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SECTION ONE: INTRODUCTION

Walla Walla University is committed to providing all individuals with an environment free of sex discrimination and sexual misconduct. Walla Walla University prohibits all forms of sex discrimination and sexual misconduct including, but not limited to, sex-based intimidation and harassment, sexual harassment, domestic violence, dating violence, stalking, and sexual violence. Instances of sex discrimination or sexual misconduct, in any form, will not be tolerated. Should such issues arise, this policy outlines procedures designed to effectively address these issues in a timely manner, prevent recurrence, and support individuals affected. This policy is not and should not be construed to be an alternative or replacement for the criminal justice system. Rather it provides avenues through which the campus community may work to create a healthy learning environment.

THE UNIVERSITY WILL

- Respond to and investigate every reported complaint within a timely manner.
- Provide involved parties with appropriate resources such as mental and physical health care providers as well as campus policies on sex discrimination and sexual misconduct.
- Provide remedies when misconduct is discovered.
- Impose appropriate sanctions on a case-by-case manner.
- Protect the privacy of all those involved to the extent it is possible and where protecting that privacy does not put the individual or others at risk.

Walla Walla University is committed to addressing all forms of sex discrimination and sexual misconduct through enacting preventative measures, educating the campus community, and implementing our institutional disciplinary process. Walla Walla University employees are responsible for taking reasonable and necessary action to prevent, address, and respond to sex discrimination/misconduct as permissible by their professional guidelines, which are based on the capacity in which they were hired by the University. For example, those hired as mental health counselors may be exempt from reporting instances of sexual assault if the individual does not pose a threat to themselves or the campus community. However, a faculty member who may also hold a degree in counseling would still be required to report since they were hired by the University in the capacity of faculty rather than mental health counselor.
SECTION TWO: SCOPE OF THE POLICY

This policy applies to any form of sex discrimination or sexual misconduct that is sufficiently severe, pervasive, or persistent to deny or limit a student’s ability to participate in or benefit from any program or educational opportunity provided by Walla Walla University. Upon notice of sex discrimination or sexual misconduct, Walla Walla University is responsible to take immediate steps to eliminate the conduct, remedy its effects, and prevent its recurrence. This policy applies to all university-related activities both on and off campus and applies to all individuals involved in these activities. Any member of the Walla Walla University community, including but not limited to employees, students, guests, and contracted professional, found in violation of this policy may be subject to disciplinary action.

This policy also applies to conduct by third parties, who are not themselves employees or students of Walla Walla University (such as a visiting speaker, contracted professional or visiting athletic team). The disciplinary actions the University may take will differ depending on the level of control the school has over the harasser. Regardless of the level of disciplinary action that can be taken, Walla Walla University is committed to remedying the effects of any sex discrimination/misconduct and preventing its recurrence.

It should be noted that harassment does not include verbal expressions or written material that is relevant and appropriately related to course subject matter or curriculum. The policy does not limit classroom teaching concerning sexual topics legitimately related to the content or purposes of a course, even though such topics may elicit discomfort in a class member. Nor is this policy intended to limit scholarly research, publication, or public speaking on gender-related topics.

All members of the Walla Walla University community are required to comply with the policy and procedures outlined to address complaints. In addition to the procedures outlined herein, discrimination and harassment complaints may be filed with the U.S. Equal Employment Opportunity Commission or the U.S. Department of Education, Office for Civil Rights. Any complaint of discrimination or sexual misconduct filed under the University’s policy shall be processed even if the reporting party also files a complaint or suit with an outside agency, U.S. Equal Employment Opportunity Commission or U.S. Department of Education, Office for Civil Rights. Retaliation against anyone who files a report or participates in the investigative process will not be tolerated.
SECTION THREE: CONFIDENTIALITY POLICY

If you are a victim of or aware of an instance of sex discrimination or sexual misconduct, you are highly encouraged to report it. The University has resources to offer and may be able to help. There are several options for reporting with differing levels of confidentiality. The University will make every effort to keep the report as private as you want and let you determine the course of action whenever possible.

Certain employees can maintain complete confidentiality (unless there is a concern for your safety or the safety of others) and are not required to share the details of the incident with anyone else. Other employees are required to share certain details of your report with specific professional staff on campus. Likewise, in certain situations the University has federal reporting requirements. In these cases, your information will be shared with as few people as possible and every effort will be made to maintain your privacy.

If you are unsure of a staff or faculty member’s reporting requirement, contact the Title IX Coordinator. This policy is intended to make individuals aware of the various reporting and confidential disclosure options available so that individuals can make informed choices about available resources should they become a victim of or aware of sex discrimination or sexual misconduct. The reporting avenues, levels of confidentiality, and other University reporting requirements are outlined in Section 7: Reporting Policies and Protocols.

All individuals involved in an investigation or adjudication procedure will be informed of the importance of confidentiality.
SECTION FOUR: OPTIONS FOR ASSISTANCE

IMMEDIATE ASSISTANCE
If you or someone you know is a victim of sexual assault, the following procedures are encouraged:

1. Go to a safe place.
2. Call someone whom you trust.
3. Consider reporting to local law enforcement and the Title IX Coordinator.
4. Consider seeing a medical professional. There are many benefits to doing so. Seek medical care at an emergency room or hospital of your choice. It is important to have a medical exam to check for physical injuries and disease, to dispense pregnancy information and prophylaxis if necessary, and to collect evidence should you decide to prosecute. If you are planning on filing a criminal complaint, the medical exam must be done within 72 hours of the assault. You may have the exam and then decide not to prosecute. It may be helpful to ask someone you trust, a Walla Walla University staff member, or a volunteer from the YWCA, to go with you.

If you want to prosecute, there are steps you can take to help preserve evidence. You should avoid changing clothes, bathing, douching, urinating, or defecating before arriving at the ER. Urine samples will be necessary to test for any date rape drugs. Bring extra clothes with you, as clothing may be held as evidence.

You are encouraged to report any instance of sex discrimination or sexual misconduct to campus personnel so you may be provided with support, assistance, and resources. Campus personnel can also assist you in contacting other resources both on and off campus.

Contact information for crisis services available to WWU’s campuses can be found in Section Twelve.
The University may also offer the following remedies and/or accommodations for individuals reporting sex discrimination or sexual misconduct, including (no formal complaint or investigation, campus or criminal, need occur before these options are available):

Inform the reporting party of, and offer to assist in accessing available resources both on and off campus such as mental health counseling, physical health care providers, and victim advocacy services.

Inform the reporting party of the right to report to local law enforcement and provide assistance if the reporting party so wishes.

Offer other security and support services such as:

- Issuing a campus no-contact order against another student who has engaged in or threatens to engage in sexual misconduct, stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the reporting party or others;

- A change of living or working arrangements, or academic accommodations so the reporting party need not face the responding party. Academic accommodations will vary based on the situation and class, but may include options such as assignment rescheduling, taking an incomplete in a class, transferring class sections, temporary withdrawal, alternative course completion options, etc.

**ONGOING ASSISTANCE**

You may have a need for ongoing support in the days and weeks following instances of sex discrimination and/or sexual misconduct. Walla Walla University encourages you to utilize the following resources, available to you whether or not you choose to make an official report or participate in an institutional disciplinary and/or criminal process:

- **Counseling and Advocacy Services**
  - **ON CAMPUS**
    - Counseling, Testing, and Wellness
    - (509) 527-2147
    - Meske Hall, room 222
    - Services are free to students.

- **Health Care Providers**
  - **ON CAMPUS**
    - Adventist Health University Clinic
    - (509) 527-2425
    - Meske Hall
  - **OFF CAMPUS**
    - Walla Walla General Hospital
    - (509) 525-0480
    - 1025 S. 2nd Ave, Walla Walla
    - Providence St. Mary Medical Center
    - (509) 525-3320
    - 401 W. Poplar, Walla Walla

- **Title IX Coordinator**
  - Jennifer Carpenter
  - (509) 527-2141
  - The Title IX Coordinator is trained in issues of sex discrimination and sexual misconduct and can connect you to resources, answer questions, offer other forms of assistance as appropriate, and provide ongoing support with an institutional disciplinary process or a criminal process.

Contact information for crisis services available to WWU’s campuses can be found in Section Twelve.
SECTION FIVE:  
TITLE IX COORDINATOR

The Title IX Coordinator for Walla Walla University is Jennifer Carpenter, Director of Human Resources. She can be reached at Jennifer.Carpenter@wallawalla.edu or (509) 527-2141. To reach her after hours or in an emergency, please contact Campus Security at (509) 527-2222.

THE TITLE IX COORDINATOR IS RESPONSIBLE FOR THE FOLLOWING:

Oversight and implementation of the Title IX policy including investigation and adjudication procedures.

Ensure all members of the investigation and adjudication teams for Title IX are trained in issues specific to sex discrimination and sexual misconduct.

Educate the Walla Walla University community on reporting requirements for sex-based offenses including when and how to report instances of sex discrimination and sexual misconduct.

Coordinate trainings for the Walla Walla University community on issues of sex discrimination and sexual misconduct.
SECTION SIX: DEFINITIONS AND EXAMPLES

COERCION
Unreasonable pressure for sexual activity.

CONSENT
An active giving of permission to engage in activity. Consent is clear, knowing, and voluntary. Consent may be given through words or actions. Silence or absence of protest is not to be interpreted as consent. Previous history does not imply consent for future activity. Likewise, consent to one activity does not imply consent to another. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Consent can be withdrawn at any time. Consent cannot be given under pressure, force, threats, intimidation, coercion, or while incapacitated due to influence of alcohol and/or drugs. In order to give consent one must be of legal age and not incapacitated mentally or physically.

DATING VIOLENCE/DOMESTIC VIOLENCE
When controlling, abusive, or aggressive behaviors are used by one person to gain power over the other. It can happen in cohabitating or romantic relationships that are mixed or same sex. Controlling, abusive, or aggressive behaviors can include physical violence, threat of physical violence, emotional, mental, or sexual abuse or a combination of these.

FORCE
The use of physical violence and/or imposing on someone physically to gain sexual access. Force includes threats, intimidation, and coercion that overcome resistance or produce consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.

INCAPACITATION
A state where an individual cannot make a rational or reasonable decision because they lack the ability or information to understand the sexual interaction to the fullest extent. Incapacitation can result from mental or physical disabilities, drug or alcohol use, physical restraints, “date-rape” drugs, or anything that effects the individual’s ability to make a clear and informed decision. Incapacitation occurs anytime sexual activity takes place where the alleged victim does not understand the “who, what, when, where, why, and how.” Even if a person gives consent while incapacitated, the consent is invalid.

INTIMIDATION
The act of using coercion, instilling fear, or making threats to induce submission, compliance, or acquiescence from another.
NON-CONSENSUAL SEXUAL CONTACT
Any intentional sexual touching, however slight with any object, by an individual or group or upon another individual or group that is without consent and/or by force.

REPORTING PARTY
The individual reporting the alleged issue of sex discrimination and/or sexual misconduct.

RESPONDING PARTY
The alleged perpetrator of any form of sex discrimination and/or sexual misconduct.

RETALIATION
When an individual seeks a form of revenge against another for a perceived wrong.

SEX DISCRIMINATION/SEXUAL MISCONDUCT
Anytime a person’s sex becomes a factor or basis in treating them unfairly. Sex discrimination may also occur when an individual is treated unfairly due to their connection with a group or organization that is typically associated with a certain sex. Sexual misconduct includes behaviors such as sexual assault, sexual harassment, any non-consensual behavior of a sexual nature, domestic or dating violence, and stalking. Such behaviors could be committed by force, intimidation, or use of a victim’s incapacity (physical, mental, or through the use of drugs and/or alcohol).

SEXUAL ASSAULT
Sexual intercourse or sexual contact with another person by forcible compulsion and/or without consent. Forcible compulsion may be committed by means such as physical power, coercion, or incapacitation. Acts of sexual assault include rape, oral, or anal intercourse, and other sexual acts not involving intercourse to which participants are not both consenting. Absence of protest is not consent.

SEXUAL CONTACT
Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth, or other orifice.

SEXUAL EXPLOITATION
When a person takes non-consensual or abusive sexual advantage of another for their own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses. Examples of sexual exploitation include:

- Invasion of sexual privacy
- Non-consensual video or audio-taping of a sexual nature
- Going beyond the boundaries of consent (such as letting friends view you having
consensual sex without the other party knowing)
■ Sexually-based stalking and/or bullying
■ Engaging in voyeurism
■ Knowingly transmitting an STI or HIV to another person

SEXUAL HARASSMENT
Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.
■ Quid Pro Quo: Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or educational experience.
■ Retaliatory: Submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual. This can also include retaliation against any person by the reporting party, the responding party, or by friends or others who are sympathetic to either party. In addition, retaliation directed toward a third party due to their participation in a disciplinary process or for supporting an investigation may be retaliatory harassment.
■ Hostile Environment: Such conduct is sufficiently severe, pervasive and persistent so as to alter the conditions of, or have the effect of substantially interfering with, an individual’s educational opportunity by creating an intimidating, hostile, or offensive environment.

STALKING
A course of conduct that occurs when one individual repeatedly directs unwanted or obsessive attention towards another. Behaviors may include being in unnecessary or unusual repeated visual or physical proximity to an individual, nonconsensual communication, verbal, written, or implied threats, persistent patterns of leaving unwanted gifts, damaging or threatening to damage property, lying in wait and/or monitoring, defamation of character, harassment via internet or telephone, spreading rumors, or a combination of these.

EXAMPLES OF SEX DISCRIMINATION/SEXUAL MISCONDUCT
Some examples of conduct prohibited by this policy include, but are not limited to:
■ DIRECT OR IMPLIED THREATS that submission to sexual advances or rejection of sexual advances will be a condition of employment, work status or assignments, promotion, grades, letters of recommendation, salary, academic standing, or receipt of financial aid;
■ PERSISTENT AND UNWELCOME FLIRTATION, ADVANCES, AND/OR PROPOSITIONS of a sexual nature, intimidating conduct which exerts pressure for sexual favors, including inappropriate behavior or offensive advances (e.g., sexual propositions when the other person has made it clear that they are not interested) without threat of punishment for noncompliance and without promise of reward for compliance;
■ REPEATED INSULTS, HUMOR, JOKES, AND/OR STORIES that belittle or demean an individual’s or group’s gender or orientation, and physical conduct or verbal innuendo which, because of one’s gender or orientation, creates an intimidating, hostile, or offensive environment;
- **REPEATED UNWELCOME COMMENTS** of a sexual nature about an individual’s body or clothing;
- **A PATTERN OF CONDUCT** in class, in the work-place, or in the general campus environment that a reasonable person would identify as creating a sexist atmosphere; that is, an atmosphere that demeans or oppresses people simply by virtue of their gender. Examples of such patterns of conduct might include persistent denigration of individuals through sexist humor or remarks, assignment according to gender of tasks that are not gender-specific, or other activities that, by alienating or discouraging members of one sex, tend to impair their academic or professional performance or their ability to function within the community (e.g., hanging of signs which depict individuals in a sexually derogatory manner, yelling sexist remarks from windows as an individual walks by); and/or,
- **BEHAVIOR THAT WOULD CAUSE DISCOMFORT** or humiliate a reasonable person through one or more of the following:
  - Inappropriate touching, patting, pinching, unwanted hugging, or brushing against a person’s body;
  - Remarks of a sexual nature about a person’s clothing or body;
  - Remarks about sexual activity or speculation about previous sexual experience or sexual orientation, or other sexually suggestive remarks or insults.
Section Seven: Reporting Policies

Walla Walla University encourages all members of the campus community to report instances of sex discrimination and sexual misconduct. You may report if you are a victim or a third party who is aware of an issue of sex discrimination or sexual misconduct. There are various avenues for reporting with varying levels of confidentiality and services available.

Certain WWU employees can maintain complete confidentiality and are not required to share the details of the incident with anyone else, unless there is a concern for your safety or the safety of others. Other Walla Walla University employees are defined as “responsible employees” as they are required to share your report with the Title IX Coordinator so that Walla Walla University may take steps to offer you support services, prevent the recurrence of the sex discrimination, etc. In these cases, your information will be shared with as few people as possible and every effort will be made to maintain your privacy. Regardless of the reporting avenue you choose, we will make every effort to keep the report as private as you want and let you determine the course of action whenever possible.

If you are unsure of a staff or faculty member’s reporting requirement, please ask. This policy is intended to make individuals aware of the various reporting and confidential disclosure options available so that individuals can make informed choices about where to turn should they become a victim of or aware of sex discrimination or sexual misconduct. The reporting avenues, levels of confidentiality, and other University reporting requirements are outlined below.

RetaliatiOn
Retaliation against any individual who makes a report or participates in the disciplinary process will not be tolerated.

Reporting Avenues
Confidential Reporting
The Adventist Health University Clinic (AHUC) and Counseling, Testing, and Wellness counselors and health care professionals can provide you with confidential reporting. These employees cannot and will not share the details of your report without your consent. However, should your report indicate there is a concern for your safety or the safety of others, they may have to share some details. AHUC can be reached at (509) 527-2425. The Counseling, Testing, and Wellness department can be reached at (509) 527-2147. To reach AHUC or Counseling, Testing, and Wellness after-hours please contact Campus Security at (509) 527-2222. These individuals can connect you with resources and explain the other reporting options available to you.

Off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with the University unless the victim requests the disclosure and signs a consent or waiver form. If you would like to report to someone off campus,
you may also contact the YWCA Crisis Center at (509) 529-9922.

**PRIVATE REPORTING**
You may report issues of sex discrimination and/or misconduct to the Title IX Coordinator or any Walla Walla University employee (Residential Life and Housing, Campus Security, etc.). These individuals are defined as “responsible employees” and are required to share your information with the Title IX Coordinator. Your information will be shared with as few people as possible. Every effort will be made to keep the details private. The details of your report, to whom you report and the course of action you wish to pursue will determine how your information is shared. A responsible employee should not share information with law enforcement without the reporting party’s consent or unless the reporting party has also reported the incident to law enforcement.

When a responsible employee is made aware of an incident of sex discrimination or sexual misconduct, the reporting party has the right to expect the University to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

The University will remain ever mindful of the reporting party’s well-being, take ongoing steps to protect the reporting party from retaliation or harm, and work with the reporting party to create a safety plan. Retaliation against any reporting party, whether by students or employees, will not be tolerated.

**TITLE IX COORDINATOR**
You may report to the Title IX Coordinator for Walla Walla University, Jennifer Carpenter, Director of Human Resources. She can be reached at Jennifer.Carpenter@wallawalla.edu or (509) 527-2141. To reach her after hours or in an emergency, please contact Campus Security at (509) 527-2222.

**LOCAL LAW ENFORCEMENT**
You may also report to your local law enforcement via 911 in an emergency or by contacting your local police department. Contact information for police departments can be found in Section Twelve of this policy. They can assist in filing civil and/or criminal charges. Sexual assault is a criminal offense. Walla Walla University realizes universities cannot and should not hold themselves as an alternative to the criminal justice system.

**UNIVERSITY REPORTING REQUIREMENTS**

**FEDERAL REPORTING OBLIGATIONS**
Campus officials have a duty to report certain forms of sex discrimination and sexual misconduct for federal statistical reporting purposes. All personally identifiable information is kept confidential, but statistical information must be passed along to campus law enforcement regarding the type of incident and its general location for publication in the annual Campus Security Report.
FEDERAL TIMELY WARNING REPORTING OBLIGATIONS
Victims of sexual misconduct should also be aware that University administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. The University will make every effort to ensure that a complainant’s name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

PARENTAL NOTIFICATION
Walla Walla University reserves the right to notify parents/guardians of dependent students regarding any health or safety risk. The University may also notify parents/guardians of non-dependent students who are under age 21 of alcohol and/or drug policy violations. Walla Walla University also reserves the right to designate which university officials have a need to know about individual conduct complaints pursuant to the Family Educational Rights and Privacy Act.

AMENSTY PROVISION
The University recognizes that individuals who have been drinking alcohol and/or using other drugs (whether such use is voluntary or involuntary) at the time that sex discrimination or sexual misconduct occurs may be hesitant to report such incidents due to fear of potential consequences for their conduct. Sex discrimination or sexual misconduct may include, but is not limited to, sex-based intimidation and harassment, sexual harassment, domestic violence, dating violence, stalking, and sexual violence. Walla Walla University strongly encourages individuals to report any of the above forms of discrimination or misconduct to University officials. A reporting individual or bystander acting in good faith when disclosing any incidents of sex discrimination or sexual misconduct to University officials or law enforcement will not be subject to disciplinary action per Walla Walla University’s Student Code of Conduct or Employee Handbook, for violations of alcohol and/or other drug use policies occurring at or near the time of the commission of any of the above forms of violence.

However, to foster healing and growth, WWU may initiate educational opportunities about the use of alcohol or drugs and their impact. Amnesty applies only to the personal use of alcohol or drugs and does not extend to other potential violations of the Student Code of Conduct or other University policies. For example, if the responding party provided alcohol or drugs to the reporting party as a means of facilitating the alleged violation, the responding party may face additional action.

Abuse of amnesty requests can result in a decision by the Vice President of Student Life not to extend amnesty to the same person repeatedly. Abuse of this policy may result in the appropriate disciplinary action.

WHAT TO EXPECT WHEN YOU REPORT
If you contact a member of Residence Life and Housing (your RA or RD), Campus Security, faculty, or professional staff (not including those hired by Walla Walla University as mental or physical health providers):

- The employee will notify the Title IX Coordinator of the incident.
- You may be contacted by the Title IX Coordinator regarding the incident.
- An investigation conducted by a campus employee trained as a Title IX investigator may begin if the individual so chooses or if the incident suggests there is an ongoing threat to the campus community. An investigation does not mean that your personal identity will be revealed to the campus community nor does it mean that you would ever have to come face-to-face with the accused.
- The Title IX Coordinator will offer to connect you to local police and mental and physical health care providers if you so desire
- If the responding party is a member of the Walla Walla University community, the Title IX Coordinator can order the responding party to cease and desist from any intentional contact, direct or indirect, with you. The University may also be able to offer housing and/or classroom accommodations so that the reporting party need not face the responding party.
- You will also be given the opportunity to contact Walla Walla University Counseling, Testing, and Wellness or another agency in the community such as a YWCA Crisis Center.
- The nature of your report (i.e. sexual assault) may be included in the University’s crime statistic log. The crime log does not include personally identifiable information, just that a report of an issue such as sexual assault was taken. Likewise, should the nature of your report pose a threat to the campus community, general information may need to be shared. This is further explained in the Federal Reporting Obligations section.
- If you chose to move forward with the campus judicial process, the individuals who facilitate that process will be notified as well as the responding party.

If you contact the Adventist Health University Clinic or Counseling, Testing, and Wellness:

- A counselor and/or an Advanced Registered Nurse Practitioner (ARNP) will meet with you on-campus and provide support.
- The counselor and/or ARNP will not share any information of the incident with law enforcement or a member of the Walla Walla University community without the victim’s consent unless there is a clear threat to others or the individual makes statements of a suicidal/homicidal nature.
- The counselor and/or ARNP will explain reporting options and support you in whatever decision you make regarding whether or not to report.
- If you choose to file a report with the Title IX Coordinator or law enforcement, a counselor may accompany you and support you through the process if you so desire.

If you contact your local police department:

- The police will meet with you to discuss the incident and create a report.
- The police will ask you for details of the sex discrimination or sexual misconduct and explain your legal rights.
- They may contact a victim advocacy service or the alleged perpetrator. Their actions will depend on what you report and how you want to proceed.
- The police may contact Campus Security to let them know that they are on campus.

**If you go to the hospital for an exam:**
- You may request that a sexual assault exam be completed.
- A police officer may be contacted and you may be asked to make a report. The officer is there to collect any evidence obtained during the exam.
- If you are 18 or older, your parents will not be notified by the hospital without your consent.
- Making a report and completing an exam preserves the option to prosecute, but does NOT commit an individual to pressing charges.
- You may request a member of the Walla Walla University community, an advocate from the YWCA, or a support person of your choice to accompany you to the exam.
SECTION EIGHT: INVESTIGATION PROCEDURES

The University will investigate all reports of sex discrimination and sexual misconduct. However, the level and scope of the investigation may in some cases be decided by the reporting individual. Responsibility for the investigation is assigned to the Title IX Coordinator. The Title IX Coordinator oversees the training and implementation of the investigator team.

TITLE IX COORDINATOR
Jennifer Carpenter
Director of Human Resources

Deputy Title IX Coordinators

Kristen Taylor
Director of Resident Life and Housing

Annette Riebe
Dean of Residence and Student Life, Portland Campus

Trained Title IX Investigators

Cheree Dennison
Associate Director of Human Resources

David Freedman
Senior Accountant

Sue Huett
Disability Support Services Coordinator

Shirlee Kehney
Director of Risk and Safety Management

Shawna Larsen
Facility Services Manager

David Lindstrom
Career Center Director

FORMAL INVESTIGATIONS

Formal investigations with willing participants provide the most thorough and effective process. They are also necessary for campus disciplinary proceedings.

In a formal investigation the Title IX Coordinator will assign a team of two investigators to investigate the case. The investigators may interview the reporting party, the responding party, witnesses, parties with potentially relevant information, review video footage, and investigate other appropriate avenues that may provide pertinent information. The investigators will keep both the reporting party and the responding party apprised of their rights and the status of the process. The investigators will compile all the investigation material into a report and make a determination of responsible or not responsible. The steps of the process are outlined in Section 9: Grievance/Adjudication Procedures.

INFORMAL INVESTIGATIONS AND REQUESTS FOR CONFIDENTIALITY

If a reporting party discloses an incident but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the University must weigh that request against the University’s obligation to provide a safe, non-discriminatory environment for all students, including the reporting party.
If the University honors the request for confidentiality, a reporting party must understand that the University’s ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited. Although rare, there are times when the University may not be able to honor a reporting party’s request not to investigate in order to provide a safe, non-discriminatory environment for all students. When weighing a reporting party’s request for confidentiality or that no investigation or discipline be pursued, the University will consider a range of factors, including, but not limited to, the following:

- Whether there have been other sexual violence complaints about the alleged perpetrator
- Whether the accused has a history of arrests or records from a prior school indicating a history of violence.
- Whether the accused threatened further sexual or other violence against the reporting party or others.
- Whether the sexual violence was committed by multiple perpetrators.
- Whether the sexual violence was perpetrated with a weapon.
- Whether the reporting party is a minor.
- Whether the University possesses other means to obtain relevant evidence of the sexual violence (e.g., security cameras or personnel, physical evidence).
- Whether the reporting party’s report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead the University to investigate and, if appropriate, pursue disciplinary action.

If the University determines that it cannot maintain a reporting party’s confidentiality, the University will inform the reporting party prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the University’s response.

If a reporting party discloses an incident but wishes to maintain confidentiality, the University may not require a reporting party to participate in any investigation or disciplinary proceeding. Because the University is under a continuing obligation to address the issue of sex discrimination and sexual misconduct campus-wide, reports will also prompt the University to consider broader remedial action such as increased monitoring, supervision or security at locations where the reported sexual misconduct occurred, increasing education and prevention efforts, conducting climate surveys, and/or revisiting its policies and protocols.

If the University determines that it can respect a reporting party’s request for confidentiality, the University will also take immediate action as necessary to protect and assist the reporting party. The University will offer remedies and/or accommodations for the reporting party. Some
examples of these are below. No formal complaint or investigation, campus or criminal, need occur before these options are available.

- Inform the reporting party of, and offer to assist in accessing, available resources both on and off campus such as mental health counseling, physical health care providers, and victim advocacy services.
- Inform the reporting party of the right to report to local law enforcement and provide assistance if the reporting party so wishes.
- Offer other security and support services such as:
  - Issuing a campus no-contact order against another student who has engaged in or threatens to engage in sexual misconduct, stalking, threatening, harassing, or other improper behavior that presents a danger to the welfare of the reporting party or others;
  - Arranging a change of living or working arrangements, or academic accommodations so the reporting party need not face the responding party. Academic accommodations will vary based on the situation and class, but may include options such as assignment rescheduling, taking an incomplete in a class, transferring class sections, temporary withdrawal, alternative course completion options, etc.

CONFIDENTIALITY
All individuals involved in an investigation and/or adjudication process will be informed of the importance of confidentiality. Conversations and information that result from an investigation or disciplinary proceeding are private and should not be shared.

TIME FRAMES
Investigations will be conducted in reasonable and prompt time frames with a goal of 60 days for completion. Certain issues may result in prolonged investigations, such as the point in the quarter when the incident is reported. For example, conducting interviews during school breaks may be more challenging as students, faculty, or staff may be away. Every effort will be made to find resolution within the 60-day time frame. Should the incident also be investigated by local law enforcement, the campus process need not wait for the outcome of the criminal justice system process before making a final determination.
SECTION NINE:
GRIEVANCE/ADJUDICATION PROCEDURES

STANDARD OF PROOF
The standard of proof used for hearing cases of sex discrimination and sexual misconduct will be preponderance of the evidence, or “more likely than not.” Findings of responsible or not responsible for sex discrimination and sexual misconduct cases will be made based on this standard of proof in determining if a violation occurred.

REPORTING PARTY AND RESPONDING PARTY RIGHTS

The right not to be discouraged by University officials from reporting an assault to both on-campus and off-campus authorities.

The right to be informed by University officials of options to notify proper law enforcement authorities, including campus security and local police, if the student so chooses. This also includes the right not to report, if this is the victim’s desire.

The right to have complaints of sex discrimination and sexual misconduct responded to quickly and with sensitivity.

The right to be notified of available mental health counselling, physical health care providers, and victim advocacy services.

The right to investigation and appropriate resolution of all credible complaints of sexual misconduct made in good faith.

The right to be treated with respect by University officials.

The right to preservation of confidentiality, to the extent possible and allowed by law.

The right not to have irrelevant prior sexual history admitted as evidence in a campus investigation.

The right to an outcome based solely on evidence presented. Such evidence shall be credible, relevant, based in fact, and without prejudice.

The right to appeal the finding(s) and/or sanction(s).

The right to a fundamentally fair hearing, as defined in this policy.

The right to have University policies and procedures followed without material deviation.

INITIAL GRIEVANCE REPORT
When an incident of sex discrimination or sexual misconduct is reported, the Title IX Coordinator will:

- Determine the identities and contact information of the reporting and responding party.
Conduct an immediate preliminary inquiry to determine:

- Whether the reporting party is willing to engage in the investigation process and allow their identity to be known to the responding party.
- Whether or not the alleged behavior suggests increased or ongoing harm to the reporting party or other members of the University community.
- Necessary interim remedial actions and accommodations for the reporting party.

Based on the information obtained in the preliminary inquiry, the Title IX Coordinator will determine if there is enough evidence to proceed with a comprehensive investigation.

- If the preliminary inquiry does not yield enough evidence to warrant an investigation, the reporting party will be notified and the case will be closed.
- If there is evidence to warrant an investigation, the Title IX Coordinator will notify both parties, review the allegations with the responding party, and assign a team of two investigators to conduct a thorough, reliable, and impartial investigation.

Assist the parties in understanding the policies and procedures involved, as well as their rights during the proceedings, including the right to have an advocate present.

Review the information related to the grievance allegation(s) in order to initiate an appropriate response.

Provide for both parties appropriate remedies or interim measures as necessary throughout the investigation process.

REPORTING/RESPONDING PARTY ADVOCATES
Both parties have the right to one advocate who will support them as they go through the investigation. This may be a University employee, legal counsel, friend, parent, etc. The reporting/responding party may confer with their respective advocates, but the advocates may not actively participate or ask questions during the investigation.

FORMAL INVESTIGATION PROCESS
Walla Walla University believes in and provides a fundamentally fair process for allegations of sex discrimination and sexual misconduct by engaging in an investigative model that is thorough, reliable, and impartial. A fair process is created by ensuring that both parties are:

- Given comprehensive notice of all allegations,
- Provided an opportunity to present and respond to all evidence and witnesses throughout the investigative process, and
- Provided notice of the outcome of the investigation and any subsequent sanctions and/or remedies.

Either party may choose not to participate in the investigation. However, the investigation will proceed as necessary and the findings will be based on all available evidence. The non-participating party will retain all rights in the process, but no appeals may then be based on the failure of the non-participating party to provide information which was available at the time of the investigation.

For all formal investigative procedures, the team of assigned investigators will interview the reporting party, the responding party, and any witnesses. They will evaluate and weigh the available evidence, and review the investigation with the Title IX Coordinator, who will determine if the investigation material represents a thorough, reliable, and impartial
investigation. The investigative team will then write a report based on the factual evidence gathered and analyze the evidence to determine, by preponderance of the evidence (“more likely than not”), whether the responding party is responsible for the alleged policy violation(s). If the responding party is found responsible, the investigation will also include a recommended range of sanctions that will stop the behavior, prevent its recurrence, and remedy the situation for the reporting party and the community.

POST-INVESTIGATION REVIEW
The Title IX Investigator will review the investigative report, along with all information from the investigative file including, but not limited to, witness statements, communications, documents, and other evidence to verify that the investigation was thorough, reliable, and impartial.

If the Title IX Coordinator believes additional investigative measures are needed, they will send the investigative file back to the investigators for further work.

If the Title IX Coordinator determines that the investigation was conducted in a thorough, reliable, and impartial manner consistent with the University’s policies and procedures, they will send the investigative file to the Title IX Committee, for a determination of sanction(s).

DETERMINATION OF CASE
The Title IX Coordinator and the investigators will meet with each party separately to share the findings of the investigation. The investigators will walk each party through the investigation in detail, including what they learned from each party, from the witnesses, and from the evidence provided, and will outline the process they used to weigh all the materials (statements, evidence, etc.), their analysis, their final findings, and the recommended range of sanctions.

If the responding party is found not responsible, the case is closed. Either party may appeal this decision.

If the responding party is found responsible, both parties will have two (2) business days to review the investigative summary and prepare their final statement. Their final written statement will be added to the investigative file presented to the Title IX Committee for determination of sanctions.

POSSIBLE SANCTIONS
Student sanctions may include:
- Suspended conduct probation. Under suspended conduct probation, any further violation could result in conduct probation or a more severe penalty.
- Conduct probation. Conduct probation may prohibit student participation in campus activities, such as extra-curricular activities, public performances, public office in student organizations, or participation in commencement or other official ceremonies. If the student does not comply with the terms of conduct probation, other sanctions may apply.
- Suspension from the University, with reinstatement dependent upon the fulfillment of stipulated conditions.
- Dismissal from the University.
- Sanctions may also include written warnings, mandatory participation in educational programs, restitution, or other actions appropriate to the offense.
Employee sanctions may include:
- Oral or written reprimand
- Transfers to a different area or other work restrictions
- Required training
- Demotion or reduction in pay
- Probation, restitution, or other actions appropriate to the offense
- Separation from the University

DETERMINING SANCTIONS
The names of the reporting party, responding party, and any witnesses will be redacted from the report sent to the Title IX Committee, but relevant power and departmental relationships will be noted in the report.

The Title IX Committee will review the investigative report along with the recommended range of sanctions and all information from the investigative file including, but not limited to, witness statements, communications, documents, and other evidence to verify that the investigation was thorough, reliable, and impartial, and consistent with the University’s policies and procedures.

If the responding party has filed counter charges against the reporting party, the Title IX Committee should review both investigative reports simultaneously. If the Title IX Committee believes additional investigative measures are needed, they will send the investigative file back to the investigators for further work.

The Title IX Committee will determine the appropriate sanction(s), based on the range recommended by the investigators.

Once the sanction has been finalized, the parties will be notified of the outcome in writing within two (2) working days.

APPEAL PROCESS
REASONS FOR APPEAL
Either the reporting party or the responding party may make an appeal request following the final determination of the case. Each party is granted one (1) opportunity for appeal. Appeals should be submitted to the Vice President for Student Life and Mission in writing within seven (7) business days of notification of outcome.

Appeals are not to be considered as “seeking a second opinion.” Rather they are intended to allow the University to reconsider elements that may have impacted the original decision sufficiently to impact the outcome of that decision.

Appeal requests may be made on the following grounds:
- An excessive or inappropriate sanction was given;
- Procedural errors or bias existed in the hearing that were sufficient enough to deny a fair hearing process;
- Lack of sufficient evidence to support the finding; and/or,
- Admission of new material or evidence that is not merely repetitive and was not present at the time of the initial hearing.
Appeal requests based solely on a person’s disagreement with the outcome of the investigation or a sanction decision does not meet the criteria for an appeal.

A request for an appeal does not necessarily mean that one will be granted.

All sanctions imposed, including but not limited to suspension, termination, removal from campus, or continued no-contact directives, will be in effect during the appeal process.

EXECUTIVE APPELLATE COMMITTEE
The Executive Appellate Committee is comprised of David Richardson Jr., Vice President for Student Life and Mission; Jodi Wagner, Vice President for University Relations and Advancement; Scott Ligman, Associate Vice President of Academic Administration; and Pedrito Maynard-Reid, Assistant to the President for Diversity. The Vice President for Student Life and Mission will chair the committee and is a non-voting member.

APPEALS DETERMINATION
When any party requests an appeal, the Executive Appellate Committee Chair will share, in writing, the appeal request with the other party(ies), who may file a response within three (3) business days and/or bring their own appeal on separate grounds. If new grounds are raised, the original appealing party will be permitted to submit a written response to these new grounds within three (3) business days. These responses or appeal requests will be shared with each party.

The Executive Appellate Committee will review the appeal request(s) and will decide within seven (7) business days if the appeal will be heard. This decision will be communicated to both parties in writing. If an appeal request is granted, the notice shall include the date, time, and location of the appeal hearing. Both parties will be notified at least 48 hours prior to the scheduled hearing.

APPELLATE HEARING PROCEDURE
Where the Executive Appellate Committee finds that at least one of the grounds above is met by at least one party, additional principles governing the hearing of appeals will include the following:

- Decisions by the appeals panel are to be deferential to the original decision, making changes to the finding only where there is clear error and to the sanction only if there is a compelling justification to do so.
- Appeals are not intended to be full re-hearings (de novo) of the allegation. In most cases, appeals are confined to a review of the written documentation or record of the investigation, and pertinent documentation regarding the grounds for appeal. An appeal is not an opportunity for appeals panelists to substitute their judgment for that of the original investigators merely because they disagree with the finding and/or sanctions.
- Appeals granted based on new evidence should normally be remanded to the investigators for reconsideration. Other appeals may be remanded at the discretion of the Executive Appellate Committee Chair or, in limited circumstances, heard by the Executive Appellate Committee.

- The Executive Appellate Committee will hear a statement from the appellant and ask
any relevant questions, review the investigative report, question the investigators, review any new information, and call in any witnesses to questions. The appellee has the option to separately make a statement verbally or in writing.

■ The Executive Appellate Committee Chair will confer with the appellate committee, and render a written decision on the appeal to all parties within three (3) business days of the resolution of the appeal.

■ Where appeals result in no change to the finding or sanction, that decision is final. Where an appeal results in a new finding or sanction, that finding or sanction can be appealed one final time on the grounds listed above, and in accordance with these procedures.

■ In cases where the appeal results in reinstatement to the University or resumption of privileges, all reasonable attempts will be made to restore the responding party to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

TIMELINE ESTIMATES FOR MAJOR STAGES OF THE PROCESS
The summary below is meant to provide a rough timeline of what to expect when moving through the reporting, investigation, and resolution process.

Investigations will be conducted in reasonably prompt timeframes with a goal for resolution being 60 days from the initial report to the end of the investigation. Certain issues such as the point in the quarter when the incident is reported may result in prolonged investigations. For example, conducting interviews during breaks may be more challenging as students, faculty, or staff may be away. Every effort will be made to find resolution within the 60-day time frame. Should the incident also be investigated by local law enforcement; the campus process need not wait for the outcome of the criminal justice system process before making a final determination.

STATUTE OF LIMITATIONS
There is no statute of limitations on reporting sexual misconduct. However, please be aware that services may be the most effective when incidents are reported immediately.
SECTION TEN:
PREVENTION & EDUCATIONAL PROGRAMS

Walla Walla University has several avenues for preventing issues of sex discrimination and sexual misconduct, and educating the Walla Walla University community. Some of the highlights are:

- Awareness and Educational Campaigns: The office of Residence Life and Housing conducts programs throughout the year on topics such as dating violence, sexual assault myths, making health choices, etc.

- The Title IX Coordinator, Jennifer Carpenter, and the Deputy Title IX Coordinators, Kristen Taylor and Annette Riebe, educate the campus employees on issues of sex discrimination and sexual misconduct. This includes how to report these issues and how to sensitively handle such reports.

- Educate new students on issues of sex discrimination and sexual misconduct, Walla Walla University’s sex discrimination and sexual misconduct policies, how to report, and resources available to them.

- Walla Walla University provides educational programs through workshops, programs, and educational materials that include primary prevention and awareness training for the Walla Walla University.

- Walla Walla University, in collaboration with Campus Clarity, provides to all incoming Freshmen and transfer students the “Think About It” educational primary prevention and awareness course that complies with student education requirements relating to sex discrimination and sexual misconduct under Title IX of the Education Amendments Act of 1974 and section 308(a) of the Violence Against Women Reauthorization Act of 2013 (Known as the “Campus SaVE Act”).
SECTION ELEVEN: TRAINING

Walla Walla University is committed to ensuring all employees are trained in a trauma-informed approach to issues of sex discrimination and sexual misconduct. Training for faculty and staff on issues of sex discrimination and sexual misconduct is the responsibility of the Title IX Coordinator and the Deputy Title IX Coordinators. Employees are trained annually on what constitutes sex discrimination and sexual misconduct, their reporting responsibilities, how to handle reports with a trauma-informed approach and available campus resources. Likewise, any individual involved in investigating or adjudicating issues of sex discrimination/sexual misconduct undergoes training prior to engaging in such responsibilities. Trainings are conducted by the Title IX Coordinator and Deputy Title IX Coordinators in collaboration with other professionals trained in sex discrimination and sexual misconduct issues.
### Section Twelve: Support Resources

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<th>Crisis Lines</th>
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<td>YWCA</td>
<td>Adventist Health</td>
<td>Portland Police Bureau: East Precinct</td>
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<td>(503) 988-6400</td>
<td>(503) 257-2500</td>
<td>(503) 823-4800</td>
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<tr>
<td></td>
<td>10305 E. Burnside St., Portland, OR</td>
<td>10123 NE Market St., Portland, OR</td>
<td>737 SE 106th Ave., Portland, OR</td>
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<td>Skagit Domestic Violence and</td>
<td>Island Hospital</td>
<td>Anacortes City Police Department</td>
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<td></td>
<td>Sexual Assault Services</td>
<td>(360) 299-1300</td>
<td>(360) 293-4684</td>
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<tr>
<td></td>
<td>1-888-336-9591</td>
<td>1211 24th St., Anacortes, WA</td>
<td>1218 24th St., Anacortes, WA</td>
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<tr>
<td><strong>Missoula</strong></td>
<td>YWCA of Missoula</td>
<td>St. Patrick Hospital</td>
<td>Missoula Police Department</td>
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<tr>
<td></td>
<td>(406) 542-1944 or 1-800-483-7358</td>
<td>(406) 543-7271</td>
<td>(406) 552-6300</td>
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<td></td>
<td>1130 W. Broadway St., Missoula, MT</td>
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<td>405 Ryman St., Missoula, MT</td>
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<td><strong>Billings</strong></td>
<td>YWCA of Billings</td>
<td>St. Vincent Healthcare</td>
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<td></td>
<td>(406) 245-4472</td>
<td>(406) 657-7000</td>
<td>(406) 657-8460</td>
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<tr>
<td></td>
<td>909 Wyoming Ave., Billings, MT</td>
<td>1233 N. 30th St., Billings, MT</td>
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<td><strong>College Place</strong></td>
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<td>Walla Walla General Hospital</td>
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<td>(509) 525-2570</td>
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<td>212 S 1st Ave., Walla Walla, WA</td>
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