

# SPU 2015 Annual Security & Fire Safety Report

Updated as of May 13, 2016



Office of Safety & Security

## I. Safety on the SPU Campus

Education - the business of a university - can only take place in an environment in which each individual feels safe and secure. To that end, the Office of Safety and Security's mission is to provide a safe working, learning and living environment for the SPU Community and to protect University assets through sound crime prevention and safety practices. Our core competencies focus on four areas of emergency response: Medical, Fire, Criminal, and Critical Incident Response. The Office of Safety and Security ("OSS") responds to an average of 200 criminal, fire, and medical incidents each year. However, these statistics do not reflect every day patrol activities which include community services (escorts, let-ins, property retrievals, and maintenance requests), incident prevention, building searches, policy violation investigations and other support services. Each year security officers provide over 7000 responses to these daily activities. In addition to these primary and community service functions, OSS provides additional support in transportation management, motor pool, special events, building access and community safety programs.

OSS is responsible for the preparation and dissemination of Seattle Pacific University's Annual Security and Fire Safety Report ("ASFSR"). By October 1 of each year, all enrolled students and employees receive an email regarding the content and availability of the ASFSR. The email provides information regarding how to access the report via the Internet and how to request a printed copy of the report. To request a printed copy of this report, call (206) 281-2922 or email [michac@spu.edu](mailto:michac@spu.edu). Prospective students and employees receive information regarding the availability of and access to the report from the Admissions and Human Resources offices, respectively.

This report, in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the "Clery Act"), contains information regarding crime prevention programs offered at the University, tips on crime prevention and personal safety, instruction on reporting crimes and emergencies, SPU crime statistics, and security-related policies and statements. The policies and procedures contained in this report were developed in the interest of students' safety. No matter how effective the University's programs may be, however, the primary responsibility for safety and security lies with each of us. No security department or set of procedures can be effective unless individuals exercise reasonable care and prudence.

The purpose of this publication is to:

- Provide the SPU community with an overview of the services provided by OSS.
- Inform current and prospective students, staff, and visitors about the policies and programs designed to help keep them safe.
- Share crime statistics required by the Clery Act.
- Share information regarding emergency preparedness and planning.
- Share information regarding fire safety and fire statistics.
- Share information about sexual misconduct policies and procedures.

## II. About the Office of Safety and Security

The Office of Safety and Security ("OSS") is a private security organization that provides continuous, year-round security and emergency response to the Seattle Pacific University community. OSS maintains a Security Operations Center with integrated alarm and surveillance monitoring. Non-commissioned officers patrol the

campus on a 24-hour basis to render immediate aid and provide a variety of safety-related programs and services to the campus community.

#### **A. Role, Authority, and Training**

Security officers are empowered by the University to enforce its policies and regulations on SPU property. Security officers do not have law enforcement powers or arrest authority. Security officers may also be able to render escort services, medical assistance, or other support in other areas in the vicinity of SPU's campus. New officers attend a Basic Campus Law Enforcement Officer Academy sponsored by the Western Association of Campus Law Enforcement or attend the Campus Security Officer Academy sponsored by the University of Washington. They also participate in field training and an evaluation program to further orient them to providing campus public safety services. All officers will be certified in first aid, CPR, and use of AEDs (automated external defibrillators) and will complete "Firefighting Techniques for Industry" with the Washington State Fire Training Academy.

#### **B. Working Relationship with State and Local Law Enforcement Agencies**

An excellent working relationship exists between the Office of Safety and Security ("OSS") and local law enforcement. Seattle Pacific University does not have written memoranda of understanding with state or local law enforcement agencies but has active dialogue with the Seattle Police Department (there is generally less need for interaction with county or state law enforcement agencies, although the University does work with state law enforcement officials to train its security officers). OSS frequently collaborates with the Seattle Police Department ("SPD") in investigating crimes that occur on campus or nearby campus so that there can be sharing of information. OSS will also notify SPD if there is a situation on campus that requires law enforcement authority involvement, and SPD will notify OSS if it becomes aware of a potential threat to campus that it thinks OSS should know about. In addition to the Seattle Police Department's response to our campus for criminal incidents, we liaison with the SPD West Precinct Private Security Forum on community policing issues. OSS also works closely with the Seattle Fire Department to coordinate joint emergency response.

#### **C. Access to and Security of Campus Facilities**

Seattle Pacific University is private property, reserved for students, faculty, staff, and their guests. However, SPU is also located next to several public roads and private residences, so it is common for persons not directly connected to SPU to be near campus and occasionally on campus. SPU reserves the right to provide non-SPU persons with trespass admonishments if they create a disturbance, adversely affect SPU community members, or otherwise disrupt SPU activities.

Many SPU buildings are equipped with electronic access control systems. These systems permit the Office of Safety and Security to remotely lockdown doors at several building entrances if it is determined that there is a threat to campus. Many SPU administrative and classroom buildings remain unlocked during business hours. However, some buildings also employ access control systems during business hours, and SPU-issued identification cards must be scanned in order to permit entry. All SPU faculty, staff, and students are issued SPU identification cards. However, access to certain facilities may be limited or revoked if applicable expectations are not followed (including those stated in student and employee handbooks).

Access to residence halls is restricted to students, their guests and those staff members who have job-related business in the halls. All residence halls are equipped with electronic access control systems at their exterior entrances that require an SPU-issued identification card for entrance. Individual rooms require separate keys that are issued to room occupants. In general, only residential undergraduate students' cards are given permission to access residence halls. Strict control of keys also limits access; when room keys are reported lost,

room locks are changed. Propping security or fire doors open is not allowed and failure to obey this rule may result in disciplinary action. Problems should be reported immediately to the Building Maintenance staff at (206) 281-2330 for correction.

Residence hall floor areas are segregated by sex and have hours which limit visitation by the opposite sex. Overnight visits by guests of the opposite sex are not permitted and other guests must limit their stay to three days, except by permission of the residence hall staff. Guests are expected to follow the same behavioral standards as the residents. Residence hall lobbies are open from 7 a.m. to 11 p.m. Security officers patrol the campus, including areas around residence halls, and residence hall staff members are on duty with 24-hour assistance available.

Officers from the Office of Safety and Security patrol the SPU campus throughout the day and night. Also, several homes adjacent to the campus are owned and operated by the University as offices and residences. Both the Office of Safety and Security and the Seattle Police Department patrol these areas. The Office of Safety and Security also has an extensive network of surveillance cameras deployed across campus that assists in monitoring the security of campus buildings.

The Office of Facility and Project Management maintains University buildings and grounds with a concern for safety and security. The office regularly inspects campus facilities, responds to reports of potential safety and security hazards, and promptly makes repairs. The Office of Safety and Security, as well as individual students, faculty, and staff, help with these activities by reporting any safety or security hazards. Custodial and building maintenance staff are required to dress in SPU-issued uniforms to make them clearly identifiable as authorized individuals who may access SPU facilities.

#### **D. Electronic Alarm Systems**

A variety of intrusion, fire, and general emergency alarms have been installed on campus. By monitoring them, the Office of Safety and Security can provide immediate response to alarms.

#### **E. Emergency Telephones**

The University has installed emergency phones throughout the campus, including inside residence halls and at the entrances to several academic and office buildings. The emergency telephones are rectangular boxes, have yellow sides, and automatically dial the Office of Safety and Security at the push of a button.

#### **F. Architectural Design and Security Surveys**

The Office of Safety and Security and the Office of Facility and Project Management review campus buildings and exteriors to determine what maintenance is required in order to keep campus facilities safe and secure. Safety and security considerations are taken into account when designing new buildings on campus and renovating existing campus structures. Attention is given to exterior lighting, surveillance cameras, emergency phones, alarms, and building code requirements.

### **III. Campus Security Policies, Crime Prevention and Safety Awareness**

#### **A. Crime Prevention and Security Procedure Education Programs**

The University engages in several programs that are designed to inform students and employees about campus security procedures and practices and about the prevention of crimes. In these programs, students and employees are encouraged to take responsibility for their security and the security of others on campus. Examples of programs include:

- Each year in the fall, the University sends emails to all faculty, staff, and students with a summary of emergency preparedness resources and procedures.
- The University has placed quick reference emergency preparedness booklets titled “Stop. Think. Act.” in offices and classrooms across campus for easy access to important security information.
- The University conducts annual all-campus evacuation and lockdown drills to familiarize students and faculty with emergency procedures, and it conducts quarterly fire drills for residence halls.
- The University circulates its Annual Security and Fire Safety Report each fall as required by the Clery Act.
- The University sends timely warning and other campus security messages to students periodically each year with reminders about important safety precautions.
- The OSS website provides crime prevention information for the campus, including crime prevention tips and crime alerts.
- Representatives of OSS make periodic in-person presentations to faculty members and students on various security-related topics during the year.
- The University offers the gender based violence prevention and awareness programs and the personal safety education activities as described below.
- On campus students are informed of building safety issues at meetings with their resident advisors during orientation at the start of the year. Resident advisors can also arrange floor-specific safety programs presented by OSS at any time.
- OSS promotes a bicycle registration program using a national bicycle registration system to help fight bicycle theft.

#### **B. Safety Escorts**

OSS operates a safety escort service 24 hours a day, 365 days a year. An escort can be obtained by dialing x2922 on any campus phone or (206) 281-2922 from other phones.

#### **C. Personal Safety Education**

OSS offers several free courses on personal safety and crime prevention for students, staff and faculty. Crime Prevention classes can be requested by contacting 206-281-2922; ask to speak to the RAD Coordinator.

OSS offers free women’s self-defense classes which cater to specific groups on campus (such as on campus women or off campus women, and staff/faculty). These programs are presented by OSS staff who are certified instructors with Rape Aggression Defense (RAD) Systems. Self-defense classes work to empower women to trust themselves through the use of physical techniques, as well as education surrounding the issues of gender-based violence, including consent, and scenario-based practice. For more information, contact OSS at (206) 281-2922.

#### **D. Crime Prevention Tips**

Following are some tips to help keep you and your property safe.

- Report all suspicious conduct and circumstances to OSS immediately by dialing (206) 281-2911.
- Avoid walking alone at night regardless of gender. Use the Safety Escort Service.

- Do not allow anyone to follow you through a locked door. Remember that residence halls are restricted to the students who live there and their guests.
- Know the locations of the emergency telephones located around campus. Or keep your cell phone accessible to call OSS. Program the OSS phone number ((206) 281-2911) into your cell phone ahead of time.
- Inventory your personal property and insure it with personal insurance coverage.
- Back-up your computer daily in case it gets stolen.
- Lock up bicycles using proper locking procedures and a good quality lock such as a U-lock.
- If you know that you will be returning to your vehicle when it's dark outside, use well-lit parking lots or park under a streetlight.
- Lock car windows and doors when leaving your car.
- Do not leave valuables in your car. If you must, put valuables in your trunk prior to your arrival at your destination.
- Carry only those items of value that you need on your person (e.g., limit the amount of cash and the number of credit cards, and never carry your social security card in your purse or wallet).
- Never leave valuables (wallet, purses, books, laptops, etc.) unattended and unsecured – even for a bathroom break.
- Always lock the door to your residence hall room, whether or not you are there. Keep windows closed and locked when you are away.
- Do not leave messages on your door advertising your departure or arrival times. This alerts thieves to your absence.

#### **E. Gender Based Violence Prevention and Awareness Programs**

The University offers primary prevention and ongoing awareness programs to students and employees addressing gender-based violence. These programs are intended to prevent dating violence, domestic violence, sexual assault, and stalking; to encourage positive bystander intervention; and to educate students and employees about applicable University procedures for when incidents of gender based violence occur. This programming delves into the scope of gender-based violence and how it applies to college campuses, with definitions of sexual misconduct crimes, discussion on consent, bystander intervention training, and resources for how to respond when assault occurs and is disclosed. The programming makes clear that the university prohibits dating violence, domestic violence, sexual assault, and stalking.

The University's programs include the following:

- In-person training on gender-based violence and bystander intervention is provided in the fall as a part of mandatory first year undergraduate student orientation activities.
- New employees are required to complete an online course titled "Preventing Sexual Violence." Existing employees are also offered the chance to complete the training.
- An online presentation describing gender-based violence, bystander intervention, and applicable SPU procedures is offered to all students and employees.
- The Office of Safety and Security sponsors Domestic Violence / Dating Violence Awareness Month in October, Stalking Awareness Month in January, and Sexual Assault Awareness Month in April. These awareness campaigns include a variety of visual displays, informational resources, and in person presentations and discussions.
- Additionally, OSS provides lectures on specific areas of gender-based violence to classes on campus that address these issues. Faculty whose course work covers sexual violence or who wish to educate their

classes on the topic can request a representative speak to their class about specific topics, including resources available and how to report.

#### **F. Elaboration – Dating Violence, Domestic Violence, Sexual Assault, Stalking, and Consent**

The University prohibits dating violence, domestic violence, sexual assault, and stalking. Federal regulations under the Clery Act require that the University inform students and employees how these terms are defined for purposes of Clery Act crime reporting and how they are defined under the law of the University’s applicable jurisdiction (i.e., Washington state). The definitions used for purposes of Clery Act crime reporting are stated below under the section “Definitions of Reportable Crimes.” The University has undertaken good faith research and has determined that some, but not all, of the terms are defined under Washington State criminal law. The University has identified definitions of stalking, consent, and domestic violence under Washington State criminal law, and has identified definitions of sex offenses under Washington State criminal law that could be seen as types of sexual assault (e.g., “rape,” “rape of a child,” and “indecent liberties”). The University has also identified the definition of “consent” (in reference to sexual activity) under Washington State law (as required by the Clery Act) and has identified a definition of “dating relationship” under Washington State law (because of its potential relevance to the term “dating violence”). These state law definitions are included in “Appendix A: Certain Washington State Law Definitions Related to Crimes of Gender Based Violence.” For purposes of University policy, any act that constitutes dating violence, domestic violence, sexual assault, rape, rape of a child, indecent liberties, or stalking are prohibited, as those terms are defined for purposes of Clery Act regulations or for purposes of Washington State law as listed in Appendix A. Also, to be clear, the prohibition of sexual assault includes a prohibition of non-stranger rape (also known as acquaintance rape, i.e., rape by a person known to the victim), statutory rape, and any other form of rape.

The procedures that the University follows in response to gender-based violence and other forms of sexual misconduct are contained in the section of this report titled “Sexual Misconduct Policy.”

#### **G. Bystander Intervention**

The Clery Act regulations define “bystander intervention” to mean safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

The University encourages its students and employees to practice safe bystander intervention if they observe a situation where there is a risk of dating violence, domestic violence, sexual assault, or stalking. The following practices are important when evaluating a situation for possible bystander intervention:

- Assess the situation as best you can. Be aware of someone who is being sexually aggressive or trying to seclude a person who is incapacitated or vulnerable.
- Use your best judgment and common sense. The most effective time to act may be later, not on the spot, and you may want to get help before intervening.
- Ensure your own safety. Don’t choose a course of action that you’re not comfortable with or that would endanger you or anyone else.

If you’ve determined it’s safe to act, there are variety of bystander intervention strategies that you can employ. One memory aid for identifying bystander options that is suggested by the Rape, Abuse and Incest National

Network (<https://rainn.org/get-information/sexual-assault-recovery/protecting-your-friends>) is to remember “A good friend knows how to CARE,” where the letters C-A-R-E stand for:

- Create a Distraction: If you interrupt the situation, a distraction could give a vulnerable person an opportunity to get to a safe place. Distractions could include spilling your drink, turning on the lights, suggesting that people go out for pizza, or starting an activity that draws people in (e.g., a game, or a debate).
- Ask Questions: Talk to the person who might be in trouble. Ask questions to find out what is going on, who the person came to the event with, and/or who their friends are.
- Refer to an Authority: Sometimes the safest way to intervene is to involve a person in authority, which may include (depending on the situation) a Resident Advisor, a bartender, a security guard, or a party host. It is generally in the authority figure’s interests to ensure that their guests, patrons, et al., are safe.
- Enlist Others: There can be strength in numbers—an aggressor may be less likely to act if a group of people is watching or opposing him or her. Look for friends of the vulnerable person who can approach the situation with you.

In any case, if you believe that you or someone else is in immediate danger, do not hesitate to call campus security (if you are on campus) or the police.

## **H. Risk Reduction**

Whereas bystander intervention is about seeking to help others, students and employees are also encouraged to consider ahead of time how they can reduce their risk of being a victim of sexual assault, dating violence, domestic violence, or stalking. The Clery Act regulations define “risk reduction” in part as options designed to decrease perpetration and increase empowerment for victims in order to promote safety. Several risk reduction strategies are listed below (many of these are based on suggestions from the Rape, Abuse and Incest National Network (<https://rainn.org/get-information/sexual-assault-prevention/campus-safety-sexual-assault>):

- Know your resources. Consider who you could contact if you or a friend needs help. Know where emergency phones are located and program the phone number for campus security (206-281-2911) into your phone.
- Stay alert and be aware of your surroundings. Consider inviting a friend to join you or asking campus security for an escort. If you’re alone, do not put headphones in both ears.
- Be careful about posting your location. Many social media sites, like Facebook, use geolocation to publicly share your location. Consider disabling this function.
- Make others earn your trust. Give people time to earn your trust before placing yourself in a situation where you may be vulnerable.
- Think about Plan B. Have a back-up plan for sticky situations. If your phone dies, do you have a few numbers memorized to get help? Do you have emergency cash in case you can’t use a credit card?
- Be secure. Lock your door and windows when you’re asleep and when you leave the room. If you see a door to your residential building propped open, close it and report it to campus security.
- Promote safety through groups. If you’re going to a party, go with people you trust. Agree to watch out for each other and plan to leave together. If your plans change, make sure to touch base with the other people in your group. Don’t leave someone stranded in an unfamiliar or unsafe situation.
- Protect your drink. Don’t leave your drink unattended, and watch out for your friends’ drinks if you can. If you go to the bathroom or step outside, take the drink with you or toss it out. Drink from unopened containers or drinks you watched being made and poured. It’s not always possible to know if something

has been added to someone's drink. In drug-facilitated sexual assault, a perpetrator could use a substance that has no color, taste, or odor.

- Know your limits. If you are drinking alcohol, keep track of how many drinks you've had, and be aware of your friends' behavior. If one of you feels extremely tired or more drunk than you should, you may have been drugged. Leave the party or situation and find help immediately.
- Carry a personal safety alarm. This convenient, portable device can deter potential attacks or other crimes by emitting a loud alarm when you pull a pin. Contact OSS for more information.
- Watch for warning signs of abusive behavior. If you notice one or more of the following red flags, consider talking to someone about your situation to determine whether you may be at risk:
  - You feel afraid of your ex/partner
  - Your ex/partner treats you so badly that you are embarrassed in front of family and friends
  - Your ex/partner blames you for their own abusive behavior
  - Your ex/partner treats you as property or an object to meet their desires, not as a person
  - Your ex/partner has a bad and unpredictable temper
  - Your ex/partner hurts you or threatens to hurt you or kill you
  - Your ex/partner threatens to hurt themselves if you break up with them
  - Your ex/partner refuses to take no for an answer with respect to sexual activity
  - Your ex/partner destroys your property
  - Your ex/partner acts excessively jealous or possessive, constantly checks up on you, or tries to control where you go and what you do
  - Your ex/partner grabs you, pushes you, blocks your path, grabs your cell phone from you when you are calling for help

#### **I. Federal Campus Sex Crimes Prevention Act**

The Campus Sex Crimes Prevention Act requires states to ask every registered sex offender if they are enrolled at or employed by a college or university. In addition, if any adult or juvenile is required to register as a sex offender pursuant to RCW 9A.44.130, then such adult or juvenile offender must give notice to the county sheriff of the county with whom the person is registered within three business days (i) prior to arriving at a school or institution of higher education to attend classes, (ii) prior to starting work at an institution of higher education, or (iii) after any termination of enrollment or employment at a school or institution of higher education. Students and employees can find out information about registered sex offenders in their area through the King County Sheriff's Office website: <http://www.icrimewatch.net/index.php?AgencyID=54473>.

Members of the SPU community can find out information about registered sex offenders (if any) enrolled at or employed by SPU by calling the Seattle Police Department ("SPD"), Sex and Kidnapping Registration Detail at (206) 684-5332. At this time, SPD has the most current information regarding registered sex offenders within the City of Seattle. SPD will be able to tell you whether there are any registered sex offenders enrolled at or employed by SPU, but may decide not to provide you the identity of any Level 1 offenders unless you demonstrate a need to know, or provide a specific name to be checked.

#### **J. Weapons and Firearms Policy**

Possession or use of the following is prohibited on campus:

- Any type of firearm, including BB pellet guns, paint guns, realistic facsimiles of a weapons or any counterfeit weapons, stun guns, or Taser weapons.
- Ammunition, including rounds, casings, shells, clips, magazines, and paint pellets, and cartridges.

- Folding knives or fixed blades over 3” that are not designed and used for cooking.
- Bows and arrows.
- Martial arts weapons.
- Slingshots and water balloon launchers.
- Explosive devices and fireworks.
- Dangerous chemicals or other hazardous materials.
- All other weapons listed in the Revised Code of Washington (RCW) 9.41, and/or other weapons considered dangerous on University premises or at University sponsored events.

Notwithstanding the prohibition stated above, Safety and Security Officers are permitted to carry the weapons issued to them by the University. Also, law enforcement officials on campus are permitted to carry weapons issued to them as required by their agencies.

#### **K. Whistleblower Policy**

It is the policy of Seattle Pacific University not to retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising his or her rights or responsibilities under the Clery Act.

#### **L. Missing Student**

If a student, employee, or other person has reason to believe that a student who resides in on-campus housing is missing (i.e., has been missing at least 24 hours), he or she should immediately notify the Office of Safety and Security (“OSS”) at (206) 281-2911 (x2911 from a campus phone). Concerns that a student is missing may also be reported to the Dean of Students for Community Life or the Vice President for Student Life. Any missing student report must be referred immediately to OSS by calling (206) 281-2911. OSS is available to receive calls 24 hours a day, year-round.

OSS will generate an incident report and initiate an investigation. The University may investigate circumstances for non-residential students who are missing out of concern for student well-being when it is determined that the University might be able to assist the student. OSS will also immediately notify the Office of Residence Life of the missing person report if they have not been previously notified. The Office of Residence Life will assist OSS in their investigation, which may include interviewing roommates, floor mates, classmates, and student staff.

After investigating the missing person report, should OSS determine that the student is missing and has been missing for at least 24 hours, the Seattle Police Department will be notified (unless the Seattle Police Department made the determination that the student was missing) within 24 hours of the determination that the student is missing. The University may notify appropriate authorities without delay when it has reason to believe the student is in danger or missing under involuntary circumstances.

Students residing in on-campus housing have the option to identify confidentially one or more individuals to be contacted by the University in the event the student is determined to be missing for at least 24 hours. This information will be accessible only to authorized campus officials, and may not be disclosed except to law enforcement personnel in furtherance of a missing person investigation. If a student has identified an individual, the University will notify that individual no later than 24 hours after the student is determined by OSS or local law enforcement to be missing. Students who wish to identify a confidential contact can do so through the Banner Information System on the web, [www.spu.edu/banweb/](http://www.spu.edu/banweb/). Select the *Personal Menu*, then select *Emergency Contact Information*. Choose to add a new contact or edit an existing contact. Under the “relationship” drop down menu, select “missing person contact”. Please contact the CIS Help Desk if you have questions concerning entering contact information into the Banner Information System. If the missing student is under 18 years of age and is not emancipated, the University must notify the student’s custodial parent or

guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student.

OSS will be primarily responsible for coordinating the notification of local law enforcement, designated emergency contacts, and/or custodial parents or guardians as described above. Typically, OSS will notify police, and a staff member from the Office of Residence Life will notify the other individuals, when required.

#### **M. Monitoring Noncampus Locations of Student Organizations**

The Clery Act requires that the University have a statement of policy concerning the monitoring and recording through local police agencies of criminal activity by students at noncampus locations of student organizations officially recognized by the University. The University believes it does not currently have any such noncampus locations and that currently there is not opportunity for any such monitoring.

## **IV. Reporting Campus Crimes and Emergencies**

### **A. How to Report a Crime**

Students, staff and faculty are strongly encouraged to promptly report all crimes, accidents, emergencies, and other public safety related incidents to the Office of Safety and Security (“OSS”) at (206) 281-2911. Reporting these incidents to OSS is important because: (1) it can help the University take action that may prevent harm to yourself and other members of the community (e.g., by sending emergency notifications or timely warning messages, as described more fully later in this report), (2) it can help law enforcement officials apprehend Perpetrators and seek justice for victims, and (3) it enables the University to record and publish the incidents as part of the crime statistics that the Clery Act requires the University to disclose (as described below).

To report a crime, fire, medical emergency, or other emergency, call OSS by dialing x2911 from a campus phone, or 206-281-2911 from a cell phone or an off-campus phone. You may also contact OSS by pushing the call button on any campus emergency phone. Any crime against property or persons that is committed on campus should be reported immediately.

For non-emergency calls, you may dial x2922 from a campus phone or 206-281-2922 from a cell or an off-campus phone. You may also report non-emergency crimes using the SPU Online Reporting Form ([https://spu.formstack.com/forms/online\\_report\\_form](https://spu.formstack.com/forms/online_report_form)) and the information will be relayed to the Office of Safety and Security.

When making a report, gather as much pertinent information about the suspect and the incident as you can, such as sex, race, hair color and length, body size, clothing description, scars and other noticeable characteristics, modes of travel, type of vehicle, vehicle color and license plate information, and information about location.

Campus community members are encouraged to program the OSS phone numbers into their cell phones to reduce emergency response time. Crimes that occur off-campus should be reported to your local law enforcement agency. OSS will assist you in making a report to a local law enforcement agency if you wish, or if you are unable to make such a report. OSS encourages the prompt and accurate porting of all crimes to OSS and (where appropriate) to the applicable police agency when the victim of a crime elects to, or is unable to, make such a report. Crimes may be reported directly to the Seattle Police Department by calling 911.

### **B. University Response to Crime Reports**

An OSS dispatcher is on duty at all times to receive calls regarding crime reports. In response to a call, OSS may dispatch an officer to the caller's location or ask the caller to submit a written report. The OSS dispatcher will also notify the Director of Safety and Security, the Associate Director of Safety and Security, or the other supervising security officer as necessary depending on the nature of the incident. OSS is the primary investigative office at Seattle Pacific University for all crimes committed and reported on campus or at SPU-operated facilities located within a reasonable distance from the main campus. Matters occurring at properties that are more distant from the main campus may be handled entirely by the local law enforcement agency with jurisdiction. For on-campus incidents, Security officers will conduct a thorough investigation of all incidents and offenses. The identity of complainant(s), victim(s), and witness(es) will be kept confidential to the extent reasonably possible. Arrests will be made in coordination with local law enforcement agencies, if warranted. All OSS incident reports are forwarded to the assistant vice president for risk management for review, and may also be shared with other university administrators depending on the nature of the incident. If OSS leadership determines that there is an immediate threat to campus then they may initiate the University's emergency procedures, as described below. Alternatively, OSS leadership may determine that a timely warning is necessary in response to a crime report (see discussion below of timely warning policy).

### **C. Recognizing Urgent or Potential Threats**

It is important that all members of our community be vigilant and report to OSS any suspicious activity or person that does not fit the "normal" pattern of daily campus life at SPU. As noted above, in an emergency, call 206-281-2911; and for non-emergencies, call 206-281-2922.

Any threat of violence or threatening behavior, including from within the SPU community (faculty, staff, and/or students), should be reported to OSS. An emerging or potential threat is one where you believe a situation has the potential for becoming violent over time because it exhibits one or more behaviors of concern.

An urgent threat is where there is actual violent behavior, or where it appears that violent behavior is likely to take place, such as a verbal altercation that appears to be escalating. Do not approach the individual yourself. Contact OSS at 206-281-2911. Report the type of concerning behavior and the location. Relay pertinent information concerning the person including: age, sex, dress, vehicle and direction of travel.

Violent or threatening behavior can include: physical acts, oral or written statements, harassing email messages, harassing telephone calls, gestures and expressions or behaviors such as stalking. Individuals who engage in violent behavior may be removed from the premises, and may be subject to dismissal or other disciplinary action, arrest and/or criminal prosecution.

Behaviors of concern are:

- Overreaction to situations
- Exhibiting marked performance decline and/or attendance problems
- Withdrawal from friends and acquaintances
- Becoming unkempt—decline in grooming habits
- Injuries and excuses (relationship violence)
- Exhibiting changes in personality, mood, or behavior; bizarre, inappropriate behavior
- Encountering serious stress in personal life: financial, family, or marital problems
- Blaming others for anything that goes wrong, with no sense of one's own responsibility
- Engaging in substance abuse
- Perceiving disgrace or loss of options due to failure
- Conflicts with peers, supervisors, customers; belligerence or other inappropriate behavior

- Expressions of self-harm
- Causing fear on the part of co-workers/students

#### **D. Hate Crime Policy**

OSS is responsible for collecting and reporting statistics about hate-motivated crimes. Anyone receiving a report of hate violence is urged to review the circumstances of the incident with OSS to ensure that an appropriate report is completed, the perpetrator is held accountable, statistics are collected and disseminated, and the victim and/or communities are provided with assistance/referrals.

Reports of hate-motivated incidents are closely reviewed because there is a potential for recurrence and/or escalation into a criminal act. The key criterion in determining whether or not any crime or incident fits into the definition of a hate crime or incident is the motivation behind the incident. For example, hate crimes may be motivated by bias based on race, national origin, ethnicity, gender, gender identity, sexual orientation, religion or disability. This list is not all-inclusive.

A criminal act may include any of the following: burning cross or religious symbol; explosives; bomb threats; assault; disorderly conduct; interrupting or disturbing religious, ethnic, cultural, political, or other meetings; unlawful use of the telephone. Under the Clery Act, the University is required to report hate crimes and to list them according to the category of crime committed, as depicted later in the crime statistics section of this report.

#### **E. Voluntary Confidential Reporting**

Victims or witnesses of crime that do not want to pursue formal action within the University system or the criminal justice system may still want to consider making a confidential report. Confidential reports can be made in person with the Associate Director of Safety and Security or can be made using the SPU Online Reporting Form ([https://spu.formstack.com/forms/online\\_report\\_form](https://spu.formstack.com/forms/online_report_form)). OSS can file a report on the details of the incident without revealing the victim's identity. The purpose of a confidential report is to comply with the victim's wish to keep the matter confidential, while taking steps to promote the future safety of the victim and others. With such information, the University can keep an accurate record of the number of incidents involving students, employees, and visitors; determine where there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution as required by the Clery Act, and generally will not be used for other purposes unless the University believes other action is required by law or community safety. While complete confidentiality cannot be guaranteed in all cases, the University will try to provide confidentiality to the extent reasonably possible.

#### **F. Mandatory Reporter Responsibilities**

All SPU employees are encouraged to promptly report crimes occurring on or near campus. SPU employees and students designated as "Campus Security Authorities" (or "CSAs") are required to promptly report certain types of crimes occurring on or near campus, as explained more fully below. Also, most SPU employees have an obligation to report child abuse and neglect under Washington State law. In addition, all SPU employees are Title IX Mandatory Reporters (except for professional counselors, pastoral counselors, Health Center staff and student employees), and are required to promptly report incidents of sexual misconduct that occur on campus, occur at SPU activities, or are committed by an SPU student, employee, or visitor. For this purpose, "sexual misconduct" means any unwelcome behavior of a sexual nature that is committed without consent or by force, intimidation, coercion or manipulation.

## **G. Reporting to Other Campus Security Authorities**

Seattle Pacific University has identified staff and faculty members who are Campus Security Authorities (“CSAs”). CSAs are employees who are involved in security or who have a significant responsibility for student and campus activities. These employees must report crimes to OSS for federal reporting purposes under the Clery Act. All personally identifiable information is kept confidential, but statistical information must be passed along to OSS regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given) for publication in the annual security and fire safety report. This report helps provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety.

The information to be collected by the CSA and reported to OSS includes the date, the location of the incident (using Clery Act location categories), and the type of crime reported. This reporting protects the identity of the victim and may be done anonymously.

Campus “Pastoral Counselors” and “Professional Counselors,” when acting as such, are not considered to be CSAs and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics. If the person being counseled wishes, the Pastoral or Professional Counselor may submit a crime report on their behalf.

A Pastoral Counselor is an employee of an institution who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.

A Professional Counselor is an employee of an institution whose official responsibilities include providing psychological counseling to members of the institution’s community and who is functioning within the scope of his or her license or certification.

## **H. Campus Security Authorities**

The University has identified the following individuals as CSAs:

- Office of Safety and Security staff
- Human Resources staff
- Office of Student Life staff
- Athletic Directors and Coaches
- Faculty Advisors
- Study Abroad Program staff and faculty
- Student Employee Supervisors
- Staff in Roles of Ministry or Counseling\*

*\* These persons are not required to disclose information unless there is a concern for imminent health and safety of the student or others.*

## **I. Disclosure of Results of Disciplinary Proceedings to Victims of Crimes of Violence**

Upon written request, the University will disclose to the alleged victim of a crime of violence (as such term is defined in Section 16 of Title 18 of the United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by SPU against a student who is the alleged perpetrator of the crime or offense with respect to such crime or offense. If the alleged victim of such crime or offense is deceased

as a result of the crime or offense, the University will treat the next of kin of such alleged victim as the alleged victim for purposes of the preceding sentence.

## V. Disclosure of Crime Statistics Pursuant to the Clery Act

### A. Introduction

In accordance with the Clery Act, the University makes information about crimes on campus available to prospective students, prospective employees, matriculated students, and current employees by maintaining a crime log and publishing crime statistics. Crime statistics for reported crimes that occur at on-campus, “non-campus,” and public property locations identified by the Clery Act (see definitions below) are published annually in the Annual Security and Fire Safety Report (i.e., this document), which is posted on the OSS website. The statistics represent alleged criminal offenses reported to campus security authorities and/or local police agencies. Therefore, the data collected do not necessarily reflect prosecutions or convictions for crime. Because some statistics are provided by non-police authorities, the data are not directly comparable to data from the FBI's Uniform Crime Reporting System which only collects statistics from police authorities. College and university campus crime statistics are an important resource that the entire campus community and prospective members of it can use to promote their safety.

### B. Daily Crime Log

OSS makes the crime log for the most recent 60 day period open to public review during normal business hours, Monday through Friday, excepting holidays. Any portion of the log beyond 60 days, if not immediately available, will be made accessible within two business days of a request for public inspection. The University's student newspaper, The Falcon, publishes a crime blotter on a regular basis.

### C. Annual Crime Statistics

The page that follows present statistics for the three full calendar years preceding the publication of this report (i.e., 2012, 2013, and 2014). This report complies with 20 U.S. Code Section 1092 (f). The Office of Safety and Security reminds the University's Campus Security Authorities at least annually that they should promptly report Clery Act crimes to OSS, and it also contacts the Office of Student Life at least annually to confirm that it has obtained all relevant information about Clery Act Crimes from that University department. OSS also contacts the local police department at least annually to request information about crimes that should be reflected in the University's Annual Security and Fire Safety Report. The statistics reported for the sub-categories on liquor laws, drug laws, and weapons offenses represented the number of people who were arrested or who were referred to campus judicial authorities for respective violations without being arrested, not necessarily the number of offenses documented.

Crime Statistics	2012					2013					2014				
	On Campus Student Housing	On Campus Other	Total On Campus	Non Campus	Public Property	On Campus Student Housing	On Campus Other	Total On Campus	Non Campus	Public Property	On Campus Student Housing	On Campus Other	Total On Campus	Non Campus	Public Property
<b>Criminal Offenses</b>															
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	4	4	0	2
Burglary	5	3	8	2	0	1	1	2	0	0	5	4	9	0	0
Motor Vehicle Theft	0	1	1	0	1	0	1	1	0	2	0	1	1	0	3
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
Forcible Sex Offenses	0	0	0	0	0	4	0	4	0	0	4	0	4	0	0
Rape	na	na	na	na	na	na	na	na	na	na	3	0	3	0	0
Fondling	na	na	na	na	na	na	na	na	na	na	1	0	1	0	0
Non-Forcible Sex Offenses	0	0	0	0	0	0	0	0	0	0	na	na	na	na	na
Incest	na	na	na	na	na	0	0	0	0	0	0	0	0	0	0
Statutory Rape	na	na	na	na	na	0	0	0	0	0	0	0	0	0	0
Stalking	na	na	na	na	na	0	4	4	0	0	0	1	1	0	0
Domestic Violence	na	na	na	na	na	0	0	0	0	0	0	0	0	0	0
Dating Violence	na	na	na	na	na	0	3	3	0	2	1	1	2	0	0

Crime Statistics	2012					2013					2014				
	On Campus Student Housing	On Campus Other	Total On Campus	Non Campus	Public Property	On Campus Student Housing	On Campus Other	Total On Campus	Non Campus	Public Property	On Campus Student Housing	On Campus Other	Total On Campus	Non Campus	Public Property
<b>Arrests</b>															
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Judicial Referrals</b>															
Liquor Law Violations	48	0	48	0	0	37	0	37	0	0	24	0	24	1	0
Drug Law Violations	27	0	27	0	0	17	1	18	0	0	7	1	8	0	0
Illegal Weapons Possession	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Hate Crime Occurrences	2012				2013				2014				
	<u>Total On Campus</u>				<u>Total On Campus</u>				<u>Total On Campus</u>				
	On Campus Student Housing	On Campus Other	Non Campus	Public Property	On Campus Student Housing	On Campus Other	Non Campus	Public Property	On Campus Student Housing	On Campus Other	Non Campus	Public Property	
<b>Criminal Offenses</b>													
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	
Arson	0	0	0	0	0	0	0	0	0	0	0	0	
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0	
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0	
Larceny-Theft	0	0	0	0	0	0	0	0	0	0	0	0	
Destruction of Property	0	0	0	0	0	0	0	0	0	0	0	0	
Forcible Sex Offenses	0	0	0	0	0	0	0	0	0	0	0	0	
Rape	0	0	0	0	0	0	0	0	0	0	0	0	
Fondling	0	0	0	0	0	0	0	0	0	0	0	0	
Non-Forcible Sex Offenses	0	0	0	0	0	0	0	0	0	0	0	0	
Incest	0	0	0	0	0	0	0	0	0	0	0	0	
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	
Stalking	0	0	0	0	0	0	0	0	0	0	0	0	
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0	
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0	

Hate Crime Key: (Ra) Race, (Re) Religion, (S) Sexual Orientation, (G) Gender, (GI) Gender Identity, (D) Disability, (E) Ethnicity, (N) National Origin

Notes:

- Beginning in 2014, institutions of higher education were directed under the Violence Against Women Reauthorization Act of 2013 (VAWA) to begin listing statistics for rape, fondling, incest, and statutory rape as specific categories. Prior to that, institutions were required to report forcible sex offenses and non-forcible sex offenses. Also, in 2014, institutions were required under VAWA to begin listing statistics for stalking, dating violence, and domestic violence. Where the letters “na” (or “not

applicable”) are listed in tables above, it means that the statistics for such category were not required to be published for such year.

- Some of the numbers in the tables above were revised from the version of the Annual Security and Fire Safety Report that was published by SPU on October 1, 2015.

The University had no “unfounded” crimes for 2012, 2013, or 2014. For purposes of the Clery Act, a reported crime may be withheld or removed from the University’s crime statistics if sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless.

#### **D. Definitions of Reportable Crimes**

Murder/Nonnegligent Manslaughter: the willful (nonnegligent) killing of one human being by another.

Negligent Manslaughter: the killing of another person through gross negligence.

Robbery: the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault: an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

Burglary: the unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Motor Vehicle Theft: theft or attempted theft of a motor vehicle. For purposes of reporting crime statistics under the Clery Act, SPU will classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned—including joyriding.

Arson: any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Sex offenses: any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

Rape: the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Fondling: the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest: sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory rape: sexual intercourse with a person who is under the statutory age of consent.

Forcible sex offenses\*: 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. Including: forcible rape, forcible sodomy, sexual assault with an object, forcible fondling.

Non-forcible sex offense\*: unlawful, non-forcible sexual intercourse, including incest and statutory rape.

*\*Forcible and non-forcible sex offenses were definitions used prior to the Violence Against Women Reauthorization Act of 2013, which amended the Clery Act. Under the amendment, categories have been redefined as Sex Offenses, with four sub-categories: Rape, Fondling, Incest, and Statutory Rape.*

Domestic Violence: A felony or misdemeanor crime of violence committed: (A) by a current or former spouse or intimate partner of the victim; (B) by a person with whom the victim shares a child in common; (C) by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (D) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or (E) by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition: (A) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse; and (B) Dating violence does not include acts covered under the definition of domestic violence.

Sexual Assault: An offense that meets the definition of rape, fondling, incest, or statutory rape as defined in this section.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress. For the purposes of this definition:

- "Course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- "Reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim.
- "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Hate Crimes: A crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purposes of this section, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

Larceny/Theft (except Motor Vehicle Theft): the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

Simple Assault: an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness..

Intimidation: to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Destruction/Damage/Vandalism to Property (except Arson): to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Liquor Law Violations: the violation of State or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

Drug Law Violations: the violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

Illegal Weapons Possession: the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

## **E. Categories of Prejudice**

*Race*: A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity, which distinguish them as a distinct division of humankind (e.g., Asians, blacks, whites).

*Gender*: A preformed negative opinion or attitude toward a group of persons because those persons are male or female.

*Religion*: A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists).

*Sexual Orientation*: A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex (e.g., gays, lesbians, heterosexuals).

*Ethnicity*: A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs, and traditions.

*National Origin*: A preformed negative opinion or attitude toward a person or group of persons based on their birthplace, ancestry, culture or language.

*Disability*: A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age, or illness.

*Gender Identity:* A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals.

## **F. Definitions of Geography**

As specified in the Clery Act, the following property descriptions are used to identify the location of crimes on and around SPU's campus.

### On-Campus Buildings or Property:

- Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution's educational purposes, including residence halls; and
- Any building or property that is within or reasonably contiguous to the area identified in the above paragraph, that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or retail vendor).

### Non-Campus Buildings or Property:

- Any building or property owned or controlled by a student organization that is officially recognized by the institution; or
- Any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

### Public Buildings or Property:

- All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus.
- The Seattle Pacific University crime statistics do not include crimes that occur in privately owned homes or businesses within or adjacent to the campus boundaries.

## **VI. Sexual Misconduct Policy**

### **A. Introduction**

Seattle Pacific University is committed to maintaining an environment free of sexual harassment, sexual assault, and other forms of sexual misconduct. This Sexual Misconduct Policy is intended to educate students and provide an equitable means of recourse for those who believe they have been a victim of sexual misconduct. Sexual misconduct is a violation of University policy and may also be illegal. The University will promptly investigate and pursue the resolution of any complaint of sexual misconduct. The University reserves the right to respond with whatever measures it deems appropriate to prevent sexual misconduct and preserve the safety and well-being of its students, faculty, staff, and visitors.

For purposes of this Sexual Misconduct Policy, the term "sexual misconduct" means any unwelcome behavior of a sexual nature that is committed without consent or by force, intimidation, coercion, or manipulation. Sexual misconduct includes, but is not limited to, sexual harassment, gender-based harassment, sexual assault, sexual exploitation, domestic violence, dating violence, and stalking (for definitions of these terms that will be used in applying this policy, see "Additional Definitions of Relevant Terms," below). Sexual misconduct can occur among persons of the same or different genders. Complaints of sex-based discrimination that do not involve sexual

misconduct as defined above will be handled pursuant to the applicable Nondiscrimination Complaint Procedures. Additional information about the University's compliance with Title IX of the Education Amendments of 1972, which is a federal law that prohibits discrimination on the basis of sex in education programs and activities, can be found on the University's [Title IX website](#).

## **B. What to Do if You Are a Victim of Sexual Misconduct**

If you are a victim of sexual misconduct, then depending on the severity of the misconduct you should take some or all of the following actions:

- **Do not assume it is your fault**: No one deserves to be mistreated. It is not your fault if someone else has abused or assaulted you. You have choices, and you can get help.
- **Seek safety**: If you may still be in danger, get to a safe place as soon as you can and seek assistance (e.g., from campus security, local law enforcement, or your personal support network). Consider developing a personal safety plan, obtaining a campus protective order, and/or obtaining a court-issued protective order. The University's Office of Safety and Security can assist with each of these items (call 206-281-2922). A campus protective order is a no-contact order that is issued and enforced by the University (e.g., through SPU disciplinary processes). A no-contact order, restraining order, or similar order that would be enforceable by the police and/or courts would need to be obtained from a court of law.
- **Obtain medical treatment**: Get medical attention as soon as possible to treat any injuries, and document relevant evidence.
  - You can receive a sexual assault exam at the [Harborview Center for Sexual Assault & Traumatic Stress](#): 206-744-1600. The Washington State Crime Victims Compensation Program (CVCP) will pay for the initial sexual assault exam by a Sexual Assault Nurse Examiner (SANE).
  - [SPU Health Services](#) is available Monday–Friday, 9 a.m.–12 p.m. and 1–4:30 p.m. Appointments can be made by calling 206-281-2231. Health Services can assist with most medical concerns, including pregnancy and STD testing following an assault.
- **Preserve evidence**: Try to preserve all physical evidence.
  - In general, “evidence” is anything that can help prove that an incident of sexual misconduct occurred. Evidence can vary depending on the incident. For example, evidence of stalking may include emails, texts, or other examples of unwanted communications—in this case, be sure to keep copies of all such messages. For sexual assault, evidence may include blood, semen, hair, clothing, or other items that can help identify the perpetrator. A SANE exam (described above) can help you collect and preserve evidence.
  - It is important to preserve evidence to prove a criminal offense, press civil charges, or obtain a protective order. It is also important to preserve evidence for use in any formal sexual misconduct proceeding at the University.
  - The manner of preserving evidence will depend on the type of evidence. For example, it may take the form of saving copies of emails, taking screen shots of texts, taking photographs of bruises, or receiving a sexual assault exam.
  - Evidence is best collected right away, and at least within 120 hours of the incident. In the case of a sexual assault, it is best to collect evidence before you shower or bathe, wash your hands or clothing, change your clothing or bedding, use the toilet, or even eat or drink. Even if you do not think you would like to pursue a criminal case now, you can have the evidence collected anonymously so you can decide later whether filing a report with police is right for you.
- **Report the incident to the University**: Any student, employee, or visitor who believes he or she has been the victim of sexual misconduct is encouraged to report the behavior immediately to one of these Sexual Misconduct Report Receivers:

Charles Strawn, dean of students for community life, 206-281-2845.

Susan Okamoto Lane, dean of multi-ethnic and wellness programs, 206-281-2598.

Gabriel Jacobsen, director of Residence Life, 206-281-2067.

Lynnea Common, assistant director of Residence Life, 206-281-2478.

Gary Womelsduff, Title IX Coordinator / director of Human Resources, 206-281-2678.

Cheryl Michaels, Deputy Title IX Coordinator for Students/associate director of Safety and Security, 206-281-2625.

Nicole Custer, associate director of Human Resources, 206-281-2676

#### [Residence Life Coordinators and Area Coordinators.](#)

However, no one is required to disclose to University officials if he or she has been a victim of sexual misconduct.

While University officials will seek to protect the privacy of victims as far as reasonably possible in the circumstances, individuals wishing to report an incident of sexual misconduct should note that complete confidentiality cannot be guaranteed. Pursuant to federal law, all University employees (other than pastoral counselors, professional counselors, Health Center staff, and student employees) are required to report information disclosed to them about sexual misconduct to University administrators. If you would like to learn about confidential resources on and off campus, you can ask a Sexual Misconduct Report Receiver but do not share specific information about any incident you wish to keep private. You can also speak with on-campus mental health counselors at the Student Counseling Center, or off-campus rape crisis resources (together, "Confidential Reporters"). However, if there is an imminent concern for a person's health or safety, even these individuals may be required to disclose information. If the University provides accommodations or protective measures to a victim, the University will seek to keep such accommodations and measures confidential to the extent reasonably possible and to the extent such confidentiality would not impair the ability of the institution to provide the accommodations or measures.

Reported incidents of sexual misconduct will generally be reflected in aggregate statistics prepared and published for purposes of the University's compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. However, these statistics do not contain personally identifying information. Aside from Clery Act disclosure requirements, University data about sexual misconduct generally is not subject to public recordkeeping requirements because the University is a private organization.

Students who are victims of sexual misconduct and report such incidents to the University will not be disciplined by the University for any violation of the University's drug or alcohol possession or consumption policies in which they have engaged in connection with the reported incident, or for any violation of the University's [Lifestyle Expectations](#) prohibiting consensual sexual activity by unmarried students. The University may require educational options, rather than disciplinary sanctions, in such cases.

- **Notify law enforcement:** You have the option to notify law enforcement authorities. The phone number for the Seattle Police Department (SPD) is 911, and the emergency number for the University's Office of Safety and Security is 206-281-2911. If you decide to make a report with SPD, the Office of Safety and Security can assist you through that process if you so choose. You may also decline to notify law enforcement authorities.
- **If you think someone may be stalking you:**

- Look for signs that indicate stalking behavior.
- Most stalking does not end on its own. Early intervention is critical, and recognizing stalking behavior is the first step.
- Clearly state to the stalker that you are not interested in the attention of the stalker and that you want the behavior to stop.
- Create a log of stalking incidents, including date, time, location, and description of each event.
- Seek support from the University's Office of Safety and Security in doing some or all of the actions listed above.
- Seek support on-campus and off-campus: Find someone you can safely talk to about the situation. Develop a network of support, such as friends and family. Also, utilize on-campus and off-campus resources, such as the following:

*On-campus resources:*

- Office of Safety and Security: 206-281-2911 (for safety, security, and transportation).
- Student Counseling Center: 206-281-2657 (for counseling and mental health).
- Student Health Services: 206-281-2231 (for medical and health care).
- Office of Student Life: 206-281-2481 (for guidance about academics and on-campus housing).
- Human Resources: 206-281-3809 (for faculty/staff employment).
- Student Financial Services: 206-281-2061 (for financial aid and student employment).
- Office of International Student Records: 206-281-2550 (for visa/immigration)

*Off-campus resources:*

- King County Sexual Assault 24-Hour Resource Center: 888-998-6423, [www.kcsarc.org](http://www.kcsarc.org). KCSARC can assist with crisis response, advocacy, legal advocacy, and other support.
- Rape Abuse and Incest National Network (RAINN): 800-656-HOPE, [www.rainn.org](http://www.rainn.org).
- Harborview Center for Sexual Assault & Traumatic Stress: 206-744-1600, [www.depts.washington.edu/hcsats](http://www.depts.washington.edu/hcsats).

### **C. What to Do if You Observe or Suspect Sexual Misconduct**

All students are encouraged to participate in helping the University be free from sexual misconduct. If you are a student and another student tells you that he or she was the victim of sexual misconduct while at the University, you should strongly encourage the victim to speak with one of the Sexual Misconduct Report Receivers (listed above) or consider personally reporting the incident to a Sexual Misconduct Report Receiver if the victim is reluctant to do so.

As noted above, most University employees have an obligation to report incidents of sexual misconduct to University administrators. University employees who have questions about these reporting responsibilities should consult the SPU [Title IX Website](#).

### **D. The University's Procedures for Responding to Sexual Misconduct**

*Purpose, Scope, and Timing*

*Purpose:*

- The University's procedures for responding to notification of sexual misconduct are intended to eliminate the misconduct, prevent its recurrence, and address its effects. The University's procedures

for institutional disciplinary action in cases of sexual misconduct will include a prompt, fair, and impartial process from the initial investigation to the final result.

- Generally, the University will need to investigate reports of sexual misconduct to determine what occurred and take appropriate steps to resolve the situation, even if a victim does not wish to make a formal complaint, and even if there is an investigation by the police and/or by the U.S. Department of Education Office for Civil Rights.

*Scope:*

- If an incident involves both an alleged incident of sexual misconduct and other alleged violations that would normally be handled through the Student Conduct Process, then the Title IX Coordinator, the director of Residence Life, and the dean of students for community life will decide which of the two processes will apply to each of the violations, in order that the purposes of both procedures may be fulfilled. Generally, the Student Conduct Process will not be used if both the accused and the victim are SPU students and are participating in the process.
- This procedure applies to alleged incidents of sexual misconduct involving SPU students. Visitors to the University's campus may also utilize this procedure for incidents that occur on campus and involve University students or employees. Reports may be made by students for events occurring off-campus as well as on-campus. This procedure applies to complaints of sexual assault, stalking, domestic violence, or dating violence between employees. However, for incidents involving employees, other policies or procedures may also be applicable and adjustments to this procedure may be necessary. Also, the existence of this procedure is not a guarantee of ongoing employment, and the University reserves the right to take any permitted employment action it deems appropriate. For purposes of this policy, a student employee will be treated as a student and not an employee, unless the Title IX Coordinator determines that there are compelling reasons for different treatment.

*Timing:*

- If a particular stage of a procedure in this policy is required to be completed within a prescribed number of days, then the day that includes the event that starts the time period will not be counted, but the last day of the time period will be counted. Any action required by the end of any time period must be completed by the close of business on the last day of the period.
- Time periods prescribed in this policy may be lengthened in a particular case by the Title IX Coordinator if he or she determines that there is adequate cause for allowing additional time and that an extension will not have a material negative effect on the purposes of this policy. A request for an extension that is received after the applicable deadline has passed generally will not be granted.
- The timing of initiating any formal action will be determined by balancing sensitivity to requests for confidentiality from victims with concern for campus safety, as required by Title IX.

*Parties Involved in the Procedure*

*Discloser/Accused, Complainant/Respondent:*

- The term "discloser" means a person who discloses that he or she has been a victim of sexual misconduct, and the term "accused" means the person(s) identified by the discloser as having committed sexual misconduct.
- The term "complainant" means a person who has made a formal, written complaint to the University alleging sexual misconduct, and the term "respondent" means a person identified by the complainant as having committed sexual misconduct. The Title IX Coordinator or Deputy Title IX Coordinator for

Students may also be a complainant (even if not a victim) if he or she believes in good faith that an incident of sexual misconduct may have occurred, and the procedures below will be interpreted and applied accordingly.

*Title IX Coordinator and Investigators:*

- The Title IX Coordinator may delegate certain of his or her responsibilities under this policy to other University officials if the Title IX Coordinator determines that it is reasonable and consistent with the purposes of this policy. The Title IX Coordinator has the authority to interpret any ambiguity in this policy. If the Title IX Coordinator determines that a person who has responsibilities under this policy has a conflict of interest in a particular matter, then the Title IX Coordinator has the authority to replace such person with another University official for such matter (if the Title IX Coordinator has a conflict of interest, then the Deputy Title IX Coordinator for Students may substitute for the Title IX Coordinator).
- Investigators will be selected from University officials who have been trained to perform the responsibilities described in this policy.
- The University's proceedings will be conducted by officials who, at a minimum, receive annual training on the issues related to sexual misconduct and on how to conduct an investigation and process that protects the safety of victims and promotes accountability.

*Advisors and Attorneys:*

- Complainants and respondents may each have an advisor of their choosing as they go through the formal complaint process. The advisor's role is to provide support and to give advice. An advisor may accompany the party that he or she advises to such party's proceedings. This policy does not limit the choice of advisor or their presence for the accuser or accused in any meeting or institutional proceeding. However, during a proceeding the advisor may only speak to the party he or she advises and may not interrupt or interfere with the process. If an advisor does not follow the restrictions in this paragraph, the advisor may be required to leave the proceedings (in which case the applicable party may select a different advisor). The restrictions on advisors apply equally to both parties.
- The University recognizes that the parties may consult with legal counsel concerning their situations. However, written statements (including any appeal) must be submitted by the student who is a party to the complaint procedure.

*Principles and Protections*

- *FERPA:* FERPA generally prohibits nonconsensual disclosure of personally identifiable information from a student's education record. However, FERPA permits the University to disclose certain information in connection with sexual misconduct proceedings, and the University may make use of such exceptions.
- *Confidentiality:* University officials will protect (as far as is reasonably possible in the circumstances) the privacy of the discloser and the accused. However, the University cannot guarantee the anonymity of an individual making an informal report or a formal complaint. The University may disclose information provided by a discloser, an accused, or others in order to comply with legal requirements or promote the safety of students and employees. The University will take all reasonable steps to investigate and respond consistent with any request for confidentiality, including when implementing any accommodation or protective measure. As noted above, most regular University employees are obligated to report incidents of sexual misconduct to the Title IX Coordinator or another Sexual Misconduct Report Receiver, and a victim should speak with a Confidential Reporter if he or she wants the details of an incident to be kept private.

- *False Claims:* The University recognizes that false allegations of sexual misconduct can have serious effects on innocent men and women. Therefore, the University may take disciplinary action in cases where frivolous, false, or vexatious complaints are submitted.
- *Retaliation:* The University strictly prohibits any retaliation, intimidation, or coercion directed against an employee, student, or other person who, in good faith, has registered a complaint, reported an incident, or otherwise assisted or participated in an investigation or proceeding under this policy. Any student who, after appropriate investigation, has been determined to have retaliated against an employee or student will be subject to disciplinary action, up to and including immediate dismissal/expulsion. If any employee or student believes he or she has been retaliated against, the employee or student should directly and immediately contact one of the Sexual Misconduct Report Receivers or investigators.

#### Initial Response: Notification, Support, and Safety

Upon receipt of a report of sexual misconduct, the University's initial response will consist of notifying the appropriate University officials, providing information and support to alleged victims of sexual misconduct, and taking steps to promote the safety of the campus.

#### *Notifying University Officials:*

- The University employee who received the report of sexual misconduct should notify the Title IX Coordinator of the incident if the employee is a Title IX mandatory reporter.
- If the accused is an employee, the director of Human Resources will be notified. If the accused is a student, the dean of students for community life will be notified. Other University officials may also be notified as needed to accomplish the purposes of this policy.
- Reports of sexual misconduct will also be shared with the Office of Safety and Security, which will evaluate the risk presented to campus safety, determine whether local law enforcement needs to be notified, and incorporate the information into federally required campus crime records and aggregate statistics (i.e., without personal information).

#### *Providing Disclosers with Information and Support:*

A University official (either one of the Sexual Misconduct Report Receivers or another person designated by the Title IX Coordinator) will meet with the discloser to discuss and/or provide written information about the following processes and possible protective measures:

- Resources: The University official will provide the discloser with written notification of existing counseling, health, mental health, victim advocacy, legal assistance, visa/immigration assistance, student financial aid, and other services for victims on and off campus.
- Interim measures: The University official will provide written notification to victims about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures, if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus security or local law enforcement. Accommodations and measures can help support the victim and provide separation from the accused. Victims may also contact on-campus resources directly (see list above).
- University complaint process: The University official will interview the discloser and obtain a written statement. The University official will explain to the discloser the options to pursue informal or formal action under the University Sexual Misconduct Policy. If the discloser decides to pursue a formal complaint process, the discloser will be asked to submit a written complaint. The University official will seek consent from a discloser before beginning an investigation, but the University may need to pursue

an investigation even without the consent of the discloser. The discloser will be notified if the University decides to make its own investigation.

- Reporting to law enforcement: The University official will notify the discloser of the right to file a criminal complaint and that the Office of Safety and Security is available to assist in such process.
- Confidentiality: The University official will tell the discloser that the ability to maintain confidentiality and not disclose identifying information may be limited, the University will protect the discloser's confidentiality as much as reasonably possible but can't ensure complete confidentiality, and restrictions to promote confidentiality may limit the investigation.
- Retaliation: The University official will tell the discloser that federal law and school policy prohibit retaliation, that school officials will take steps to prevent retaliation and take strong responsive action if it occurs, and that the discloser should report any incidents of retaliation.

The University official will provide a disclosing victim with a written explanation of the rights and options described above (whether the offense occurred on or off campus), as well as the information listed above under "What to do if you are a victim of Sexual Misconduct," which may involve directing the discloser to the website where such rights and options are described.

#### *Promoting Campus Safety:*

University officials will determine whether the information provided about alleged sexual misconduct presents an ongoing threat. The University may determine it is necessary to issue a warning to the campus community about potential dangers, but will protect the confidentiality of the discloser as far as reasonably possible. If there is evidence that an accused's continued presence may constitute a threat to others or to the continuance of normal University operations, interim suspension, eviction, and/or other restrictions may be imposed immediately and without prior notice.

#### Preliminary Screening of Information

Upon notification of alleged sexual misconduct, the Title IX Coordinator or Deputy Title IX Coordinator for Students will initiate a preliminary investigation to determine whether there is reasonable cause to support an investigation of the accused and, if so, what policy violations should be investigated.

If the preliminary inquiry does not yield enough evidence to require an investigation, the discloser will be notified and the matter will be closed. If there is evidence to support the allegation, the Title IX Coordinator will assign one or more investigators to conduct a formal investigation or, if requested by the discloser and agreed to by the Title IX Coordinator, an informal process.

#### Option of Informal Process

If a discloser has requested an informal process and the Title IX Coordinator agrees, then the accused will be notified of the invitation to participate in an informal process. Informal processes (such as mediation) are permissible in certain cases, but not for severe cases of sexual misconduct. For example, mediation, even on a voluntary basis, is not appropriate in cases of allegations of sexual assault. At any point during the informal process, the discloser, the accused, an investigator or the Title IX Coordinator may terminate the informal process and initiate a formal process.

#### Formal Process

##### *Formal Complaint Procedure: Investigation*

- If at any time a decision is made to initiate a formal complaint procedure, then the investigator(s) and Title IX Coordinator or Deputy Title IX Coordinator for Students will develop the formal investigation strategy and outline a proposed timeline not to exceed 60 days.
- The Title IX Coordinator, Deputy Title IX Coordinator for Students or assigned investigator(s) will obtain a written complaint (if one has not yet been obtained) from the complainant and present it to the respondent. The investigator(s) may interview the respondent both before and after providing the respondent with a copy of the written complaint. The respondent must provide a written response to the investigators within five business days of receipt of the written complaint. Respondents may choose not to participate in the investigation; however, the investigation will proceed and the finding will be based on all the available evidence.
- If appropriate, additional investigation will be conducted by the investigator(s), and may include personal interviews and research. The investigators may also obtain assistance from the Office of Safety and Security in interviewing the respondent or other parties. The complainant and the respondent are entitled to an equal opportunity to present relevant witnesses and other evidence, to have others present during any institutional disciplinary proceeding (which typically will only mean the opportunity to be accompanied by an advisor of their choice), and to receive periodic status updates.
- If the complainant or respondent believes that someone should be interviewed by the investigators, then the complainant or respondent should identify the name and contact information of such person in writing to the investigators. However, the individual(s) identified may choose not to be interviewed, and the investigators may determine it is not necessary to interview all persons identified by the complainant and respondent.
- If additional complaints are obtained during a formal investigation, the original complaint may be supplemented and the new information may be evaluated by the investigator(s), provided that the respondent will be presented with a copy or summary of such written complaints and allowed one week to provide the investigator(s) with a written response.

*Formal Complaint Procedure: Decision*

- Based on information from the investigation, the investigator(s) will make a recommendation for a finding using a preponderance of the evidence standard (that is, whether a finding is more likely than not, which will be the same standard used by the decision-maker).
- If the respondent is an employee, then the recommendation will be evaluated by the area vice president, who will make a recommendation of a resolution of the complaint to the President, and the President will make a decision. If the respondent is a residential student, then the recommendation will be evaluated by the director of Residence Life, who will then make a decision. If the respondent is someone other than a residential student or employee, then the recommendation will be evaluated by the dean of students for community life who will then make a decision. For purposes of this policy, the Provost will be considered an area vice president for any employee not supervised by any other area vice president. In either case, the decision may adopt some, all, or none of the recommendation. The decision-maker may also require additional investigation by the investigators before making a decision. The Title IX Coordinator should be consulted before a decision is made, and should be promptly notified of the decision. The decision maker may, at his or her sole discretion, ask to meet with the complainant and respondent prior to making a decision, so long as each party is given the same opportunity (if any) to meet with the decision maker and the meetings are held separately.
- The type and degree of any corrective action will depend on the circumstances of each situation. Conduct history may be taken into account. Failure to fulfill the terms of corrective action may result in additional and more severe corrective action. The types of corrective action that may be implemented

include, but are not limited to: (1) a warning, (2) a written reprimand, (3) disciplinary probation, (4) suspension (termination of housing and/or student status for a specified period of time and with specific conditions), (5) dismissal (termination of housing and/or student status), (6) termination of employment, (7) attending counseling, (8) paying restitution or fines, (9) performing community service, (10) transferring to a different residence hall or housing unit, (11) being excluded from areas on campus, (12) being restrained from contact with specific individuals or organizations; and/or (13) participation in an educational activity.

- Both parties will be notified of the decision separately. Both the complainant and the respondent will be simultaneously informed, in writing, of: (A) the outcome of any proceeding that arises from an allegation of sexual misconduct; (B) the University's procedures for the complainant and respondent to appeal the results of the proceeding, if available; (C) any change to the results that occurs prior to the time that such results become final; and (D) when such results become final. A written decision should include a statement of rationale for the decision and sanctions, if applicable.
- In the case where the respondent is a student or the complainant is a student, the dean of students for community life, the Title IX Coordinator, the Deputy Title IX Coordinator, the director of Residence Life, the director of Student Programs, or an investigator will be available to meet with the respondent and/or complainant (whichever was a student) separately to go over the decision.

#### *Formal Complaint Procedure: Appeals*

- If at least one of the parties is an employee, then neither party may appeal the President's decision except to the extent permitted under a policy applicable to the employee (e.g., under the Faculty Handbook or the Staff Handbook, if applicable). The appeal procedure available to the employee will be available equally to both parties, even if only one party is an employee. In the event processes from both the Faculty Handbook and Staff Handbook could apply, the processes from the Faculty Handbook will apply. If no appeals procedure is available to the employee, then neither party may appeal the decision.
- If none of the parties is an employee, then either party may appeal the decision by filing a written notice of appeal with the Title IX Coordinator. Unless otherwise stated in the written decision, the notice of appeal must be received by the Title IX Coordinator within five calendar days after the earliest of when the party is sent the decision by mail, email, or hand-delivery. The notice of appeal must include a description of the reason for appeal.
- The reasons for appeal may only be
  - new evidence not available at the time of the investigation that would likely alter the outcome,
  - procedural error(s) or unfairness that would likely alter the outcome, or
  - the sanctions imposed are not appropriate to the violation(s).
- After receiving the notice of appeal, the University will provide an appeal file to both parties that includes the following documents, if they directly relate to the issue being appealed: (1) the complaint; (2) the response; (3) copies of witness statements; (4) the notice of investigation; (5) the no-contact directive; and (6) the decision. Provision of any other documents or records is at the discretion of the Title IX Coordinator. The deadline for the appeal is within seven calendar days of the date that the appeal file is sent to the appealing party by mail, email, or hand-delivery.
- The investigator(s) or Title IX Coordinator will provide a copy of the appeal to the other party (i.e., the complainant or respondent), and the other party may file a written response to the appeal by the earliest of seven calendar days after the appeal is sent by mail, email, or hand delivery to the other party.

- Corrective action will generally be imposed with reasonable promptness following a decision and will not be postponed on account of any appeal, unless the Title IX Coordinator determines that there are compelling reasons for postponing some or all of the corrective action until the resolution of an appeal.
- If the decision maker was the director of residence life, then the reviewer of the appeal will be the dean of students for community life. If the decision maker was the dean of students for community life, then the reviewer of the appeal will be the vice president for student life. The reviewer of the appeal will make a decision within two weeks of receiving the appeal (or, if later, within one week of receiving the other party's response to the appeal). The reviewer of the appeal may, at his or her sole discretion, ask to meet with the complainant and respondent prior to making a decision, so long as each party is given the same opportunity (if any) to meet with the reviewer of the appeal and the meetings are held separately.
- The reviewer of the appeal may either affirm the decision completely, affirm a finding as to the existence of a policy violation but modify the prescribed corrective action, remand the case for additional fact-finding and consideration by the investigator, require a new formal investigation with new investigator(s), or reverse the decision. If the reviewer does not call for further action by the investigator(s), then the decision of the reviewer will be final, and no more appeals will be permitted. A written decision should include a statement of rationale for the decision and sanctions, if applicable.

#### **E. Additional Definitions of Relevant Terms**

For purposes of this Sexual Misconduct Policy, the following terms have the definitions stated below.

**Consent:** Consent means freely and affirmatively communicated willingness to participate in sexual activity, expressed by clear, unambiguous words or actions. It is the responsibility of the initiator of the sexual activity to ensure that she or he has the other person's consent to engage in sexual activity. Consent must be present throughout the sexual activity by all parties involved. At any time, a participant can communicate that she or he no longer consents to continuing the activity. Consent may never be obtained through the use of force, coercion, or intimidation or if the victim is mentally or physically disabled or incapacitated, including through the use of drugs or alcohol. Individuals cannot assume consent because of the existence of a previous dating or sexual relationship. The use of alcohol or drugs does not diminish a person's responsibility to obtain consent for sexual activity. (This definition of consent is not meant to condone sexual activity that is in violation of the University's [Lifestyle Expectations](#), but is included in order to define other terms in this policy).

**Dating violence:** Dating violence is violence committed by a person who is or has been in a social relationship with the victim. Dating violence includes, but is not limited to, acts that constitute dating violence for purposes of Clery Act crime statistics (see the section titled "Definitions of Reportable Crimes" in this report).

**Domestic violence:** Domestic violence means violence committed within a domestic relationship (e.g., between current or former spouses, or between cohabitants). Domestic violence includes, but is not limited to, acts that constitute domestic violence under Washington state criminal law (see <http://app.leg.wa.gov/RCW/default.aspx?cite=10.99.020>) or for purposes of Clery Act crime statistics (see the section titled "Definitions of Reportable Crimes" in this report).

**Gender-based harassment:** Gender-based harassment is harassment based on notions of what is female/feminine versus male/masculine but that does not constitute sexual harassment.

**Sex-based discrimination:** Sex-based discrimination means excluding a person from participation in, denying a person the benefits of, or otherwise subjecting a person to discrimination under any University education program or activity, in each case on the basis of sex.

Sexual assault: Sexual assault means an actual or attempted sexual contact with another person without that person's consent. Sexual assault includes, but is not limited to:

- Sexual intercourse without consent;
- Intentional and unwelcome touching of a person's intimate parts (defined as genital area, groin, inner thigh, buttocks, or breast), or coercing, forcing, or attempting to coerce or force someone to touch another person's intimate parts;
- Acts that constitute rape, rape of a child, or indecent liberties under Washington State law (see <http://apps.leg.wa.gov/RCW/default.aspx?cite=9A.44>);
- Acts that constitute sexual assault for purposes of Clery Act crime statistics (see the section titled "Definitions of Reportable Crimes" in this report); and
- Non-stranger rape (also known as "acquaintance rape," i.e., rape by a person known to the victim), statutory rape, or any other kind of rape.

Sexual exploitation: Sexual exploitation means abusing (or attempting to abuse) a position of vulnerability or trust for sexual purposes. Examples include, but are not limited to, non-consensual recording (video, audio, or otherwise) and/or distribution of sexual activity or of another person's intimate body parts, or engaging in or facilitating voyeurism.

Sexual harassment: Sexual harassment is any unwelcome verbal or physical conduct of a sexual nature that is sufficiently severe, persistent or pervasive such that it unreasonably interferes with, limits or deprives someone of the ability to participate in or benefit from the University's educational programs or employment opportunities.

Stalking: Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for his or her safety or the safety of others, or (b) suffer substantial emotional distress. Stalking behavior can include: (i) persistent, unwanted communications to the victim by phone, email, and/or other social media; (ii) repeatedly sending the victim unwanted gifts; (iii) following or waiting for the victim at home, school, work, or elsewhere; and (iv) direct or indirect threat(s) by the stalker to harm herself or himself, the victim, or the victim's friends and family, or to damage the victim's property. Stalking includes, but is not limited to, acts that constitute stalking under Washington state law (see <http://apps.leg.wa.gov/rcw/default.aspx?cite=9a.46.110>) or for purposes of the Clery Act (see the section titled "Definitions of Reportable Crimes" in this report).

## VII. Drug and Alcohol Policy

### A. Drug Free Schools and Campuses

As part of the Federal Drug Free Schools and Communities Act and Drug Free Workplace Act, the University delivers annual notifications to all employees and students of policy restrictions on drug and alcohol use, consequences of policy violations, health risks and legal sanctions, as well as community resources for individuals seeking treatment for substance abuse problems. A copy of the most recent annual notification for students (which includes a link to the University's most recent biennial review of its drug and alcohol policies and programs) can be accessed at <http://spu.edu/administration/office-of-student-life/policies-and-procedures/drug-free-schools-and-communities>. University employees may access a copy of the materials that are provided to new University employees by accessing the Human Resources website here: <https://wiki.spu.edu/display/HR/New+Staff+Member%3A+First+Steps?preview=/68747582/69435636/Drug%20>

[Free%20Schools%20and%20Campuses%20%20employee%20notice%20written%20version%20generic%20Final.pdf](#) (login credentials may be required). Much of the content of these notifications is presented below.

## **B. Statement of University Policy**

Seattle Pacific University does not permit faculty, staff, or students to unlawfully possess, use, or distribute (including through sale) illicit drugs or alcohol, or to use alcoholic beverages on its property or as part of any of its activities. Such possession, use, or distribution will be grounds for disciplinary action. To be clear, SPU expects its students and employees to follow all federal and state drug and alcohol laws, including prohibitions against underage drinking. In the case of a student, possible disciplinary sanctions include a warning, written reprimand, disciplinary probation, counseling, fine, restitution, community service, loss of privilege, transfer to different student housing unit, suspension from housing, exclusion from part or all of the campus, suspension, behavioral contract, and other appropriate sanctions, up to and including expulsion (termination of student status). In the case of an employee, possible disciplinary sanctions include verbal counseling, written warning, withholding of wage increases, suspension with or without pay, demotion, and other appropriate sanctions, up to and including termination of employment. An employee or student who, while on SPU property or at any University activity, exhibits objective signs of having consumed intoxicating beverages or illicit drugs may be placed on immediate suspension. If the observed behavior is a result of drug abuse or alcohol use, the employee/student will be subject to further disciplinary action.

Any such incident will be documented and reported to the Dean of Students for Community Life in the Office of Student Life (regarding students) or Human Resources (regarding employees) and to the President's Office. The disciplinary action taken will be reviewed and approved by the President or his designee. For further information applicable to students, please see the Student Handbook (<http://spu.edu/administration/student-life/handbook>). Additional information about prohibitions and sanctions on employees regarding the possession and use of alcohol may be found in the Staff Handbook (see <https://wiki.spu.edu/display/HR/Alcohol%2C+Tobacco+and+Drug+Use>) and the Faculty Handbook (<http://spu.edu/university-leadership/provost/news/faculty-handbook>).

Even though Washington State decriminalized marijuana possession under 1 oz. for adults over age 21, it is still illegal under Federal law to possess, use, or distribute any amount of marijuana. Possession, use, or distribution of any amount of marijuana at any time is also not permitted for students or employees under SPU policy.

## **C. Health Risks**

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life-threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

For important alcohol and drug health risk information, consult the following links:

<http://www.cdc.gov/alcohol/fact-sheets/alcohol-use.htm>

<http://www.drugabuse.gov/drugs-abuse/commonly-abused-drugs/health-effects>

<http://www.acha.org/ACHA/Resources/Topics/ATOD.aspx?WebsiteKey=03f1a0d5-4c58-4ff4-9b6b-764854022ac1>

#### **D. Legal Sanctions**

State law forbids the furnishing of liquor to a person under the age of 21 years or consumption of liquor by a person under the age of 21 years, except in certain special circumstances. Violation can result in fines of up to \$5000 and imprisonment for up to twelve months. See the Washington State code (<http://apps.leg.wa.gov/RCW/default.aspx?cite=66.44.270>). The possession, use, or distribution of illicit drugs is prohibited by federal and state law. Strict penalties are provided for drug convictions, including mandatory prison terms for many offenses.

A summary description of federal and state drug laws is available on the website that contains the annual drug free schools and campuses notification for students (see <http://spu.edu/administration/office-of-student-life/policies-and-procedures/drug-free-schools-and-communities>, or click <http://spu.edu/~media/university-leadership/student-life/Summary%20of%20Federal%20and%20State%20Drug%20Laws%20as%20of%205-6-16.ashx>). You can find additional information about Federal and Washington State Drug Laws by following these links:

<http://www.deadiversion.usdoj.gov/21cfr/21usc/index.html>

<http://apps.leg.wa.gov/rcw/default.aspx?cite=69.50>

#### **E. Treatment/Counseling Availability**

You may refer to the Student Counseling Center's link to Seattle area resources:

<http://spu.edu/depts/scc/resources.asp> .

Additionally, employees may be eligible to participate in the University's Employee Assistance Program called Life Assistance Program through Cigna. This assistance is available 24/7 to SPU employees by calling 1-800-538-3543 or online at [www.Cignabehavioral.com](http://www.Cignabehavioral.com). For more information, consult the Human Resources web site: [www.spu.edu/depts/hr](http://www.spu.edu/depts/hr).

Alcohol/Drug 24-hour Help Line: Washington Recovery Helpline 206-461-3610 (TTY), 866-789-1511

If you have questions about the University's policy on Drugs, Alcohol and Tobacco, please contact the Director of Human Resources - Gary Womelsduff [womelg@spu.edu](mailto:womelg@spu.edu) or call x2678.

## **VIII. Emergency Alerts and Timely Warnings**

It is the policy of the University to issue immediate alerts to the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus. In such cases, the Office of Safety and Security (“OSS”) is responsible for initiating SPU’s emergency notification system, as described in this section. The method by which OSS will seek to communicate the existence of a significant emergency or dangerous situation will vary depending on the circumstances but generally will involve those methods described below under “SPU-Alert Emergency Notification System.” The university will, without delay, and taking into account the safety of the community, determine the content of the emergency notification and initiate the notification system, unless issuing a notification will, in the judgment of OSS or other ranking university administrator, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. OSS will seek to confirm whether or not a significant emergency or dangerous situation exists by consulting all available relevant information, which may include reports from the Seattle Police Department or Seattle Fire Department, information provided by university alarms and surveillance cameras, and reports from faculty, staff, students and/or visitors to campus. OSS generally will err on the side of caution when it is uncertain whether a significant emergency or dangerous situation exists on campus. OSS will determine which segments of the campus should be informed of the emergency or dangerous situation based on the facts and circumstances indicating who may be at risk and will use the SPU-Alert functions to send communications that are most likely to reach the intended audience. Where possible and applicable, OSS will use messages that have already been prepared for emergency situations in order to send messages rapidly. Otherwise, OSS will draft emergency messages that must be sent immediately and will work with the University’s emergency communications team to draft messages that can be sent at a later time. The University’s emergency communications team, which is overseen by the University’s Vice President for Enrollment Management and Marketing, is also responsible for determining whether additional steps should be taken to disseminate emergency information beyond the campus community using the University website, Twitter, calls to local news media, or other means.

It is also the policy of the University to make timely reports to the campus community on crimes that are reportable under the Clery Act, that are considered to be a threat to other students and employees, and that are reported to campus security (including through designated Campus Security Authorities) or local police agencies. Timely warnings withhold as confidential the names and other identifying information of victims. Timely warnings are intended to aid in the prevention of similar crimes. The Director of Safety and Security will consult, as appropriate and necessary, with other University officials regarding whether a timely warning should be issued. The decision to issue a timely warning shall be made on a case-by-case basis after consideration of the available facts, including factors such as the nature of the crime, the continuing danger or risk to the campus community, and the possible risk of compromising law enforcement efforts. When a determination is made that a timely warning should be issued, OSS will take appropriate steps to ensure timely notification of the campus community, which may include some or all of the communication methods available through SPU-Alert, described below, depending on the circumstances.

## IX. Emergency Response and Evacuation Procedures

SPU is concerned with the welfare of faculty, staff, and students at all times. Since emergency situations are a potential threat to the safety of those at the University, faculty, staff, and students must be aware of the emergency procedures that will be utilized in a time of crisis. The University sends annual written reminders to its students and employees about emergency preparedness precautions and procedures. University students and employees should familiarize themselves with these procedures, including by reading the emergency plan provided at <http://spu.edu/about-spu/press-room/emergency-plan>. A thorough understanding of this plan increases the potential to maximize safety in an emergency.

## **A. SPU-Alert Emergency Notification System**

The SPU-Alert Emergency Notification System is a communication system that allows the University's leadership to send mass-notification emergency messages. Messages can be sent via email, text message, loudspeakers, electronic reader boards (located in many classrooms and high-use areas such as Gwinn Commons), and "pop-up" messages on University-maintained computers. SPU-Alert can also send recorded voice messages to mobile phones. In addition to communicating emergency information using SPU-Alert, the University may also post information on the University website, tweet information using the University Twitter account @SPUnews, or relay information through Building Emergency Coordinators, described below. The Office of Safety and Security is responsible for sending initial notifications of emergencies using the SPU-Alert system, and the University's emergency communications team is responsible for drafting and sending follow-up messages using SPU-Alert, Twitter, and the University website, when necessary.

Rapid communication to the campus in the event of an emergency is essential. SPU-Alert can only contact faculty, staff, and students via text message if their mobile phone numbers are in the Banner Information System. All faculty, staff, and students are strongly encouraged to review their information in Banner and to post their mobile phone numbers if they are not already there. Mobile phone numbers listed in Banner are automatically enrolled in SPU-Alert unless the user opts out of SPU-Alert within Banner. To submit or update personal contact information, use the SPU Banner System on the web at: <https://www.spu.edu/banweb/>. Once in the Banner System, select the *Personal Menu* then choose the *Emergency Alert System* menu. SPU email addresses are pre-populated in the system, and students and employees may also enter alternate email addresses to receive emergency notifications. The University intends to solicit mobile phone numbers from all new students and new employees and to remind all continuing students and employees at least annually to review and update their contact information listed in Banner.

The University also permits University guests to sign up to receive text and email messages through SPU-Alert as "Guest Users." To sign up as a guest user, go to the following website: <https://www.getrave.com/login/spu>. A list of terms and conditions for guest users can be found here: <https://wiki.spu.edu/display/HKB/SPU-Alert+System>.

## **B. Personal Emergency Contact and Emergency Medical Information**

In addition to signing up for SPU-Alert, students and employees are encouraged to maintain current information in Banner about who to contact in the event that they are injured or reported missing. To enter or update your information, go to the Banner System (<https://www.spu.edu/banweb/>), select the *Personal Menu*, and then select *Emergency Contact Information*. The University intends to remind all students and employees at least annually to review and update their emergency contact information. Access to this data will be strictly limited to OSS staff to assist in responding to an emergency and will not be forwarded to any other department.

## **C. Building Emergency Coordinator (BEC)**

Each building has one or more building emergency coordinators who assist the community during emergencies. The BECs are vital in the efforts to respond successfully to an emergency situation. During an evacuation, they will be recognizable by their bright orange vests. In the event of an emergency or a drill, please give the BEC your full cooperation.

## **D. Campus Lockdown and Evacuation Information**

Many of our buildings can be secured rapidly from a central location. If there is a threat of violence on campus, a campus wide lockdown would likely occur. The University community would be notified via the SPU-Alert system that a lockdown is in effect.

In a lockdown:

- Building entrances will be locked, and everyone inside a building should remain in the building at a secure location, such as a locked room, away from windows and doors (unless it is clearly unsafe to remain—e.g., if an active shooter is in the room).
- Individuals locked out during an event should seek shelter off-campus.
- Individuals who are off campus when they are alerted that the campus is in lockdown can assume that they should not come to campus. A communication will go out via a number of avenues — including email, text, and web — to the community if classes or events will resume as originally scheduled.

Evacuation – General Guidance:

An evacuation will be considered if a campus building is affected. The campus will always evacuate if the fire alarm sound. In the event of an evacuation, individuals should gather personal belongings (purse, keys, cell phone, SPU ID card, etc.) and proceed to the nearest exit. Most classrooms contain a wall plaque or poster on or next to the classroom door showing the evacuation route and the assembly site for the building. The elevator should not be used.

Once individuals have evacuated a building, they should proceed to the nearest evacuation location (the booklet “Stop. Think. Act” attached to each classroom podium contains a list of evacuation sites for each building). Community members will be instructed to check-in with a Building Emergency Coordinator (BECs are easily recognizable by their bright orange vests). During emergencies, please give the BEC your full cooperation whenever they issue directions or information.

In case of an earthquake:

- If there is an earthquake on campus, individuals inside a building should take cover under a freestanding desk or table, if available, or an interior wall if a table is not available.
- They should stay away from windows, tall objects, and overhead lights.
- If the building is damaged, building emergency coordinators (BECs) will instruct individuals to evacuate the building. Individuals who are off campus when they are alerted should monitor communications to learn of any disruption to normal activities.
- When the emergency is over, the community will be notified via the SPU-Alert system.

**E. "Stop. Think. Act." Booklets**

All offices and classrooms on campus have received a “Stop. Think. Act.” booklet, which contains a list of evacuation sites for each building and steps to be taken in response to specific types of emergencies.

**F. Emergency Drills**

Drills are a necessary component of preparing for a potential emergency. To both prepare for emergencies and comply with government requirements, the University conducts annual all-campus evacuation and lockdown/shelter-in-place drills and conducts quarterly fire drills in residence halls during the academic year. The drills may be announced or unannounced (including announced to employees in advance but not announced to students in advance). The University has a practice of publicizing its emergency response and evacuation procedures in advance of the evacuation drill each year.

The Office of Safety and Security will document each test with a description of the exercise, the date, the time, and whether the test was announced or unannounced. The University tests the SPU-Alert Emergency Notification System in connection with the all-campus evacuation and lockdown/shelter-in-place drills.

## X. Annual Fire Safety Report

### A. Introduction

In accordance with the 2008 changes to the Higher Education Opportunity Act, institutions that maintain on-campus housing, shall, on an annual basis, publish a fire safety report. This document consists of both the University's annual security report and its annual fire safety report, and therefore is titled the Annual Security and Fire Safety Report. The following pages contain the annual fire safety report portion of the document.

Reporting a fire is everyone's responsibility. All fires that present a risk to persons or property should be reported immediately to the Office of Safety and Security ("OSS") and/or 911. Additionally, concerns about fire that are not considered an emergency may be reported to a Residence Life Coordinator, supervisor, designated Building Emergency Coordinator, Facilities Management, or OSS.

### B. Fire Extinguishers and Inspections

Inspections for fire safety equipment and a mandatory state inspection of the hot water heaters are done as state law and University policy requires in student residential facilities.

A fire extinguisher is located in every apartment; tenants should learn where it is located. At least one fire extinguisher is located on each floor of a residence hall as well. Never relocate the fire extinguisher. If the extinguisher is used to extinguish a fire, immediately notify OSS it will be replaced at no cost. The University inspects fire extinguishers once a year, but tenants should periodically inspect the gauge to be certain the fire extinguisher is properly charged. If the needle indicates that it is undercharged or overcharged notify OSS.

### C. Electrical Appliances and Prohibited Items in Residential Housing

Barbecue grills, space heaters, halogen lamps and combustible materials such as propane, gasoline, kerosene, and items containing combustible materials (i.e. lanterns) are not permitted inside residential facilities (including storage closets/units). Any supplemental lighting used must be UL approved. Hoverboards are also prohibited.

Because of the risk of burning incense or an open flame left unattended, the use of such is prohibited in residence halls. Candles or lanterns may not be used even in the event of a power outage. Residents are encouraged to have flashlights or similar devices to provide emergency lighting.

In accordance with state law, smoking is prohibited in University buildings. This includes balconies and stairwells to residence hall rooms or public areas.

Extension cords must contain a ground wire, indicated by having a three-prong plug. Any extension cord having more than one outlet must also have a built-in circuit breaker (e.g., a surge-suppression strip commonly used with a personal computer). Total electrical requirements added to rooms and apartments may not exceed one power strip per electrical outlet. Multiple socket plugs are prohibited. Extension cords may not be run under rugs or through doorways, or be fastened through their insulation. Do not use frayed cords.

Possession, use, storage, manufacture, transport, display, sale, or distribution of fireworks, live ammunition, incendiary devices, explosives, flammable liquids, and all other hazardous materials is strictly prohibited on University property. Propane and other compressed gases (including spray paint) are also prohibited unless

approved for a specific purpose. The term “hazardous material” means any hazardous, toxic, or harmful substance, material, or waste that is or becomes regulated by any local government for any jurisdiction that includes any University campus, the state of Washington, or the United States. Items so prohibited will be confiscated and disposed of by University staff members, and the student(s) responsible will be subject to disciplinary action, including dismissal from housing, and possibly criminal prosecution.

#### **D. Smoke Alarms/Detectors**

Smoke alarms are located on the ceiling/wall in every apartment and in every dorm room; students should learn where they are located. When the alarm is set off, it will make a loud piercing sound. If the alarm beeps intermittently, the batteries need to be replaced.

Please notify OSS as soon as possible of any issues with a smoke detector. Tampering with smoke detectors may result in disciplinary action, including a fine and/or eviction. Excessive amounts of smoke from cooking or excessive amounts of steam from the bathroom may activate the smoke alarm. If this occurs, simply ventilate the apartment by opening the doors and windows and turning on the fan. The detector will automatically stop sounding when the smoke or steam is completely removed from the area.

#### **E. Fire Alarms and Evacuation Procedures for Student Housing**

Each student housing facility is equipped with at least one a smoke detector that emits an audible alarm when it detects smoke. Each residence hall, and several campus apartment buildings, also have fire alarms that are monitored by the Office of Safety and Security (“OSS”), so that OSS receives an automated message when the fire alarm is triggered. All students and employees are expected to report all fires to the Office of Safety and Security, as described below. If a student or employee notices a fire that has not yet triggered an alarm, they are instructed to trigger the alarm as well.

Residents are instructed to evacuate immediately when an alarm sound. In residence halls and in several campus apartment buildings, fire alarms will sound throughout the entire building once activated. In residence halls and in some of the larger apartment buildings on campus, individual rooms or floors have posted placards showing evacuation routes. Also, each residential building on campus is assigned a designated evacuation assembly area. The assembly areas are listed in the University’s emergency plan and its “Stop. Think. Act.” quick reference emergency procedure booklets. Special procedures for helping students with disabilities evacuate may be planned on a case by case basis. University staff members who serve as Residence Life Coordinators, together with student resident advisors, are expected to assist with taking roll following an evacuation.

As soon as OSS learns of a fire alarm, OSS notifies 911 and dispatches one or more security officers to the scene. When University security officers arrive, they will evaluate the situation, including whether there is an active fire, whether anyone has been injured or is in danger, and whether the situation can be addressed by the officers with their own equipment (e.g., fire extinguishers) or whether they should wait until the Seattle Fire Department arrives. OSS will coordinate with Residence Life staff and the University’s Facility and Project Management staff to determine when students may reenter a building following a fire alarm.

#### **F. Fire Safety Education and Training for Students and Employees**

The University publicizes instructions for students and employees about emergency preparedness, including fire safety, each year at the start of the school year. Resident advisors also discuss fire safety with the students who live on their floors in residence halls at the start of the year. The University does an all-campus evacuation drill once a year shortly after the start of school to help students and employees learn evacuation routes and

assembly areas, and building specific fire drills are performed for University residence halls quarterly during the academic year. Specific fire safety tips for students and employees include the following:

- Report the fire by calling the Office of Safety and Security at 206-281-2911.
- Sound the fire alarm.
- Evacuate the building.
- Alert OSS if somebody with disabilities requires assistance evacuating the building.
- Notify Building Emergency Coordinators (“BECs”) and other emergency officials if you suspect anyone may be trapped in the building.
- If clothing catches fire: Stop, Drop, and Roll—do not run.
- If caught in heavy smoke, drop to hands and knees and crawl; hold breath as much as possible, breathe shallowly through nose, and use a blouse, shirt, or jacket as a filter.
- If trapped by fire, place a wet towel or other clothing at the base of the door to prevent smoke from seeping in. Close as many doors as possible between you and the fire. Use a phone to request assistance by calling OSS or yell out a window for assistance (but if you open a window, be careful not to let in outside smoke).
- Do not attempt to extinguish a fire by yourself unless it is very small and localized. Always call OSS for assistance.
- Do not ignore alarms or assume they are false alarms.
- Do not use elevators.
- Do not return to your building until you are notified that it is safe to do so by University officials.

Evacuation procedures are already described above for on campus student housing. Similar procedures apply for other buildings on campus that are used by University employees. These buildings are equipped with smoke and/or fire alarms, many of which are monitored directly by OSS. Evacuation routes are posted in most buildings and evacuation assembly areas have been designated for all buildings and are listed in the University’s emergency plan and its “Stop. Think. Act.” booklets. OSS staff respond to fires in non-residential buildings similar to how they respond to fires in residential buildings. One additional element for administrative buildings is that certain staff members are designated “Building Emergency Coordinators” and their responsibilities include assisting staff members in an evacuation and helping to take roll after a building has been evacuated.

### **G. Reporting a Fire**

All active fire and explosion emergencies must be reported immediately regardless of size and nature by calling the Office of Safety and Security (“OSS”) at (206) 281-2911. OSS will immediately relay this information to 911. If you are indoors and see visible fire or smoke you should activate the fire alarm system by pulling a pull station located near the exit then evacuate the building. To comply with SPU policy as well as regulations, all fire related incidents, including minor fires that self-extinguish and those that do not require emergency assistance or evacuation, must be reported to OSS promptly. Fires should be reported even if they are discovered some time after they have occurred. Fires reported to OSS by calling its main phone number will be documented by OSS staff in an incident report and will be included in fire statistics that are compiled by OSS and published annually pursuant to the Clery Act, as reflected in this report.

### **H. Fire Safety Improvements**

Facilities are periodically reviewed for fire safety to determine if additional improvements are needed. Also, any new facilities are constructed in a manner that corresponds with current fire code. In 2014, timers were added to residence hall range ovens to reduce unattended cooking activity. The University has not determined that

any other future improvements to fire safety are necessary at this time but it will continue to review fire safety for its facilities to determine whether other measures are necessary or beneficial.

### I. Fire Log

Seattle Pacific University maintains a fire log that records any fire that occurs in an on-campus student housing facility. The fire log includes the date and time the fire was reported, the date and time the fire occurred, the nature of the fire and general location of each fire. Entries are made within two business days of the receipt of information. The fire log for the most recent sixty day period is open to public inspection during normal business hours (8:00 AM to 5:00 PM, Monday through Friday) at OSS. Any portion of the log older than sixty days is available within two business days of a request for inspection.

### J. Fire Drills

Safety and Security works with residence hall staff to conduct fire drills for each residence hall quarterly during the academic year. Students are instructed on evacuation procedures during this process. The total number of fire drills for on-campus housing facilities during the calendar year 2014 was fifteen.

#### Fire Drill Information for Residence Halls (for years 2012, 2013, 2014)

Date of Drill	Time of Drill	Type of Drill	Location	Announced/ Unannounced
October 20, 2014	8:00pm-8:30pm	Residential Fire Drill	Arnett Hall***	Unannounced
October 13, 2014	7:30pm-8:30pm	Residential Fire Drill	Emerson Hall, Hill Hall, Moyer Hall	Unannounced
October 6, 2014	8:15pm-8:45pm	Residential Fire Drill	Ashton Hall	Unannounced
April 14, 2014	7:30pm-9:00pm	Residential Fire Drill	Ashton Hall, Wesley Apartments**	Unannounced
April 7, 2014	8:00pm-9:00pm	Residential Fire Drill	Hill Hall, Moyer Hall Emerson Hall	Unannounced
January 27, 2014	7:00pm-8:30pm	Residential Fire Drill	Emerson Hall, Wesley Apartments**	Unannounced
January 13, 2014	7:00pm-8:45pm	Residential Fire Drill	Hill Hall, Moyer Hall, Ashton Hall	Unannounced
October 14, 2013	7:30pm-8:30pm	Residential Fire Drill	Emerson Hall, Wesley Apartments**	Unannounced
October 7, 2013	7:00pm-8:00pm	Residential Fire Drill	Hill Hall, Moyer Hall, Ashton Hall	Unannounced
April 8, 2013	9:00pm-10:00pm	Residential Fire Drill	Hill Hall, Moyer Hall	Unannounced
April 8, 2013	8:30pm	Residential Fire Drill	Ashton Hall	Unannounced
April 1, 2013	8:00pm-9:30pm	Residential Fire Drill	Emerson Hall	Unannounced
January 14, 2013	8:30pm-9:30pm	Residential Fire Drill	Emerson Hall, Wesley Apartments**	Unannounced
January 7, 2013	8:30pm-9:30pm	Residential Fire Drill	Hill Hall, Moyer Hall, Ashton Hall	Unannounced
October 1, 2012	8:30pm-9:30pm	Residential Fire Drill	Emerson Hall, Wesley Apartments**	Unannounced
September 24, 2012	8:30pm-9:30pm	Residential Fire Drill	Hill Hall, Moyer Hall, Ashton Hall	Unannounced
April 9, 2012	8:00pm-9:30pm	Residential Fire Drill	Hill Hall, Moyer Hall, Ashton Hall	Unannounced
April 2, 2012	8:30pm-9:30pm	Residential Fire Drill	Emerson Hall, Robbins Apartments*	Unannounced
January 10, 2012	8:00pm-9:30pm	Residential Fire Drill	Emerson Hall, Robbins Apartments*	Unannounced
January 9, 2012	8:00pm-9:30pm	Residential Fire Drill	Hill Hall, Moyer Hall, Ashton Hall	Unannounced

\*Robbins Apartments was sold in 2012 and is no longer SPU Property.

\*\*Wesley Apartments were added to SPU's inventory and began to be included in residential fire drills in 2012.

\*\*\*Arnett Hall was added to SPU's inventory and began to be included in residential fire drills in 2014.

## K. Description of On-Campus Student Housing Facility Fire Safety Systems

Campus Student Housing Facility	Fire Alarm Monitored On Site by OSS or Central Station	Partial* Sprinkler System	Full** Sprinkler System	Smoke Detection	Heat Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	# of fire drills each calendar year
13 W Cremona St (Cremona Wesley Apts)	X		X	X	X	X	X	3
14 W Cremona St				X		X		0
18 W Cremona St				X		X		0
20 W Dravus St (Dravus Wesley Apts)	X		X	X	X	X	X	3
22 W Cremona				X		X		0
26 W Cremona				X		X		0
2701 Third Ave. W (Robbins Apts)	X			X	X	X	X	NA
2803 3rd Ave W				X		X		0
2807 3rd Ave W				X		X		0
3019 Third Ave W (Davis Apts)	X	X		X	X	X		0
303 W Dravus St				X		X		0
3041-55 Third Ave W. (Bailey Apts)				X		X		0
307 W Dravus				X				0
314 W Dravus St				X		X		0
320 W Dravus St				X		X		0
3201-03 5th Ave W				X		X		0
3205 5th Ave W				X		X		0
3206 4th Ave W				X		X		0
3212 6th Ave W				X		X		0
3214 6th Ave W				X		X		0
323 W Dravus St				X		X		0
3231 Sixth Ave W (Hill Hall)	X	X		X	X	X	X	3
3234 Fifth Ave W (Moyer Hall)	X			X	X	X	X	3
3304 7th Ave W				X		X		0
3305 6th Ave W				X		X		0
3309 6th Ave W (Arnett Hall)	X		X	X	X	X	X	3
3311 6th Ave W				X		X		0
339 W Nickerson St				X		X		0
34 W Cremona St (Cremona Apts)	X			X	X	X		0
3463 Sixth Ave W (Falcon Duplex)				X		X		0
3469-75 Sixth Ave W (Falcon Fourplex)				X		X		0
35 W Cremona St (Sprague Apts)	X			X	X	X		0
37 W Dravus St (Andrews Apts)				X		X		0
40 W Cremona St				X		X		0
403 W Dravus St				X		X		0
409 W Dravus				X		X		0
415 W Dravus St				X		X		0
42 W Cremona St				X		X		0
49 W Dravus St (Wembley Apts)	X		X	X	X	X	X	0
500 W Emerson St (Emerson Hall)	X		X	X	X	X	X	3
516 W Dravus St				X		X		0
528 W Dravus				X		X		0
600 W Emerson St (Falcon Apts)	X			X	X	X		0
604 W Cremona				X		X		0
605 W Emerson St				X		X		0
608 W Emerson St (Falcon Twin Apts)	X			X	X	X		0
611 W Dravus St (Ashton Hall)	X	X		X	X	X	X	3
615-619 W Emerson St (Emerson Triplex)				X		X		0
650 W Cremona	X			X	X	X		0
650 W Bertona St	X			X	X	X		0
651 W Bertona				X		X		0
703 W Bertona St				X		X		0

Notes about above table:

- Partial Sprinkler System is defined as having sprinklers in trash disposal areas.
- Full Sprinkler System is defined as having sprinklers in both common areas and individual rooms.

- For information about when facilities listed above were added to, or removed from, student housing inventory, see the section titled “Housing Inventory Caveats,” below.

#### **L. Fire Statistics and Related Information for On Campus Student Housing Facilities**

Seattle Pacific University publishes as part of the Annual Security and Fire Safety Report, statistics for the three most recent complete calendar years pertaining to on-campus student housing only. Those statistics include: location, total number of fires in each building, date, time, cause of the fire, number of injuries requiring treatment at a medical facility, number of deaths related to a fire, value of the property damage caused by the fire and a unique case number.

## Fire Statistics

Campus Student Housing Facility	2012			2013			2014		
	Fires	Injuries	Deaths	Fires	Injuries	Deaths	Fires	Injuries	Deaths
13 W Cremona St (Cremona Wesley Apts)	0	0	0	0	0	0	0	0	0
14 W Cremona St	0	0	0	0	0	0	0	0	0
18 W Cremona St	0	0	0	0	0	0	0	0	0
20 W Dravus St (Dravus Wesley Apts)	0	0	0	0	0	0	0	0	0
22 W Cremona	0	0	0	0	0	0	0	0	0
26 W Cremona	0	0	0	0	0	0	0	0	0
2701 Third Ave. W (Robbins Apts)	0	0	0	0	0	0	0	0	0
2803 3rd Ave W	0	0	0	0	0	0	0	0	0
2807 3rd Ave W	0	0	0	0	0	0	0	0	0
3019 Third Ave W (Davis Apts)	0	0	0	0	0	0	0	0	0
303 W Dravus St	0	0	0	0	0	0	0	0	0
3041-55 Third Ave W (Bailey Apts)	0	0	0	0	0	0	0	0	0
307 W Dravus	0	0	0	0	0	0	0	0	0
314 W Dravus St	0	0	0	0	0	0	0	0	0
320 W Dravus St	0	0	0	0	0	0	0	0	0
3201-03 5th Ave W	0	0	0	0	0	0	0	0	0
3205 5th Ave W	0	0	0	0	0	0	0	0	0
3206 4th Ave W	0	0	0	0	0	0	0	0	0
3212 6th Ave W	0	0	0	1	0	0	0	0	0
3214 6th Ave W	0	0	0	0	0	0	0	0	0
323 W Dravus St	0	0	0	0	0	0	0	0	0
3231 Sixth Ave W (Hill Hall)	0	0	0	1	0	0	0	0	0
3234 Fifth Ave W (Moyer Hall)	0	0	0	0	0	0	0	0	0
3304 7th Ave W	0	0	0	0	0	0	0	0	0
3305 6th Ave W	0	0	0	0	0	0	0	0	0
3309 6th Ave W (Arnett Hall)	0	0	0	0	0	0	0	0	0
3311 6th Ave W	0	0	0	0	0	0	0	0	0
339 W Nickerson St	0	0	0	0	0	0	0	0	0
34 W Cremona St (Cremona Apts)	0	0	0	0	0	0	0	0	0
3463 Sixth Ave W (Falcon Duplex)	0	0	0	0	0	0	0	0	0
3469-75 Sixth Ave W (Falcon Fourplex)	0	0	0	0	0	0	0	0	0
35 W Cremona St (Sprague Apts)	0	0	0	0	0	0	0	0	0
37 W Dravus St (Andrews Apts)	0	0	0	1	0	0	0	0	0
40 W Cremona St	0	0	0	0	0	0	0	0	0
403 W Dravus St	0	0	0	0	0	0	0	0	0
409 W Dravus	0	0	0	0	0	0	0	0	0
415 W Dravus St	0	0	0	0	0	0	0	0	0
42 W Cremona St	0	0	0	0	0	0	0	0	0
49 W Dravus St (Wembley Apts)	0	0	0	0	0	0	0	0	0
500 W Emerson St (Emerson Hall)	0	0	0	0	0	0	0	0	0
516 W Dravus St	0	0	0	0	0	0	0	0	0
528 W Dravus	0	0	0	0	0	0	0	0	0
600 W Emerson St (Falcon Apts)	0	0	0	0	0	0	0	0	0
604 W Cremona	0	0	0	0	0	0	0	0	0
605 W Emerson St	0	0	0	0	0	0	0	0	0
608 W Emerson St (Falcon Twin Apts)	0	0	0	0	0	0	0	0	0
611 W Dravus St (Ashton Hall)	1	0	0	0	0	0	0	0	0
615-619 W Emerson St (Emerson Triplex)	0	0	0	0	0	0	0	0	0
650 W Cremona	0	0	0	0	0	0	0	0	0
650 W Bertona St	0	0	0	0	0	0	0	0	0
651 W Bertona	0	0	0	0	0	0	0	0	0
703 W Bertona St	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

For information about when facilities listed above were added to, or removed from, student housing inventory, see the section titled “Housing Inventory Caveats,” below.

### Additional Information about Fires

Campus Student Housing Facility	Incident #	Date/Time of Report	Date/Time of Fire	On-Campus	Cause of Fire	Property Damage	Injury(s)	Death(s)
611 W Dravus St (Ashton Hall)	120512A	5/12/2012 2:13am	5/12/2012 2:10am	Yes	Unintentional - Stove Fire	\$15,196	0	0
37 W Dravus St (Andrews Apts)	130313A	4/13/2013 11:45am	4/13/2013 11:45am	Yes	Unintentional - Grease fire in oven	\$1000 - \$9,999	0	0
3212 6th Ave W	130823A	4/23/2013 1:00am	4/23/2013 1:10am	Yes	Unintentional - Burning Candle	\$1000 - \$9,999	0	0
3231 Sixth Ave W (Hill Hall)	130422C	4/22/2013 6:43pm	4/22/2013 6:43pm	Yes	Unintentional - Sunlight on mirror	\$0-\$99	0	0

*\*No residential fires in 2014*

### **M. Housing Inventory Caveats**

This section contains notes regarding housing facilities that were added to, or removed from, the University’s inventory of student residential facilities for the calendar years 2012, 2013, or 2014.

Campus Student Housing Facility	Notes
22 W Cremona	22 W Cremona was not used for student housing in 2012 or 2013 but was used for student housing in 2014.
2701 Third Ave. W (Robbins Apts)	2701 3rd Ave West was sold in 2012 and withdrawn from housing inventory by June of 2012.
2803 3rd Ave W	2803 3rd Ave West (a house) was sold in 2012 and was not used for student housing in 2012, 2013 or 2014.
2807 3rd Ave W	2807 3rd Ave West (a house) was sold in 2012 and was not used for student housing in 2012, 2013 or 2014.
3305 6th Ave W	3305 6th Ave West (a house) was not used for student housing in 2012 or 2013 and was demolished in 2013.
3311 6th Ave W	3311 6th Ave West (a house) was used for student housing in 2012 and part of 2013 and was demolished in 2013.
3309 6th Ave W (Arnett Hall)	A new residence hall was constructed that covered the sites that were formerly occupied by three houses with the addresses 3305, 3309, and 3311 6th Ave West. The new residence hall (Arnett Hall) opened in 2014 and has the same address that one of the former houses had: 3309 6th Ave W.
40 W Cremona St	40 W Cremona was withdrawn from student housing and demolished in 2011.
42 W Cremona St	42 W Cremona was withdrawn from student housing and demolished in 2011.
49 W Dravus St (Wembley Apts)	49 W Dravus was removed from student residential housing in June of 2014.
604 W Cremona	604 W Cremona was withdrawn from housing in 2012.

## **XI. Updates**

SPU originally posted its 2015 ASFSR on October 1, 2015, on an Office of Safety and Security website and sent an email to its students and employees announcing the availability of the ASFSR on the same date. The University posted an updated version of the 2015 ASFSR on April 29, 2016, and sent an email that day to its students and employees notifying them that an updated version had been posted. The updated report reflected several edits throughout the document. On May 13, 2016, the University made clarifying revisions to pages 41-44 and sent an additional email to students and employees notifying them that additional changes had been made.

# Appendix A: Certain Washington State Law Definitions Related to Crimes of Gender Based Violence

**Definitions Related to Sexual Assault: Rape (First, Second, and Third Degree); Rape of a Child (First, Second, and Third Degree); Indecent Liberties; and Related Definitions (including Consent)**

<http://apps.leg.wa.gov/RCW/default.aspx?cite=9A.44>

*RCW 9A.44.040*

*Rape in the first degree.*

(1) A person is guilty of rape in the first degree when such person engages in sexual intercourse with another person by forcible compulsion where the perpetrator or an accessory:

(a) Uses or threatens to use a deadly weapon or what appears to be a deadly weapon; or

(b) Kidnaps the victim; or

(c) Inflicts serious physical injury, including but not limited to physical injury which renders the victim unconscious; or

(d) Feloniously enters into the building or vehicle where the victim is situated.

(2) Rape in the first degree is a class A felony.

*RCW 9A.44.050*

*Rape in the second degree.*

(1) A person is guilty of rape in the second degree when, under circumstances not constituting rape in the first degree, the person engages in sexual intercourse with another person:

(a) By forcible compulsion;

(b) When the victim is incapable of consent by reason of being physically helpless or mentally incapacitated;

(c) When the victim is a person with a developmental disability and the perpetrator is a person who is not married to the victim and who:

(i) Has supervisory authority over the victim; or

(ii) Was providing transportation, within the course of his or her employment, to the victim at the time of the offense;

(d) When the perpetrator is a health care provider, the victim is a client or patient, and the sexual intercourse occurs during a treatment session, consultation, interview, or examination. It is an affirmative defense that the defendant must prove by a preponderance of the evidence that the client or patient consented to the sexual intercourse with the knowledge that the sexual intercourse was not for the purpose of treatment;

(e) When the victim is a resident of a facility for persons with a mental disorder or chemical dependency and the perpetrator is a person who is not married to the victim and has supervisory authority over the victim; or

(f) When the victim is a frail elder or vulnerable adult and the perpetrator is a person who is not married to the victim and who:

(i) Has a significant relationship with the victim; or

(ii) Was providing transportation, within the course of his or her employment, to the victim at the time of the offense.

(2) Rape in the second degree is a class A felony.

*RCW 9A.44.060*

*Rape in the third degree.*

(1) A person is guilty of rape in the third degree when, under circumstances not constituting rape in the first or second degrees, such person engages in sexual intercourse with another person:

(a) Where the victim did not consent as defined in RCW 9A.44.010(7), to sexual intercourse with the perpetrator and such lack of consent was clearly expressed by the victim's words or conduct, or

(b) Where there is threat of substantial unlawful harm to property rights of the victim.

(2) Rape in the third degree is a class C felony.

*RCW 9A.44.073*

*Rape of a child in the first degree.*

(1) A person is guilty of rape of a child in the first degree when the person has sexual intercourse with another who is less than twelve years old and not married to the perpetrator and the perpetrator is at least twenty-four months older than the victim.

(2) Rape of a child in the first degree is a class A felony.

*RCW 9A.44.076*

*Rape of a child in the second degree.*

(1) A person is guilty of rape of a child in the second degree when the person has sexual intercourse with another who is at least twelve years old but less than fourteen years old and not married to the perpetrator and the perpetrator is at least thirty-six months older than the victim.

(2) Rape of a child in the second degree is a class A felony.

*RCW 9A.44.079*

*Rape of a child in the third degree.*

(1) A person is guilty of rape of a child in the third degree when the person has sexual intercourse with another who is at least fourteen years old but less than sixteen years old and not married to the perpetrator and the perpetrator is at least forty-eight months older than the victim.

(2) Rape of a child in the third degree is a class C felony.

*RCW 9A.44.100*

*Indecent liberties.*

(1) A person is guilty of indecent liberties when he or she knowingly causes another person to have sexual contact with him or her or another:

(a) By forcible compulsion;

(b) When the other person is incapable of consent by reason of being mentally defective, mentally incapacitated, or physically helpless;

(c) When the victim is a person with a developmental disability and the perpetrator is a person who is not married to the victim and who:

(i) Has supervisory authority over the victim; or

(ii) Was providing transportation, within the course of his or her employment, to the victim at the time of the offense;

(d) When the perpetrator is a health care provider, the victim is a client or patient, and the sexual contact occurs during a treatment session, consultation, interview, or examination. It is an affirmative defense that the defendant must prove by a preponderance of the evidence that the client or patient consented to the sexual contact with the knowledge that the sexual contact was not for the purpose of treatment;

(e) When the victim is a resident of a facility for persons with a mental disorder or chemical dependency and the perpetrator is a person who is not married to the victim and has supervisory authority over the victim; or

(f) When the victim is a frail elder or vulnerable adult and the perpetrator is a person who is not married to the victim and who:

(i) Has a significant relationship with the victim; or

(ii) Was providing transportation, within the course of his or her employment, to the victim at the time of the offense.

(2)

(a) Except as provided in (b) of this subsection, indecent liberties is a class B felony.

(b) Indecent liberties by forcible compulsion is a class A felony.

*RCW 9A.44.010*

*Definitions.*

As used in this chapter:

(1) "Sexual intercourse"

(a) has its ordinary meaning and occurs upon any penetration, however slight, and

(b) Also means any penetration of the vagina or anus however slight, by an object, when committed on one person by another, whether such persons are of the same or opposite sex, except when such penetration is accomplished for medically recognized treatment or diagnostic purposes, and

(c) Also means any act of sexual contact between persons involving the sex organs of one person and the mouth or anus of another whether such persons are of the same or opposite sex.

- (2) "Sexual contact" means any touching of the sexual or other intimate parts of a person done for the purpose of gratifying sexual desire of either party or a third party.
- (3) "Married" means one who is legally married to another, but does not include a person who is living separate and apart from his or her spouse and who has filed in an appropriate court for legal separation or for dissolution of his or her marriage.
- (4) "Mental incapacity" is that condition existing at the time of the offense which prevents a person from understanding the nature or consequences of the act of sexual intercourse whether that condition is produced by illness, defect, the influence of a substance or from some other cause.
- (5) "Physically helpless" means a person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act.
- (6) "Forcible compulsion" means physical force which overcomes resistance, or a threat, express or implied, that places a person in fear of death or physical injury to herself or himself or another person, or in fear that she or he or another person will be kidnapped.
- (7) "Consent" means that at the time of the act of sexual intercourse or sexual contact there are actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact.
- (8) "Significant relationship" means a situation in which the perpetrator is:
- (a) A person who undertakes the responsibility, professionally or voluntarily, to provide education, health, welfare, or organized recreational activities principally for minors;
  - (b) A person who in the course of his or her employment supervises minors; or
  - (c) A person who provides welfare, health or residential assistance, personal care, or organized recreational activities to frail elders or vulnerable adults, including a provider, employee, temporary employee, volunteer, or independent contractor who supplies services to long-term care facilities licensed or required to be licensed under chapter 18.20, 18.51, 72.36, or 70.128 RCW, and home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW, but not including a consensual sexual partner.
- (9) "Abuse of a supervisory position" means:
- (a) To use a direct or indirect threat or promise to exercise authority to the detriment or benefit of a minor; or
  - (b) To exploit a significant relationship in order to obtain the consent of a minor.
- (10) "Person with a developmental disability," for purposes of RCW 9A.44.050(1)(c) and 9A.44.100(1)(c), means a person with a developmental disability as defined in RCW 71A.10.020.
- (11) "Person with supervisory authority," for purposes of RCW 9A.44.050(1) (c) or (e) and 9A.44.100(1) (c) or (e), means any proprietor or employee of any public or private care or treatment facility who directly supervises developmentally disabled, mentally disordered, or chemically dependent persons at the facility.
- (12) "Person with a mental disorder" for the purposes of RCW 9A.44.050(1)(e) and 9A.44.100(1)(e) means a person with a "mental disorder" as defined in RCW 71.05.020.
- (13) "Person with a chemical dependency" for purposes of RCW 9A.44.050(1)(e) and 9A.44.100(1)(e) means a person who is "chemically dependent" as defined in \*RCW 70.96A.020(4).
- (14) "Health care provider" for purposes of RCW 9A.44.050 and 9A.44.100 means a person who is, holds himself or herself out to be, or provides services as if he or she were: (a) A member of a health care profession under chapter 18.130 RCW; or (b) registered under chapter 18.19 RCW or licensed under

chapter 18.225 RCW, regardless of whether the health care provider is licensed, certified, or registered by the state.

(15) "Treatment" for purposes of RCW 9A.44.050 and 9A.44.100 means the active delivery of professional services by a health care provider which the health care provider holds himself or herself out to be qualified to provide.

(16) "Frail elder or vulnerable adult" means a person sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself. "Frail elder or vulnerable adult" also includes a person found incapacitated under chapter 11.88 RCW, a person over eighteen years of age who has a developmental disability under chapter 71A.10 RCW, a person admitted to a long-term care facility that is licensed or required to be licensed under chapter 18.20, 18.51, 72.36, or 70.128 RCW, and a person receiving services from a home health, hospice, or home care agency licensed or required to be licensed under chapter 70.127 RCW.

### **Definition of Stalking**

<http://apps.leg.wa.gov/RCW/default.aspx?cite=9A.46.110>

*RCW 9A.46.110*

*Stalking.*

(1) A person commits the crime of stalking if, without lawful authority and under circumstances not amounting to a felony attempt of another crime:

(a) He or she intentionally and repeatedly harasses or repeatedly follows another person; and

(b) The person being harassed or followed is placed in fear that the stalker intends to injure the person, another person, or property of the person or of another person. The feeling of fear must be one that a reasonable person in the same situation would experience under all the circumstances; and

(c) The stalker either:

(i) Intends to frighten, intimidate, or harass the person; or

(ii) Knows or reasonably should know that the person is afraid, intimidated, or harassed even if the stalker did not intend to place the person in fear or intimidate or harass the person.

(2)

(a) It is not a defense to the crime of stalking under subsection (1)(c)(i) of this section that the stalker was not given actual notice that the person did not want the stalker to contact or follow the person; and

(b) It is not a defense to the crime of stalking under subsection (1)(c)(ii) of this section that the stalker did not intend to frighten, intimidate, or harass the person.

(3) It shall be a defense to the crime of stalking that the defendant is a licensed private investigator acting within the capacity of his or her license as provided by chapter 18.165 RCW.

(4) Attempts to contact or follow the person after being given actual notice that the person does not want to be contacted or followed constitutes prima facie evidence that the stalker intends to intimidate or harass the person. "Contact" includes, in addition to any other form of contact or communication, the sending of an electronic communication to the person.

(5)

(a) Except as provided in (b) of this subsection, a person who stalks another person is guilty of a gross misdemeanor.

(b) A person who stalks another is guilty of a class B felony if any of the following applies: (i) The stalker has previously been convicted in this state or any other state of any crime of harassment, as defined in RCW 9A.46.060, of the same victim or members of the victim's family or household or any person specifically named in a protective order; (ii) the stalking violates any protective order protecting the person being stalked; (iii) the stalker has previously been convicted of a gross misdemeanor or felony stalking offense under this section for stalking another person; (iv) the stalker was armed with a deadly weapon, as defined in RCW 9.94A.825, while stalking the person; (v)(A) the stalker's victim is or was a law enforcement officer; judge; juror; attorney; victim advocate; legislator; community corrections' officer; an employee, contract staff person, or volunteer of a correctional agency; court employee, court clerk, or courthouse facilitator; or an employee of the child protective, child welfare, or adult protective services division within the department of social and health services; and (B) the stalker stalked the victim to retaliate against the victim for an act the victim performed during the course of official duties or to influence the victim's performance of official duties; or (vi) the stalker's victim is a current, former, or prospective witness in an adjudicative proceeding, and the stalker stalked the victim to retaliate against the victim as a result of the victim's testimony or potential testimony.

(6) As used in this section:

(a) "Correctional agency" means a person working for the department of natural resources in a correctional setting or any state, county, or municipally operated agency with the authority to direct the release of a person serving a sentence or term of confinement and includes but is not limited to the department of corrections, the indeterminate sentence review board, and the department of social and health services.

(b) "Follows" means deliberately maintaining visual or physical proximity to a specific person over a period of time. A finding that the alleged stalker repeatedly and deliberately appears at the person's home, school, place of employment, business, or any other location to maintain visual or physical proximity to the person is sufficient to find that the alleged stalker follows the person. It is not necessary to establish that the alleged stalker follows the person while in transit from one location to another.

(c) "Harasses" means unlawful harassment as defined in RCW 10.14.020.

(d) "Protective order" means any temporary or permanent court order prohibiting or limiting violence against, harassment of, contact or communication with, or physical proximity to another person.

(e) "Repeatedly" means on two or more separate occasions.

### **Definition of Domestic Violence**

<http://app.leg.wa.gov/RCW/default.aspx?cite=10.99.020>

*RCW 10.99.020*

*Definitions.*

(5) "Domestic violence" includes but is not limited to any of the following crimes when committed by one family or household member against another:

- (a) Assault in the first degree (RCW 9A.36.011);
- (b) Assault in the second degree (RCW 9A.36.021);
- (c) Assault in the third degree (RCW 9A.36.031);
- (d) Assault in the fourth degree (RCW 9A.36.041);
- (e) Drive-by shooting (RCW 9A.36.045);
- (f) Reckless endangerment (RCW 9A.36.050);
- (g) Coercion (RCW 9A.36.070);
- (h) Burglary in the first degree (RCW 9A.52.020);
- (i) Burglary in the second degree (RCW 9A.52.030);
- (j) Criminal trespass in the first degree (RCW 9A.52.070);
- (k) Criminal trespass in the second degree (RCW 9A.52.080);
- (l) Malicious mischief in the first degree (RCW 9A.48.070);
- (m) Malicious mischief in the second degree (RCW 9A.48.080);
- (n) Malicious mischief in the third degree (RCW 9A.48.090);
- (o) Kidnapping in the first degree (RCW 9A.40.020);
- (p) Kidnapping in the second degree (RCW 9A.40.030);
- (q) Unlawful imprisonment (RCW 9A.40.040);
- (r) Violation of the provisions of a restraining order, no-contact order, or protection order restraining or enjoining the person or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.44.063, 26.44.150, 26.50.060, 26.50.070, 26.50.130, 26.52.070, or 74.34.145);
- (s) Rape in the first degree (RCW 9A.44.040);
- (t) Rape in the second degree (RCW 9A.44.050);
- (u) Residential burglary (RCW 9A.52.025);
- (v) Stalking (RCW 9A.46.110); and
- (w) Interference with the reporting of domestic violence (RCW 9A.36.150).

### **Definition of Dating Relationship**

<http://app.leg.wa.gov/RCW/default.aspx?cite=26.50.010>

*RCW 26.50.010*

*Definitions.*

(2) "Dating relationship" means a social relationship of a romantic nature. Factors that the court may consider in making this determination include: (a) The length of time the relationship has existed; (b) the nature of the relationship; and (c) the frequency of interaction between the parties.