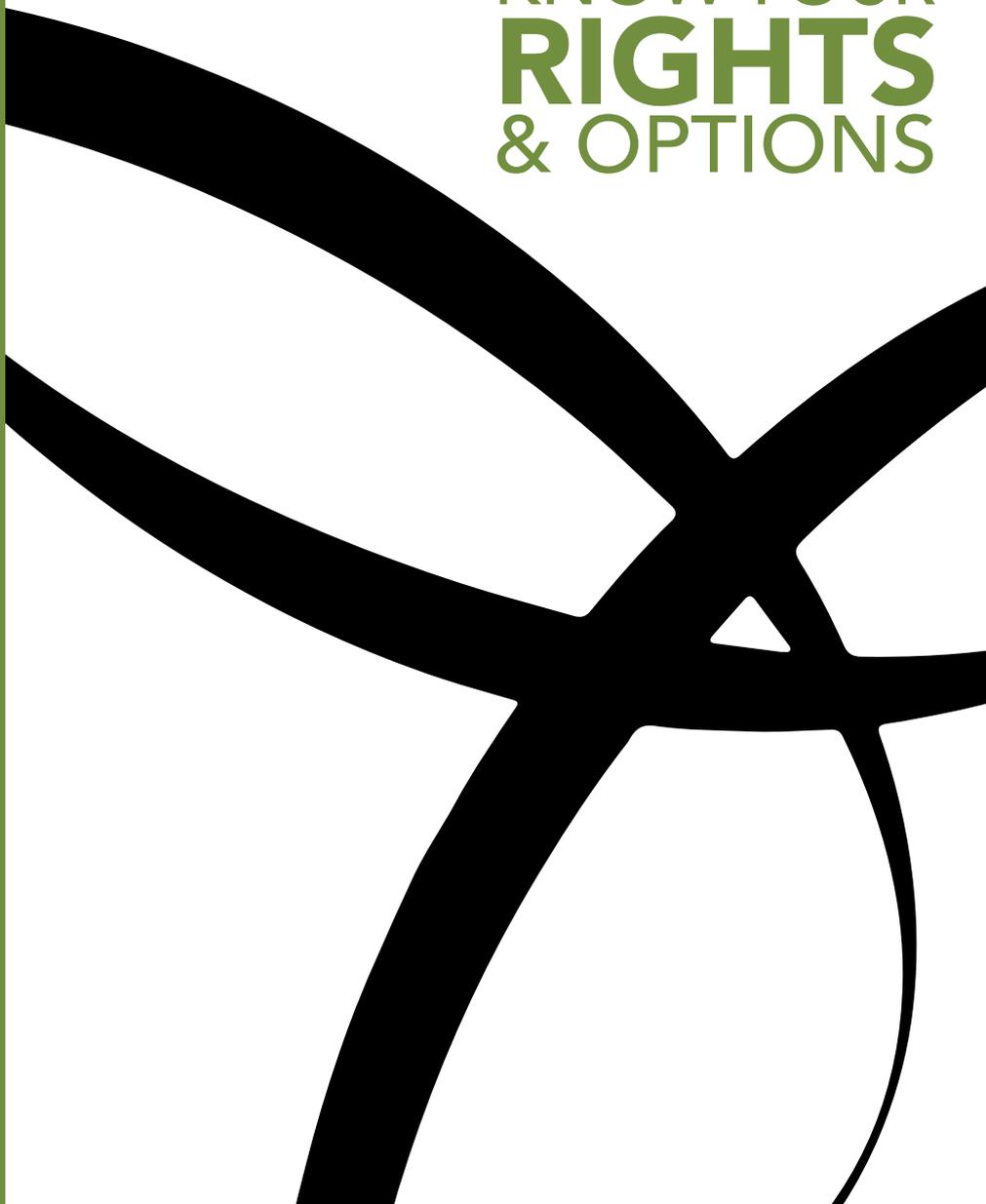




the evergreen
state college

Campus Response to
Sexual Misconduct

KNOW YOUR
RIGHTS
& OPTIONS





**the evergreen
state college**

Sexual Misconduct Response Network

Dear Student,

If you are reading this, it's likely you have been personally affected by sexual misconduct or sexual violence. While our ultimate goal is to end sexual assault, sexual harassment, dating or domestic violence, and stalking in our community, at this point we want to support you.

Deciding whether and how to report an incident may be overwhelming. We want to help you stay in control and make the choices you want to make when you want to make them. This booklet provides detailed information about options for reporting incidents and what to expect from Evergreen in response to a report of sexual misconduct.

We are deeply sorry if you have experienced sexual misconduct or sexual violence. We are here to help.



HERE ARE SOME KEY THINGS TO KNOW:

- ➔ To speak to someone confidentially, get support, and learn about your widest range of options, **the best place to start is the Office of Sexual Violence Prevention and Response (OSVPR)** at (360) 867-5221. Students may also access services through drop-in at **Student Wellness Services**, SEM I, Room 2110.
- ➔ If you choose to tell a faculty or staff member about an incident, be aware that almost all employees (including faculty) are required to report information from students about sexual assault, sexual harassment, dating or domestic violence, and stalking to the Title IX Coordinator. After receiving information from a Responsible Employee, the Title IX Coordinator will contact the student.
- ➔ You may also report anonymously at evergreen.edu/incidentreport.
- ➔ Please consider preserving evidence of any incident. Preserving evidence keeps your options open for future decisions about pursuing an investigation.
- ➔ **SafePlace**, which is not affiliated with the college, can connect you to off-campus services for counseling, advocacy, medical treatment, visa and immigration assistance, and legal assistance. SafePlace 24-hour Hotline: (360) 754-6300 Office: (360) 786-8754 www.safeplaceolympia.org

INTRODUCTION

In this publication and in Evergreen policies and procedures, we use the terms *complainant* and *respondent*.

➔ **Complainant** identifies the person who is disclosing that they were harmed by another person.

➔ **Respondent** identifies the person who allegedly harmed another person.

While use of these terms occurs in the context of an investigation, resources and support services are available without pursuing an investigation.

Responsible Employees

All employees except temporary, hourly employees are Responsible employees (including Resident Assistants). Responsible employees are required to report information from students about sexual assault, sexual harassment, dating or domestic violence, and stalking to the Title IX Coordinator. After receiving information from a Responsible Employee, the Title IX Coordinator will contact the student.

More information is available at evergreen.edu/titleIX.

Protective Measures or Accommodations

Students may request protective measures or accommodations to continue their education and increase their safety. Students may seek protective measures without pursuing law enforcement or institutional investigations.

Some examples of protective measures:

- Reassignment of the respondent or complainant to a different residence hall space.
- Notification to a complainant of the class or work schedule of the respondent.
- Court orders of protection (sometimes called a restraining order).
- A separation order from Evergreen instituting no direct or third-party contact between individuals.
- Reassigning the work location of a respondent employee pending the outcome of an investigation.

PROCEDURES

Reporting Procedures

OSVPR provides a confidential starting point for students to discuss reporting options and support services. Reports of sexual assault, sexual harassment, dating or domestic violence, and stalking may be filed with law enforcement by contacting Police Services, or with the college by contacting the Title XI Coordinator. Retaliation for reporting incidents is prohibited and addressed through the Student Conduct Code or Sexual Harassment and Sexual Misconduct Policy.

Students may report incidents anonymously at [evergreen.edu/incidentreport](https://www.evergreen.edu/incidentreport). Anonymous reporting means that Evergreen officials will follow up on information and allegations made in the report without knowing the complainant's identity.

Procedures for Preserving Evidence

Students may wish to preserve evidence of an incident of sexual assault, sexual harassment, dating or domestic violence, or stalking. Preserving evidence keeps your options open for future decisions about pursuing an investigation.

Options for preserving evidence include:

Seek medical attention. Go to a hospital emergency department for incidents of sexual assault and for physical injuries resulting from domestic or dating violence. Sexual Assault Nurse Examiners (SANEs) document injuries and collect bodily fluid samples for evidence. Bodily fluid samples are best if collected before showering or brushing teeth.

Take photographs of any injuries resulting from domestic or dating violence.

Write a first-hand account of the experience; time and date document.

Keep clothing worn at the time of an incident. Do not launder the clothing. Clothing may be brought to a hospital emergency department or to the police. Clothing that is damaged during an incident may also be used as evidence.

Save digital evidence. Save or transfer email, phone call logs, social media posts, and text, voice, or instant messages.

INVESTIGATIONS

Institutional investigations are conducted by Evergreen officials to determine violations of the Student Conduct Code, the Non-Discrimination Policy, or the Sexual Harassment and Sexual Misconduct Policy. If a student or employee is found responsible for a violation of the applicable code or policy, sanctions or discipline are imposed on the respondent found in violation. All investigations use the same standard of evidence and do not use informal proceedings such as mediation.

Student Conduct Code Investigations

This type of investigation occurs when a student is a respondent to an allegation of violating the Student Conduct Code or Sexual Harassment and Sexual Misconduct policy.

A Student Conduct investigator, or pair of investigators, collects information from all involved parties, then determines if alleged behavior violates the Student Conduct Code. Outcomes include findings of responsibility for a violation, or no responsibility for a violation. Investigators and the members of hearing boards (utilized in appeal cases) receive training at least annually on conducting investigations that protect the safety of complainants and promote accountability.

More about Student Conduct Investigations:

- Evergreen uses conduct conferences and hearings to adjudicate allegations of sexual misconduct.
- The complainant and respondent receive notification in writing of the determination and required sanctions, and each has the right to appeal.
- The complainant and the respondent are able to have an advisor of their choice with them when they participate in interviews or hearings.
- The investigator or hearing board uses a preponderance of evidence standard. Preponderance of the evidence means that it is more likely than not that student behavior violates the Student Conduct Code.

Student Conduct Investigation: Sanctions

Any of the resolutions or sanctions outlined in the Student Conduct Code may be used in addressing sexual misconduct. Sanctions include, but are not limited to, probation, suspension, a separation order, mandated attendance at educational programs, mental health or drug and alcohol counseling, or a psycho-sexual evaluation.

Employment Investigations

This type of investigation occurs when an employee is identified as a respondent to an incident involving violations of relevant college policy. The Affirmative Action and Equal Opportunity Officer (EEO) or designee collects information from all involved parties and determines if there is a violation of the Sexual Harassment and Sexual Misconduct Policy, the Non-Discrimination Policy, and/or other applicable college policies. At investigative meetings, the complainant and respondent are entitled to be accompanied by an advisor (assuming no conflict with the investigation process), including but not limited to legal counsel or, if applicable, union representation.

The EEO uses a preponderance of the evidence standard to determine if a policy violation exists. Findings of the investigation are documented in a written investigative report that is provided to the employee's reporting Vice President or the President, and the complainant(s) and respondent(s). If the EEO determines that no policy violation exists, the matter is closed.

Employment Investigation: Discipline

Employees found to have violated the Sexual Harassment and Sexual Misconduct policy or other policy shall be subject to discipline up to and including termination, consistent with the procedures for imposing discipline as required under applicable laws, contracts, civil service rules, or collective bargaining agreements. Informal resolutions such as mediation and resolution conferences are not utilized in cases of sexual assault, sexual harassment, dating or domestic violence, and stalking.

Disciplinary decisions regarding staff are made by the respondent's Vice President, appointing authority or designee, or the President, in consultation with the Associate Vice President for Human Resource Services or designee. Faculty discipline is determined by the Vice President for Academic Affairs and Provost.

Employees have the right to appeal or grieve the discipline in accordance with applicable laws, contracts, civil service rules, or collective bargaining agreements.

OPTIONS FOR WORKING WITH

County Sexual Assault Programs

In Washington State, the Office of Crime Victim Advocacy accredits advocacy agencies, called County Sexual Assault Programs (CSAP), to serve individuals affected by sexual assault, dating or domestic violence, and stalking. The CSAP can connect Evergreen students to off-campus services for counseling, advocacy, medical treatment, visa and immigration assistance, and legal assistance.



SafePlace is the CSAP for Olympia and Thurston County.
24hr Hotline: (360) 754-6300
Office: (360) 786-8754
www.safeplaceolympia.org

Law Enforcement

Students at Evergreen can utilize Police Services, the Olympia Police Department, or the Thurston County Sheriff's Office, depending on where an incident occurred. Students may also choose not to notify law enforcement. Students may request to have an advocate or support person assist them in making a report to law enforcement by contacting OSVPR or the CSAP.



COMMUNITY AGENCIES

Court-Issued Orders

In Washington State, courts issue orders to increase protections for people affected by violence. An example of this is an order of protection issued to an individual experiencing domestic or dating violence that directs an individual to stay a specified distance away from the petitioner. Orders cover sexual assault, stalking, harassment, and pending criminal investigations. For more information about the types of orders available and the process of obtaining an order, please contact the CSAP (Safeplace). Students who have active, temporary, or permanent court orders receive assistance by contacting Police Services with a copy of the order. Police Services serves and enforces court issued orders.

Confidentiality in Record Keeping

Student names are withheld from public records by the Federal Educational Rights and Privacy Act (FERPA). Examples include: withholding complainant's names, from requests made under the Freedom of Information Act, and from a timely warning notification. For more information on FERPA, please contact Evergreen's office of Registration and Records.



RESOURCES

The Evergreen State College offers resources for students including medical services, counseling, academic assistance, and sources for confidential and anonymous reporting. Off-campus resources (accessed through the County Sexual Assault Program) offer similar services, and criminal and civil legal options.

OFF CAMPUS — OLYMPIA & THURSTON COUNTY

Safespace: The Sexual Assault Center for Thurston County

314 Legion Way SE, Olympia, WA 98501

24hr Hotline: (360) 754-6300

Office: (360) 786-8754

St. Peter's Hospital Emergency Room Sexual Assault Clinic

Sexual Assault Nurse Examiners available

413 Lilly Rd NE

Olympia, WA 98505

(360) 493-5154

Thurston County Superior Court Clerk

Orders of Protection

Family and Juvenile Court

2801 32nd Avenue SW

Tumwater, WA 98512

(360) 709-3260

Olympia Police Department

Dial 911 within city limits

601 4th Ave E

Olympia, WA 98501

(360) 753-8300 or 9-1-1

U.S. Department of Education Office of Civil Rights (OCR)

Seattle Regional Office

915 Second Avenue, Room 3310

Seattle, WA 98174

(206) 607-1600

OCR.Seattle@ed.gov

Thurston County Sheriff

Dial 911 within county limits

2000 Lakeridge Dr SW

Olympia, WA 98502

(360) 786-5500 or 9-1-1

OCR enforces several Federal civil rights laws that prohibit discrimination in programs or activities that receive federal financial assistance from the Dept. of Education. Sex discrimination is prohibited by Title IX of the Education Amendments of 1972.

**Resources for other locations are available by visiting
www.wcsap.org/find-help.**

The Evergreen State College Officials (not confidential)

Title IX Coordinator

SEM I, Room 4130, (360) 867-5224, titleixcoordinator@evergreen.edu

Contact the Title IX Coordinator to report an incident. Provides information and assistance regarding the Sexual Harassment and Sexual Misconduct policy and Evergreen's obligations under Title IX.

Campus Police Services, SEM I, Room 2150, (360) 867-6832

CONFIDENTIAL means that information shared by a patient or client is not shared unless there is an immediate threat that the client or patient might hurt themselves or someone else, or by court order. Information shared confidentially does not initiate any type of investigation.

ON CAMPUS — OLYMPIA

OSVPR — CONFIDENTIAL

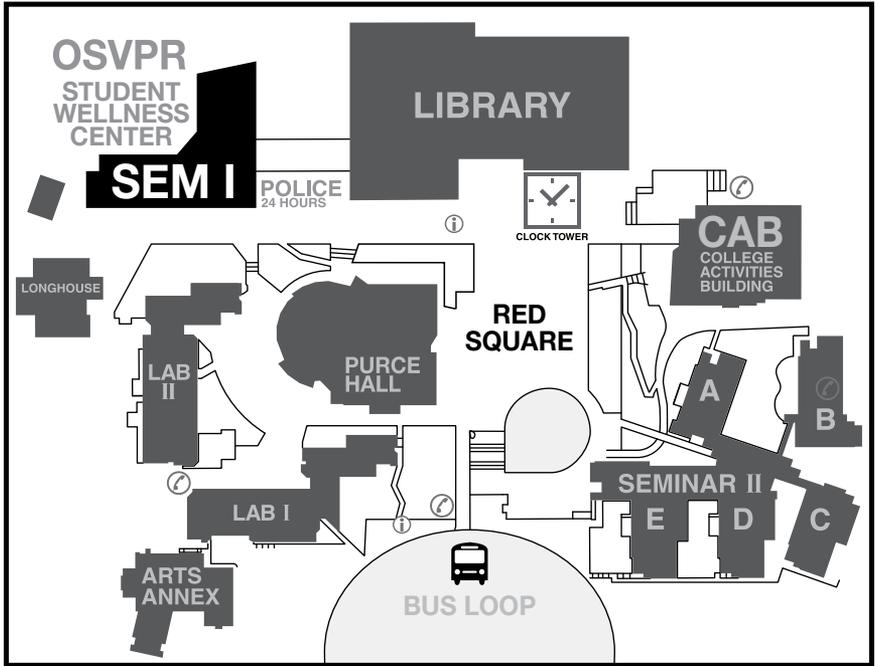
SEM I, Room 4119, (360) 867-5221

The **Office of Sexual Violence Prevention and Response** is a confidential starting point for students affected by sexual assault, relationship violence, stalking, sexual harassment, and related concerns. OSVPR provides response services, accompaniment to meetings, and emotional support.

STUDENT WELLNESS SERVICES — CONFIDENTIAL

SEM I, Room 2110, (360) 867-6200

Provides medical and counseling services to students.



This document is published by The Evergreen State College as required by the amendments to the Clery Act made by the Violence Against Women Act of 2013. For questions, please contact Kelly Schrader, schradek@evergreen.edu or (360) 867-5221. Edition: Olympia, Student, 2017.



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2700 Evergreen Parkway NW
Olympia WA 98505