

The Evergreen State College Response to Sexual Harassment and Sexual Misconduct

January 2015

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Executive Summary

This report provides a summary of College programs, services, and processes designed to prevent and respond to sexual harassment and sexual misconduct as well as related data for recent years.

The Evergreen State College is committed to maintaining and strengthening an educational and employment environment founded on mutual respect, civility, and adherence to the law. Sexual harassment and sexual misconduct, which includes sexual assault, are antithetical to these standards and ideals and are prohibited. The College therefore emphasizes both prevention and effective response. Based on its [Sexual Harassment and Sexual Misconduct Policy](#), Student Conduct Code and legal obligations, including federal Title IX regulations, the College enlists a range of resources: the Office of Sexual Violence Prevention, the Sexual Misconduct Response Network, Health and Counseling Services, Police Services, the Senior Student Conduct Administrator, the Civil Rights Officer, the Title IX Coordinator, community resources, and others to do so.

A Coordinated Response

Reducing sexual violence depends on everyone's involvement and diligence—conveying intolerance for sexual harassment and sexual misconduct, being alert to behaviors that signal a problem, helping people set and honor healthy personal boundaries, promptly reporting concerns or incidents, and responding to those reports in a timely, comprehensive and effective manner.

In cases where College officials receive a report of sexual misconduct or sexual harassment in which one of the parties involved is a student the Sexual Misconduct Response Network—a team of clinicians, providers and administrators—meets to determine best next steps to support the affected student.

Evergreen Data Summary

When a report of sexual harassment or sexual misconduct is received, the designated College staff members conduct an investigation. When there is a determination of a violation of College policy, appropriate consequences result.

National data suggest that sexual violence is significantly under-reported and this under-reporting likely applies to Evergreen as well. To address this issue, Evergreen has enhanced its activities and communication in recent years to encourage reporting. At the same time the College has recorded a higher number of reported incidents. While there may in fact be an increased number of incidents—and it is critical that we monitor developments to assess this—other factors may be contributing as well. These could include a change in campus climate due in part to media attention, change in College policy and federal regulations, a change in record keeping.

Student Incidents

The Office of Sexual Violence Prevention responded to 38 students seeking assistance (some students did not want to pursue disciplinary or criminal follow-up) in the 2013-14 academic year.

In the 2013-14 academic year staff investigated 30 reports that included allegations of student violations of the [Student Conduct Code](#) involving sexual misconduct, harassment, domestic violence, and stalking (that figure was five in 2011-12 and 12 in 2012-13). In 10 of those 30 cases, students were found responsible for the misconduct, with sanctions up to and including suspension and exclusion from campus. In 14 of those 30 cases, there was insufficient information to reach a determination.

Employee Incidents

In the 2011 through 2013 calendar years, the Civil Rights Officer received and investigated a total of three reports of employee violations of the [Non-Discrimination Policy](#) that were related to sexual misconduct or sexual harassment. There were two findings of policy violations with subsequent sanctions, and one case in which a determination could not be reached.

Clery Act Data

For calendar years 2011, 2012, and 2013 combined, there were 12 reports of forcible sexual offenses (see Clery definitions on Page 12 and 13) on or adjacent to the Olympia campus reported to Police Services, and none on or adjacent to the Tacoma campus.

Sexual Misconduct Reporting, Response and Prevention

Reporting

Reports of possible sexual harassment or sexual misconduct may be made to one of these designated College officials:

- Police Services
- Senior Student Conduct Administrator, Andrea Seabert Olsen
- Civil Rights Officer, Nicole Ack
- Title IX Coordinator, Paul Gallegos

An [online form](#) is available for this purpose and offers the option to report incidents anonymously. Individuals who report sexual harassment or sexual misconduct are strongly encouraged to have an advocate from the Office of Sexual Violence Prevention or support person of their choice with them throughout the process.

The Sexual Harassment and Sexual Misconduct policy designates all faculty and specific staff positions as Responsible Employees. Responsible Employees, as per our policy and Title IX law, must report any information acquired regarding possible sexual harassment or sexual misconduct to a College official. The Responsible Employee positions are listed on the College [Title IX web site](#). A forthcoming revision of the policy expands the positions to include all staff except temporary hourly employees. Because trust between students and faculty and staff is critical to teaching and learning, it is important that all parties know that conversations between students and Responsible Employees about sexual harassment or sexual misconduct are not confidential.

Confidential support is available to students at the Health and Counseling Center and the Office of Sexual Violence Prevention. SafePlace (Thurston County) and Rebuilding Hope (Pierce County) are community agencies providing confidential support and advocacy. The Employee Assistance Program also offers confidential assistance.

Timely Response to Reports

In all situations about which College officials become aware, the College works to prevent further impact and to provide support to the affected party while the allegation is investigated. In many cases immediate interim action is taken.

The Sexual Misconduct Response Network (SMRN) convenes promptly following a report made to a College official that a student may have been involved in sexual harassment or sexual misconduct. The SMRN determines the appropriate steps for addressing safety concerns and providing support and outreach to all parties. Interim measures may include no-contact orders, providing alternative housing, and addressing academic needs for the affected party and anyone impacted by the situation. In situations where there is an immediate threat of harm to the

affected party, the person against whom a complaint is made may be placed on emergency suspension, which would include a temporary exclusion from campus. Generally, if a respondent is identified and will be charged with a violation of the Student Conduct Code the SMRN appoints a professional staff member (other than a member of the SMRN) to contact the respondent, offer assistance in navigating the process, and provide referrals for emotional or psychological support as necessary.

The College is committed to responding to reports in a manner that, to the greatest extent possible, supports an affected party's choice about pursuing a criminal or administrative complaint, or taking other measures to support their personal well-being.

Sexual Misconduct Response Network

When a report made to a College official of sexual misconduct involving a student is received, the SMRN convenes promptly. The SMRN is a team of clinicians, practitioners and administrators that coordinates response to incidents of sexual misconduct or sexual harassment by assisting with addressing personal safety and immediate emotional, physical and medical needs and facilitating referrals to advocacy services on and off-campus when appropriate. The SMRN includes the following staff:

- Director, Health & Counseling Services (Convener)
- Coordinator, Sexual Violence Prevention
- Lead Psychologist
- Senior Student Conduct Administrator
- Director, Police Services
- Director, Residential and Dining Services
- Assistant Director for Residence Life, Residential and Dining Services

Office of Sexual Violence Prevention (OSVP)

The Sexual Violence Prevention Coordinator manages prevention efforts designed to increase awareness and reduce risk for students broadly and provides individual support to student victims of sexual misconduct. The Coordinator, or designee, provides the following:

- Confidential support.
- Green Dot Bystander Intervention Program geared at violence reduction, for new and continuing students. The program launched in fall 2014.
- Information about reporting procedures and what to expect.
- Accompaniment to any/all appointments associated with reporting or resources.
- Counseling and referrals including resources for the victim's partner, spouse or family.
- Assistance in accessing community resources, including legal and medical advocacy.

OSVP Data

Total Incidents by Type Served through OSVP in Academic Year 2013-14

- Includes on and off campus incidents (four incidents of sexual harassment or sexual misconduct reported to occur on campus).
- Numbers may include more than one type of incident. For example, the same individual could have experienced domestic violence and stalking.
- Incidents reported in 2013-14 may have occurred prior to 2013-14.
- Follow-up on these incidents may or may not be included under Student Conduct statistics and/or Clery statistics below.

Total Students Seeking Service	38
Sexual Misconduct	13
Domestic Violence	5
Dating Violence	9
Stalking	4
Harassment (sexual)	5
Harassment (general)	5

Title IX at Evergreen

Federal regulations related to Title IX require educational institutions that receive federal funds to provide a prompt and equitable procedure for resolving complaints of sex discrimination that impair an individual's ability to participate in or benefit from College programs or activities. Within the last four years, the Department of Education elevated the explicit guidance for adherence to these regulations to maintain and strengthen educational and employment environments free from sexual harassment. In recent years Evergreen has evaluated and completed actions necessary to improve compliance and respond promptly to allegations of sexual misconduct.

Evergreen's recent progress includes:

- Publication of *How to Respond to Students Who Experience Sexual Misconduct* (2012)
- Publication of a *Guide for Responsible Employees* (2013); update of *Guide* to correspond to revised policy (currently in progress)
- Title IX training for management group delivered by Department of Education, Office for Civil Rights (2013)
- Adoption of a policy specifically addressing sexual harassment and sexual misconduct (2013); update of policy to comply with Campus SaVE Act (currently in progress)

- Designation of all faculty and approximately 200 staff as Responsible Employees to report sexual misconduct to a College official (2013); expansion of list of Responsible Employees to include all staff, except temporary hourly employees—an addition of approximately 300 employees (currently in progress)
- Revision of online incident report form which allows for anonymous reporting (2014)
- Response training for Police (2014)
- Involved SafePlace staff in training the Student Conduct Appeal Board (2014)
- Annual training for designated investigators (2014)
- Publication of *Campus Response to Sexual Misconduct: Knowing Your Rights and Options* (2014)
- Training for all employees about how to recognize sexual harassment and misconduct, as well as how to fulfill the responsible employee duties to support, refer, and report (currently in progress)

Prevention

Programs to raise awareness and competency to prevent sexual harassment and sexual misconduct have been a focus for all new students during fall orientation for a number of years. The Green Dot Bystander Intervention Program, aimed at violence reduction, launched during the fall 2014. The Title IX Coordinator is managing plans for training faculty and staff so that employees are aware of the issues surrounding sexual harassment and sexual misconduct, how to support a student who reports experiencing it, and how to ensure the appropriate personnel are involved in the College's response.

In the future we will be able to share data on prevention-related contacts with students and employees.

Student Conduct

Evergreen's [Student Conduct Code](#) provides a policy and an administrative process for reporting and investigating conduct-related complaints, and determining sanctions where appropriate. The Student Conduct data below reflect the number of reports of student sexual misconduct and the outcomes of investigations. In some rare cases, the College may proceed with an investigation and determination without the participation of the affected party. Investigations are conducted by the Senior Student Conduct Administrator or another trained investigator. Individuals who report sexual misconduct are strongly encouraged to have an advocate or support person with them throughout the process. The Senior Student Conduct Administrator also partners with Police Services when the reporting party wishes to involve law enforcement.

Student Conduct Complaint and Disposition Data

The table below illustrates an increase in reported incidents, especially in the last two years. While there may in fact be an increased number of incidents—and it is critical that we monitor developments to assess this—other factors may be contributing as well. These could include a change in campus climate due in part to increased media attention, change in College policy and federal regulations, a change in record keeping or other factors.

Annual Reports by Allegation (definitions on Page 11)

	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	Total
Stalking	1	1					1	3
Harassment	1	1				2	10	14
Sexual Misconduct	3	2	1	1	3	5	13	28
Domestic Violence	2			1	2	3	6	14
Indecent Exposure						2		2
Total	7	4	1	2	5	12	30	61

Annual Disposition of Reports (definitions below)

	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	Total
Responsible	4	4		1	4	6	10	29
Not Responsible	3		1	1	1	3	6	15
No Determination						3	14	17
Total	7	4	1	2	5	12	30	61

Dispositions are based on a “more likely than not” standard, meaning that the investigator determines that there is a preponderance of information indicating a violation of the Student Conduct Code.

Evergreen is committed to bringing cases to closure as quickly as possible with a sixty day period being the standard window advised by the Office of Civil Rights’ Title IX guidance.

Responsible – An investigator determined that it is more likely than not that the student respondent violated the Student Conduct Code. Once responsibility is determined sanctions are assigned to the respondent.

Not Responsible – An investigator determined that the report does not meet the more likely than not standard to find the student responsible for violating the Student Conduct Code.

Contributing factors include: limited information, conflicting information, or inconclusive information available. In some cases a person may have been affected and this does not equate to a violation of the Code. In these cases the College remains committed to providing support through the Office of Sexual Violence Prevention.

No Determination – An investigator determined that due to insufficient information— in cases where the respondent cannot be identified, the affected party indicates they do not want the matter pursued, the College does not have jurisdiction, or there do not appear to be allegations that would constitute a violation of the Code—to close the case. Prior to 2012-2013, records were not kept on cases that resulted in “No Determination.”

In 2012-13, three cases did not move forward to determination. In one case the respondent was unknown. In another, the affected party chose not to provide information and no additional information could be found. In the third, it was determined the College did not have jurisdiction.

In 2013-14, fourteen cases did not move to determination. In four cases the respondent was not a student, so the College did not have jurisdiction. In two reports the respondent was unknown to the complainant and could not be identified. In eight cases there was minimal information initially provided by a third party and the affected party chose not to respond to requests for information or did not wish to provide information.

If an affected party chooses not to provide information, it is more difficult to move forward with an investigation, which leads to reports with no determination. In each of the cases that were closed without a determination, an effort was made to contact parties who were involved or had information.

2007-2014 Aggregate of Determination by Allegation Type

Allegation	Number of Cases	Responsible Finding	Not Responsible Finding	No Determination
Stalking	3	3		
Harassment	14	4	6	4
Sexual Misconduct	28	13	4	11
Domestic Violence	14	7	4	3
Indecent Exposure	2	2		
Total	61	29	14	18

2007-2014 Aggregate Sanctions for Cases with Responsible Finding

Allegation	Total Cases with Responsible Finding	Sanctions include Suspension	Educational Sanctions with Probation	Educational Sanctions Only
Stalking	3	2	1	
Harassment	4	3	1	
Sexual Misconduct	13	10	3	
Domestic Violence	7	5	2	
Indecent Exposure	2			2
Total	29	20	7	2

Details of Specific Types of Allegations

Stalking: The three cases since 2007 that involved stalking all resulted in the student respondent being found responsible for violating the Student Conduct Code. Of the three respondents, two were suspended and one was placed on probation and required to undergo a substance abuse evaluation, domestic violence evaluation, and follow a treatment plan.

Harassment: Of the 14 cases since 2007 that involved harassment that was sexual in nature, four respondents were found responsible for violating the Student Conduct Code. Three of those cases resulted in the suspension of the respondent. A fourth respondent was put on probation with other sanctions required. In the three cases of harassment where the behaviors did not rise to a severe enough level to constitute a violation, a no-contact agreement was signed. Of the six cases closed with no violation found, most were due to the behaviors not rising to a level of “severe, pervasive, or persistent” as required by the Code.

Sexual misconduct including sexual assault: Of the 28 cases since 2007 involving sexual misconduct, 13 respondents were found responsible. In 10 of the cases, the students were suspended, which includes an exclusion from campus until they complete assigned sanctions. In most cases before returning to Evergreen, the respondents were required to complete a psychosexual, substance abuse, mental health, or other appropriate evaluation, and follow through with any recommended treatment. Seven respondents of these 10 cases failed to complete the assigned sanctions and are currently prohibited from re-enrolling. The sanctions for the remaining three cases included probation, counseling, consent and communication classes, and in some cases a written explanation/apology to the harmed party. These cases involved intentional physical contact that was sexual in nature, and did not involve penetration.

Domestic violence which includes dating violence: Fourteen cases of domestic violence have been reported since 2007. In three cases the respondents were found not responsible. For the seven students found responsible, five were suspended with requirements before returning and two were required to complete domestic violence and substance abuse treatment off campus at their own expense.

Employee Conduct

Allegations of employee sexual harassment or sexual misconduct are investigated by the Civil Rights Officer using the more likely than not standard. If a violation of the [Non-Discrimination Policy](#) is found, the appointing authority(ies) and/or divisional vice president(s) take action as appropriate. There were three such complaints over the most recent three-year period.

During the three-year period from calendar years 2011 to 2013, three cases involving harassment related to a complainant's sex were investigated under the College's Nondiscrimination Policy as per the Policy definition: "Harassment" is a form of behavior that is characterized by conduct: (1) based on race, color, creed, religion, national origin, sex, sexual orientation, age, marital status, disability, pregnancy, or status as a disabled, Vietnam era or other eligible veteran which is unwelcome; and (2) if sufficiently severe, persistent or pervasive could reasonably be expected to create an intimidating, hostile or offensive working or learning environment. In two cases the policy was found to have been violated, and sanctions were imposed. In one case, it was not possible to make a determination one way or the other.

Clery Act

The College reports to the U.S. Department of Education reports of crime and fire on or adjacent to campus for each calendar year to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990. The report for the previous calendar year is due each October (e.g. data for 2013 are due October 1, 2014). Evergreen's complete [Clery Report](#) reflecting reported criminal acts as defined in the Act (see Page 12 and 13), and reported to campus security authorities, is available online. Alleged sex offenses reported for the last three years are below:

Olympia Campus (see definitions Page 12)

	On-Campus Totals	On-Campus Residences	Non-Campus Public Property
Calendar Year 2011, 2012, 2013	11 12 13	11 12 13	11 12 13
Forcible Sex Offenses	3 3 3	2 3 1	0 0 0
Non-forcible Sex Offenses	0 0 0	0 0 0	0 0 0

Tacoma Campus (see definitions Page 12)

	On-Campus Totals	On-Campus Residences	Non-Campus Public Property
Calendar Years 2011, 2012, 2013	11 12 13	11 12 13	11 12 13
Forcible Sex Offenses	0 0 0	No housing	0 0 0
Non-forcible Sex Offenses	0 0 0	No housing	0 0 0

Definitions

Student Conduct Code and Office of Sexual Violence Prevention - Definitions

- **Stalking** is defined as repeated conduct directed at another individual, which caused alarm, fright, or a safety risk.
- **Harassment** is defined as unwanted verbal or written communication that is sexual in nature or based on gender or sexual orientation.
- **Sexual misconduct** is defined as unwanted physical contact including actual or attempted sexual penetration or sexual contact that is unwanted, forced, or without consent. Physical assault is covered in the Student Conduct Code, but is not included in this report unless the assault was sexual in nature or based on gender.
- **Domestic violence** including dating violence is defined as physical or verbal action directed at an intimate partner or roommate that causes harm, or fear of harm. In the Student Conduct Code domestic violence and dating violence fall within the prohibition of harm provisions.
- **Indecent exposure** is defined as exposure of one's genitals somewhere that is against generally accepted standards of decency. In the Student Conduct Code, this falls under the sexual misconduct definition.

Clery Act - Definitions

Sex Offenses – Forcible. Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

- A. **Forcible Rape:** The carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
- B. **Forcible Sodomy:** Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
- C. **Sexual Assault with an Object:** The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
- D. **Forcible Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly

or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

Sex Offenses - Non-forcible. Unlawful, non-forcible sexual intercourse.

- A. Incest: Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- B. Statutory Rape: Non-forcible sexual intercourse with a person who is under the statutory age of consent.

Resources

Office of Sexual Violence Prevention	http://www.evergreen.edu/violenceprevention/home.htm
Green Dot Bystander Intervention Program	https://www.livethegreendot.com/
Health & Counseling Center	http://www.evergreen.edu/health/
Police Services	http://www.evergreen.edu/policeservices/
Evergreen Clery Statistics	http://www.evergreen.edu/policeservices/cleryreport/home.htm
Jeanne Clery Act	http://clerycenter.org/
Student Conduct	http://www.evergreen.edu/studentaffairs/student-conduct.htm
Student Conduct Code	http://app.leg.wa.gov/wac/default.aspx?cite=174-123
Title IX at Evergreen	http://www.evergreen.edu/titleIX/home.htm
Sexual Harassment and Sexual Misconduct Policy	http://www.evergreen.edu/policies/policy/sexualharassmentandsexualmisconduct
Non-Discrimination Policy	http://www.evergreen.edu/policies/policy/nondiscriminationpolicyandprocedure#iidefinitions
Washington Coalition of Sexual Assault Programs	http://www.wcsap.org/
SafePlace Olympia	http://www.safeplaceolympia.org/
Rebuilding Hope! The Sexual Assault Center for Pierce County	http://www.sexualassaultcenter.com/

Contacts

Office	Location	Phone/Website	Contact
Police Services	Seminar I, 2150	360.867.6140 evergreen.edu/policeservices/	Ed Sorger, Director sorgere@evergreen
Office of Sexual Violence Prevention	Seminar I, 4119	360.867.5221 evergreen.edu/violenceprevention/	Kelly Schrader, Coordinator schradek@evergreen
Health & Counseling Center	Seminar I, 2110 & 4130	360.867.6200 & 6800 evergreen.edu/health/counseling/home .htm	Elizabeth McHugh, Director mchughe@evergreen
Student Conduct	Library 3009	360.867.6296 evergreen.edu/studentaffairs/student- conduct.htm	Andrea Seabert Olsen, Senior Student Conduct Administrator seaberta@evergreen
Civil Rights Officer	Library 3102	360.867.5371	Nicole Ack ackn@evergreen
Vice President for Student Affairs	Library 3009	360.867.6296 evergreen.edu/studentaffairs/	Wendy Endress endressw@evergreen
Title IX Coordinator	Library 3207	360.867.6368 evergreen.edu/titleIX/home.htm	Paul Gallegos gallegos@evergreen