

SPU 2021 Annual Security and Fire Safety Report

September 30, 2021



Office of Safety & Security

I. Safety on the SPU Campus

The mission of Seattle Pacific University's Office of Safety and Security 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. The Office of Safety and Security ("OSS") focuses on four core competencies of emergency response: Medical, Fire, Criminal, and Critical Incident Response. OSS responds to an average of 400 criminal, fire, and medical incidents each year. Other OSS activities include community services (e.g., 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 13,000 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"). Typically, by October 1 of each year, all enrolled students and employees receive an email regarding the content and availability of the ASFSR (one exception was that the Department of Education announced in July 2020 that due to the COVID-19 pandemic, the deadline for distributing the 2020 ASFSR was December 31, 2020, so SPU sent its email announcing the availability of its 2020 ASFSR in December 2020). 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 securityinfo@spu.edu. The University also provides a notice to prospective students and prospective employees that includes a statement of the report's availability, a description of its contents, and an opportunity to request a copy.

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 student safety. No matter how effective the University's programs may be, however, the primary responsibility for safety and security lies with each person. 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, employees, 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") 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 property owned or controlled by SPU. Pursuant to an arrangement with First Free Methodist Church (located at 3200 3rd Ave W, Seattle WA 98119), security officers may also patrol and respond to incidents on the church's 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. Security officers are trained in advanced first aid skills and fire response tactics, and they also receive training in crisis intervention tactics from the Washington State Criminal Justice Training Commission. They are also trained to respond to threatening situations using mental health first aid and de-escalation and defensive tactics, and they receive extensive training in campus emergency response procedures. All security officers will be certified in first aid, CPR, and use of AEDs (automated external defibrillators).

B. Working Relationship with State and Local Law Enforcement Agencies

An excellent working relationship exists between 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 campus for criminal incidents, OSS liaises 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's campus 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 OSS to remotely lock doors at several building entrances if it is determined that there is a threat to campus. Typically, 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 permitted 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. However, for health and safety reasons (e.g., to comply with government orders and/or to reduce the risk of spread of COVID-19), further limitations may be placed on who is permitted to access residence halls (to see current rules, see: <https://spu.edu/administration/office-of-student-life/handbook/residential-living>). 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 with doors 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 (when permitted) 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. Security officers patrol the campus, including areas around residence halls, and residence hall staff members are on duty with 24-hour assistance available.

Security officers 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 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:

Information Distributions

- 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 books titled “Stop. Think. Act.” in offices and classrooms across campus and has created [SPU Emergency Preparedness webpages](#) for easy access to important security information.
- 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 Office of Safety and Security (“OSS”) website provides crime prevention information for the campus, including crime prevention tips posted on the OSS website.

Practice Emergency Drills

- The University generally 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.

Training Programs

- Representatives of OSS make periodic in-person and online presentations to faculty members and students on various security-related topics during the year.
- The University offers gender-based violence primary prevention and ongoing awareness programs and the personal safety education activities as described below.
- New employees participate in online courses regarding sexual harassment and misconduct.
- 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 206-281-2922. For health and safety reasons (e.g., precautions taken in connection with COVID-19), modifications may be made to the safety escort service (e.g., only offer walking escorts, as opposed to driving escorts).

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 and asking to speak to the RAD Coordinator.

OSS offers free women’s self-defense classes that 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. For health and safety reasons (e.g., precautions taken in connection with COVID-19), in-person self-defense workshops have been paused temporarily. Online crime prevention workshops and webinars may be offered in lieu of in-person courses.

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. 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 permitted guests.
- Know the locations of the emergency telephones located around campus and 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 examines issues related to gender-based violence on college campuses, with definitions of sexual misconduct crimes, discussion of consent and 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 and online 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 asked 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 conducts activities as part of 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 is 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. For more information regarding University policies and procedures related to gender-based violence, see Section VI. Sexual Misconduct Policies and Procedures.

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 a 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. Information about Registered Sex Offenders

Federal law (42. U.S.C. 14071, known as the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act), has established criteria for state registration programs for sex offenders. In Washington State, The Community Protection Act of 1990 (RCW 9A.44.130) requires a sex offender who resides in Washington, or who is a student, is employed, or carries on a vocation in Washington, to register with the county sheriff for the county of the person's residence (or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation). 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.

Under the Clery Act, Seattle Pacific University must provide a statement advising the campus community about where law enforcement agency information provided by Washington State concerning registered sex offenders may be obtained.¹ You may search for information about registered sex offenders in Washington State using the following Washington Association of Sheriffs and Police Chiefs website:

<http://www.icrimewatch.net/index.php?AgencyID=54528&disc=> . For additional information about classification and registration of sex offenders in Washington state (e.g., what is a registered sex offender, what do the sex offender levels mean), see the following website:
http://sheriffalerts.com/cap_safety_1.php?office=54528 .

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 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, SPU 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. Concerns that a student is missing may also be reported to the Dean of Students for Community Life or the Vice Provost for Student Formation and Community Engagement. Any

¹ Specifically, the Clery Act requires “a statement advising the campus community where law enforcement agency information provided by a State under section 121 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16921), concerning registered sex offenders may be obtained” (34 CFR 668.46(b)(12)). SPU does not know whether Washington State is in full compliance with the Adam Walsh Child Protection and Safety Act of 2006 (e.g., see a 2016 memorandum from the Sex Offender Policy Board at https://sgc.wa.gov/sites/default/files/public/sopb/documents/sorna_findings_and_recommendations.pdf), but SPU believes this section of the ASFSR identifies sex offender registry information made available by Washington State.

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 (as told to OSS) 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/. Select the *Personal Menu*, then select *Emergency Contact Information*. Select add a new contact or edit an existing contact. Under the “relationship” drop down menu, select “missing person contact.” 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 of student organizations 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 206-281-2911. 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 206-281-2922. You may also report non-emergency crimes using the SPU Report a Concern Form (<https://spu.edu/diversity/nondiscrimination-title-ix-oie/report-a-concern>) 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 reporting 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, SPU 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. OSS incident reports may 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 potential or urgent 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. If there is an urgent threat, 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, as applicable.

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:

- Extreme overreaction to situations
- Drastic performance decline and/or attendance problems
- Withdrawal from all friends and acquaintances
- Abandoning grooming habits
- Injuries and excuses (relationship violence)
- Extreme changes in personality, mood, or behavior
- Bizarre, belligerent, or inappropriate behavior
- Blaming others for anything that goes wrong, with no sense of one's own responsibility
- Engaging in substance abuse
- Exhibiting hopelessness or total loss of options due to failure
- Significant or constant conflicts with peers, supervisors, customers
- 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; or 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 as described on SPU's Report a Concern webpage (<https://spu.edu/diversity/nondiscrimination-title-ix-oie/report-a-concern>), including by using the Report a Concern online form (https://oie.formstack.com/forms/report_a_concern). The information that is reported will be shared with OSS. 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 (e.g., state mandatory reporting law, or Title IX of the Education Amendments Act of 1972) or community safety. While complete confidentiality cannot be guaranteed in all cases, and information may need to be shared with certain SPU administrators and agents, the University will try to provide confidentiality to the extent reasonably possible.

F. Reporting 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, and may also have an obligation to report abuse, neglect, or exploitation of vulnerable adults under Washington State law. In addition, all SPU employees are Title IX Responsible Employees (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. Plus, even SPU employees who are not Title IX Responsible Employees may still have an obligation to report certain crimes pursuant to other laws (e.g., state mandatory reporting laws). 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. A summary of the University's reporting expectations for employees, volunteers, and student leaders is posted online (<https://wiki.spu.edu/display/HR/Reporting+Expectations+for+Employees%2C+Volunteers%2C+and+Students+Leaders>) and incorporated into the Employee Handbook.

G. Reporting by Campus Security Authorities

Seattle Pacific University has identified certain employees and students who are Campus Security Authorities ("CSAs"). CSAs are University officials who are involved in security or who have a significant responsibility for student and campus activities. These individuals must report crimes to OSS for federal reporting purposes under the Clery Act. All personally identifiable information is kept confidential (to the extent reasonably practicable), but statistical information must be passed along to OSS regarding the type of incident and its general location (e.g., on or off-campus, in the surrounding area) for publication in the annual security and fire safety report. This report helps provide the community with a picture of the extent and nature of campus crime, to promote 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 (but they may still be required to make reports under other applicable law or SPU policy, such as if state mandatory reporter laws required that a report be made). 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. Persons Designated as Campus Security Authorities

The University has identified the following individuals as CSAs:

- Office of Safety and Security staff and student employees
- Human Resources staff
- Office of Student Life staff
- Athletic Directors and Coaches
- Regular faculty members
- Study Abroad Program staff and faculty
- Student Employee Supervisors
- Staff in Roles of Ministry or Counseling*
- Building Emergency Coordinators (BECs) and building monitors
- Resident Assistants (RAs)
- Health Center staff
- Student Academic Services counselors
- Club advisors
- Faculty conductors / directors of band or choral groups
- Faculty directors of theater productions
- Supervisory staff members at Camp Casey and Blakely Island

** See discussion above regarding confidentiality exceptions that may apply for professional counselors.*

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 members of the campus community 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, except 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 pages that follow present statistics for the three full calendar years preceding the publication of this report (i.e., 2018, 2019, and 2020) for criminal offenses, hate crimes, VAWA offenses (i.e., “Violence Against Women Act” offenses), and arrests and judicial referrals, as required by the Clery Act. 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 | 2018 | | | | 2019 | | | | 2020 | | | |
|--|---|--------------------------|-------------------|------------------------|---|--------------------------|-------------------|------------------------|---|--------------------------|-------------------|------------------------|
| Criminal Offenses | <i>On campus (student housing only)</i> | <i>On campus (total)</i> | <i>Non-campus</i> | <i>Public Property</i> | <i>On campus (student housing only)</i> | <i>On campus (total)</i> | <i>Non-campus</i> | <i>Public Property</i> | <i>On campus (student housing only)</i> | <i>On campus (total)</i> | <i>Non-campus</i> | <i>Public Property</i> |
| 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 |
| Rape | 1 | 2 | 0 | 0 | 2 | 4 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fondling | 1 | 1 | 0 | 0 | 1 | 2 | 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 |
| Robbery | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| Aggravated assault | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Burglary | 12 | 17 | 1 | 0 | 3 | 13 | 0 | 0 | 4 | 8 | 0 | 0 |
| Motor vehicle theft | 0 | 2 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 3 | 0 | 0 |
| Arson | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| Crime Statistics | 2018 | | | | 2019 | | | | 2020 | | | |
|--|----------------------------------|-------------------|------------|-----------------|----------------------------------|-------------------|------------|-----------------|----------------------------------|-------------------|------------|-----------------|
| Hate Crimes | On campus (student housing only) | On campus (total) | Non-campus | Public Property | On campus (student housing only) | On campus (total) | Non-campus | Public Property | On campus (student housing only) | On campus (total) | Non-campus | Public Property |
| 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 |
| 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 |
| 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 |
| 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 |
| Larceny - theft | 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 |
| Destruction / damage / vandalism of property | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

Key: Ra = Race; Re = Religion; SO = Sexual Orientation; G = Gender; GI = Gender Identity; D = Disability; E = Ethnicity; NO = National Origin

| Crime Statistics | 2018 | | | | 2019 | | | | 2020 | | | |
|--------------------------|---|--------------------------|-------------------|------------------------|---|--------------------------|-------------------|------------------------|---|--------------------------|-------------------|------------------------|
| VAWA Offenses | <i>On campus (student housing only)</i> | <i>On campus (total)</i> | <i>Non-campus</i> | <i>Public Property</i> | <i>On campus (student housing only)</i> | <i>On campus (total)</i> | <i>Non-campus</i> | <i>Public Property</i> | <i>On campus (student housing only)</i> | <i>On campus (total)</i> | <i>Non-campus</i> | <i>Public Property</i> |
| Domestic violence | 1 | 3 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dating violence | 1 | 1 | 0 | 0 | 1 | 2 | 0 | 0 | 0 | 0 | 0 | 0 |
| Stalking | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 |

| Arrests & Judicial Referrals | 2018 | | | | 2019 | | | | 2020 | | | |
|--|---|--------------------------|-------------------|------------------------|---|--------------------------|-------------------|------------------------|---|--------------------------|-------------------|------------------------|
| Arrests | <i>On campus (student housing only)</i> | <i>On campus (total)</i> | <i>Non-campus</i> | <i>Public Property</i> | <i>On campus (student housing only)</i> | <i>On campus (total)</i> | <i>Non-campus</i> | <i>Public Property</i> | <i>On campus (student housing only)</i> | <i>On campus (total)</i> | <i>Non-campus</i> | <i>Public Property</i> |
| Weapons: carrying, possessing, etc. | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Drug abuse violations | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Liquor law violations | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 |
| | | | | | | | | | | | | |
| Judicial Referrals | <i>On campus (student housing only)</i> | <i>On campus (total)</i> | <i>Non-campus</i> | <i>Public Property</i> | <i>On campus (student housing only)</i> | <i>On campus (total)</i> | <i>Non-campus</i> | <i>Public Property</i> | <i>On campus (student housing only)</i> | <i>On campus (total)</i> | <i>Non-campus</i> | <i>Public Property</i> |
| Weapons: carrying, possessing, etc. | 0 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| Drug abuse violations | 33 | 36 | 0 | 0 | 31 | 31 | 0 | 0 | 11 | 11 | 0 | 0 |
| Liquor law violations | 64 | 65 | 0 | 0 | 72 | 72 | 0 | 0 | 21 | 22 | 0 | 0 |

The University had no hate crimes for 2018, 2019, or 2020. If it had any hate crimes to report for any such year, the hate crime would be labeled according to the key listed below the table that identifies the hate crime by category of bias (i.e., race, religion, sexual orientation, gender, gender identity, disability, ethnicity, or national origin).

The University had no “unfounded” crimes for 2018, 2019, or 2020. 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. Pursuant to federal regulations, 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 (sexual assault): 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. This offense includes the rape of both males and females.

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.

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.

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 Crime: 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. Although there are many possible categories of bias, under the Clery Act, only the following eight categories are reported: a 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. Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing. 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 Violation: 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 Violation: 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. This classification encompasses weapons offenses that are regulatory in nature.

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 or African Americans, whites).

Gender: A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., 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 actual or perceived sexual orientation. Sexual Orientation is the term for a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.

Ethnicity: A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term "race" in that "race" refers to a grouping based mostly upon biological criteria, while "ethnicity" also encompasses additional cultural factors.

National Origin: A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.

Disability: A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, 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. Gender non-conforming describes a person who does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing or a man wearing makeup. A gender non-conforming person may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived as such.

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 Policies and Procedures

The University has various policies prohibiting gender-based violence and various procedures for addressing reports and complaints, including the following:

- *Sexual Misconduct Policy* (<https://spu.edu/administration/office-of-student-life/handbook/sexual-misconduct>): This policy provides information about resources and University responses related to gender-based violence affecting students. This policy also contains the applicable procedure for undergraduate and graduate students to file formal complaints alleging sexual misconduct (as defined in the policy) that is committed by other SPU students and that is not subject to the Title IX Sexual Harassment Grievance Process. A copy of this policy, as of the date of this ASFSR, is included as Exhibit A.
- *Employee and Volunteer Sexual Misconduct Policy* (<https://wiki.spu.edu/pages/viewpage.action?spaceKey=HR&title=Employee+and+Volunteer+Sexual+Misconduct+Policy>): This policy, which is incorporated into the Employee Handbook, identifies prohibited

forms of sexual misconduct and gender-based violence for employees and volunteers and outlines the University's response to reports of violations.

- *Title IX Sexual Harassment Grievance Process* (<https://spu.edu/diversity/nondiscrimination-title-ix-oie/title-ix-grievance-process>): This is the applicable procedure for individuals who are participating in or attempting to participate in SPU education programs or activities (e.g., students, employees, student applicants, and employee applicants) to file formal complaints alleging sexual harassment that are subject to the rules of 34 CFR 106.45 (which can include sexual assault, dating violence, domestic violence, and stalking). A copy of this policy, as of the date of this ASFSR, is included as Exhibit B.
- *Discrimination and Harassment Grievance Procedure* (<https://wiki.spu.edu/display/POL/Discrimination+and+Harassment+Grievance+Procedure>): The Discrimination and Harassment Grievance Procedure is the applicable procedure for formal complaints against employees or the University in violation of SPU's nondiscrimination policy that are not subject to the Title IX Sexual Harassment Grievance Process. A copy of the Discrimination and Harassment Grievance Procedure, as of the date of this ASFSR, is included as Exhibit C.
- *Student Standards of Conduct* (<https://spu.edu/administration/office-of-student-life/handbook/behavioral-community-expectations/student-standards-of-conduct>): This section of the Undergraduate Student Handbook states that students are subject to discipline for "any form of coercive or unwelcome sexual behavior, including sexual assault, rape, sexual harassment, or related actions."
- *Student Accountability Process* (<https://spu.edu/administration/office-of-student-life/handbook/behavioral-community-expectations/student-accountability-process>): This process is used to examine alleged violations of Student Standards of Conduct by undergraduate students and is managed by the Office of Student Life. It may be used, for example, when there are alleged acts of discrimination or harassment by one student against another that are not subject to other SPU grievance procedures. A copy of the Student Accountability Process, as of the date of this ASFSR, is included as Exhibit D.

The University also has instituted practices to comply with [RCW 28B.112.080](#), which requires that the University undertake certain screening activities for sexual misconduct in connection with hiring new employees and that the University disclose information regarding findings of sexual misconduct to certain prospective employers of current or former SPU employees.

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>. A copy of the materials that are provided to new University employees is posted on a Human Resources webpage here:

<https://wiki.spu.edu/display/HR/New+Staff+Member%3A+First+Steps>. The notification is also available to current employees in the Employee Handbook here: <https://wiki.spu.edu/display/HR/Drug->

[Free+Workplace+and+Drug-Free+Schools+and+Community+Regulations](#) (login credentials are 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, reflection assignment, 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). For further information applicable to students (including potential sanctions), 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 Employee Handbook (in particular, see <https://wiki.spu.edu/display/HR/Alcohol%2C+Tobacco%2C+and+Drug+Use>).

Even though Washington State decriminalized marijuana possession for adults over age 21 under certain circumstances, 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 can have irreversible physical abnormalities and intellectual disabilities. 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:

<https://spu.edu/administration/student-counseling-center/resources-and-referrals>.

Additionally, employees may be eligible to participate in the University's Employee Assistance Program. Standard Insurance provides access to Morneau Shepell, our Employee Assistance Program provider. The number for EAP customer service is (888) 293-6948. Employees may also consult the Employee Assistant Program webpage (<https://wiki.spu.edu/pages/viewpage.action?pageId=75956295>) in the Employee Benefits Handbook.

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 Office of Human Resources by emailing hr@spu.edu or by calling 206-281-2809.

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 additional messages to provide follow-up information to the campus community as needed. The University’s emergency communications team, which is overseen by SPU’s Vice President for Enrollment Management and Marketing and SPU’s Director of Public Information, 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. OSS and the University’s emergency communications team typically collaborate to notify the campus community using one or more SPU-Alert communication methods when an emergency situation has concluded. Depending on the circumstances, the Director of Safety and Security or a different University administrator may send an email to some or all of the campus community after an emergency with a summary of the incident.

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 serious or continuing threat to other students and employees, and that are reported to the Office of Safety and 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. Typically, the Director of Safety and Security consults with the Assistant Vice President for Risk Management and/or the Senior Vice President for Finance and Administration regarding whether a timely warning message should be distributed and what the content of the message should be, and then the Director of Safety and Security distributes the timely warning by sending an email to the relevant campus population. Depending on the facts and circumstances, however, other University officials may also be involved in the process of considering, drafting, and distributing a timely warning message.

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, and are encouraged to read the emergency plan provided at <https://spuonline.sharepoint.com/sites/ep/SitePages/Home.aspx>. A thorough understanding of this plan increases the potential to maximize safety in an emergency. The University has also posted summaries of emergency policies and procedures online in a manner that can be easily accessed using mobile devices (see <https://emergency.spu.edu/>).

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 appropriate.

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

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 Coordinators (BECs)

Each building is assigned 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 BECs 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). Do not leave a secured area during an emergency to see what is happening. Also, do not allow another person into a secured area during a lockdown unless told to do so by law enforcement authorities or SPU officials.
- Individuals locked out during an event should seek shelter off-campus. In general, campus cards will not permit an individual to gain entry to a campus building during a lockdown.
- 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 and text — to the community if classes or events will resume as originally scheduled.
- Cooperate with law enforcement officials, and take precautions so that you are not mistaken for a threat. For example, if police approach you in a secured room, stand still, keep your hands open and visible, and follow their instructions.

Evacuation – General Guidance:

An evacuation will be considered if a campus building is affected. A building will always be evacuated if the fire alarm sounds. In the event of an evacuation, individuals should immediately gather personal belongings (purse, keys, cell phone, SPU ID card, etc.) and proceed to the nearest exit. Most classrooms contain a wall plaque 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 assembly area. Evacuation assembly areas are listed online (at <https://emergency.spu.edu/campus-emergency-procedures/evacuation-and-assembly-areas/>), in the [Emergency and Crisis Management Plan](#), and in the [“Stop. Think. Act.” book](#). 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 BECs your full cooperation whenever they issue directions or information.

E. “Stop. Think. Act.” Books and Emergency Information Websites

All offices and classrooms on campus have received a [“Stop. Think. Act.” book](#), which contains a list of evacuation sites for each building and steps to be taken in response to specific types of emergencies. Also, the University has posted summaries of important emergency policies and procedures online (at <https://emergency.spu.edu/>) in a mobile-friendly format for ease of access. These webpages include instructions for specific types of emergencies listed in the [“Stop. Think. Act.” book](#).

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 generally conducts annual all-campus evacuation and lockdown/shelter-in-place drills and conducts quarterly fire drills in residence halls during the academic year.² 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.

Reporting a fire is everyone's responsibility. All fires 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, a supervisor, a designated Building Emergency Coordinator, the Office of Facility and Project Management, or OSS. For purposes of the annual fire safety report, a "fire" is any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

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 and 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 (e.g., lanterns) are not permitted inside residential facilities

² During the 2019-2020 academic year, the annual lockdown drill was not conducted due to disruption of the academic year by the COVID-19 pandemic. SPU conducted an all-campus lockdown drill during autumn quarter 2020 and conducted fire/evacuation drills for residence halls during the 2020-21 academic year, but did not conduct an all-campus evacuation drill during the 2020-21 academic year due to COVID-19 disruption.

(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 sounds. 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. Evacuation assembly areas are listed online (at <https://emergency.spu.edu/campus-emergency->

[procedures/evacuation-and-assembly-areas/](#)), in the [Emergency and Crisis Management Plan](#), and in the [“Stop. Think. Act.” book](#). 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 generally does an all-campus evacuation drill once a year during Autumn Quarter 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 are listed online (at <https://emergency.spu.edu/campus-emergency-procedures/evacuation-and-assembly-areas/>), in the [Emergency and Crisis Management Plan](#), and in the [“Stop. Think. Act.” book](#). OSS staff respond to fires in non-residential buildings similar to how they respond to fires in residential buildings. Administrative buildings are assigned Building Emergency Coordinators (BECs) 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. In 2017, the University completed upgrading smoke alarms in campus houses and apartments to models with a longer battery life and with a hush button. In 2017 and 2018, the University added tamper alarms for fire extinguishers and heat detectors in kitchen lounges in certain residential buildings. 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 the 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

The Office of 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. See the table below for a list of fire drills performed for residence halls and the Wesley Apartments during 2018, 2019, and 2020.

Fire Drill Information for Residence Halls and Wesley Apartments (for years 2018, 2019, and 2020)

| Date of Drill | Time of Drill | Type of Drill | Location | Announced / Unannounced |
|----------------------|----------------------|------------------------|-------------------|--------------------------------|
| October 1, 2020 | 6:30pm – 7:00pm | Residential Fire Drill | Arnett Hall | Announced |
| October 1, 2020 | 6:00pm – 6:30pm | Residential Fire Drill | Emerson Hall | Announced |
| September 29, 2020 | 6:45pm – 7:15pm | Residential Fire Drill | Ashton Hall | Announced |
| September 29, 2020 | 6:15pm – 7:15pm | Residential Fire Drill | Hill Hall | Announced |
| September 28, 2020 | 6:15pm – 7:15pm | Residential Fire Drill | Wesley Apartments | Announced |

| | | | | |
|-------------------|-----------------|------------------------|---|-------------|
| April 27, 2020 | 5:30pm – 6:30pm | Residential Fire Drill | Ashton Hall, Hill Hall | Unannounced |
| April 26, 2020 | 5:30pm – 8:00pm | Residential Fire Drill | Wesley Apartments, Emerson Hall, Arnett Hall | Unannounced |
| March 1, 2020 | 6:45pm – 8:30pm | Residential Fire Drill | Wesley Apartments, Emerson Hall, Arnett Hall | Unannounced |
| February 24, 2020 | 4:45pm – 5:30pm | Residential Fire Drill | Ashton Hall, Hill Hall | Unannounced |
| October 29, 2019 | 5:00pm – 6:00pm | Residential Fire Drill | Hill Hall, Moyer Hall | Unannounced |
| October 28, 2019 | 5:30pm - 7:30pm | Residential Fire Drill | Ashton Hall, Arnett Hall, Emerson Hall, Wesley Apartments | Unannounced |
| April 24, 2019 | 6:00pm – 8:00pm | Residential Fire Drill | Hill Hall, Moyer Hall, Ashton Hall, Emerson Hall, Arnett Hall | Unannounced |
| April 22, 2019 | 7:30pm – 8:00pm | Residential Fire Drill | Wesley Apartments | Unannounced |
| January 17, 2019 | 6:15pm – 6:45pm | Residential Fire Drill | Emerson Hall, Hill Hall, Moyer Hall | Unannounced |
| January 15, 2019 | 7:00pm – 7:30pm | Residential Fire Drill | Ashton Hall | Unannounced |
| January 14, 2019 | 8:00pm – 8:30pm | Residential Fire Drill | Arnett Hall, Wesley Apartments | Unannounced |
| October 9, 2018 | 8:30pm – 9:00pm | Residential Fire Drill | Wesley Apartments | Unannounced |
| October 8, 2018 | 6:15pm – 9:00pm | Residential Fire Drill | Ashton Hall, Emerson Hall, Arnett Hall, Hill Hall, Moyer Hall | Unannounced |
| April 11, 2018 | 8:00pm – 8:30pm | Residential Fire Drill | Ashton Hall | Unannounced |
| April 9, 2018 | 6:45pm – 8:00pm | Residential Fire Drill | Emerson Hall, Arnett Hall, Hill Hall, Moyer Hall, Wesley Apartments | Unannounced |
| January 24, 2018 | 7:00pm – 7:30pm | Residential Fire Drill | Ashton Hall | Unannounced |
| January 22, 2018 | 6:45pm – 8:00pm | Residential Fire Drill | Emerson Hall, Arnett Hall, Hill Hall, Moyer Hall, Wesley Apartments | Unannounced |

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 St | | | | X | | X | | 0 |
| 26 W Cremona St | | | | 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 St | | | | 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 |
| 3309 6th Ave W (Arnett Hall) | X | | X | X | X | X | X | 3 |
| 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 |

| 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 |
|-------------------------------------|--|---------------------------|-------------------------|-----------------|----------------|---------------------------|-----------------------------|-------------------------------------|
| 37 W Dravus St (Andrews Apts) | | | | X | | X | | 0 |
| 403 W Dravus St | | | | X | | X | | 0 |
| 409 W Dravus St | | | | X | | X | | 0 |
| 415 W Dravus St | | | | 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 St | | | | X | | X | | 0 |
| 600 W Emerson St (Falcon Apts) | X | | | X | 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 |
| 617 W Emerson St (Emerson Triplex) | | | | X | | X | | 0 |
| 650 W Cremona St | X | | | X | X | X | | 0 |
| 650 W Bertona St | X | | | X | X | X | | 0 |
| 651 W Bertona St | | | | 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.
- “617 W Emerson St (Emerson Triplex)” is alternatively known as “615-619 W Emerson St.”
- 339 W Nickerson St was not used for student housing during 2019 and it was demolished in August 2020. The information above for 339 W Nickerson St reflects fire systems that were in place during 2017 and 2018.
- For other 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

As part of the Annual Security and Fire Safety Report, Seattle Pacific University publishes 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 | 2018 | | | 2019 | | | 2020 | | |
|--|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| | Fires | Injuries | Deaths | Fires | Injuries | Deaths | Fires | Injuries | Deaths |
| 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 |
| 26 W. Cremona St. | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 303 W. Dravus St. | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 307 W. Dravus St. | 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 | 0 | 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 |
| 3304 7th Ave W | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 339 W. Nickerson 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 St. | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 415 W. Dravus St. | 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 St. | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 605 W. Emerson St. | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 617 W Emerson St (Emerson Triplex) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 650 W. Bertona St. | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 650 W. Cremona St. | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 651 W. Bertona St. | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 703 W. Bertona St. | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 37 W Dravus St (Andrews Apts) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3309 6th Ave W (Arnett Hall) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 611 W Dravus St (Ashton Hall) | 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 |
| 34 W Cremona St (Cremona Apts) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 13 W Cremona St (Cremona Wesley Apts) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3019 Third Ave W (Davis Apts) | 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 |
| 500 W Emerson St (Emerson Hall) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 600 W Emerson St (Falcon 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 |
| 608 W Emerson St (Falcon Twin Apts) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3231 Sixth Ave W (Hill Hall) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3234 Fifth Ave W (Moyer Hall) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 35 W Cremona St (Sprague Apts) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 22 W Cremona St | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

In the table above, if the designation “na” appears, it means the housing facility was not used for student residential housing for the given calendar year. For information about when facilities listed above were added to, or removed from, student housing inventory, see the section titled “Housing Inventory Caveats,” below. As reflected in the table above, no residential fires were reported for 2018, 2019, or 2020.

Additional Information about Fires

When SPU has residential fires to report in its ASFSR, SPU includes a table that describes the following information about the residential fires: the campus student housing facility where the fire occurred; the incident number assigned by the Office of Safety and Security to the fire; the date and time that the fire was reported to the Office of Safety and Security; the date and time that the fire occurred; whether the fire was on-campus; a description of the cause of the fire; an estimate of value of the property damage caused by the fire; the number of injuries that resulted from the fire; and the number of deaths that resulted from the fire. However, as noted above, no residential fires were reported for 2018, 2019, or 2020.

M. Housing Inventory Caveats

No housing facilities were added to, or removed from, the University’s inventory of student residential facilities during the calendar years 2017 or 2018. 339 W Nickerson St was not used for student housing during 2019 and it was demolished in August 2020.

When such housing facilities are added or removed in the preceding three calendar years, the University notes such changes in this section of the ASFSR.

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:
 - (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 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:

- (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; 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 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 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 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:
 - (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 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:
 - (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(4)

Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter. ...

(4) "Domestic violence" includes but is not limited to any of the following crimes when committed either by (a) one family or household member against another family or household member, or (b) one intimate partner against another intimate partner:

- (i) Assault in the first degree (RCW 9A.36.011);
- (ii) Assault in the second degree (RCW 9A.36.021);
- (iii) Assault in the third degree (RCW 9A.36.031);
- (iv) Assault in the fourth degree (RCW 9A.36.041);
- (v) Drive-by shooting (RCW 9A.36.045);
- (vi) Reckless endangerment (RCW 9A.36.050);
- (vii) Coercion (RCW 9A.36.070);
- (viii) Burglary in the first degree (RCW 9A.52.020);
- (ix) Burglary in the second degree (RCW 9A.52.030);
- (x) Criminal trespass in the first degree (RCW 9A.52.070);
- (xi) Criminal trespass in the second degree (RCW 9A.52.080);
- (xii) Malicious mischief in the first degree (RCW 9A.48.070);
- (xiii) Malicious mischief in the second degree (RCW 9A.48.080);
- (xiv) Malicious mischief in the third degree (RCW 9A.48.090);
- (xv) Kidnapping in the first degree (RCW 9A.40.020);
- (xvi) Kidnapping in the second degree (RCW 9A.40.030);
- (xvii) Unlawful imprisonment (RCW 9A.40.040);
- (xviii) 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, 26.26B.050, 26.44.063, 26.44.150, 26.50.060, 26.50.070, 26.50.130, 26.52.070, or 74.34.145);
- (xix) Rape in the first degree (RCW 9A.44.040);
- (xx) Rape in the second degree (RCW 9A.44.050);
- (xxi) Residential burglary (RCW 9A.52.025);
- (xxii) Stalking (RCW 9A.46.110); and
- (xxiii) 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(2)

Definitions.

As used in this chapter, the following terms shall have the meanings given them: ...

(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.

Exhibit A: Sexual Misconduct Policy in Undergraduate Student Handbook (as of 9-30-21)

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). 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 Discrimination and Harassment Grievance Procedure or the Student Accountability Process, as applicable. 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.

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 the University's Title IX/Section 504 Coordinator, Ms. Trista Truemper, 206-

281-2538. Reports can also be made by contacting any member of the Response Team, or by submitting the SPU "Report a Concern" form

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 Student Standards of Conduct 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: 206-281-2809 (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. KCSARC can assist with crisis response, advocacy, legal advocacy, and other support.
- Rape Abuse and Incest National Network (RAINN): 800-656-HOPE, rainn.org.
- Harborview Center for Sexual Assault & Traumatic Stress: 206-744-1600, depts.washington.edu/hcsats.
- YWCA Sexual Violence Legal Services: 206-832-3632, www.svlawcenter.org. SVLS provides free legal representation for survivors who live in Washington State, as well as consulting for survivors, attorneys, and rape crisis center advocates. Sexual assault survivors can call the anonymous, confidential hotline for legal information and referrals.
- Dove House: Dove House Advocacy Services offers a variety of services to those who are currently experiencing or have ever experienced domestic violence, sexual assault or general crime. 360-385-5292. See the website for details: www.dovehousejc.org.

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 University's [Title IX website](#).

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 are intended to 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 Accountability 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 Accountability 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 incidents of sexual misconduct alleged to have been committed by SPU students, except for incidents that are subject to the University's Title IX Sexual Harassment Grievance Process (TSHGP). If a formal complaint

alleging sexual misconduct is within the scope of the TSHGP, then the TSHGP will be used to address the formal complaint and not the Formal Process in this Sexual Misconduct Policy. Visitors to the University's campus may also report 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. For incidents of discrimination, harassment, sexual assault, stalking, domestic violence, or dating violence alleged to have been committed by SPU employees, see the TSHGP or the Discrimination and Harassment Grievance Procedure in the Employee Handbook, as applicable. 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 from a party 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 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 proceedings. 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 proceeding (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 seek to protect (as 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, promote the safety of students and employees, or perform a process described in this policy. The University will take all reasonable steps to investigate and respond consistent with any request for confidentiality from an accused, 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 (as defined above) if he or she wants the details of an incident to be kept private.

Retaliation: The University strictly prohibits any retaliation against any person who files a complaint or otherwise participates in an investigation or proceeding under this policy. This includes retaliation against anyone who makes a report or files a complaint about a violation of the sexual misconduct policy, who expresses an intent to make such a report or complaint, or who testifies as a witness or otherwise provides information as part of an investigation or proceeding (whether formal or informal). Retaliation can be any type of adverse or negative action taken toward a person who filed a complaint or otherwise participated in an investigation or proceeding (however, an adverse action would not be retaliatory if it was taken for some other justifiable reason). Examples of retaliation can include intimidation, coercion, harassment, threats, acts of violence, acts intended to embarrass another person, unjustified negative grades, or taking any other action that is likely to dissuade a person from making a complaint in the future. Any student who commits retaliation may be subject to disciplinary action, up to and including dismissal from the University. Any person who believes he or she has been retaliated against should contact one of the Sexual Misconduct Report Receivers or investigators. The Title IX Coordinator or Deputy Title IX Coordinator, in their discretion, will either (a) arrange for an investigation into the alleged retaliation, after which the applicable decision-maker will make a determination applying a preponderance of the evidence standard, or (b) coordinate with the Dean of Students for Community Life to have the alleged retaliation addressed through the Student Accountability Process (assuming the person accused of retaliation is a student).

False Statements: The University may take disciplinary action in cases where individuals knowingly provide false information.

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 or a Sexual Misconduct Report Receiver of the incident if the employee is a Title IX responsible employee.

- Other University officials may also be notified by the Title IX Coordinator or other officials administering this policy 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 may need to pursue an investigation even if the discloser does not want an investigation. 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 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 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 a formal process may be initiated.

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 will develop the formal investigation strategy and outline a proposed timeline not to exceed 60 days.
- The Title IX Coordinator, Deputy Title IX Coordinator, 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 the available evidence.
- If appropriate, additional investigation will be conducted by the investigator(s), and may include personal interviews and research. 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. However, the results of any polygraph or similar test will not be allowed as evidence from either party in the formal complaint process.
- 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

- The investigator(s) will prepare a report for the decision-maker that describes relevant information obtained during the investigation. At the discretion of the Title IX Coordinator or Deputy Title IX Coordinator, the complainant and respondent may be provided with a copy of the report and an opportunity to respond to it prior to the decision-maker making a decision.
- The decision-maker will make a decision using a preponderance of the evidence standard (that is, whether a finding is more likely than not).

- Unless otherwise determined by the Title IX Coordinator: (1) if the respondent is a residential student, then the report will be evaluated by the director of residence life, who will then make a decision; and (2) if the respondent is not a residential student, then the report will be evaluated by the dean of students for community life, who will then make a decision. The Title IX Coordinator may appoint a decision-maker that is different from the decision-maker listed in the preceding sentence if the Title IX Coordinator deems it appropriate and consistent with the purposes of this policy. 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. The decision-maker is not bound by any recommendation contained in the report. 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

- Either party may appeal the decision by filing a written notice of intent to appeal with the Title IX Coordinator. Unless otherwise stated in the written decision, the notice of intent to appeal must be received by the Title IX Coordinator within two calendar days after the earliest of when the party is sent the decision by mail, email, or hand-delivery. The notice of intent to 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).
- An appealing party may also request access to an "appeal file" in the notice of intent to appeal. If requested, the appeal file will be made available to both parties.
- The appeal file 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 written appeal is (a) within seven calendar days of the date that the appeal file is made available to the appealing party (e.g., by mail, email, or hand-delivery), or (b) within seven calendar days of the date of the decision, if the appeal file is not made available to the appealing party.
- 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 begin to take effect two calendar days after a decision has been sent to the parties (i.e., after the opportunity to file a notice of intent to appeal has passed), unless a different time is stated in the decision. If a party files a notice of intent to appeal, the party may request in the notice of intent to appeal that the corrective action not begin to take effect until the appeal has concluded, and the Title IX Coordinator will decide whether to allow some or all of the corrective action to be suspended pending the resolution of the appeal.

- Unless otherwise determined by the Title IX Coordinator, in cases where the respondent is not an employee: (1) 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; and (2) if the decision-maker was someone other than the director of residence life, then the reviewer of the appeal will be the vice president for student life. The Title IX Coordinator may appoint a reviewer of the appeal that is different from the reviewer of the appeal listed in the preceding sentence if the Title IX Coordinator deems it appropriate and consistent with the purposes of this policy. 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.

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 Student Standards of Conduct, 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 of a romantic or intimate nature 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 title "Definitions of Reportable Crimes" in the University's Annual Security and Fire Safety 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 or for purposes of Clery Act crime statistics (see section titled "Definitions of Reportable Crimes" in the University's Annual Security and Fire Safety 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;
- Acts that constitute sexual assault for the purposes of Clery Act crime statistics (see the section titled "Definitions of Reportable Crimes" in the University's Annual Security and Fire Safety 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 or for purposes of Clery Act (see the section titled "definitions of Reportable Crimes" in the University's Annual Security and Fire Safety Report).

Last published on 9/14/2021

Exhibit B: Title IX Sexual Harassment Grievance Process (as of 9-30-21)

Purpose

The University's procedures for institutional disciplinary action in cases of sexual misconduct are intended to include a prompt, fair, equitable, and impartial process from the initial investigation to the final result. The purpose of this Title IX Sexual Harassment Grievance Process ("TSHGP") is to provide a grievance process for formal complaints of sexual harassment, as defined below, that are in violation of Title IX. This TSHGP is intended to satisfy the requirements imposed by Title IX and 34 CFR 106.45 with respect to formal complaints of sexual harassment, as defined in 34 CFR 106.

Definitions

For purposes of this TSHGP, the following terms have the following meanings:

1. "Sexual Harassment" means conduct on the basis of sex that satisfies one or more of the following:
 - a. An employee of SPU conditioning the provision of an aid, benefit, or service of SPU on an individual's participation in unwelcome sexual conduct;
 - b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to SPU's education program or activity; or
 - c. A VAWA Offense.
2. "VAWA Offense" means "sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).
3. "Complainant" means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
4. "Formal Complaint" means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the University investigate the allegation of Sexual Harassment. As used in this paragraph, the phrase "document filed by a Complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the University) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint.
5. "Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.
"Informal Process Facilitator" means an individual designated to facilitate an informal resolution process.
6. "Area Vice President" means a vice president of the University with supervisory authority for a particular area. For purposes of this policy: (i) a vice provost will be considered an Area Vice President; and (ii) the Provost will be considered an Area Vice President for faculty members and other employees not supervised by any other Area Vice President.
7. "Business Day" means any day other than a Saturday, Sunday, or University holiday. For this purpose, "University holiday" means those holidays scheduled on the University's master calendar when the University's administrative offices are closed for business.
8. "Decision Maker" means:
 - a. If the Respondent is a residential undergraduate student, the Director of Residence Life (or designee);
 - b. If the Respondent is a non-residential undergraduate student, the Dean of Students for Community Life (or designee);

- c. If the Respondent is a graduate student, the Vice Provost for Academic Affairs (or designee);
 - d. If the Respondent is an employee (other than a student employee), the employee's Area Vice President (or designee); and
 - e. If the Respondent does not fit into any of the preceding categories, an individual designated by the Title IX Coordinator.
9. "Appeal Reviewer" means:
- a. In an appeal of a determination of responsibility:
 - i. If the Respondent is a residential undergraduate student, the Dean of Students for Community Life (or designee);
 - ii. If the Respondent is a non-residential undergraduate student, the Vice Provost for Student Formation and Community Engagement (or designee);
 - iii. If the Respondent is a graduate student, the Provost (or designee);
 - iv. If the Respondent is an employee (other than a student employee), the President (or designee); and
 - v. If the Respondent does not fit into any of the preceding categories, an individual designated by the Title IX Coordinator.
 - vi. In an appeal of a dismissal of a Formal Complaint or any allegation therein, the direct supervisor of the Title IX Coordinator (or designee). However, if the Title IX Coordinator has delegated to the Deputy Title IX Coordinator the responsibility for making a dismissal decision,
 - vii. then the Appeal Reviewer will be the Title IX Coordinator.

Scope to the TSHGP

1. A Formal Complaint may only be filed under this TSHGP if it meets all of the following criteria:
 - a. The conduct that is alleged would meet the definition of Sexual Harassment if true;
 - b. The conduct is alleged to have occurred within the United States;
 - c. The conduct is alleged to have occurred in an SPU education program or activity that the Complainant is participating in or attempting to participate in;
 - d. The Respondent is an SPU student or employee at the time the Formal Complaint is made; and
 - e. The individual making the Formal Complaint is the Complainant, the Title IX Coordinator, or the Deputy Title IX Coordinator
2. The Title IX Coordinator or Deputy Title IX Coordinator may file a Formal Complaint (even if not a victim) if he or she believes in good faith that an incident of Sexual Harassment may have occurred, and the TSHGP will be interpreted and applied accordingly. Where the Title IX Coordinator or Deputy Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party.
3. If alleged conduct does not meet the criteria for Formal Complaints under this TSHGP, then the Title IX Coordinator will dismiss the complaint from this process. The Title IX Coordinator may refer the complaint to a different procedure if the other procedure may be appropriate for the complaint. Individuals may also file formal complaints pursuant to other grievance procedures directly, if applicable.
4. If an incident involves both alleged Sexual Harassment and other alleged violations of other policies, then the Title IX Coordinator will consult with the administrators of the other policies to determine whether multiple procedures should be initiated and how they should be coordinated.
5. This TSHGP does not apply to formal complaints of incidents that allegedly occurred prior to August 14, 2020, unless a formal complaint alleges that one or more incidents occurred on or after August 14, 2020, that would constitute Sexual Harassment if true and that other incidents prior to August 14, 2020, are related to such allegations.

Principles and Parameters

1. Employment
2. Neither the existence of this TSHGP, nor the filing a Formal Complaint or being named as a Respondent in a Formal Complaint, is a guarantee of ongoing employment. The University reserves the right to take any permitted employment action it deems appropriate, including but not limited to placing an employee on leave. If an employee is employed "at-will," nothing in this TSHGP prohibits the University from terminating an employee at any time, with or without cause.
3. Presumption Before Determination
 - a. As required by 34 CFR 106.45, this TSHGP presumes that a Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
 - b. No disciplinary sanctions that are not supportive measures will be imposed before a determination is made. Effecting an emergency removal or placing a Respondent on administrative leave is not considered a disciplinary sanction or retaliatory.
4. Bias; Conflicts of Interest
 - a. Any Title IX Coordinator, investigator, Decision Maker, Appeal Reviewer, or Informal Process Facilitator must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
 - b. Conflicts of interest for this purpose are limited to situations where the individual is the Respondent or is directly related (by blood, adoption, or marriage) to the Complainant or Respondent, or where there are other circumstances present that make it likely that the individual cannot be objective in the process (for example, where the individual has an outside business or financial arrangement with one of the parties). Prior adverse decisions made by an individual against one of the parties does not constitute a conflict of interest.
 - c. The Title IX Coordinator should determine if an investigator, Decision Maker, Appeal Reviewer, or Informal Process Facilitator has a conflict of interest, in which case the Title IX Coordinator may identify a different person to fulfill the assigned role. Any investigator, Decision Maker, Appeal Reviewer, or Informal Process Facilitator who believes they may have a conflict of interest should notify the Title IX Coordinator prior to beginning work on a Formal Complaint.
 - d. If the Title IX Coordinator's direct supervisor believes that the Title IX Coordinator has a conflict of interest, then such direct supervisor will designate a different individual to perform the obligations of the Title IX Coordinator for the proceeding.
 - e. The Title IX Coordinator is not permitted to be a Decision Maker or Appeal Reviewer. An individual who serves as an Investigator in any matter may not be the Decision Maker or Appeal Reviewer for such matter.
5. Delegates and Designees
 - a. The Title IX Coordinator may delegate specific tasks under this TSHGP to other University officials if the Title IX Coordinator determines that it is reasonable and consistent with the purposes of this TSHGP. For example, the Title IX Coordinator may designate the Deputy Title IX Coordinator to perform the role of the Title IX Coordinator in this TSHGP for Formal Complaints where the Complainant and Respondent are both students.
 - b. Designees for Decision Makers and Appeal Reviewers are subject to the approval of the Title IX Coordinator.
6. FERPA
 - a. 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.
7. Confidentiality
 - a. The University will attempt to keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a Formal Complaint of Sexual Harassment, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness,

except as may be permitted by FERPA, as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. However, the University cannot guarantee the anonymity of an individual making a report or a Formal Complaint, or of any person participating in a TSHGP proceeding. The University will take all reasonable steps to investigate and respond consistent with any request for confidentiality, including when implementing any supportive measure.

- b. If a Complainant requests that the University not take action in response to a report, due to confidentiality or similar concerns, the University will consider whether it can or should grant the request in light of the circumstances and other applicable policies, objectives, and obligations.
- c. Grievance proceedings are intended to be treated as confidential to the extent reasonably possible. Complainants and Respondents are not restricted in their ability to discuss the allegations under investigation or to gather and present relevant evidence. However, Complainants and Respondents are encouraged to treat the TSHGP as a confidential process.

8. False Statements

- a. The University may take disciplinary action if an individual knowingly provides false information in connection with a TSHGP proceeding or other grievance proceeding, up to and including dismissal from the University or termination of employment.
- b. The withdrawal of a Formal Complaint is not proof that the Complainant made a false statement. A finding that a Respondent is not responsible is not, in and of itself, proof that a Complainant made a false statement. Likewise, a finding that a Respondent is responsible is not, in and of itself, proof that a Respondent made a false statement.
- c. The decision whether to investigate and discipline a student pursuant to the Student Accountability Process for making a false statement will be left to the Office of Student Life. The decision whether to investigate and discipline an employee for making a false statement will be left to the employee's Dean (for faculty) or the employee's supervisor (for staff or deans).

9. Timing

- a. While the length of time necessary to address a Formal Complaint will vary depending on the circumstances, in general, the University will attempt to issue a decision within seventy-five Business Days of receiving a Formal Complaint as described in this TSHGP.
- b. If a particular stage in this TSHGP 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 5 pm on the last day of the period.
- c. The Title IX Coordinator may permit temporary delays of grievance processes or the limited extension of time frames for good cause with written notice to the Complainant and the Respondent (as applicable) for the delay or extension and the reasons for the action. Good cause may include, but is not limited to, considerations such as the absence of a party, a party's Advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. Parties to a Formal Complaint proceeding may request an extension for deadlines by submitting a request in writing to the Title IX Coordinator (or designee). A request for an extension from a party that is received after the applicable deadline has passed generally will not be granted.
- d. Complainants and Respondents will be given periodic status updates throughout the formal complaint process.

10. Standard of Evidence

- a. The Decision Maker (and, if applicable, the Appeal Reviewer) will make a decision using a preponderance of the evidence standard (that is, whether a finding is more likely than not).
- b. This standard of evidence will apply for all determinations regarding Formal Complaints of Sexual Harassment under this TSHGP, whether against students or employees.

11. Amnesty

- a. Students or employees who are Complainants and report Sexual Harassment 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 allegations of Sexual Harassment, or for any violation of the University's [Student Standards of Conduct](#) or [Employee Lifestyle Expectations](#) prohibiting consensual sexual activity outside of a married relationship. The University may require educational options, rather than disciplinary sanctions, in such cases.

12. University Action

- a. This TSHGP does not limit the University's ability to take action with respect to other conduct not addressed by this TSHGP.
- b. The University may take any action it deems appropriate that is consistent with other University policies and applicable law to address other types of discrimination and harassment as well as workplace-related conduct that is inappropriate, unprofessional, or otherwise in violation of University policy.

13. Ambiguity

- a. The Title IX Coordinator has the authority to interpret any ambiguity in this TSHGP.

14. Training

- a. 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.
- b. The Title IX Coordinator, each Deputy Title IX Coordinator, each Investigator, each Decision Maker, each Appeal Reviewer, and each Informal Process Facilitator will receive training on the definition of Sexual Harassment, the scope of the University's education program or activity, how to conduct an investigation and grievance process (including hearings, appeals, and informal resolution processes, as applicable), and how to serve impartially (including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias).
- c. Each Decision Maker will receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about a Complainant's sexual predisposition or prior sexual behavior are not relevant.
- d. Investigators will be selected from University officials who have been trained to perform the responsibilities described in this TSHGP. Each Investigator will receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.
- e. Any materials used to train the Title IX Coordinator, Deputy Title IX Coordinators, Investigators, Decision Makers, Appeal Reviewers, or Informal Process Facilitators must not rely on sex stereotypes and must promote impartial investigations and adjudications of Formal Complaints of Sexual Harassment.

15. Advisors, Attorneys, Parents, and Guardians

- a. Each Complainant and Respondent may be accompanied to any TSHGP meeting or proceeding by the Advisor of their choice, who may be, but is not required to be, an attorney. The University will not limit the choice or presence of Advisor for either the Complainant or Respondent in any meeting or TSHGP grievance proceeding, but the University may establish restrictions regarding the extent to which the Advisor may participate in the proceedings, as long as the restrictions apply equally to both parties. In the event of a live hearing, if a party does not have an Advisor present at the live hearing, the University must provide without fee or charge to that party, an Advisor of the University's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.
- b. During any proceeding where an Advisor is present, the Advisor may only speak to their advisee and may not interrupt or interfere with the process, except when the Advisor is conducting cross-examination as permitted by this TSHGP. If an Advisor does not follow the restrictions in this paragraph, the Advisor may be required to leave the proceeding (in which case the applicable party may select a different Advisor or the University will appoint an Advisor for the purposes of conducting a cross-examination in the absence of the party's chosen representative). The restrictions on Advisors apply equally to both parties.
- c. The University recognizes that the parties may consult with legal counsel concerning their situations, and this TSHGP does not interfere with the right of an individual to seek legal counsel or representation at such party's own expense. Each Complainant and Respondent can engage an attorney as an Advisor, if they wish, subject to the restrictions on an Advisor's

ability to participate in proceedings. Also, written statements (including any appeal) must be submitted by the individual who is a party to the complaint procedure.

- d. Parents and legal guardians may act on behalf of Complainants and Respondents if they have the legal right to do so (e.g., the party is a minor), including by filing Formal Complaints.

16. Privilege

- a. This TSHGP will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

Possible Pre-complaint Actions

1. Emergency Removal

- a. The University may remove a Respondent from SPU's education programs or activities (including, without limitation, by means of interim suspension or removal from on-campus housing) on an emergency basis on the following conditions:
 - i. The University undertakes an individualized safety and risk analysis;
 - ii. The University determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal; and
 - iii. The University provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.
- b. The decision whether to remove a Respondent from one or more of SPU's education programs or activities on an emergency basis will be made by Title IX Coordinator, who may consult with other University administrators such as the Provost, the Vice Provost for Student Formation and Community Engagement, and the Director of Safety and Security. If a Respondent appeals a decision, the appeal will be decided by the direct supervisor of the Title IX Coordinator (or designee), who will make a decision within two Business Days of receiving a written appeal from the Respondent.

2. Administrative Leave

- a. The University reserves the right to place an employee Respondent on paid or unpaid administrative leave during the pendency of a Formal Complaint proceeding under the TSHGP.

3. No Contact Directive

- a. One or more individuals involved in a proceeding may request that a No Contact Directive be instituted limiting interaction between the parties. In certain situations, a party may request that a No Contact Directive be instituted before a Formal Complaint is filed.
- b. A Complainant may request a No Contact Directive as a supportive measure without making a Formal Complaint. Where a Complainant desires a No Contact Directive, the Complainant cannot remain anonymous or prevent their identity from being disclosed to the Respondent. To accommodate that request, the Respondent must be informed of the No Contact Directive, the reasons for the No Contact Directive (including the allegations of sexual harassment), and the name of the Complainant. To effect this supportive measure, the Title IX Coordinator will send both parties a Notice of Preliminary Investigation and Mutual No Contact Directive. If a Formal Complaint is filed, the mutual No Contact Directive may stay in place or may be reassessed under the Formal Complaint process.
- c. Any party that believes the other party intentionally violated conditions set in a No Contact Directive should report their concern to the Title IX Coordinator or Deputy Title IX Coordinator. An investigation into alleged violations of a No Contact Directive is not considered retaliatory. Students and employees may be subject to disciplinary processes for violation of No Contact Directives.

Formal Complaint Process

Filing a Formal Complaint

1. A Formal Complaint initiates a Formal Complaint proceeding under the TSHGP. To file a Formal Complaint, the Complainant must submit the Formal Complaint to the Title IX Coordinator in person, by mail, or by email, a written request that allegations of Sexual Harassment be investigated. The Formal Complaint must contain the Complainant's physical or digital signature. The Formal Complaint does not require a full description of the alleged Sexual Harassment, just that sexual harassment occurred and by whom. The Formal Complaint must contain enough detail for the Title IX Coordinator to know where the alleged incidents occurred, the timeframe that they occurred within, and the actions that constitute alleged sexual harassment under this policy.
2. The Title IX Coordinator may also file a Formal Complaint. When a Formal Complaint is filed by the Title IX Coordinator rather than filed by a Complainant, the Title IX Coordinator will send both parties details about the allegations.
3. After the Title IX Coordinator has received a Formal Complaint, the Title IX Coordinator will review the Formal Complaint to determine if the alleged conduct meets the criteria for being eligible for the TSHGP. If the Title IX Coordinator determines that the Formal Complaint does not meet all of the criteria, either upon receipt by the Title IX Coordinator or at any other time in the Formal Complaint proceeding, the Title IX Coordinator will dismiss the Complaint with respect to the conduct for purposes of Sexual Harassment under Title IX or 34 CFR 106. Such a dismissal does not preclude action under another University policy identifying behavioral expectations. Upon a dismissal, the University must promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties. A Formal Complaint that is dismissed may be filed again at a later time if circumstances have changed such that the reason or reasons for dismissal no longer exist.
4. At the option of the Title IX Coordinator, the University may consolidate Formal Complaints as to allegations of Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Sexual Harassment arise out of the same facts or circumstances.

Notifying the Respondent

1. The Title IX Coordinator will send each of the Complainant and the Respondent a Notice of Formal Complaint. Absent extenuating circumstances, the notices will be sent within five Business Days of receiving the Formal Complaint.
2. At a minimum, each Notice of Formal Complaint will include the following information:
 - a. Notice of SPU's TSHGP, including any informal resolution process;
 - b. Notice of the allegations of conduct potentially constituting Sexual Harassment, including the identities of the parties involved in the incident, if known, and the date and location of the alleged incident(s), if known;
 - c. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
 - d. A statement that the parties may have an Advisor of their choice, who may be, but is not required to be, an attorney;
 - e. A statement that the parties may inspect and review evidence as described in this TSHGP;
 - f. A description of any provision in the University's behavioral expectation policies that prohibits knowingly making false statements or knowingly submitting false information during the grievance process;
 - g. A description of supportive measures available to the parties; and
 - h. An invitation to speak with the Title IX Coordinator regarding the allegations and the TSHGP.
3. The Respondent may provide a written response to the Title IX Coordinator within five Business Days of receipt of the Notice of Formal Complaint. A Respondent may choose not to provide a

written response or participate in the proceeding, but the proceeding may continue even if a Respondent chooses not to provide a response or participate.

Possible Dismissal of Formal Complaints

1. In addition to the mandatory dismissal mentioned above, the Title IX Coordinator may also dismiss a Formal Complaint or any allegations therein at any time if one or more of the following reasons applies:
 - a. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
 - b. The Respondent is no longer enrolled or employed by the University; or
 - c. Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.
2. Dismissal can occur at any time during the Formal Complaint proceeding prior to the final determination being made. Upon a dismissal, the University must promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.
3. A dismissal under this TSHGP does not preclude action under another University policy or procedure. A complaint that is dismissed may be referred to a separate grievance procedure for further investigation or action. In such a case, the Title IX Coordinator has the right to transfer all communications and information gathered to any other grievance administrator who will be handling referred complaint.
4. Either party may appeal the dismissal of a Formal Complaint by sending a written appeal to the Title IX Coordinator.

Investigation

1. The Title IX Coordinator will appoint one or more Investigators to assist in investigating the Formal Complaint. An Investigator may be a University employee or a third party engaged by the University.
2. The investigation will be impartial and as thorough as appropriate under the circumstances, as determined by the Title IX Coordinator, based on factors such as the nature and seriousness of the allegations, availability of witnesses and other evidence, schedules, and available resources. Investigations may include, but are not limited to, interviews, research, and review of relevant evidence. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the University and not on the parties.
3. The University will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
4. The University cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the University obtains that party's voluntary, written consent to do so for the TSHGP Formal Complaint proceeding.
5. If, in the course of an investigation, the University decides to investigate allegations about the Complainant or Respondent that are not included in the Notice of Formal Complaint, the University will provide notice of the additional allegations to the parties whose identities are known.
6. The University will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. If the Complainant or Respondent believes that someone should be interviewed as part of the investigation, then the Complainant or Respondent should identify in writing to the Title IX Coordinator the name and contact information for the person and a summary of the person's knowledge about facts related to the Formal Complaint. However, the Title IX Coordinator or Investigator(s) may determine it is not necessary to interview all persons identified by the Complainant or Respondent. The University will

not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence. However, the results of any polygraph or similar test will not be considered relevant evidence from either party in the Formal Complaint Process.

7. The University will provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the Advisor of their choice.
8. The University will provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. The Title IX Coordinator and the Investigator(s) will collaborate to determine the timing and method for making evidence available for review, which may involve making evidence available in-person or through an online medium. In the Title IX Coordinator's discretion, the parties and their Advisors may not be allowed to copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided, and any violation or attempt may result in disciplinary action.
9. The Investigator will create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing (if a hearing is required or otherwise provided) or other time of determination regarding responsibility, send to each party and the party's Advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response. Prior to completion of the investigative report, the Title IX Coordinator will send to each party and the party's Advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have 10 days to submit a written response, which the Investigator will consider prior to completion of the investigative report. The University will make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

Live Hearing and Cross-Examination

1. After the investigative report has been completed, the Title IX Coordinator will schedule a live hearing. The Title IX Coordinator will provide written notice to the Complainant and Respondent of the hearing date, time, location, and procedures. Unless otherwise approved by the Title IX Coordinator, no one may attend the hearing unless the individual is a Complainant, Respondent, witness, advisor, or University administrator or contractor who has a role in conducting the hearing.
2. Live hearings may be conducted with all parties physically present in the same geographic location or, at the Decision Maker's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other. In addition, at the request of either party, the University will provide for the live hearing to occur with the parties located in separate rooms with technology enabling the Decision Maker and parties to simultaneously see and hear the party or the witness answering questions.
3. If an individual who is asked to attend the hearing does not appear at the scheduled hearing, then at the discretion of the Title IX Coordinator, the hearing may be rescheduled, or may continue in the individual's absence (in which case, at the discretion of the Title IX Coordinator, a follow-up hearing may be scheduled). In making a determination, the Title IX Coordinator will consider the importance of the individual's participation, availability of the parties, the reason the individual did not attend, and other relevant factors.
4. The live hearing will be facilitated by the Decision Maker. The Decision Maker may receive assistance from the Title IX Coordinator and the University's legal counsel in conducting the hearing. The Decision Maker may question any party or witness, and must also permit each party's Advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's Advisor of choice and never by a party

personally. Only relevant cross-examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Decision Maker must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Responses provided to questions during the hearing may be used in determining responsibility.

5. If a party does not have an Advisor present at the live hearing, the University will provide without fee or charge to that party, an Advisor of the University's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.
6. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless:
 - a. Such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or
 - b. If the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
7. If a party or witness does not submit to cross-examination at the live hearing, the Decision Maker must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the Decision Maker cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.
8. The Decision Maker has the authority to remove any Advisor from the hearing who does not follow the University's hearing procedures. If a party's Advisor is removed, the University will provide an Advisor to conduct cross-examination of the other party and witnesses.
9. The University will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.
10. In general, no additional investigation will be performed after a live hearing. However, if a Decision Maker determines that additional investigation should be performed, each party will be provided with an opportunity to review the additional evidence. Each party will have five Business Days to provide a written response regarding the new evidence once the new evidence is made available to the party, and the Investigator will add an addendum to the Investigator's report, which will be shared with both parties. The Decision Maker and Title IX Coordinator will schedule an additional live hearing to address the new evidence.

Determination

1. The Decision Maker will make a written determination regarding responsibility using a preponderance of the evidence standard following the final live hearing. In making a determination, the Decision Maker will make an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence, and will not base any credibility determination on a person's status as a Complainant, Respondent, or witness.
2. The Decision Maker will attempt to issue the written determination within ten Business Days of the conclusion of the final live hearing; provided, however, that the timing for issuing the written determination may be delayed upon request by the Decision Maker to the Title IX Coordinator. Any delay in the issuance of the written determination will be communicated to the parties within ten Business Days of the final live hearing.
3. The Decision Maker will provide the written determination to the Complainant and Respondent simultaneously. The written determination will include:
 - a. Identification of the allegations potentially constituting Sexual Harassment;
 - b. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
 - c. Findings of fact supporting the determination;
 - d. Conclusions regarding the application of the University's behavioral expectations to the facts;

- e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the University imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided by the University to the Complainant; and
 - f. The University's procedures and permissible bases for the Complainant and Respondent to appeal.
4. Remedies
- a. The University will provide remedies to a complainant where a determination of responsibility for Sexual Harassment has been made against the Respondent. Remedies must be designed to restore or preserve equal access to the University's education program or activity. Remedies may include Supportive Measures, and may also include disciplinary or punitive sanctions taken against the Respondent.
 - b. If a Decision Maker finds a Respondent responsible, the Decision Maker will determine the remedy or remedies to be provided to the Complainant. If an Appeal Reviewer finds a Respondent responsible, the Appeal Reviewer may modify any remedies prescribed by a Decision Maker and may also provide remedies not prescribed by a Decision Maker.
 - c. The Title IX Coordinator is responsible for effective implementation of any remedies.
5. Sanctions
- a. Disciplinary sanctions may be imposed on a Respondent who is determined to be responsible. Conduct history may be taken into account in imposing sanctions. Failure to fulfill the terms of sanctions may result in additional and more severe sanctions. Sanctions may be up to dismissal for students or up to termination of employment for employees.
 - b. The types of sanctions that may be implemented include, but are not limited to:
 - i. a written reprimand;
 - ii. disciplinary probation;
 - iii. participation in an educational activity;
 - iv. participating in counseling;
 - v. paying restitution or fines;
 - vi. performing community service;
 - vii. being excluded from areas on campus;
 - viii. being restrained from contact with specific individuals or organizations;
 - ix. suspension (termination of student status for a specified period of time and with specific conditions);
 - x. transferring to a different residential living facility on campus;
 - xi. temporary or permanent loss of opportunity to live on campus;
 - xii. unpaid leave;
 - xiii. dismissal (termination of student status);
 - xiv. reduction in pay;
 - xv. loss or deferral of opportunity for promotion or increase in pay; and/or
 - xvi. termination of employment.
 - c. If the Respondent is a faculty member, and the Decision Maker is considering dismissal of the faculty member for cause, then the process by which the Decision Maker makes a decision regarding the Formal Complaint will include the procedure described in Section 11.6.4 of the Faculty Employment Handbook.

Appeal Process

- 1. Each Complainant and Respondent may appeal:
 - a. A determination regarding responsibility; and
 - b. A dismissal of a Formal Complaint or any allegations therein.
- 2. An appeal may only be made on the following bases:
 - a. Procedural irregularity that affected the outcome of the matter;

- b. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
 - c. The Title IX Coordinator, an Investigator, or the Decision Maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter; and
 - d. Solely with respect to an appeal of a dismissal of a Formal Complaint or any allegations therein, the rationale given for the dismissal of the Formal Complaint is not consistent with the standard for dismissal in this TSHGP.
- 3. In any appeal:
 - a. The University will notify the other party in writing when a Notice of Intent to Appeal is filed and when a written appeal is filed, and will implement appeal procedures equally for both parties;
 - b. The Appeal Reviewer will not be the Decision Maker that reached the determination regarding responsibility or dismissal, one of the Investigators, or the Title IX Coordinator;
 - c. The Appeal Reviewer will not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent;
 - d. The Appeal Reviewer will have received training as prescribed by University policy for Appeal Reviewers before making a determination;
 - e. The Complainant and Respondent will each have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
 - f. The Appeal Reviewer will issue a written decision describing the result of the appeal and the rationale for the result; and
 - g. The Appeal Reviewer will provide the written decision simultaneously to both the Complainant and Respondent.
- 4. To file an appeal, the Complainant or Respondent must submit a written Notice of Intent to Appeal to the Title IX Coordinator. The Notice of Intent to Appeal must be received by the Title IX Coordinator within two calendar days after the date when the party is sent the decision being appealed. The Notice of Intent to Appeal does not need to include any information except that the party intends to file an appeal.
- 5. If a party submits a Notice of Intent to Appeal, then the party may submit a written appeal to the Title IX Coordinator. The written appeal must be received by the Title IX Coordinator within five Business Days after the date when the party is sent the decision being appealed. The written appeal must identify the basis or bases for the appeal that is permitted by this TSHGP, must explain why the party the decision was incorrect, and must state what the party believes would be the correct decision.
- 6. If a party timely files a Notice of Intent to Appeal, the Title IX Coordinator will notify the other party. If a party timely files a written appeal, the Title IX Coordinator will notify the other party and provide the other party with a copy of the written appeal. The other party will have five Business Days to submit a written response to the Title IX Coordinator.
- 7. The Appeal Reviewer will make a decision within ten Business Days of receiving the written appeal (or, if later, within five Business Days of receiving the other party's written response to the appeal).
- 8. The Appeal Reviewer may:
 - a. Affirm the decision completely;
 - b. Affirm part but not all of the decision;
 - c. Reverse the decision completely;
 - d. Remand the case for additional investigation and reconsideration by the Decision Maker; or
 - e. Require a new investigation and/or determination with a new Investigator and/or Decision Maker.
- 9. The Appeal Reviewer may also add, remove, or modify sanctions and remedies in any decision regarding an appeal of responsibility.
- 10. If no timely Notice of Intent to Appeal is received by the Title IX Coordinator, then the determination becomes final the day after the deadline for submitting a timely Notice of Intent to Appeal. If a Notice of Intent to Appeal is timely submitted but no written appeal is timely submitted, the determination becomes final the day after the deadline for submitting a timely written appeal. If a Notice of Intent to Appeal and a written appeal are both timely submitted, then the Appeal Reviewer's decision is final on the date that the Appeal Reviewer provides the parties with the

written determination of the result of the appeal. Both the Complainant and the Respondent will be simultaneously informed, in writing, by the Title IX Coordinator of (a) any change to the results that occurs prior to the time that such results become final; and (b) when such results become final.

Record Keeping

1. The University will maintain for a period of at least seven years records of:
 - a. Each Sexual Harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under this TSHGP, any disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant designed to restore or preserve equal access to the University's education program or activity;
 - b. Any appeal and the result therefrom;
 - c. Any informal resolution and the result therefrom; and
 - d. All materials used to train the Title IX Coordinator, any Deputy Title IX Coordinator, Investigators, Decision Makers, Appeal Reviewers, and Informal Process Facilitators.
2. The University will make the training materials used to train the Title IX Coordinator, any Deputy Title IX Coordinator, Investigators, Decision Makers, Appeal Reviewers, and Informal Process Facilitators publicly [available on its website](#).
3. Regardless of whether a Formal Complaint is filed, in each case that the University is required to respond to a report of Sexual Harassment under Title IX and 34 CFR 106.44, the University will create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or Formal Complaint of Sexual Harassment. In each instance, the University will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the University's education program or activity. If the University does not provide a Complainant with supportive measures, then the University will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the University in the future from providing additional explanations or detailing additional measures taken.
4. The University may also include information in an employee's personnel file or other employment records regarding any allegations of sexual misconduct and any findings of any grievance procedure.
5. The University has no obligation to provide access to records or copies of records to any person, unless the law or a University policy gives a person such right. Requirements in this TSHGP to provide access to evidence to the parties or their advisors will only apply while a Formal Complaint proceeding is in process, unless otherwise required by law.

Retaliation

1. The University strictly prohibits any retaliation against any person who files a complaint or otherwise participates in an investigation or proceeding under this TSHGP. This includes retaliation against anyone who makes a report or files a Formal Complaint, who expresses an intent to make such a report or complaint, or who testifies as a witness or otherwise provides information as part of an investigation or proceeding (whether formal or informal).
2. Retaliation can be any type of adverse or negative action taken toward a person who filed a complaint or otherwise participated in an investigation or proceeding (however, an adverse action would not be retaliatory if it was taken for some other justifiable reason). Examples of retaliation can include intimidation, coercion, harassment, threats, acts of violence, acts intended to embarrass another person, unjustified negative grades or performance reviews, or taking any other action that is likely to dissuade a person from making a complaint in the future.
3. No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or 34 CFR 106, or because the individual

has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing relating to sex discrimination or other sexual misconduct. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or 34 CFR 106, constitutes retaliation. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

4. Any person who commits retaliation may be subject to disciplinary action, up to and including dismissal from the University (for students) or termination of employment (for employees).
5. Any person who believes he or she has experienced retaliation in connection with a Formal Complaint proceeding should notify the Title IX Coordinator. Reports of retaliation may also be made to any of the individuals listed on the University's [Notice of Nondiscrimination Policy](#), who should also notify the Title IX Coordinator. The Title IX Coordinator will coordinate with other University officials to determine an appropriate level of investigation into the alleged retaliation and respond as follows:
 - a. Alleged retaliation by a student will either be addressed through the Student Accountability Process or in connection with an existing complaint proceeding, as determined by the Title IX Coordinator and the Dean of Students for Community Life (or designee); and
 - b. Alleged retaliation by an employee will be addressed in connection with an existing complaint proceeding, through a separate proceeding under the Discrimination and Harassment Grievance Procedure, or directly by the accused employee's direct supervisor, as determined by the Title IX Coordinator and the accused employee's Area Vice President.
6. Unless otherwise stated in an applicable grievance procedure, complaints of retaliation will be evaluated using a preponderance of the evidence standard.

Informal Resolution Process

1. At any time after a Formal Complaint is filed and prior to reaching a determination regarding responsibility, the University may offer to facilitate an informal resolution process that does not involve a full investigation and adjudication. Under Title IX and 34 CFR 106, the University is not permitted to offer an informal resolution process to address Sexual Harassment until a Formal Complaint has been filed. Participation in an informal resolution process is voluntary for the Complainant and Respondent, and the University will not require the two parties to participate in an informal resolution process. Also, the University will not offer or facilitate an informal resolution process to resolve allegations that an employee engaged in Sexual Harassment against a student.
2. If the University offers to facilitate an informal resolution process, the University will:
 - a. Provide the Complainant and Respondent with a written notice disclosing: the allegations, the requirements of the informal resolution process including the circumstances under which the University precludes the parties from resuming a Formal Complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the Formal Complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared; and
 - b. Obtain the Complainant's and Respondent's voluntary, written consent to the informal resolution process before initiating the informal resolution process.
3. One option for an informal resolution process may be mediation. Mediation can provide a context within which the parties can discuss the alleged offending conduct and its impact and can create an agreement about the nature of their academic, social, and/or working relationship in the future.

4. If the parties agree to engage in an informal resolution process, the University will attempt to complete the informal resolution process within thirty Business Days. An informal resolution process will be considered completed after the parties agree to resolution terms in writing. Once the final terms of an informal resolution have been agreed upon by both parties in writing, neither party can resume a Formal Complaint proceeding for the alleged Sexual Harassment. However, an informal resolution agreement does not prevent either party from bringing a Formal Complaint regarding Sexual Harassment that occurs after the informal resolution process is completed, which may take into account conduct that occurred prior to the completion of the informal resolution process.

Exhibit C: Discrimination and Harassment Grievance Procedure (as of 9-30-21)

Purpose

1. Seattle Pacific University (the “University”) is committed to maintaining an environment that is free from Discrimination and Discriminatory Harassment. In addition, the University also prohibits Sexual Assault, Domestic Violence, Dating Violence, and Stalking (together referred to in this grievance procedure as “VAWA Offenses”).
2. This grievance procedure provides an opportunity for University employees, University students, and persons who apply to be employees or students at the University (“University Applicants”) to seek appropriate action in response to Discrimination, Discriminatory Harassment, or VAWA Offenses committed by University employees, or Discrimination resulting from University policies, practices, or systems. The procedure is intended to provide a prompt, fair, and impartial process from the initial report to the final result. It is also intended to help the University identify and eliminate misconduct, prevent its recurrence, and address its effects.
3. Although this grievance procedure is centered on unlawful Discrimination and Discriminatory Harassment, the University may take any action it deems appropriate to address workplace-related conduct that is inappropriate, unprofessional, or otherwise in violation of University policy, regardless of whether the conduct meets the definition of Discrimination or Discriminatory Harassment.

Scope and Limitations

1. This procedure applies to alleged incidents of Discrimination, Discriminatory Harassment, or VAWA Offenses where the Respondent is an employee of the University; provided, however, that if a formal complaint alleging Discrimination, Discriminatory Harassment, or a VAWA Offense would be within the scope of the University’s [Title IX Sexual Harassment Grievance Process \(TSHGP\)](#), then the TSHGP will be used to address the formal complaint and not this Discrimination and Harassment Grievance Procedure. Concerns about possible Discrimination, Discriminatory Harassment, or VAWA Offenses where the Respondent is a student will be addressed using the TSHGP or the applicable policy in the Undergraduate Student Handbook or Graduate Student Handbook. This procedure can also be used to evaluate complaints of Discrimination that are allegedly attributable to SPU policies, practices, or systems, but are not tied to a single Respondent. In such cases, this procedure will be interpreted, modified, and applied as determined by the Process Facilitator in a manner intended to fulfill the objectives of this procedure, and such interpretations and modifications will be explained to the Complainant.
2. Any person may make a report about a concern that a University employee has engaged in Discrimination, Discriminatory Harassment, or a VAWA Offense. However, only University Applicants, University students, and University employees may initiate a formal process under this grievance procedure. The University will investigate other reports as it deems appropriate, and may choose to use this grievance procedure for complaints filed by other individuals at the University’s sole discretion, but is not required to follow processes described in this grievance procedure for any of the following types of complaints:
 - a. A complaint by an individual who is not a University Applicant, University student, or University employee;
 - b. A complaint by an individual on behalf of another person;
 - c. A complaint against a person who used to be but is no longer a University employee; or
 - d. A complaint against a visitor, guest, vendor, or other person on campus who is not a University employee.
3. For purposes of this policy, a student employee will be treated as a student and not an employee, unless the Process Facilitator determines that there are compelling reasons for different treatment.

4. Off-campus conduct and electronic communications (including, without limitation, emails, website posts, and social media messages) may be considered when evaluating whether Discrimination, Discriminatory Harassment, or a VAWA Offense has occurred, and SPU reserves the right to apply this Procedure when off-campus conduct or electronic communications impact SPU personnel or operations.
5. A formal complaint under this procedure must allege one or more specific factual incidents. This policy is not intended to prohibit or limit the free exchange of ideas presented or debated in a respectful manner.
6. Conduct can constitute Discrimination, Discriminatory Harassment, or a VAWA Offense regardless of whether it occurs among people of the same or different genders.

Definitions

For purposes of this grievance procedure, the capitalized terms listed below have the meanings identified below:

1. Discrimination: The term "Discrimination" means unlawfully excluding a person from participation in, denying a person the benefits of, or otherwise subjecting a person to unlawful discrimination under any University education program or activity (including academic services, employment opportunities, and academic opportunities), in each case on the basis of one or more protected categories listed in the University's Nondiscrimination Policy.
2. Discriminator Harassment: The term "Discriminatory Harassment" means any unwelcome conduct that relates to one or more of the protected categories in the University's Nondiscrimination Policy where (i) enduring the offensive conduct becomes a condition of continued employment, or (ii) the conduct is severe or pervasive enough to create a work or academic environment that a reasonable person would consider intimidating, hostile, or abusive. Petty slights, annoyances, and isolated incidents (unless extremely serious) do not constitute Discriminatory Harassment. Discriminatory Harassment has both a subjective and an objective component, meaning that the Complainant subjectively found the conduct to be offensive or unwelcome, and a reasonable person in the same position as the Complainant would also (objectively) find the conduct to be offensive or unwelcome.
3. Sexual Harassment: The term "Sexual Harassment" means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when (1) submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic environment, (2) submission to or rejection of the conduct by an individual is used as the basis for employment or academic decisions affecting the individual, or (3) the conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive working or academic environment. Whether the conduct creates an intimidating, hostile, or offensive working or academic environment depends in part on the severity, persistence, and pervasiveness of the conduct.
 - a. Examples of Sexual Harassment are:
 - i. Making acceptance of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature a condition (expressed or implied) of the employee's continued employment or the student's academic matriculation, or
 - ii. Making submission to or rejection of that conduct the basis for employment decisions affecting the employee, or for academic, employment, or financial decisions affecting the student, or
 - iii. Stating or implying that a particular employee's advances in employment, or a particular student's grades, academic awards, financial aid, scholarships, or other assistance, evaluations, or recognition received from the University, have resulted from the granting of sexual favors or the establishment or continuance of a sexual relationship, or
 - iv. Creating an intimidating, hostile, or offensive working, academic, or living environment by that conduct or comments.
 - v. Depending on the circumstances the following conduct may also constitute Sexual Harassment:

1. Repeated, one-sided, romantic attention in the form of requests for dates, love letters, telephone calls, emails, or gifts, or
 2. Graphic verbal or written comments (including emails or other electronic documents or social media posts) about an individual's sex life or body, or
 3. Unwelcome physical contact such as pats, hugs, brushes, touches, shoulder rubs, or impeding or blocking movements.
4. VAWA Offenses: The term "VAWA Offenses" means Sexual Assault, Dating Violence, Domestic Violence, and Stalking.
- a. Dating Violence: The term "Dating Violence" is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature 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 title "Definitions of Reportable Crimes" in the University's [Annual Security and Fire Safety Report](#)).
 - b. Domestic Violence: The term "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 or for purposes of Clery Act crime statistics (see section titled "Definitions of Reportable Crimes" in the University's [Annual Security and Fire Safety Report](#)).
 - c. Stalking: The term "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 or for purposes of Clery Act (see the section titled "Definitions of Reportable Crimes" in the University's [Annual Security and Fire Safety Report](#)).
 - d. Sexual Assault: The term "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:
 - i. Sexual intercourse without Consent;
 - ii. 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;
 - iii. Acts that constitute rape, rape of a child, or indecent liberties under [Washington State law](#)
 - iv. Acts that constitute sexual assault for the purposes of Clery Act crime statistics (see the section titled "Definitions of Reportable Crimes" in the University's [Annual Security and Fire Safety Report](#)); and
 - v. 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.
5. Consent: The term "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 use of alcohol, use of drugs, or sexual activity that is in violation of other applicable University policies, but is included in order to define other terms in this procedure).
6. Complainant: The term "Complainant" means an individual who is alleged to be the victim of Discrimination, Discriminatory Harassment or a VAWA Offense. Respondent: The term

"Respondent" means an individual who is alleged to be responsible for Discrimination, Discriminatory Harassment, or a VAWA Offense.

7. Respondent: means an individual who is alleged to be responsible for Discrimination, Discriminatory Harassment, or a VAWA Offense.
8. Process Facilitator: The "Process Facilitator" is a University official who is charged with overseeing and facilitating this grievance procedure. The Process Facilitator is assigned according to the allegations described in a report or Formal Complaint and the status of the Respondent.
 - a. The Title IX/Section 504 Coordinator or designee will oversee allegations of Discriminatory Harassment and Discrimination that are based on sex or disability, as well as any allegation of a VAWA Offense.
 - b. The Assistant Vice President for Human Resources or designee will oversee allegations of Discriminatory Harassment and Discrimination that are based on any protected characteristic other than sex or disability.
 - c. The Process Facilitator may delegate certain of his or her responsibilities under this procedure to other University officials if the Process Facilitator determines that it is reasonable and consistent with the purposes of this procedure. The Process Facilitator has the authority to interpret any ambiguity in this procedure.
 - d. If a Complainant makes allegations that would result in both the Title IX/Section 504 Coordinator and the AVP of Human Resources being the Process Facilitator, then the Title IX/Section 504 Coordinator (or designee) will be the Process Facilitator. The Process Facilitator may delegate certain of his or her responsibilities under this procedure to other University officials if the Process Facilitator determines that it is reasonable and consistent with the purposes of this procedure. The Process Facilitator has the authority to interpret any ambiguity in this procedure.
9. Decision Maker: The "Decision Maker" is the University official who is charged with determining whether it is more likely than not that the Respondent committed Discrimination, Discriminatory Harassment, or a VAWA Offense as alleged in the Formal Complaint.
 - a. If the Respondent is a faculty member, then the Decision Maker will be the Provost (or the Provost's designee).
 - b. If the Respondent is an employee that is not a faculty member, an Area Vice President, or the President, then the Decision Maker will be the Area Vice President that supervises the Respondent's area (or the Area Vice President's designee).
 - c. If the Respondent is an Area Vice President, then the Decision Maker will be the President (or the President's designee), and no appeal will be available to either party.
 - d. If the Respondent is the President, then the Decision Maker will be the Chair of the Board of Trustees (or the Chair's designee), and no appeal will be available to either party.
10. Area Vice President: The term "Area Vice President" means a vice president of the University with supervisory authority for a particular area. For purposes of this policy: (i) a vice provost will be considered an Area Vice President; and (ii) the Provost will be considered an Area Vice President for faculty members and other employees not supervised by any other Area Vice President.
11. Appeal Reviewer: The "Appeal Reviewer" will be the President (or the President's designee).
12. Business Day: The term "Business Day" means any day other than a Saturday, Sunday, or University holiday. For this purpose, "University holiday" means those holidays scheduled on the University's master calendar when the University's administrative offices are closed for business.

Timing

1. Complaints alleging Discrimination, Discriminatory Harassment, or VAWA Offenses may be made at any time. However, the ability of the University to investigate and gather evidence may be constrained if a complaint is made a long time after an alleged incident. Also, if a complaint is made more than three years after an alleged incident, the University reserves the right not to follow all of steps in this procedure if the Process Facilitator believes a different response would be more appropriate. Other time periods prescribed in this policy may be lengthened in a particular case by the Process Facilitator if they determine 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 procedure; however, a request for an extension from a party that is received after the applicable deadline has passed generally will not be granted.

2. While the length of time necessary to address a complaint will vary depending on the circumstances, in general, the University will attempt to issue a decision within 75 Business Days of receiving a formal written complaint. The Process Facilitator may permit temporary delays of grievance processes or the limited extension of time frames for good cause and with written notice to the Complainant and the Respondent (as applicable) for the delay or extension and the reasons for the action.
3. 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 5 pm on the last day of the period.

Principles and Protections

1. Employment: Neither the existence of this procedure, nor filing a complaint or being named as a Respondent in a complaint, is a guarantee of ongoing employment. The University reserves the right to take any permitted employment action it deems appropriate, including but not limited to placing an employee on leave.
2. Safety: The University reserves the right to respond with whatever measures it deems appropriate to prevent misconduct and preserve the safety and well-being of its students, faculty, staff, and visitors.
3. Confidentiality:
 - a. University officials will seek to protect (as reasonably possible in the circumstances) the privacy of Complainants and Respondents. However, the University cannot guarantee the anonymity of an individual making a report or a filing a formal complaint. The University may share information provided by a Complainant, Respondent, or others to comply with legal requirements, promote the safety of students and employees, carry out this procedure, or address operational or administrative needs of the University. The University will take all reasonable steps to investigate and respond consistent with any request for confidentiality by a Complainant, including when implementing any VAWA interim or supportive measures. If a Complainant requests that the University not take action due to confidentiality or similar concerns, the University will consider whether it should grant the request in light of the circumstances and other applicable policies, objectives, and obligations.
 - b. All persons who are involved in an alternative resolution process or formal complaint process under this procedure should respect the sensitive nature of the proceeding and follow any confidentiality instructions issued by the Process Facilitator or Decision Maker. This includes but is not limited to all Complainants, Respondents, witnesses, and investigators.
4. Retaliation:
 - a. The University strictly prohibits retaliation against any person who files a complaint in good faith or otherwise participates in this procedure. This includes retaliation against anyone who makes a report or files a complaint about a violation of the University's Nondiscrimination Policy or about a VAWA Offense; who expresses an intent to make a report or complaint; or who testifies as a witness or otherwise provides information as part of an investigation or proceeding. Retaliation can be any type of adverse or negative action taken toward a person who has filed a complaint or otherwise participated in an investigation or proceeding (however, an adverse action is not retaliatory if it was taken for some other justifiable reason). Examples of retaliation include intimidation, coercion, harassment, threats, acts of violence, acts intended to embarrass another person, unjustified demotion or reduction in pay, unjustified denial of a promotion, unjustified termination of employment, or any other action that is likely to dissuade a reasonable person from making a complaint in the future. Any employee who commits retaliation may be subject to disciplinary action, up to and including termination of employment. Any person who believes he or she has been retaliated against should contact one of the Response Team. The Process Facilitator, in their

discretion, will either (a) arrange for an investigation into the alleged retaliation, after which the applicable Decision Maker will make a determination applying a preponderance of the evidence standard, or (b) coordinate with the Dean of Students for Community Life to have the alleged retaliation addressed through the Student Accountability Process (if the person accused of retaliation is a student).

5. No False Statements: The University recognizes that false statements can have serious effects. If, at the conclusion of an investigation, it is determined that a Complainant, Respondent, or witness knowingly gave false or misleading information, it may be recommended that the individual be subjected to disciplinary action which may include, but is not limited to, written warning, demotion, transfer, suspension, dismissal, expulsion, or termination. A determination regarding responsibility, alone, is not a sufficient basis on which to conclude that any party made a materially false statement. A formal complaint by a party is not required for the University to charge an individual with making a materially false statement. Charging an individual with a violation of University policy for knowingly making a false or misleading statement in the course of this proceeding does not constitute retaliation.
6. Legal Counsel: If a party engages legal counsel, the legal counsel may not participate in the University's internal proceedings, except that legal counsel may serve as advisors for complaints alleging VAWA Offenses as described in this procedure. This procedure does not interfere with the right of an individual to seek legal counsel or representation at such party's own expense.
7. Interim and Supportive Measures: The Process Facilitator will discuss with the Complainant and the Respondent at an early stage options regarding interim and supportive measures.
8. Conflict of Interest:
 - a. The Process Overseer should determine if a Decision Maker or Appeal Reviewer has a conflict of interest, in which case the Process Overseer may identify a different person to fulfill the assigned role. Conflicts of interest for this purpose are limited to situations where the Decision Maker or Appeal Reviewer is the Respondent or is directly related (by blood, adoption, or marriage) to one of the parties, or where there are other circumstances present that make it likely that the Decision Maker or Appeal Reviewer cannot be objective in the process (for example, where the Decision Maker or Appeal Reviewer has an outside business or financial arrangement with one of the parties). Prior adverse decisions made by a Decision Maker or Appeal Reviewer against one of the parties does not constitute a conflict of interest.
 - b. If the Process Facilitator believes a designee or investigator has a conflict of interest, the Process Facilitator will instruct the Decision Maker or Appeal Reviewer (as applicable) to select another individual.
 - c. If the Process Facilitator's Area Vice President believes that the Process Facilitator has a conflict of interest, then such Area Vice President will designate a different Process Facilitator for the proceeding.
9. Special Provisions for VAWA Offenses:
 - a. If a VAWA Offense is alleged, 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 at the proceedings. This policy does not limit the choice of advisor or their presence for the Complainant or Respondent in any meeting or institutional proceedings. 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 proceeding (in which case the applicable party may select a different advisor). The restrictions on advisors apply equally to both parties.
 - b. If the University provides accommodations or protective measures for the Complainant, the University will seek to keep those accommodations and measures confidential to the extent reasonably possible and to the extent that confidentiality would not impair the ability of the institution to provide the accommodations or measures.
10. Gathering Information: The burden is on the University to gather information necessary in order to make a determination under this procedure.

Evaluation

Report

1. Concerns of Discrimination, Discriminatory Harassment or VAWA Offense may be submitted to members of the [Response Team](#) in person, by phone, email or through the online [Report a Concern](#) form. Upon initial evaluation of the report submitted, members of the [Response Team](#) will reach out to the affected individual(s) to discuss any applicable policies and procedures, confidentiality and its limitations, and available resources and support. If necessary, the Response Team may refer the affected individual(s) to the office most capable of responding to the issue. If more information is needed, the affected individual may be contacted with an invitation to schedule an intake interview.

Intake

1. During an intake, the interviewer will gather enough facts to determine whether the allegation, if true, would support a finding that Discrimination, Discriminatory Harassment, or a VAWA Offense has been committed. If so, the Complainant may be offered supportive measures, and options for resolution, including how to file a Formal Complaint.
2. The interviewer will gather sufficient facts to determine whether the allegation would prompt an evaluation of the University's reporting obligations (e.g., Clery Act, Washington state Mandatory Reporter laws, NSF notification requirements) and, if so, the necessary information will be forwarded to the appropriate reporting official.
3. When proceeding under this Discrimination and Harassment Grievance Procedure, the appropriate Process Facilitator will be assigned to oversee and coordinate compliance with the procedural protections outlined above.

Dismissal of Allegations

1. Allegations may be dismissed during the evaluation stage or after the filing of a Formal Complaint. As appropriate, in the evaluation stage, the Process Facilitator will assist the Complainant in understanding the information required to file a Formal Complaint and proceed to investigation. This will include explaining the investigation procedures and the rights of the parties.
2. When an allegation is dismissed during the evaluation stage, the Process Facilitator will issue a letter to the Complainant within 10 Business Days, explaining the reason for the decision. When a complaint allegation is dismissed after a Formal Complaint has been filed, the Process Facilitator will issue a letter to the Complainant and Respondent within 10 Business Days explaining the reason for the decision.
3. The Process Facilitator will dismiss an allegation, or, if appropriate, the Formal Complaint in its entirety, when one or more of the following apply:
 - a. The allegation, on its face or as clarified, fails to state Discrimination, Discriminatory Harassment, or a VAWA Offense.
 - b. The allegation, on its face or as clarified, lacks sufficient factual detail (e.g., who, what, where, when, how), or is so speculative, conclusory or incoherent that the Process Facilitator cannot infer that Discrimination, Discriminatory Harassment, or a VAWA Offense may have occurred or may be occurring.
 - i. Before dismissing an allegation, the Process Facilitator will contact the Complainant in writing to: (i) explain the information necessary for SPU to initiate an investigation of the allegation; (ii) request that the information be received within 14 calendar days of the date of the written request; and (iii) advise the Complainant that the allegation will be dismissed if the information is not received by that date. The Process Facilitator will dismiss the allegation if the requested information is not received

within 14 calendar days of the date of the written request unless the complainant has requested additional time to provide the information.) The Process Facilitator cannot reasonably conclude that the Respondent committed Discrimination, Discriminatory Harassment, or a VAWA Offense based on the facts/information provided by the Complainant or publicly available information.

- c. The Process Facilitator determines that it lacks jurisdiction over the subject matter of the allegation.
 - d. A Complainant notifies the Process Facilitator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein.
 - e. The Respondent is no longer employed by the University.
 - f. Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.
4. A dismissal under this procedure does not preclude action under another University policy or procedure. A Formal Complaint that is dismissed may be referred to a separate grievance procedure for further investigation or action. In such a case, the Process Facilitator may transfer all communications and information gathered to any other Process Facilitator who will be handling the referred Formal Complaint.

Formal Process

Filing a Formal Complaint

1. An individual may initiate the Formal Complaint process by presenting the Process Facilitator with a written complaint. The written complaint should contain at least the following information:
 - a. The name of the person filing the complaint (i.e., the Complainant).
 - b. A description of the alleged discriminatory action or actions.
 - c. The date or dates of the alleged discriminatory actions; and
 - d. The name of each person alleged to have engaged in the discriminatory conduct (i.e., the Respondent(s) if known.)
2. The Process Facilitator is responsible for labeling each complaint and drafting the list (but not the narrative) of the allegations to be investigated. Complaint Forms and other written statements submitted by the Complainant must be written and/or signed by the Complainant.
3. Upon receiving the Formal Complaint, the Process Facilitator will mark the Complaint Form with the date received and that date will be referred to as the Filing Date. The Complainant will be provided with a copy of the Complaint Form, with any attached allegations, along with a copy of this procedure and any other relevant policies.

Steps Taken to Inform the Respondent and Proceed with the Complaint

1. If the Process Facilitator determines that the written Formal Complaint falls within the scope of this procedure, then the Process Facilitator will provide written Notice of the Allegations (NOA) to both the Respondent and Complainant within ten (10) Business Days of the filing date. The NOA will include:
 - a. The identities of the parties (if known).
 - b. A statement identifying the specific policy violations alleged.
 - c. A brief description of the allegations.
 - d. A copy of the Formal Complaint, this Discrimination and Harassment Grievance Procedure, and any other policies or procedures the Process Facilitator believes should be highlighted.
 - e. A statement that the Respondent is presumed not responsible for the alleged policy violations until a determination regarding responsibility is made at the conclusion of the grievance procedure.
 - f. If applicable, a statement that each party is entitled to have an advisor of their choosing.
 - g. Information regarding the parties' right to offer witnesses and evidence.

- h. Information regarding the availability of resources and supportive measures for the parties.
2. The Respondent may provide a written response to the Process Facilitator within five (5) Business Days of receipt of the NOA. A Respondent may choose not to provide a written response or participate in the proceeding, but the proceeding may continue even if a Respondent chooses not to provide a response or participate, and a decision may be based on the available evidence. If a Respondent provides the Process Facilitator with a copy of a written response, then the Process Facilitator will provide a copy of the written response to the Complainant. Responses and other written statements submitted by the Respondent must be written and/or signed by the Respondent.

Formal Complaint Process: Investigation

1. The Process Facilitator may appoint one or more investigators to assist with the investigating the Complaint. An investigator may be a University employee, or a third party engaged by the University to investigate the Complaint. Investigations may include personal interviews, research, and review of relevant evidence. The investigation will be impartial and as thorough as appropriate under the circumstances, as determined by the investigator based on factors such as the nature and seriousness of the allegations, availability of witnesses and other evidence, schedules, and available resources.
2. Both 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 (in the case of a VAWA Offense), and to receive periodic status updates. The results of any polygraph or similar test will not be allowed as evidence from either party in the formal complaint process.
3. If the Complainant or Respondent believes that someone should be interviewed as part of the investigation, then the Complainant or Respondent should provide the Process Facilitator and the appointed Investigator the name and contact information for that individual. However, the Decision Maker may determine it is not necessary to interview all persons identified by the Complainant or Respondent.
4. Each person interviewed shall have the opportunity to review the summary notes prepared by the investigator for the interview
5. The investigators shall prepare a written report of the facts, which includes:
 - a. A list of witnesses interviewed.
 - b. A list of witnesses suggested by the Complainant or Respondent whom the investigator declined to interview.
 - c. list of individuals the investigator requested to interview but who declined to be interviewed.
 - d. Summaries of relevant portions of witness interviews.
 - e. Specific fact-finding for each element of each allegation.
6. At the discretion of the Decision Maker, the Complainant and Respondent may be provided with a copy of the report or other written materials prepared by investigators and given an opportunity to respond.

Formal Complaint Process: Decision

1. After receiving the, the Decision Maker will make a determination as to whether the facts gathered would support a finding that university policy was violated by a preponderance of the evidence (i.e., whether a finding is more likely than not). The Decision Maker will consider each act of alleged misconduct and will also look at the totality of the conduct when making a decision..
2. If the Respondent is a faculty member, and the Decision Maker is considering dismissal of the faculty member for cause, then the process by which the Decision Maker makes a determination regarding the complaint will include the procedure described in Section 11.6.4 of the Faculty Employment Handbook.

3. The Decision Maker may adopt some, all, or none of any recommended findings from any appointed investigators. The Decision Maker may also require additional investigation before reaching a determination.
4. The Decision Maker may, at their sole discretion, ask to meet with the Complainant and Respondent prior to making a determination, so long as each party is given the same opportunity (if any) to meet with the Decision Maker and the meetings are held separately.
5. In cases of alleged sex Discrimination, Sexual Harassment, or VAWA Offenses, the Title IX Coordinator will be consulted and will be promptly notified of the decision.
6. When appropriate, corrective action will be taken up to and including termination of employment. The goal of sanctions in a Discrimination or Discriminatory Harassment complaint proceeding is to end the Discrimination or Harassment (as applicable), prevent its recurrence, and remedy the harm, and sanctions should be crafted with the aim of achieving those goals. The type and degree of any corrective action will depend on the circumstances of each situation. Conduct history may be considered. Failure to fulfill the terms of corrective action may result in additional and more severe corrective action, including termination of employment. The types of corrective action that may be implemented include, but are not limited to:
 - a. a warning
 - b. a written reprimand
 - c. disciplinary probation
 - d. unpaid leave
 - e. attending counseling
 - f. paying restitution or fines
 - g. performing community service
 - h. being excluded from areas on campus
 - i. being restrained from contact with specific individuals or organizations
 - j. participation in an educational activity
 - k. reduction in pay
 - l. loss or deferral of opportunity for promotion or increase in pay; and/or
 - m. termination of employment.

Informing the Parties of the Decision

1. 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 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.
2. A written decision should include a statement of rationale for the decision and sanctions, if applicable. Witnesses would not receive any information regarding the outcome of any case. A department chair or other appropriate supervisor or administrator might also be informed (e.g., if there is a need for monitoring of the work environment, or if any discipline were meted out).
3. Unless otherwise stated in a decision letter, corrective action will begin to take effect at the expiration of the appeal period if no appeal is made. If an appeal is made, then the Decision Maker will determine whether some or all of the corrective action should be implemented pending the outcome of the appeal and will notify the Complainant and Respondent in writing of the decision.

Formal Complaint Process: Appeal

1. If the Respondent is an Area Vice President or the President, then neither party may appeal a decision. In other cases, either party may appeal a decision by filing a written appeal with the Process Facilitator. Unless otherwise stated in the written decision, the appeal must be received by

the Process Facilitator within five (5) Business Days after the earliest of when the party is sent the decision by mail, email, or hand-delivery. The appeal must describe the reason for appeal. The reasons for appeal may only be:

- a. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that would likely affect the outcome of the matter.
 - b. Procedural irregularity that affected the outcome of the matter.
 - c. The Process Facilitator, Investigator(s), or Decision Maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.
 - d. The sanctions imposed are not appropriate to the violation(s).
2. The Process Facilitator 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 within five (5) Business Days after the earliest of the date the appeal is sent by mail, email, or hand delivery to such party.
 3. The Appeal Reviewer may, at their sole discretion, ask to meet with the Complainant and Respondent prior to making an appeal determination, so long as each party is given the same opportunity (if any) to meet with the Appeal Reviewer and the meetings are held separately.
 4. The Appeal Reviewer will make a determination regarding the appeal based on the four permitted reasons for appeal described above. The Appeal Reviewer's decision may affirm the original decision completely, affirm a finding but modify the prescribed corrective action, remand the matter for additional investigation, require a new investigation, or reverse the decision. If the Appeal Reviewer does not call for further investigation, then the decision of the Appeal Reviewer will be final, and no more appeals will be permitted.
 5. Both the Complainant and the Respondent will be simultaneously informed, in writing, of the Appeal Reviewer's determination. A written determination should include a statement of rationale for the decision and sanctions, if applicable. Unless otherwise stated in an appeal decision letter, corrective action will begin to take effect the following Business Day after the appeal decision letter has been issued. Any interim measures may remain in place. If the employee is employed "at-will," nothing in this section prohibits the University from terminating an employee at any time, with or without cause.

Alternative Resolution

1. Parties to a formal complaint under this procedure may be able to voluntarily pursue an Alternative Resolution to address the situation.
2. An Alternative Resolution can include mediation, negotiation, or other approaches necessary to reach a mutual agreement. Such an agreement might include a no-contact directive, an agreement that any work-related conversations will occur only in the presence of a neutral party, changing work schedules, or any other agreement that provides relief to the Complainant and is not disciplinary for the Respondent.
3. A Complainant can seek an Alternative Resolution by notifying the Process Facilitator of their interest. The Process Facilitator, in consultation with the Decision Maker, will determine if an Alternative Resolution process is appropriate for the situation, and will determine the appropriate structure and timeline for that process. In deciding as to whether the Alternative Resolution is appropriate, the Process Facilitator will consider factors, including, but not limited to, the following:
 - a. The outcome of an individualized safety and risk analysis of the Respondent relating to sexual misconduct, physical violence, failure to comply with a No Contact Directive (NCD) or a Civil No Contact Order (CNCO), and/or other relevant conduct.
 - b. The nature of the alleged conduct, whether allegations involve multiple victims and/or a pattern of conduct, or other evidence-informed factors indicative of increased risk to campus safety.
4. At any point during the Alternative Resolution process, up until the signing of an Alternative Resolution Agreement, the parties, the Process Facilitator, or the Decision Maker may terminate the Alternative Resolution process. In that case, the Formal Complaint will revert to the Formal Investigation and Adjudication process.

Exhibit D: Student Accountability Process (as of 9-30-21)

The student accountability process at Seattle Pacific University is designed to help students take responsibility for their choices in a manner that is respectful, educational, and redemptive. It focuses on helping maintain community values and assisting students to learn from any issues that may arise from their choices. Students may still be subject to disciplinary sanctions, possibly up to and including dismissal, but the hope is that sanctions will help students develop individual responsibility, encourage self-discipline, and foster respect for the rights, freedoms, and safety of others. Students are expected to be active, honest participants throughout the investigation, meeting, and sanctioning stages in order to accomplish the educational and redemptive purposes of the process.

Students alleged to have violated Seattle Pacific University Student Standards of Conduct will be advised of the alleged violation or conduct concern and will be given the opportunity to provide oral and written statements and other relevant information to the dean of students for community life or designee. In certain situations the Office of Safety and Security will assist in gathering information related to specific cases. Students will receive written notice of the outcome of any accountability review proceeding, including a description of any disciplinary action or sanction. Seattle Pacific University uses preponderance of evidence (more likely than not) as its standard of proof. However, the student accountability process does not function like a court of law, and students should not expect the process to be the same as a civil or criminal legal proceeding.

The process described below applies to cases involving violations of the Student Standards of Conduct and/or University Policies. Cases involving incidents of sexual misconduct will be handled as described in the Sexual Misconduct Policy.

SAFETY OF THE COMMUNITY AND INTERIM ACTION

The University reserves the right to respond with whatever measures it deems necessary in order to protect the personal safety of students, employees, and visitors on the campus. The University may also take immediate action against a student if the student's behavior is otherwise incompatible with the orderly operation of the University or if it threatens damage to University property. In some cases, the University may impose interim measures while it is still investigating the facts of a possible violation of University policy and prior to scheduling an accountability hearing.

Such protective measures and interim measures may include, but are not limited to, temporary removal of the student from an on-campus living situation or from the campus as a whole, modification of living arrangements, adjustments to the format of accountability hearings, and/or interim suspension from campus pending an accountability meeting.

ACCOUNTABILITY MEETINGS

Accountability meetings shall be conducted by an administrative staff person designated by the dean of students for community life according to the following guidelines. Accountability meetings will provide a prompt, fair, and impartial process.

- Accountability meetings will be conducted in private.
- Students who require additional accommodations as a part of their accountability meetings should request those from the person conducting the meeting no later than 24 hours prior.
- Admission of any person to the meeting will be at the discretion of the assigned staff person.
- In meetings involving more than one respondent, the staff person may, at the staff person's discretion, permit the meeting concerning each student to be conducted together with the consent of all respondents.
- The presence of parents at a meeting is not permitted.
- The presence of an attorney at a meeting is not permitted as the accountability proceeding is not meant to function as a court of law. An exception may be made only in instances where the respondent has been charged with a crime arising out of the same operative facts as the charge under Student Standards of Conduct; however, the attorney must conform to the same requirements as applied to a support person described in the next paragraph. Even in those instances, counsel is present for a limited scope, which is to advise the student as to safeguarding the student's rights in the criminal proceeding. Student accountability meetings do not follow the rules of process, procedure, and/or evidence that are applied in criminal or civil court.
- The complainant and the respondent each have the right to be accompanied by a support person. The support person cannot be involved in the incident in question, and cannot be an attorney or serving as legal counsel. The support person is not permitted to speak to the administrative staff person unless directly questioned by them and cannot participate in the meeting other than quiet communication with the student they are accompanying. This communication may not interfere with the accountability process. Failure to comply will result in the removal of the support person. One five-minute break may be requested during the course of the meeting if the complainant and/or respondent wish to consult with her/his support person. It is the student's responsibility to find a support person, if desired, and the student must send a written request to the assigned staff person identifying the proposed support person in advance (preferably at least 24 hours before the meeting). The assigned staff person will decide whether the support person may attend the meeting and will attempt to notify the student of the decision prior to the meeting.
- Any pertinent materials and written statements (12-point font, five double-spaced pages maximum) must be submitted for consideration to the hearing officer at least 24 hours prior to the meeting.

- All procedural questions are subject to the final decision of the assigned staff person.
- After the meeting, the staff person will excuse all parties, deliberate, and determine which, if any, portion of the Student Standards of Conduct the student has violated.
- The assigned staff person's determination will be made on the basis of whether it is more likely than not that the respondent violated the Student Standards of Conduct.
- Should new charges surface as a result of or during an accountability process, and no additional investigation is needed, the charges will be verbally introduced and heard during the current meeting. If additional investigation is needed, the assigned staff person will question the respondent, clarify items in the report, and send the respondent the findings following the meeting.
- Students charged with violations of the Student Standards of Conduct during Study Abroad or other travel courses, including SPRINT trips, will be notified of the charges after they are received by the staff person assigned to the matter and will have the opportunity to respond to those charges, as well as to appeal the outcome of their cases. However, the condensed duration of these courses and the limited availability of onsite administrators necessitate a modified accountability process in some situations.
- Students should be aware that failing to appear for an assigned meeting will be seen as waiving their opportunity to hear and present information related to the process, and that a decision will be made based on the information available.
- Students are expected to participate in the student accountability process actively. Students may be disciplined for the following actions committed in connection with the process:
 - Failure to fully disclose to a University official all requested information or other information related to the alleged violation;
 - Falsification, lying, hiding, distortion, or misrepresentation of information;
 - Disruption or interference with orderly conduct; and
 - Disrupting or attempting to disrupt another individual's participation.
- An individual's (or group's) conduct history will not be considered until the sanctioning phase of the deliberations.

ACCOUNTABILITY OUTCOMES

The sanctions imposed depend upon the particular circumstances of each situation. Sanctions may be imposed singly or in combination, as appropriate to the circumstances of each situation. A student's conduct history will be considered in determining a sanction, as will the nature of the violation. Repeated violations of policy may result in more severe sanctions and may result in the removal of the student from the University. A student's failure to fulfill the terms of an imposed sanction may result in the imposition of more severe sanctions. Unless a

written decision states otherwise, sanctions will not go into effect until after the conclusion of any appeal.

The types of action and/or sanctions that may be implemented include, but are not limited to, the following:

- Warning;
- Written reprimand;
- Disciplinary probation (indicating that a student's status with the University may be evaluated should other violations of University policy occur. Probation may also impact a student's ability to participate in other campus opportunities, such as student leadership, living on or off campus, campus employment, co-curricular activities, athletics, study abroad, etc.; appropriate to the violation of the Student Standards of Conduct);
- Suspension (termination of housing and/or student status for a specified period of time and with specific conditions); and/or
- Dismissal (termination of housing and/or student status).

The situation may also be reported to local law enforcement, depending on the facts. Also, in some circumstances, the student may also be required to

- Participate in an educational activity;
- Attend counseling and follow therapeutic recommendations;
- Pay restitution or fines;
- Provide community service;
- Relocate to a different residence hall or housing unit;
- Be suspended from housing or be required to return to housing;
- Lose privileges;
- Be excluded from activities;
- Be excluded from areas on campus; and/or
- Be restrained from contact with the complainant.

ADMINISTRATIVE FEE

Any student found responsible for a violation of the drug and alcohol policy will be assessed a \$100 administrative fee that goes toward covering the cost of alcohol and drug prevention programs. Persons who host or in any way assist or promote gatherings (on or off campus) that include the violations of any SPU policy relating to alcohol drugs, or tobacco will be subject to a mandatory \$300 fine. A student who cannot afford to pay the fee can ask for a waiver as a part of the appeal process.

APPEALS

A student who participates in a student accountability meeting has the opportunity for a self-initiated appeal of a disciplinary action. To be eligible to file an appeal, a student must address a notice of intent to appeal in writing to the University official who would review the appeal (as described below) within 48 hours of the written notice of disciplinary action. The notice of intent to appeal can simply be a written statement submitted via email indicating that the student plans to appeal. If a student files a notice of intent to appeal, the student must file an appeal within four calendar days of receipt of the written notice of disciplinary action. Appeals must be written by the student making the appeal; submissions from other persons (e.g., parents, attorneys) will not be accepted or considered.

If the University official instituting the discipline is a member of the Residence Life staff, then the appeal should be directed to the director of Residence Life. If the official instituting the discipline is a member of the Office of Student Involvement and Leadership or the director of Residence Life, then the appeal should be directed to the dean of students for community life or vice president for student life designee. If the dean of students for community life instituted the discipline, then the appeal should be directed to the vice president for student life. A student may appeal a decision only once.

An appeal is not a second hearing but is a limited review of the original process and decision. Appeals are only permitted in three situations:

- New Information - There is new information that has not yet been considered and that would likely alter the outcome. Information would be considered "new" if it was discovered after the student's accountability meeting. Information available to the student but not provided during the meeting is not considered "new."
- Excessive Sanctions - Sanctions imposed are not appropriate to the violation(s). Generally sanctions will only be considered excessive if they are significantly different from sanctions imposed by the University for similar violations under similar facts and circumstances.
- Procedural Irregularity - There were procedural errors or unfairness that would likely alter the outcome (e.g., the process outlined above was not followed).

A student's written appeal must include the following information:

1. Names of the parties involved
2. A narrative of the incident that describes:
 - What occurred
 - Why it occurred
 - When it occurred

- Where it occurred
 - Who was present
3. A clear statement of the nature of the appeal that explains why one or more of the permitted reasons for appeal applies (i.e., new information, excessive sanctions, or procedural irregularity)
 4. The student's desired outcome, which can include proposed alternative sanctions

The decision of the appeal may be made with or without meeting with students. 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 sanctions, remand the case for additional fact-finding and consideration, require a new meeting with a different staff member, or reverse the decision. After a decision has been reached, the student will be notified in writing by the reviewer. Decisions made in the appeal process are final.

APPEALS COMMITTEE

In situations that result in University suspension or expulsion, the dean of students has the discretion (in consultation with the student) to convene additional campus community members as part of the appeal process. The dean of students or his/her designee will chair this committee to facilitate process. The committee may consist of representatives from the University faculty, staff, and student body (each selected by the chief judicial officer or designee).

This group's task is to review information and deliberate, and then to make a recommendation to the dean of students or his/her designee whose decision is final.

Appeals of disciplinary action resulting from a violation of the Sexual Misconduct Policy are not eligible for committee review and should instead follow the guidelines of that policy. Additionally, if the student behavior resulting in the disciplinary process involved violent or dangerous behavior, the committee shall be required to consider the safety of the community in its deliberations and recommendation, and any sanction imposed on the student shall not be stayed pending the appeal.

Additional information regarding the University's rationale for its behavioral standards or the accountability process is available by contacting the dean of students for community life.

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