporting to the University or filing criminal charges. Preserving physical and documentary evidence is important as it may assist in obtaining a protective order or proving that an incident occurred in criminal case or University investigative process.

Please consider taking the following steps to preserve evidence, if appropriate:

- Avoid drinking, bathing, showering, brushing your teeth, using mouthwash, or combing your hair.
- Avoid changing your clothes. If you have already changed your clothes, place your clothing and other items (sheets, blankets) in a brown paper bag.
- You should seek medical assistance within 72 hours of the incident so that any physical evidence can be preserved. Medical assistance can include treatment for injuries, as well as preventative treatment for STIs and pregnancy testing.
- The University encourages community members to go to the emergency room of local hospitals and request a Sexual Assault Nurse Examiner (SANE). The SANE will conduct a forensic examination as well as collect physical and documentary evidence. Requesting a SANE and completing an examination does NOT mean that you must file a police report. Evidence can be anonymously preserved for a set period if you decide you want to use it later.
- The Washington State Crime Victim's Compensation Program may be able to cover all, if not most, medical costs when a crime is reported to the police and fulfills other program requirements.

In all cases of sexual misconduct, University community members are encouraged to preserve other evidence, including but not limited to handwritten or electronic communications and photographs of the incident or physical injuries. If you are willing and able, document everything you can recall about the sexual misconduct incident as you are able to recall it.

Contacting Law Enforcement

Any University community member that has experienced sexual misconduct has various options regarding contacting law enforcement:

1. You can choose not to notify law enforcement. You can utilize any of the confidential resources on pages 6-7, including but not limited to PATH in the Wellness Center, if you are unsure about whether to report to law enforcement and want to learn more.
2. You can utilize any of the confidential or non-confidential resources on pages 6-8 to receive assistance in notifying appropriate law enforcement agencies.
3. You can also contact the law enforcement agencies listed below to report sexual misconduct, anonymously or formally, and may be directed to another law enforcement agency that has jurisdiction over the incident. Jurisdiction is dependent upon where an incident occurred and/or where the involved parties reside.

Any member of the University community may file a complaint with local law enforcement agencies by dialing 911 or by contacting their local law enforcement directly, especially in instances of immediate threat or danger.

University Police and Public Safety stands by their [Sexual Assault Response Commitment](#) when working with members of the University community reporting sexual misconduct. University Police and Public Safety, as well as other law enforcement agencies, will provide the option to have a victim advocate respond to provide support as well as additional information about victim rights and resources. For more information about assistance in making a report to law enforcement, contact University Police and Public Safety and/or PATH in the Wellness Center.

If you choose to file a police report, the officer will ask for detailed information about the sexual misconduct being reported, including but not limited to a written statement and information about any other involved party/parties. If the officer is aware that the reporting party is a member of the University community, a formal report may also be submitted to the Title IX Coordinator if appropriate.

University Police and Public Safety

1211 Wildcat Way
CWU Ellensburg Campus
509-963-2359
Emergency: 911
After Hours Non-Emergency:
509-925-8534

Ellensburg Police Department

100 N. Pearl St., Ellensburg
509-962-7280
Emergency: 911

Kittitas County Sheriff's Office

307 W. Umpanum Rd., Ellensburg
509-962-7525
Emergency: 911

CWU Centers: Local Law Enforcement and Legal Intervention Resources

Please contact your local law enforcement, as well as your local information line or crisis line, for resources and assistance specific to your area. If you need assistance finding or understanding local resources specific reporting to law enforcement and/or legal intervention, please contact University Police and Public Safety and/or PATH in the Wellness Center.

Protective and No-Contact Orders

In Washington State, courts issue a variety of protective and no-contact orders to increase protections for people affected by different forms of violence. An example of this is a civil protection order, issued by an individual's request (petitioner) who has experienced domestic or dating violence by an identified respondent. Protective and no-contact orders may require an individual to abstain from all types of contact with the petitioner and can include the requirement that the respondent stay a specific distance away from the petitioner, or not be allowed to enter a petitioner's residence, school, workplace, etc. There are also orders that cover sexual assault, stalking, harassment, and pending criminal investigations.

For more information about the types of court-issued orders available, and for assistance with the process of obtaining a court-issued order, please contact ASPEN or your local support services with advocacy resources. University community members who have active, temporary, or permanent protective or no-contact orders through the court can receive assistance by contacting University Police or Public Safety as well as their local law enforcement agency and providing the agency with a copy of the order.

University Issued No-Contact Orders for Students

Title IX and the Office of Student Rights and Responsibilities can help facilitate a no-contact order for student members of the University community, if both parties are affiliated with the University. A no-contact order is a University order that prohibits any and all forms of communication between the involved parties, including but not limited to purposefully going to places/locations where the other involved party frequents, phone and electronic communication, and contact through third parties.



RESPONSE TO SEXUAL MISCONDUCT: KNOW YOUR RIGHTS AND OPTIONS



CWU is an AA/EEO/Title Institution. For accommodation: DS@cwu.edu