The Council of Presidents (COP) is a voluntary association of Washington’s six public baccalaureate degree granting college and universities. Located in Olympia, Washington, COP strives to be a common voice for the public baccalaureate sector and the most respected and trusted resource for decision makers on issues affecting public higher education. COP serves a coordinating role for a number of initiatives and activities common to the public baccalaureate institutions, fostering coordination and collaboration among the public baccalaureates as well as with other educational partners, both in Washington and nationally.

This report is also available online at http://www.councilofpresidents.org
Executive Summary

The issue of sexual violence on college campuses has received unprecedented national attention in recent years due in part to greater awareness of the prevalence of this problem in postsecondary education. According to a 2015 report prepared for the Association of American Universities (AAU) based on 150,000 responses from students at 27 different schools, more than 20% of female undergraduates reported that they were victims of sexual assault and misconduct, including domestic violence, dating violence and stalking. While rates of sexual assault reported by male undergraduates in this survey was much lower than for female students, at 5% it reflects the fact that students from all demographic groups and enrollment levels are seriously impacted by campus sexual violence. According to the AAU survey, rates of sexual assault and sexual misconduct are highest among undergraduate females and those identifying as transgender, genderqueer, non-conforming, and questioning. Those with disabilities also report higher rates of victimization. Additional report findings include:

- A relatively small percentage (e.g. 28% or less) of even the most serious incidents are reported to an organization or agency (e.g. Title IX office; law enforcement).
- More than 50% of victims of even the most serious incidents (e.g., forced penetration) say they do not report the event because they do not consider it “serious enough”.
- About a quarter of students generally believe they are knowledgeable about the resources available related to sexual assault and sexual misconduct.

Nonconsensual sexual contact involving drugs and alcohol constitutes a significant percentage of the incidents.

The existing research indicates that the economic costs to victims of sexual assault and society related to medical costs and victim services, loss of productivity, and law enforcement resources are profound. According to a 2014 report from The White House Council on Women and Girls, “all (of the studies they reviewed) found the economic costs to be significant – ranging from $87,000 to $240,776 per rape.”

Recent Federal Action

For Washington’s institutions of higher education, there are currently two federal statutes that govern sexual violence prevention and response on college and university campuses: Title IX of the United States Education Act Amendments of 1972 (Title IX); and amendments to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crimes Statistics Act (the Clery Act), as most recently amended by the Campus Sexual Violence Act (SaVE Act) provisions of the Violence of Women Act Reauthorization of 2013.

Each statute approaches the issue of campus sexual violence prevention and response from a slightly different perspective. Title IX, which prohibits gender discrimination in the provision and delivery of educational services, is modeled after civil rights laws dating from the nineteen sixties that prohibit specific types of discrimination. While statutory language in Title IX is silent on the issue sexual assault and harassment, the Department of Education’s Office of Civil Rights (OCR) has concluded that student-on-student sexual violence and sexual harassment create a hostile environment that interferes with or prevents persons from accessing educational opportunities based on their gender and, therefore, constitutes a form of prohibited sexual discrimination under Title IX. Over the past decade and a half, the OCR has issued increasingly prescriptive guidance in the form of Dear Colleague Letters (DCLs) identifying specific policies and procedures that an institution should adopt and follow in order to satisfy obligations under Title IX. OCR’s guidance on these issues culminated in its issuance of the April 4, 2011 Dear Colleague Letter (the DCL), which, at the time, was the agency’s most definitive guidance to date regarding Title IX and student-on-student sexual violence.
The guiding principle underlying the DCL letter is as follows:

If a school knows or reasonably should know about student-on-student harassment [which includes sexual violence] that creates a hostile environment, Title IX requires the school to take immediate action to eliminate the harassment, prevent its recurrence, and address its effects.

The DCL then identifies specific policies and procedures that an institution must implement in order to meet this obligation. These include the appointment of a Title IX Coordinator to process and oversee the investigation of sexual discrimination grievances, the creation and dissemination of a notice of non-discrimination, and the implementation of a fair, prompt and equitable grievance process to address discrimination complaints, which seeks to avoid re-traumatizing the victim and, to the extent possible without endangering other members of the campus community, to honor the victim's wishes on how to proceed. The requirement that the victim and the alleged perpetrator have the same access to disciplinary proceedings is also notable.

In comparison to the Dear Colleague Letter and Title IX, the Campus SaVE Act is somewhat less prescriptive. Rather than mandating adherence to specific policies and procedures, Campus SaVE identifies certain types of policies that institutions of higher education are required to adopt that will prevent and/or minimize the harm of sexual violence on campus. While Campus SaVE generally prescribes the subject matter policies and procedures must cover, it provides institutions with some latitude to tailor the policies and procedures to the institution's specific needs and campus culture.

Key initiatives set forth in the SaVE Act fall into two categories. The first category amends Clery Act crime statistics reporting requirements to include acts of sexual violence, which are defined sexual assault, domestic violence, dating violence and stalking. The second category involves the implementation of specific educational programs and grievance policies designed to address sexual violence. These initiatives include revisions to student disciplinary procedures to ensure victims and alleged perpetrators have an equal right to participate, adoption of policies that protect victim confidentiality and ensure that victims fully understand their rights, and requirements that personnel responsible for overseeing and conduct investigations and disciplinary hearings receive training regarding sexual violence issues. Additionally, the SaVE Act requires institutions to initiate sexual violence awareness and prevention programs for incoming students and new employees, as well as conducting ongoing awareness and prevention campaigns for all members of the campus community. Bystander intervention training is a prevention technique that is specifically called out in this legislation.

The Executive Branch has also been actively involved with these issues. In January 2014, President Obama established a White House Task Force to Protect Students from Sexual Assault. Co-chaired by designees of the Office of the Vice President and the White House Council on Women and Girls, this advisory group was tasked with developing a proposal and recommendations for: a) providing examples of instructions, policies, and protocols for institutions, including: rape and sexual assault policies; prevention programs; crisis intervention and advocacy services; complaint and grievance procedures; investigation protocols; adjudicatory procedures; disciplinary sanctions; and training and orientation modules for students, staff, and faculty; b) measuring the success of prevention and response efforts at institutions, whether through compliance with individual policies or through broader assessments of campus climate, attitudes and safety, and providing the public with this information; c) maximizing the federal government’s effectiveness in combatting campus rape and sexual assault by, among other measures, making its enforcement activities transparent and accessible to students and prospective students nationwide; and d) promoting greater coordination and consistency among the agencies and offices that enforce federal laws addressing campus rape and sexual assault and support improved campus responses to sexual violence.
The White House Task Force issued its first report – “Not Alone” - in April 2014 with the following recommendations:

1. Identifying the Problem by Conducting Campus Climate Surveys
2. Preventing Sexual Assault – and Engaging Men in the Cause
3. Effectively Responding When a Student Is Sexually Assaulted
4. Increasing Transparency and Improving Enforcement

Detailed information on the report recommendations can be found at: https://www.notalone.gov/assets/report.pdf.

The White House also created a website to provide additional information and resources for students, colleges and universities, and others to provide information on sexual assault prevention and response resources: https://www.notalone.gov/.

Recent State Action

According to the National Conference of State Legislatures, more than half of the states have introduced legislation on the topic of campus sexual assault. Washington is one of at least five states that have passed legislation.

The 2015 Washington Legislature passed a number of bills related to the topic of sexual violence (see Appendix C for a summary). Two of these bills addressed the topic of campus sexual violence in particular:

- **SB 5719** – Created a 14-member Task Force to:
  - Develop a set of best practices that institutions of higher education may employ to promote the awareness of campus sexual violence, reduce the occurrence of campus sexual violence, and enhance student safety.
  - Develop recommendations for improving institutional campus sexual violence policies and procedures.
  - Develop recommendations for improving collaboration amongst institutions and law enforcement; and report to the Legislature and the institutions of higher education on its goals and recommendations annually.

- **SB 5518** – Modified campus sexual violence response efforts:
  - Institutions of higher education must refrain from establishing a different disciplinary process on the same campus for a matter of sexual violence.
  - Institutions of higher education must make information available on an annual basis to all current and prospective students, employees, and parents of students, regarding the institution’s compliance with campus sexual violence confidentiality and reporting requirements. Resources must also be made available to all campus sexual assault survivors on a confidential basis, regardless of whether the survivor chooses to proceed with a formal report.
  - Requires each of the public baccalaureates and the State Board for Community and Technical Colleges (SBCTC) to conduct a campus climate assessment to gauge the prevalence of sexual assault on their campuses. The surveys should assess:
    1. student and employee knowledge of:
       a. their institution’s Title IX Coordinator’s role;
       b. campus policies and procedures addressing sexual assault and violence;
       c. options for reporting sexual violence as a survivor or witness;
       d. the availability of resources on and off campus, such as counseling, health, and academic assistance;
2. student and employee bystander attitudes and behavior;
3. whether survivors reported to the institution or law enforcement and why they did or did not report; or
4. student and employee attitudes and awareness of campus sexual violence, including any recommendations for better addressing and preventing sexual violence.

- The public baccalaureates and the SBCTC must report their findings to the Governor and the higher education committees of the Legislature by December 31, 2016. The report must include a plan or proposal to undertake a statewide public awareness campaign on campus sexual violence.
- The SBCTC, Council of Presidents, and Independent Colleges of Washington must submit reports to the Governor and the Legislature's higher education committees by July 1, 2016, on steps taken by their institutions to enter into memoranda of understanding with local law enforcement that set forth each party's roles and responsibilities related to the prevention and response to sexual assault.
- Institutions must develop and distribute sexual violence policies and procedures that include, but are not limited to, information about their Title IX compliance officer or other individual responsible for handling sexual violence violations. Institutions must annually distribute these policies and procedures.

In response to the directive in SB 5719, the Council of Presidents (COP) agreed to staff the Task Force throughout the duration of its work. Campus sexual violence is a topical area with which COP has some level of familiarity as the lead organizer and planner of the 2014 Washington State Higher Education Conference on Sexual Assault Prevention and Response at the University of Washington in Seattle. Washington's first ever statewide higher education conference on sexual assault violence, the event brought together more than 500 administrators and faculty from more than 50 public and private colleges and universities across Washington to enhance their awareness of key issues, discuss data and reporting challenges, identify opportunities for improvement, learn about successful approaches, and increase prevention efforts to reduce sexual violence on campus. Sixteen different breakout sessions were offered, including sessions on understanding federal regulations, learning from the military, rape myths and rape culture, engaging men, student panel and cultural perspectives.

All conference related materials are available online at: http://www.councilofpresidents.org/safewacampus_2014conference.html.

Implementation of SB 5719 began immediately upon conclusion of the 2015 legislative session in July with identification of the 14 Task Force members, who are listed in Appendix A.

The Task Force held five meetings in 2015:
- July 31 at the University of Washington in Seattle
- September 3 at the University of Washington in Seattle
- October 14 at Washington State University in Spokane
- November 10 at Bellevue College North Campus
- December 17 at Western Washington University in Bellingham

All meetings were open to the public. The Task Force believes it critical for its work to be done in a transparent, open manner. A call-in and, when available, video conferencing option were provided as well so as to limit travel costs and increase participation. Policymakers and relevant staff of the House and Senate Higher Education Committees as well as staff for the Office of the Governor were notified of upcoming meetings. Key stakeholders were also invited to attend and participate in the discussions.
As a means of seeking effective prevention strategies and best practices that could begin in our K-12 system, the Task Force invited participants including a representative from the Seattle Public Schools (SPS) Task Force for Prevention of and Response to Sexual Harassment, who discussed the findings and recommendations of their May 2015 interim report, as well as a Prevention Education Specialist from Domestic Violence and Sexual Assault Services (DVSAS) in Whatcom County, who works extensively with middle and high school students on issues of consent, healthy relationships, dating violence and sexual assault.

A webpage was created on the Council of Presidents website for all Task Force related documents, including meeting agendas, handouts, minutes, and additional resources. The web page is available at: http://www.councilofpresidents.org/safewacampus.html.

Given the passage of SB 5518 and the numerous reporting requirements of colleges and universities included therein, the Task Force determined that monthly meetings provide the opportunity to discuss both issues of prevention and response so as to improve collaboration between and amongst key stakeholders on these issues in the most efficient, effective way that ultimately will drive improvements on campuses.

HB 1068, which pertains to sexual assault examination kits, also passed the Washington Legislature in 2015. The Task Force has closely monitored the work surrounding this issue, as it relates to campus sexual assault.

Due to the breadth and depth of the issues involved facilitating the Task Force, a number of subcommittees were created to critically examine these issues in greater detail. Each is listed along with a brief summary of discussions thus far. The subcommittees will play an essential role in the development of recommendations for the 2016 report to the Legislature. Each is listed along with a brief summary of discussions thus far. Members of each subcommittee are listed in Appendix D.
1. Campus Climate Assessment Subcommittee  
*Chaired by Joe Holliday, SBCTC*

The Campus Climate Assessment Subcommittee has met twice in 2015 and will continue to meet regularly to coordinate public university and community and technical college efforts to meet the requirement in Senate Bill 5518 (2015) to conduct uniform campus climate assessments on sexual violence prevention and response for their respective sectors. We have identified several available assessment inventories and are in the process of synching them to SB 5518 requirements, as the following table summarizes:

<table>
<thead>
<tr>
<th>Legislative Mandate Component</th>
<th>Legislative Mandate Sub - Component</th>
<th>Scale(s)</th>
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<tr>
<td>Prevalence</td>
<td>Sexual assault – On – Campus</td>
<td>ARC 3, Not Alone, WSU</td>
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<td></td>
<td>Sexual assault – Off – Campus</td>
<td>ARC 3, Not Alone, WSU</td>
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<td>Domestic violence – On – Campus</td>
<td>ARC 3, Not Alone, WSU</td>
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<td>Domestic violence – Off – Campus</td>
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<td>Dating violence – On – Campus</td>
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<td>Dating violence – Off – Campus</td>
<td>ARC 3, Not Alone, WSU</td>
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<td>Stalking – On – Campus</td>
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<td>Stalking – Off – Campus</td>
<td>ARC 3, Not Alone, WSU</td>
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<td>Respondent Knowledge</td>
<td>The Title IX Coordinator’s role</td>
<td>ARC 3, Not Alone</td>
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<td>(Students and Employees)</td>
<td>Campus policies and procedures</td>
<td>ARC 3, Not Alone</td>
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<td>addressing sexual assault and</td>
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<td>violence</td>
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<td>Options for reporting sexual</td>
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<td>violence as a survivor or witness</td>
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<td>Availability of resources on and</td>
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<td>Counseling</td>
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<td>Health</td>
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<td>Other</td>
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<td>Bystander Attitudes and</td>
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<td>ARC 3, Not Alone, WSU</td>
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<td>Behavior (Students and</td>
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<td>Employees)</td>
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<td>Was incident reported?</td>
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<td>Incidents by Survivors</td>
<td>To whom was the incident reported</td>
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<td>Rationale for not reporting</td>
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<td>incident(s)</td>
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<td>Awareness of Campus Sexual</td>
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<td>ARC 3, Not Alone</td>
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<td>Violence Issue(s) by Students</td>
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<td>and Employees</td>
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<td>Attitudes toward Campus</td>
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<td>Sexual Violence Issue(s) by</td>
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<td>Students and Employees</td>
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<td>Recommendations to Better</td>
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<tr>
<td>Address/Prevent Sexual</td>
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<tr>
<td>Violence</td>
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A draft assessment instrument is in development, using these inventories as a starting point. The timeline for utilizing the assessment is to complete the instrument this fall term, 2015, secure any campus-level required Institutional Review Board/Human Subjects Committee approvals during winter term, 2016, and then to conduct the assessment during spring term, 2016. Data compilation and analysis will occur during the summer and fall months, for inclusion in the final SB 5719 report to the Legislature in December 2016. Assessment implementation timetables may vary from one institution to another.
2. Student Conduct Processes Subcommittee

Chaired by Amanda Paye, UW

The Student Conduct Processes Subcommittee has been tasked with reviewing student conduct procedures for adjudicating sexual violence matters at Washington’s institutions of higher education, developing best practices and recommendations for improvements in the adjudicative process, and identifying statutory and institutional barriers to implementing these best practices and recommendations. The Subcommittee began by reviewing current guidance and regulations governing student conduct processes involving sexual violence, and procedures developed for use by Washington’s community and technical colleges (CTCs). Additional information was provided by student conduct practitioners relating to their experiences implementing the requirements of Title IX and the Campus SaVE Act. Through this process, the Subcommittee identified three general areas to explore for improvements in the adjudicative process: (1) shortening adjudicative timelines; (2) improving student access to and experience when participating in the adjudicative process; and (3) information-sharing between institutions.

Information Gathering

In recent years, federal and state lawmakers have implemented an array of new laws and regulatory guidance aimed at preventing and responding to campus sexual violence. Appendix E summarizes the relevant federal and state policies that impact Washington institutions of higher education, as well as proposed legislation that may impose additional requirements in the future. The Subcommittee recognizes the challenges for Washington’s institutions of higher education in complying with the myriad of federal and state laws and regulations and seeks to identify barriers to administering effective and compliant student conduct processes. With this in mind, the Subcommittee is reviewing Washington’s Administrative Procedure Act (APA), Chapter 34.05 RCW, enacted in 1988, which establishes the procedures for administrative actions taken by state agencies, including student conduct actions at the state’s public institutions of higher education. Within that framework, each public higher education institution adopts its own student conduct code, which is codified as regulations in the Washington Administrative Code.

Additionally, members of the Subcommittee reported on institutional procedures for student conduct matters at their respective institutions and reviewed a student conduct code developed for use by Washington’s CTCs. This review revealed that procedures vary between institutions in adjudication timelines, investigative roles and responsibilities, appeals processes, hearing board or panel composition and training. Through this process, it also became apparent that campus culture, traditions of student-governance, shared governance with faculty, and available resources differ significantly at the state’s institutions of higher education, particularly between four and two year colleges and universities. Therefore, it may not be appropriate nor desirable to impose a uniform set of student conduct procedures on Washington’s institutions of higher education.

Finally, the Subcommittee invited student conduct officers from the University of Washington, Washington State University, and Bellevue College to describe their experience in implementing an educational-focused student conduct process, while complying with federal and state guidance and laws. Student conduct practitioners remain committed to fair and impartial adjudication of student conduct matters, providing due process for all participants, and educating students through the process and by use of sanctions for violations. Cases involving sexual violence are among the most serious cases and merit equally serious sanctions for violations. In these cases, student conduct officers strive to provide an educational-focused process in a way a criminal or civil legal proceeding could not provide. The student conduct officers identified areas for further consideration by the Subcommittee: lengthy adjudication timelines; confusing procedural requirements that detract from the educational purpose of student conduct processes and instead replicate elements of criminal and civil proceedings; policies and procedures that do not account for regulatory requirements of multiple parties (complainant, respondent, and the institution); differing applications of the APA by public institutions; and limited information-sharing between institutions.
Areas Identified for Improvement for Student Conduct Processes

Adjudicative Timelines

Lengthy adjudicative timelines have been repeatedly identified as an area in need of improvement in student conduct processes. A lengthy student conduct process is not desirable or effective for students who are uniquely situated in the campus setting, often in close proximity to each other in classes, housing, and activities. A lengthy process that spans multiple quarters or academic years is likely to have a negative impact on students, emotionally and academically. Additionally, there is a potential conflict between federal and state guidelines for the timely adjudication of sexual violence cases. The Department of Education, Office for Civil Rights (OCR), issued a Dear Colleague Letter in April 2011 that recommends a 60-day timeline for completing investigations into allegations of sexual harassment and sexual violence, which includes the fact-finding investigation, the hearing or decision-making process and imposition of sanctions. OCR notes that while the 60-day timeframe does not include appeals, “an unduly long appeals process may impact whether the school's response was prompt and equitable as required by Title IX.” Similarly, the Campus SaVE Act requires institutions to implement disciplinary procedures that provide for the prompt, fair and impartial investigation and resolution of allegations of sexual violence.

On the other hand, Washington’s APA specifies certain timelines throughout the adjudicative process that have the effect of lengthening the timeline applicable to student conduct matters. For example, under most circumstances, a state agency must allow a party at least twenty days to apply for an adjudicative proceeding from the time notice is given of the opportunity for such a proceeding and an agency must provide no less than seven days advance written notice of the time and place of a hearing. The APA also provides for up to ninety days for an agency to issue an order following a hearing.

Adjudicative Process

The Subcommittee is also exploring best practices for student conduct proceedings. It is imperative that institutions of higher education develop and adopt understandable procedures that fit the needs of the students it serves and maintain fidelity with the institution’s educational mission. Student conduct administrators stress the need to provide an accessible, education-focused process to address student misconduct. Processes that are overly legalistic or adversarial, such as those allowing for representation by attorneys, increase the complexity for students and virtually eliminate the educational value of the process. Additionally, procedures that require students to participate in multiple levels of fact finding and review not only adds to timelines, but also can cause additional trauma by requiring students to repeat their stories in multiple forums.

The White House Task Force to Protect Students from Sexual Assault addressed the use of hearing or judicial boards in their first report, recommending alternative models:

Alternative models “stand in contrast to the more traditional system, where a college hearing or judicial board hears a case (sometimes tracking the adversarial, evidence-gathering criminal justice model), makes a finding, and decides the sanction. Preliminary reports from the field suggest that these innovative models, in which college judicial boards play a more limited role, encourage reporting and bolster trust in the process, while at the same time safeguarding an alleged perpetrator’s right to notice and to be heard.”

The Subcommittee is reviewing current student conduct practices, as well as alternative models, in formulating recommendations and best practices for Washington’s higher education institutions, while also recognizing the need for each institution to adopt procedures that best align with its needs, culture and values. Additionally, because the APA was enacted long before the more recent guidance and laws, the Subcommittee will further evaluate potential conflicts between the APA and the new federal and state laws and guidance and identify options to reconcile them.
The Subcommittee is exploring a range of alternatives, such as possible revisions to the APA consistent with identified best practices for higher education institutions or exempting institutions of higher education institutions from the APA and either developing uniform procedures applicable to all public institutions or allowing each state institution to develop their own set of administrative procedures for student conduct matters. All of this work will be guided by the Legislature’s charge to the Task Force and the needs of students.

Areas Identified for Improvement for Information Sharing Between Institutions

One significant concern among institutions of higher education is how and to what extent a school should disclose prior disciplinary actions for transferring students. Studies have suggested that campus perpetrators of sexual violence may be serial offenders. Although the Family Educational Rights and Privacy Act of 1974 (FERPA) permits disclosure of a student’s disciplinary history when transferring to another institution, there is uncertainty about how and under what circumstances this information should be exchanged. New York and Virginia both passed legislation requiring transcript notations for students expelled or suspended for sexual violence. Several NCAA athletic conferences are also taking steps to address the sharing of information for athletes who transfer schools as a result of disciplinary action. The Association for Student Conduct Administration (ASCA) recommends use of a transcript notation to “indicate when a student is ineligible to re-enroll at that institution as a consequence of disciplinary action.” ASCA also recommends institutions solicit relevant conduct and criminal information from applicants and establish systems to evaluate and take any necessary actions on such information.

On the other hand, it is unclear what unintended consequences could arise. Maintaining and increasing student access to higher education is of great concern to all of the state's institutions of higher education. Registrars and administrative professionals who oppose the concept of transcript notations, contend that a transcript notation alters the fundamental purpose of the transcript. Opponents also argue that such a notation disproportionately impacts underserved populations without the resources to engage in legal challenges to the notation.

In 2016, the Subcommittee will continue to explore these issues and develop recommendations relating to information-sharing practices for Washington's institutions of higher education, including alternatives to transcript notations, and whether and to what extent information relating to disciplinary actions should be shared.

Roadmap for Future Efforts

In 2016, the Subcommittee intends to address the concerns identified to date, continue consensus building and to develop recommendations and best practices to present to the Task Force.
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3. Criminal Justice Subcommittee

Chaired by Natalie Dolci, Coalition Ending Gender-Based Violence

Task Force members have given a great deal of consideration to the component of SB 5719 which requires that the Task Force “Develop recommendations for improving collaboration on campus sexual violence issues among institutions of higher education and between institution of higher education and law enforcement.”

The Criminal Justice Subcommittee was formed and reflects multidisciplinary collaboration, with members representing prosecution, law enforcement, university staff, advocacy and community based legal services for survivors of sexual violence.

The Identified Problem: In eight out of ten cases of rape, the victim knew the person who assaulted them. Despite a known suspect, perpetrators of non-stranger sexual assault are rarely held accountable by our criminal justice system. For a variety of reasons, most survivors do not report their assault to law enforcement. 80% of sexual assaults in college go unreported compared to 67% of non-student sexual assaults. Studies have shown that only 12% of reported sexual assaults in the United States lead to an arrest and two thirds of cases are ultimately dismissed.

Given these statistics, campus sanctions (such as dismissal) are an essential safety strategy but are not sufficient. The law enforcement systems are instrumental in providing the community outside of a campus setting proper protection and offender accountability. Through this lens, the Subcommittee seeks to identify and recommend best practices for the successful investigation and prosecution of sexual assault in Washington, which can include:

- **Law Enforcement Trainings** - Investigations can be improved when officers have access to training and tools which assist them in following best practices when they respond to a sexual assault call. Officers who are not specialized detectives may not encounter sexual assault cases on a regular basis. This may mean they are relying on introductory or outdated training they received while in the police academy. In addition to identifying such resources, the Subcommittee will also work to locate and promote training opportunities in Washington where officers can acquire additional expertise on victim-centered investigative strategies.

- **Checklists** - Checklist tools for investigating and report writing can help ensure a thorough report. Additionally, prosecution checklists can also be helpful in ensuring consistent practices in the prosecution of sexual assault cases.

- **Community Education** - Sexual assault survivors often demonstrate a common cluster of behaviors which may not be understood by lay people without training. These behaviors may include, but are not limited to: delayed reporting, freeze responses during the assault, and disorganized memory of the event. Education is vital so that jury pools can be aware of these dynamics. The Subcommittee will be researching best practices in jury selection and instruction, as well as the feasibility of increasing the use of expert witnesses in Washington, to improve successful prosecution of sexual assault cases.

- **Offender Focused Behavior** - Similarly, juries may have preconceived notions about offenders. Many jurors may subscribe to the myth that rapists are strangers who attack strangers. It may be difficult for jurors to appreciate that the majority of the time, sexual assaults begin as a social interaction and end in violence. It can be helpful for expert witnesses to provide education about offender behavior. This will help jurors understand that sexual assaults typically follow a particular sequence which involves deliberate grooming tactics. Identifying how to promote a better understanding of offender behavior will be another area of the Subcommittee’s ongoing assessment.

- **Trauma-Informed Prosecution** - Prosecutions which are victim-centered can reduce secondary trauma and prevent victim attrition. The Subcommittee will be considering a variety of trauma-informed strategies. One strategy which is often recommended for the prosecution of sexual assault cases is Vertical Prosecution. In this
approach, the victim will work with one prosecutor from the time a filing decision is made through the final disposition of the case. This reduces the number of times the survivor must tell his or her story and can help foster rapport.11

**Agency Information Sharing** - As a part of the Subcommittee’s ongoing assessment, information sharing practices between agencies will be reviewed. Research has shown that perpetrators of sexual assault in the campus setting are likely to be serial offenders.12 Information sharing can be a critical practice in violence prevention. There may often be offenders who are appearing in law enforcement databases in one county and offending in another county in the state. Improved protocols around information sharing can assist in increasing successful prosecution and the prevention of future violence. This is in keeping with emerging best practices around investigating the offender as opposed to the victim. Far too often the victim’s behavior is scrutinized when the keys to the case may be found in analyzing the suspect’s history and behavior patterns.13 The Criminal Justice Subcommittee will also use the platform of the Washington State Campus Sexual Violence Prevention Task Force to promote parallel efforts to address sexual assault in Washington. One such effort is led by the Sexual Assault Forensic Examinations Best Practices Task Force created by HB 1068.14 The Subcommittee will pay close attention to the work of the HB 1068 Task Force so that its work is complementary.
4. Memoranda of Understanding Subcommittee  
*Chaired by John Vinson, Washington Association of Sheriffs and Police Chiefs (WASPC)*

The Memoranda of Understanding (MOU) Subcommittee was established to determine the feasibility of creating memoranda of understanding between Washington’s colleges and universities and local law enforcement. This is a required element of SB 5518. After much discussion, the MOU drafts were recently completed and submitted to the WASPC Model Policy Committee for review. The goal is to provide a model policy template, for both commissioned and non-commissioned departments, to be adopted by their respective departments. Colleges and universities around the state are currently in the midst of discussing and assessing the value of MOUs with their local criminal justice agencies. Discussions will continue on this issue in 2016.
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Current Prevention Practices at Central Washington University

The following items are a summary of existing practices at CWU:

- All incoming students to the University are presented with issues of sexual harassment, sexual assault, and dating violence during our Orientation processes and are required to complete the Think About It program online. This program was created by a company called Campus Clarity, a service of LawRoom, a firm that helps employers and educators with compliance training. This program provides students with a comprehensive foundation in the areas of sex in college, partying smart, sexual violence and healthy relationships.

- The week prior to classes beginning in the fall, all first year students attend required trainings as part of their University 101 curriculum on sexual violence and bystander theory. Students also participate in Green Dot Training. Green Dot is an interactive training designed to equip participants with the necessary connections, knowledge, and skills to increase their proactive and reactive bystander behaviors. Green Dot is based on the premise that individuals can measurably reduce violence and prepares students to implement strategies of violence prevention that consistently measures and reduces power-based personal violence (including sexual violence, domestic violence, dating violence, stalking, child abuse, elder abuse, and bullying).

- Training for faculty, staff and other students on becoming Sexual Assault Victims Advocates (SAVA Training). In addition, all faculty and staff are required to take an on-line training on sexual harassment and sexual assault every three years (in addition to the programs they offer annually).

- The University has multiple positions to support this process. The University currently has one Title IX Coordinator, six Deputy Title IX Coordinators, and a Violence Prevention and Response Coordinator who meets with all students who present issues related to sexual assault, sexual harassment, dating violence, and stalking. CWU also has two mental health providers that serve as case managers to help students understand resources, navigate processes on the campus, and to advocate for students. Counseling and medical staff on campus also provide services.

- The CWU Police Department produces flyers across campus describing the University commitment to sexual violence response. This commitment lists resource information and the serious nature of such reports. The commitment includes issues of privacy, advocacy, referral to resources; explanation of processes including prosecutor and court systems; investigation responsibilities; and steps to file complaints.

- Multiple programs and events throughout the year including Domestic Violence Month Prevention; Rock Against Rape; The Hunting Ground movie screenings; student athlete training on sexual consent; presentations on dating violence in the LGBT community; and the Expect Respect consent program.

- A Student Consultation Team meets weekly to discuss campus climate issues, and alleged policy violations. This team is comprised of members of multiple stakeholder groups that are part of the conversation.

- The University also participates in the American College Health Association’s National College Health Assessment - a student survey which examines campus climate issues, dating relationship issues, and alcohol and drug issues in order to create campus-wide social norms campaigns and other programming outreach.

- CWU recently updated its student code of conduct in November 2015 to further expand on language involving domestic violence, stalking, harassment, and sexual assault. In addition, the policy clarified rights of appeals and identified review officers for sexual assault violations and other related policies. These policies comply with federal requirements in VAWA, SaVE, and federal guidance.

- The University is currently reviewing multiple sexual assault climate studies to implement in Spring 2016. The review team includes Title IX area, faculty, and the Dean of Student Success Office, including the Office of Student Rights and Responsibilities.
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Current Prevention Practices at Eastern Washington University

Eastern Washington University (EWU) has committed to a comprehensive program which integrates efforts across its community to prevent sexual assault and to respond to reports of sexual assault. This summer, it expanded the team which is responsible for prevention and response efforts to include a Title IX Coordinator, a Title IX Compliance Manager, and two Title IX Deputy Coordinators. Staff who respond to reported sexual assaults, including the EWU Police Department, student affairs, and Title IX Coordinator meet frequently to address the University’s response.

Policy:

In May, 2014, EWU revised its policy on Discrimination, Sexual Harassment, Sexual Misconduct, Domestic Violence, Relationship Violence, Stalking, and Retaliation, EWU Policy 402-01, to comply with the federal requirements in VAWA and SaVE. The student conduct code, WAC 172-121, was modified in January, 2014, to comply with federal requirements in VAWA, SaVE, and federal guidance. In addition, the University adopted a policy on Investigations of Employees for Sexual Harassment, Sexual Misconduct, Domestic Violence, Relationship Violence, and Stalking, EWU Policy 402-04.

Prevention and Training:

The University’s prevention efforts begin before a student starts their first academic year at EWU. Beginning with the 2014-15 academic year the online training program, Think About It, is required for all new undergraduate students, sorority and fraternity members, and student-athletes. During Welcome Week, all new undergraduate students are expected to participate in an interactive program that addresses sexual communication and sexual assault.

During the academic year, ongoing education includes peer education presentations on alcohol and consent, sexual health week in February, voices against violence, and social norms. Beginning in Winter Quarter, 2015, a training program called Start by Believing is being offered to staff and students to help change negative response to rape and sexual assault in the community and not shame victims.

New faculty and staff currently receive training on their responsibilities as responsible employees. Beginning in Fall Quarter 2015, all university employees will be required to complete training on employee responsibilities in responding to sexual assault and sexual misconduct. Information about EWU’s resources and policies is available on the University’s website and is reinforced regularly with notices to employees and with training.

Response:

To seek help or report a sexual assault, students have several options: police (EWU and Cheney), campus officials, and confidential counsels. When a report of sexual assault is received by the University, the focus is to reach out to the student to offer immediate services.

Reports to Law Enforcement: Students are encouraged to report all assaults to the police. The police treat reports with sensitivity consistent with their training and professional standards. In order to pursue a criminal investigation, however, the matter cannot be handled confidentially or anonymously.

University Resources: Students can also seek assistance from university personnel. Assistance includes access to the student conduct process, safety plans, alternate living and academic arrangements, and appropriate referrals to other assistance on and off campus. The Dean of Students office is the initial point of contact. A student advocate in the Dean’s office coordinates campus support and resource referrals for students. EWU contracts with Lutheran Community Services, a community-based organization that provides support services including victim advocacy.
and assistance with gender-based violence/sexual assault, which can provide confidential counseling and advocacy if a student chooses that option. Students can also utilize our counseling center for confidential counseling. Eastern Washington University holds students responsible for violations of its student code of conduct.

Compliance:
Over the past several months, EWU has revised its Title IX log to improve tracking of university response activities in cases involving Title IX. Within the Title IX log, they are focusing on recording both the timeliness and methods of university response activities.

At the same time, the University has developed and is continuing to refine a website designed to provide information and resources to assist victims of sexual assault, sexual misconduct, domestic violence, relationship violence and stalking.

Campus Climate Survey:
EWU is currently reviewing survey options available and intends to administer a survey on sexual violence during the academic year.
Current Prevention Practices at The Evergreen State College

The Evergreen State College is committed to maintaining and strengthening an educational and employment environment founded on civility, mutual respect, and adherence to the law. Sexual harassment and sexual misconduct, which includes sexual violence, are antithetical to these standards and ideals and are prohibited. This is a summary of recent or updated policies, programs, and services designed to prevent and respond to sexual harassment and sexual misconduct.

Policy

Effective June 1, 2015, Evergreen adopted a revised policy, Appendix X, on Sexual Harassment and Sexual Misconduct inclusive of changes required by the Violence Against Women Reauthorization Act (VAWA), and recommended in guidance on Title IX from the Department of Education, Office for Civil Rights (OCR).

Evergreen has a Non-Discrimination Policy and Procedure, Appendix X, stating “that all personnel and student-related transactions, and the operation of all College programs, activities and services, will not discriminate on the basis of race, color, religion, creed, national origin, sex, sexual orientation, gender identity, gender expression, genetic information, marital status, age, disability, pregnancy, or status as a disabled veteran, a Vietnam era veteran or other covered veteran.”

Evergreen has designated all faculty and staff, except temporary, hourly employees, as Responsible Employees. Responsible Employees must report information from students about sexual misconduct or sexual harassment.

Evergreen's Student Code of Conduct, WAC 174-123, defines sexual misconduct including an affirmative consent definition.

Training

- New Student Orientation includes information on student conduct code definitions of sexual misconduct, consent skills, bystander intervention, and accessing the Title IX Coordinator.
- In 2013, the entire management team attended a half-day training on Title IX and sexual violence provided by a senior attorney from OCR.
- In 2015, Responsible Employees received an updated guide on their reporting obligations and responding to disclosures of sexual harassment and sexual misconduct.
- In August 2015, a five person team from Evergreen participated in the pilot Trauma-Informed Sexual Assault Investigation and Adjudication training from the National Center for Campus Public Safety.
- Training on sexual harassment and sexual misconduct occurs annually for specific groups (e.g. members of the Student Conduct Appeal Board, Resident Assistants, investigators, and police).

Prevention Programming

In Fall Quarter 2014, Evergreen launched the Green Dot Strategy for Olympia for undergraduate students. Green Dot seeks to engage all students as potential bystanders to establish intolerance for violence and intervene in high-risk situations without compromising their safety. The scientific basis for Green Dot draws on four areas of research: social diffusion theory, bystander literature, perpetrator data, and marketing and rebranding research.

Other programs include awareness and educational events such as displays on the number of people potentially sexually assaulted while in college and a screening of the documentary The Hunting Ground. Evergreen staff in partnership with student leaders also offer prevention programming centered on improving climate and student experience.
Reporting

Police Services, the Senior Student Conduct Administrator, the Civil Rights Officer, or the Title IX Coordinator receive reports from students, faculty, and staff of sexual misconduct and sexual harassment. An online incident report form offers an anonymous reporting option to our community.

The Sexual Misconduct Response Network (SMRN) convenes promptly following a report of sexual harassment or sexual misconduct. The SMRN determines the appropriate steps for addressing safety concerns and providing support and outreach to all parties involved. The SMRN is a multidisciplinary team of clinicians, providers, law enforcement and administrators. The SMRN identifies interim measures (i.e. no-contact orders, providing alternative housing, and addressing academic needs) for the affected party and anyone impacted by the situation. If a respondent is identified as a student, the SMRN typically appoints a professional staff member (other than a member of the SMRN) to contact the respondent, offer assistance in navigating the process, and provide referrals for emotional or psychological support as necessary.

The Annual Security Report for calendar year 2014 included additional crime reporting and statements of policy required by VAWA.

Support Services

The Health and Counseling Centers, which includes the Office of Sexual Violence Prevention (OSVP), offers confidential, professional medical, counseling, and advocacy services to any student affected by sexual misconduct.

Evergreen published a written notice of rights and options provided to victims outlining support services in December 2014. This notice is required by the amendments to the Clery Act passed as part of the Violence Against Women Act of 2013.

The Washington State Employee Assistance Program provides confidential support and referral for employees.

Off campus resources for students or employees are available through the County Sexual Assault Program (CSAP) where the individual lives. The CSAP may assist with counseling, advocacy, medical treatment, visa and immigration assistance, and legal assistance.
Current Prevention Practices at University of Washington

The University of Washington (UW) is committed to fostering an inclusive campus environment in which all members of the University community are respected and have equal access to employment and educational opportunities. In February 2012, the University created a Compliance Support program, with a designated Title IX Coordinator, to facilitate compliance with Title IX and construct an institution-wide system of Title IX compliance.

Leadership Commitment

The University's Title IX compliance program has the support and commitment of University leadership. In April 2013, then-President Michael Young created a Task Force on Sexual Assault Prevention and Response comprised of faculty, staff, and students and charged them with reviewing University policies, exploring best practices, recommending and developing new practices and proposing a plan for implementation. In December 2013, the Task Force presented a final report outlining eight broad goals and eighteen recommendations for creating and delivering a strong prevention and response program for the University.

The University has made significant progress in implementing and responding to the Task Force recommendations, including hiring a Title IX Investigator for student conduct cases, a Training and Education Coordinator to develop and facilitate comprehensive educational programs for students, and fully funding two victim advocate positions. It also created a Title IX Committee to assist in implementing the Task Force's recommendations across a large institution with a varied and diverse constituency.

Policies

The University has long had a robust process for reporting, investigating and resolving complaints of sexual harassment and sexual violence by students and employees. Following the Office for Civil Right's (OCR) issuance of a Dear Colleague Letter (DCL) on April 4, 2011, the University re-assessed its policies and procedures to ensure they complied with that guidance. The University is continuing to review and revise its relevant policies to adjust to evolving guidance from OCR and feedback from students and employees.

The University has made some revisions to its student conduct code in response to federal requirements and expects to have the first phase of revisions completed before the end of the 2015-16 academic year. The University has formed a committee comprised of students, staff, and faculty to begin the second phase of revisions starting in early 2016.

Training and Education

In response to recommendations from the Task Force on Sexual Assault Prevention and Response, the University hired a Training and Education Coordinator, who is tasked with developing a comprehensive education campaign for students that will start at orientation and continue throughout their tenure at UW. The University is also working to expand educational programming relating to health and wellness topics, including sexual assault and healthy relationships, particularly for its most vulnerable population, first year students transitioning to a college environment. The University is also developing programming to target specific audiences, including student athletes, Greek Life programs, student government, and registered student organizations. Additionally, the UW has participated in the Green Dot program for many years, which provides training designed to increase awareness of and prevent power-based interpersonal violence, including sexual violence. In addition to efforts to enhance educational programming for students, the UW is developing and augmenting training programs for University employees.
The University has also created a comprehensive sexual assault website maintained by the Compliance Support program to provide information to the University community about Title IX and sexual assault support services, medical care, safety planning, reporting options, grievance policies, consent, bystander intervention and interpersonal violence.

Resources

The UW provides a broad range of support services and resources for those impacted by interpersonal and sexual violence. Support services are provided to students and employees, including victim advocates, counseling, and medical and mental health services. Additionally, as a university campus situated in a large urban area, UW is fortunate to have access to a wide array of medical, forensic, mental health, counseling, and advocacy resources for students and employees in the community.

The University recognizes the importance of providing individuals impacted by sexual assault and interpersonal violence with options for reporting and for seeking an administrative response from the University. In addition to the resources described above, the UW allows anyone impacted by sexual assault and interpersonal violence to file a complaint directly with offices trained to respond to such complaints, including student conduct and the University Complaint Investigation and Resolution Office.

Survey

The University’s Health & Wellness department conducted Safety Surveys in 2011 and again in 2014 to assess the prevalence of sexual assault and interpersonal violence on campus, as well as to measure students’ awareness of campus resources. In accordance with SB 5518, the University is planning to conduct another survey of students and, additionally, a survey of employees in the coming year.
Current Prevention Practices at Washington State University

Washington State University (WSU) is committed to fostering a safe and secure environment for students, staff, faculty, and visitors that is free of all forms of discrimination, including sex and gender-based violence. WSU demonstrates its commitment to these principles by equipping our community with the knowledge, skills, and resources to maintain a safe and welcoming environment for everyone. The University has also enhanced how it addresses these issues, through changes to related policies, enforcement efforts, education and programming for students, additional training for employees, and enhanced support for victims and survivors. WSU has assembled a strong team that is dedicated to combating sex and gender-based violence on campuses and in society; this team includes the Title IX Coordinator and six Deputy Title IX Coordinators/Liaisons who work closely with the many dedicated care providers on campuses and in communities. The following is a brief summary of some of these efforts. For additional information, visit oeo.wsu.edu.

Policy & Enforcement

Sex and gender-based violence, including stalking, dating violence, domestic violence, and sexual assault, has been prohibited by WSU policy for many years. Policies relating to these issues have been vigorously enforced to ensure WSU remains a safe and inclusive environment for all. Additionally, the University is continually working to improve clarity and expand knowledge and comprehension of policy. Most recently, in December 2014, WSU implemented a revised policy regarding sex and gender-based violence to strengthen alignment with state and federal guidance and to ensure that the language in these policies effectively communicates the standards to which all members of the campus community are held accountable. The University has also reviewed and revised the investigation and enforcement processes to enhance clear communication and support for both complainants and respondents.

WSU will continue to review and revise policy in accordance with community needs, referring to best practices, federal and state guidance, and student needs.

WSU has a robust policy to ensure all employees, faculty and staff, with the exception of confidential and non-reporting resources, know that they are required to report any instance of sex and gender-based violence to the Title IX Coordinator. Complainants can report in a variety of ways, including: online, in person, by phone, or through University staff or employees. A new case management software is being implemented to streamline the reporting process and secure interoffice communication.

Upon receiving notice of sex or gender-based violence, the WSU Title IX Coordinator will share information about resources and available reporting options with the complainant. Complainants are empowered to decide whether or not they would like to participate in an investigation. When the University commences an investigation into sex or gender-based violence, it shares resources with all of the individuals involved. The University works to provide a care-driven, prompt, and equitable process for all parties involved.

Education

A number of education and prevention programs are offered to strengthen prevention efforts, further develop campus-wide understanding of policy and processes, and enhance accessibility to services for victims of such violence. Students are regularly provided with information about reporting options via email messages, as well as through in-person trainings specifically designed to explain available processes. WSU also produces an array of online and printed materials for students and employees about accessing support services and making complaints regarding stalking, dating violence, domestic violence and sexual assault.
WSU mandates training for its employees on discrimination, sexual harassment, and sexual misconduct prevention, which includes information on reporting responsibilities and best practices. In addition, the Office for Equal Opportunity regularly provides additional training about sex and gender-based violence and trauma-informed response information for law enforcement, members of the conduct board, and other staff who work with students.

Undergraduate students at WSU-Pullman, our residential campus, complete three mandatory sessions related to Title IX before classes begin: 1) A Safety on Campus session that provides introduction to definitions of sexual assault, stalking, and intimate partner violence; information about related University policies and codes of conduct; and confidential and other University resources for victims; 2) A Booze, Sex, and Reality Checks session that takes place the week before classes begin that includes conversations about the relationship between consent and alcohol and drug consumption; and 3) An Introduction to Green Dot Bystander Intervention session that takes place during the week before classes begin. WSU also offers online training available to students on all campuses, including student orientation training, general process training, and training for graduate students. The University is working to make these trainings mandatory for all students in coming semesters, and to provide expanded bystander intervention training on all of our campuses. There are Title IX liaisons on each campus who provide training upon request, as well as the Title IX Coordinator who visits all campuses to provide trainings for students, faculty, and staff.

Resources & Support

WSU has a strong history of providing services and support to victims of sex and gender-based violence. The University has established relationships with confidential advocacy groups in each of the communities where campuses are located, as well as with agencies in other parts of Washington. In addition, WSU offers access to counseling services on each of our campuses, as well as support in accessing local health services; with 24-hour access to counseling services, and SANE-certified forensic exams at our campus health services on the Pullman campus; financial assistance is available for medical care after an assault even if a student chooses not to undergo a forensic exam. These are all confidential resources. For information about some of the resources available to WSU students, including confidential and university resources, visit the WSU Office for Equal Opportunity website at: oeo.wsu.edu/resources.

In addition, OEO offers University support in coordinating services and referrals to partner agencies for all students on all campuses, including support provided by a new case manager position in the Dean of Students’ Office.

Climate Assessment

In Spring 2015, WSU conducted a pilot campus climate assessment. It included NCHA data collection of prevalence rates (sexual assault, intimate partner violence, stalking); focus groups with first-year and new transfer students to assess student opinions about University efforts and to assess effectiveness and accessibility of mandatory programming for incoming students; interviews with key people across campus to assess accessibility of violence prevention programs and response services for traditionally underserved groups (e.g., students of color, students with disabilities, international students, etc.); and a University-wide survey to assess student awareness of victim services and overall student opinions of University efforts. The University is currently analyzing the data, but recently presented some preliminary findings to WSU’s Sex and Gender-Based Violence Coordinated Community Response Team (CCRT), along with action items for improving prevention efforts and educational programs.
Community Involvement

WSU’s (CCRT) regularly meets to discuss, assess, and coordinate the practices of University and community service providers in responding to sex and gender-based violence. CCRT meetings are open to the public, and are well attended by individuals from all areas of the University and the local community, including representatives from community partners who collaborate with WSU’s prevention and response efforts that are supported by U.S. Department of Justice Office on Violence Against Women campus grant funding. The CCRT is currently working to assign subcommittees that will address specific areas of concern identified through the preliminary review of the climate assessment data. These subcommittees will be tasked with providing insight on future climate assessment efforts, policy communications, program coordination, the student voice, and faculty and staff involvement in prevention efforts, among other topics.
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Current Prevention Practices at Western Washington University

Western Washington University (WWU) has a long standing commitment to fostering an equitable, inclusive and safe learning and working environment for students, faculty, and staff. A fundamental element of this commitment is preventing and responding to all forms of sex discrimination, including sexual violence. In recent years, WWU has focused increased attention on coordinating our prevention and response efforts across departments and disciplines, resulting in productive collaboration to enhance relevant policies, trainings for employees and students, and efforts to raise public awareness about resources and reporting options for survivors. Below is a summary of some of WWU's recent efforts.

Coordinated Oversight

In 2011, WWU formed a Title IX Task Force chaired by the Vice Provost for Equal Opportunity and Employment Diversity/Title IX Coordinator. In 2015, the Task Force was converted to a Work Group on Sexual Violence Prevention and Response. The Work Group, which meets regularly, is chaired by the Title IX Coordinator and includes the directors of campus departments with key responsibilities related to sexual violence prevention and response, as well as faculty and student representatives. The current focus of this group is on developing and administering a climate survey on sexual violence for students and employees as well as further developing an ongoing prevention and awareness campaign.

A new web site has been developed that links all relevant offices and information on this subject and which is accessible from WWU’s home page.

Policy & Enforcement

Sexual violence, including sexual assault, dating and domestic violence, and stalking have long been prohibited by WWU policy and the Student Rights and Responsibilities Code. To make clear to the campus community that sexual violence is a form of sex discrimination, and as part of our continuing enforcement of Title IX and WWU’s commitment to ensuring a safe and discrimination-free campus community, WWU updated its policy on Preventing and Responding to Sex Discrimination, Including Sexual Misconduct in 2014. That policy was revised again in 2015 to clarify rights and responsibilities as articulated by Title IX and the implementing regulations for the Violence Against Women Reauthorization Act. This updated policy specifies that all WWU employees (except confidential counselors, survivor advocates, and healthcare professionals) are responsible employees and as such, are required to report sex and gender-based violence to the Title IX Coordinator.

Prevention and Training

For many years, WWU has provided trainings for students, faculty and staff regarding sexual violence and sexual harassment prevention, rights and responsibilities. Beginning in Winter 2015, the University implemented Haven, an on-line training about sexual violence prevention. That quarter the training was provided to all current students. As of Fall 2015, the Haven training is required by university policy for all new matriculated students and must be completed before a new student may register for future quarters. Live sexual harassment and sexual violence prevention and response trainings are also required of some student groups including resident assistants, graduate teaching assistants, athletes, and Associated Students employees. In Fall 2015, WWU also began requiring new employees to complete the online Haven for Employees sexual violence prevention training, in addition to the two-hour live Sexual Harassment Prevention Training already mandated for new faculty and staff. These trainings include information about responsible employees’ reporting obligations.
Additional prevention and response workshops and discussions are offered to students, faculty and staff; they cover topics including bystander empowerment, consent, cultural attitudes about sexual violence, and fostering relationships based on equality and respect. Safe Space training is available for individuals interested in serving as proactive allies to survivors.

Strategic promotional materials distributed throughout campus address issues of consent and the availability of reporting options and support services for survivors of violence and the partners/friends/family members of survivors. These materials include posters in almost every restroom in campus academic buildings; additional posters on bulletin boards throughout campus and on all floors of residence halls; and Reporting Options and Resources 5x7 and wallet-sized cards in offices, academic departments and residence halls across campus.

**Reporting**

There are a variety of reporting options for people who experience sexual violence at WWU, to include University Police for criminal reports, the Title IX Coordinator/Equal Opportunity Office to make a discrimination complaint, and the Office of Student Life to make a complaint under the Student Rights and Responsibilities Code. Resources and trainings referenced above provide information about reporting options, the University’s Policy on Preventing and Responding to Sex Discrimination, including Sexual Misconduct, links directly to resources and reporting options for survivors, and online infographics describe these options. Reports to the Title IX Coordinator include a variety of options as well, including a formal written complaint, an on-line incident bias report form that may be anonymous, or reporting in person, or over the telephone.

**Clinical and Support Services**

Full medical and counseling clinical services are available at no cost on campus for any student with a concern about an incident of sexual violence.

Consultation and Sexual Assault Services (CASAS) is a free resource to assist any WWU student who has, in childhood, adolescence, or adult life, been affected by sexual violence. CASAS works with survivors to access all available resources in an effort to ensure that students continue to be academically successful and have the support necessary to heal. During the 2014-2015 academic year, CASAS introduced a support group for men who have experienced violence (in addition to an already-existing group for women) and services for those who care for someone who has experienced violence.

In addition to assistance provided by CASAS, survivors of sexual violence can seek assistance from the Title IX Coordinator in coordinating safety planning, modifications to on-campus living and/or academic arrangements, no-contact orders, information about financial aid options, counseling and other support resources. Such assistance is available whether or not a student chooses to file a complaint or make a report to the police.
Current Prevention Practices at Washington’s Public Community and Technical Colleges

The following are examples of effective practices among Washington community and technical colleges in the areas of sexual assault policy, oversight, prevention and training, clinical and support services, climate assessment, serving unique populations, and resources.

Policy

All of the community and technical colleges have implemented or are in the process of implementing a Model Student Code of Conduct developed in collaboration with the Washington state Attorney General’s Office, incorporating such elements as an affirmative consent standard for sexual assault. Columbia Basin College has one policy for all discrimination and harassment, including retaliation. Lower Columbia College updated its Non-Discrimination and Anti-Harassment policy which includes a policy against sexual violence, and updated its Code of Student Conduct with a more robust process for sexual misconduct violations. Yakima Valley Community College adopted its policy on Sexual Harassment, and incorporated extensive revisions to its Student Rights and Responsibilities standards with the inclusion of supplemental sexual harassment definitions and procedures.

Oversight

Spokane District has three Title IX Coordinators (the Vice Presidents of Student Services for Spokane Community College and Spokane Falls Community College plus the District Chief Administrative Officer, who also supervises security operations), who are ultimately responsible for the administration of the College's Sexual Violence and Sexual Misconduct policies and procedures. At Lake Washington Institute of Technology, The Title IX Coordinator is the Executive Director of Human Resources. The VP of Student Services is a Deputy Coordinator. Together they chair the College's Sexual Misconduct Taskforce which provides feedback on policies and implements relevant training for the campus. At Wenatchee Valley College, their student conduct group meets weekly to discuss students at risk and how to best meet the needs of those students.

Prevention and Training

All Washington community and technical colleges are in the process of implementing Campus Clarity, a Title IX training program for employees and students. The District Compliance Officer for Spokane Colleges has a role in making sure the efforts of the Colleges and the District are in accord with federal and state regulations as well as with board policy and college procedures. The Vice Presidents and the Compliance Officer conduct training in Title IX, VAWA, and Campus SaVE as part of fall convocation, and will offer it at least twice yearly. Renton Technical College (RTC) piloted a lesson/training within their College Success course on Title IX, with a focus on consent and resources. During this lesson/training, students view the Cup of Tea Consent video available on YouTube. For staff and faculty, RTC launched a training on the Canvas platform in October 2015; completion of the training was mandatory for employees. Lower Columbia College launched an awareness campaign which includes a webpage, posters, digital signage, brochures and cards with information about resources and reporting.

At Tacoma Community College, the Campus Safety office offers workshops on self-defense and the Counseling Department offers workshops on sexual assault and harassment.
Reporting

Green River College encourages all individuals to seek assistance from a medical provider and/or law enforcement immediately after an incident of sexual or non-sexual violence. This is the best option to ensure preservation of evidence and to begin a timely investigative and remedial response.

Green River encourages all individuals to make a report to both the College and local law enforcement. Reporting options are not mutually exclusive--both internal and criminal reports may be pursued simultaneously. The institution has a strong interest in supporting victims and survivors of sexual harassment, sexual violence, stalking and intimate partner violence and encourages all individuals or third party witnesses to report any incident to the College. At Lake Washington Institute of Technology, community members are encouraged to use the college’s online reporting tool if they experience or observe sexual misconduct: https://publicdocs.maxient.com/reportingform.php?LakeWashingtonIT&layout_id=7.

These reports are routed to the Executive Director of HR for follow up if employees are involved and to the VP of Student Services if only students are involved. Spokane Falls Community College created a streamlined process for reporting cases of sexual assault either to the Title IX Coordinator or Campus Security. Increased communication and collaboration between the Title IX Coordinator, Campus Security, and District Compliance Office is ensuring accountability and accurate reporting.

Whatcom Community College utilizes the Maxient student conduct software program, which combines multiple incident reports into one system, including student conduct, sexual harassment, Behavioral Intervention Team (BIT), and campus safety related incidents.

Clinical & Support Services

Most community and technical colleges do not have on-site health centers; however, they do connect students with needed services. For example, Columbia Basin College has mental health counselors, and further connects students with community and state resources noted on the website and in a brochure, along with references to various associations and support alliances. Likewise, Lake Washington Institute of Technology provides free mental health counseling to all enrolled students. Green River College maintains a Counseling and Health Center, and connects students with a wide range of community services that augment campus resources.

Serving Unique Student Populations

In the Spokane District, Global Education staff work closely with the Title IX Coordinators and student conduct professionals at both colleges to ensure that international students are aware of their rights and responsibilities and of campus and community resources. Among its unique populations, Bellevue College focuses on immigrant students, Running Start students, and residential students. Green River College has developed a Guide to Student Safety designed specifically for International Programs and Extended Learning. Other unique populations served by our colleges in this area include the LGBTQ community and workforce students (BFET, WorkFirst, Worker Retraining).

Climate Assessment

The State Board for Community and Technical Colleges will be coordinating a system-wide campus climate assessment per the requirements of Senate Bill 5518. In addition to the system-wide survey of students and employees, Lake Washington Institute of Technology will use supplemental questions on the SENSE and CESSE surveys to ask students relevant questions. Yakima Valley Community College conducts an annual fall survey that requests student feedback on a variety of campus services including safety and security. Big Bend Community College conducts an annual campus safety survey for staff and students. Questions on the survey are not limited to sexual assault and misconduct.
Resources

_Bellingham Technical College_ created a _Community Resources Student Pocket Guide_ (hard copy and PDF) to assist students with finding resources, and to comply with updates to the Clery Act. _Columbia Basin College_ developed posters, brochures, and other internal communications, and increased student programming to include bystander intervention and other presentations. _Spokane Falls Community College_ has hung Title IX reporting posters in every restroom in every building throughout campus. The poster lists contact information and examples of sexually violent conduct. _South Puget Sound Community College_ lists its Diversity and Equity Center among its campus resources.
Current Prevention Practices at the Independent Colleges of Washington Member Institutions

The private nonprofit member colleges of the Independent Colleges of Washington (ICW) are committed to promoting and maintaining an equitable, safe, and inclusive working and learning environment free from unlawful discrimination, violence, harassment, sexual assault, and other forms of sexual misconduct.

Member colleges believe that the security of a campus is a responsibility shared by all members of the community. Security awareness and crime prevention are traits which serve to protect individuals, a safer living and learning environment and the community as a whole. ICW member colleges continually work to maintain this safe environment by providing comprehensive response resources, ongoing student and staff training, specialized support services, and regular review and assessment of campus programs and services to ensure the best care possible for the campus community and compliance with evolving federal, state and local regulations.

The following are examples of sexual assault policy, prevention and training, and support services currently being pursued.

Policies on Prevention and Enforcement of Campus Sexual Violence

Member colleges of ICW have policies that define that harassment, discrimination, and sexual misconduct will not be tolerated. Several policy statements have been recently updated and revised during the 2014-2015 academic year and implemented for all students and staff in the summer and or fall of 2015. Most colleges include these policies in their student handbook and student conduct requirements and review and update them annually.

Sexual misconduct for most member colleges is a term used to describe many behaviors including sexual harassment, sexual assault, unwelcome sexual-based communication or contact, sexual exploitation, intimate partner violence, stalking, and/or retaliation based on sex or gender. These behaviors are commonly defined as contrary to a college’s mission, values or ethos statements and specifically prohibited by college policy, as well as federal Title IX regulations.

The following is an example of a typical policy:

“The University affirms respect, responsibility, and care between all persons. Conduct constituting domestic violence, dating violence, stalking or a sexual offense whether forcible or non-forcible such as non-consensual sexual intercourse, non-consensual sexual contact, sexual exploitation or sexual assault, will not be tolerated. Behavior of this nature is inconsistent with the University values, and is a violation of the Code of Student Conduct and this Sexual Offenses, Domestic Violence, Dating Violence and Stalking Policy”.

ICW member colleges also operate under policies that clearly define a commitment to taking all appropriate steps to eliminate harassment, discrimination, and sexual misconduct, prevent its recurrence and address its effects. This includes conducting prompt, effective, and equitable investigations of complaints of sexual misconduct and addressing all concerns of sexual misconduct with the intent to end the conduct, prevent its recurrence, and remedy its effects.

Prevention and Training Programs

Prevention and education programs related to campus sexual violence occur in many different forms on all ICW member college campuses. Some originate in the student development office while others are found in housing and residence life programs, student clubs, campus security offices, and, of course, formal Title IX programs. Typically, all new employees, including faculty, are required shortly after employment to complete some form of a training regarding discrimination and harassment. In addition, newly hired faculty and staff employees receive training on discrimination, harassment and sexual misconduct during orientation programs and in many cases, certain...
employees are required to complete annual training regarding Title IX awareness, mandatory reporting requirements and trauma-informed investigations and reviews tailored to staff members who may be called upon to serve as investigators and grievance officers in sexual misconduct complaint proceedings. Faculty conferences often include sessions on Title IX updates, mandatory reporting, and educational responses.

All new undergraduate and graduate students are typically required to take training courses related to campus sexual violence. Examples include online programs guided through self-reflection designed to examine sexual misconduct, healthy relationships, and substance abuse through a variety of interactive, realistic scenarios, ("Think About It") and bystander intervention training sessions. In many cases athletes are also required to attend bystander skills training sessions at the beginning of each academic year.

Examples of programs in place on ICW member college campuses include:

- Clothesline Project: Part of a national organization that strives to abolish violence against women through the decoration of t-shirts that are both supportive and empowering for survivors of sexual violence. The t-shirts are hung on a clothesline in the Student Center and at the annual Take-Back-the-Night program.
- Take-Back-the-Night: An annual program to raise awareness of sexual violence, educate and promote efforts to prevent sexual violence.
- It's On Us: With an emphasis toward student athletes this program is designed to emphasize the importance of individuals in taking action to keep community members safe from sexual violence.
- The White Ribbon Campaign (WRC): Part on an ongoing campaign that is the largest effort in the world of men working to end violence against women. Wearing a white ribbon is a personal pledge to never commit, condone, or remain silent about violence against women and girls.
- The Green Dot Program: A program to create a safer campus by ending sexual violence. The program encourages individuals to engage with each other and promote safer choices.

Services and Support Available for Victims of Sexual or Gender-based Violence

Support programs related to campus sexual violence in some form exist on all ICW member college campuses. Many campuses have some form of a peer education team that provides workshops in classrooms and residence halls on the topics of gender and sexuality, consent, healthy relationships, and bystander skills. These teams also sponsor on-going workshops and dialogue events related to Title IX education. In addition, most campuses have professional victim advocates on staff and some form of an organized sexual violence response team capable of providing immediate assistance.

Most colleges promote local domestic violence and sexual assault services and agencies, including their contact information in all victim services materials and at least one college has entered into a memorandum of understanding with a local community victims services organization which allows for a full-fledged victims advocate to be housed and reachable on campus who can provide free, confidential support, crisis intervention, medical and legal advocacy, safety planning, information and referrals. Most colleges have also at least had discussions and established relationships with local police departments outlining how to best work together in handling sexual misconduct cases.

In many cases college’s Title IX Coordinator or other staff for example staff identified as “sexual misconduct report receivers” are available to assist students in accessing on and off campus resources, facilitate supportive and protective measures such as changes in academic and residential accommodations, and provide information about and coordinate assistance with external reporting and complaint filing and proceedings options. On most campuses counseling and psychological services are commonly available through student health and counseling centers and/or from off-campus confidential resources. In addition, Public Safety department personnel are typically available...
24 hours a day to discuss available resources as well as reporting options; provide transportation and assist with interacting with law enforcement, as desired. In at least one case, the college's Campus Security & Public Safety Department maintains an active blog, Facebook page, and Twitter feeds which contain timely crime prevention and awareness tips and other information about creating a safe community.

Finally, most campuses operate a host of standing committees or councils including a risk management and safety committee that consider safety and security issues. Students, staff, and faculty are typically encouraged to utilize any of these committees to address concerns.

**Campus Climate Surveys**

Several ICW member colleges have conducted campus climate surveys and others have collected information about campus climate in other ways. Most of the campus climate surveys include a variety of topics and are not only focused on campus safety and sexual assault issues.

One interesting survey example is a health and wellness survey that among other issues, gathered reports of sexual experience, including issues or actions related to sexual violence. Another example is a survey conducted by a member college as one of 57 universities that participated in a campus climate survey administered by HEDS (Higher Education Data Sharing). The data was analyzed by the University's Title IX Working Group and a senior student completing his capstone. The Title IX working group developed a presentation and brief report to share with the campus community including presentations at a Faculty Conference, several campus workshops for faculty and staff, as well as a student led forum.

Another survey example is one that involved a college contracting with a consulting firm to conduct a campus-wide study entitled, *Assessment for Learning, Living, and Working*. Data gathering, occurred from January 20, 2015 to February 10, 2015, focused on the experiences and perceptions of various constituent groups. The study included questions related to unwanted sexual contact. The results of the college's campus climate assessment were shared and are currently being used to inform the college's education and prevention efforts.
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Appendix A: Campus Sexual Violence Prevention Task Force Work Group Members

John Vinson (Chair)
   Washington State Association of Sheriffs and Police Chiefs

Paul Francis
   Council of Presidents

Joe Holliday
   State Board for Community and Technical Colleges

Amanda Paye
   University of Washington

Kim Anderson
   Washington State University

Richard DeShields
   Central Washington University

Kelly Schrader
   The Evergreen State College

Bruce Marvin
   Office of the Attorney General

Laurie Connelly
   Eastern Washington University

Maddy Thompson
   Washington Student Achievement Council

Rhosetta Rhodes
   Whitworth University

Sue Guenter-Schlesinger
   Western Washington University

Natalie Dolci
   Coalition Ending Gender-based Violence

Eric Richey
   Whatcom County Prosecuting Attorney's Office
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Appendix B: Authorizing Legislation (SB 5719)

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5719

Chapter 239, Laws of 2015

64th Legislature
2015 Regular Session

HIGHER EDUCATION--TASK FORCE ON CAMPUS SEXUAL VIOLENCE PREVENTION

EFFECTIVE DATE: 7/24/2015

Passed by the Senate April 16, 2015
Yeas 47  Nays 0

BRAD OWEN
President of the Senate

Passed by the House April 13, 2015
Yeas 95  Nays 2

FRANK CHOPP
Speaker of the House of Representatives

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is SUBSTITUTE SENATE BILL 5719 as passed by Senate and the House of Representatives on the dates hereon set forth.

HUNTER G. GOODMAN
Secretary

CERTIFICATE

JAY INSLEE
Governor of the State of Washington

Secretary of State
State of Washington

Approved May 11, 2015 2:42 PM

FILED

May 12, 2015
AN ACT Relating to creating a task force on campus sexual violence prevention; creating a new section; and providing an expiration date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. (1) The Washington student achievement council, the state board for community and technical colleges, the council of presidents, the institutions of higher education, the private independent higher education institutions, state law enforcement, and the Washington attorney general's office shall collaborate to carry out the following goals:

(a) Develop a set of best practices that institutions of higher education and private independent higher education institutions may employ to promote the awareness of campus sexual violence, reduce the occurrence of campus sexual violence, and enhance student safety;

(b) Develop recommendations for institutions of higher education and private independent higher education institutions for improving institutional campus sexual violence policies and procedures; and

(c) Develop recommendations for improving collaboration on campus sexual violence issues among institutions of higher education and between institutions of higher education and law enforcement.
(2) The task force on preventing campus sexual violence is established.

(a) The task force includes the following members:

(i) One representative from the student achievement council;

(ii) One representative from the state board for community and technical colleges;

(iii) One representative from the council of presidents;

(iv) One representative from each of the state universities, the regional universities, and the state college, who is the Title IX coordinator or who has expertise with Title IX and sexual violence prevention efforts;

(v) One representative from the Washington association of sheriffs and police chiefs;

(vi) One representative from the independent colleges of Washington;

(vii) One representative from the nonprofit community who is an advocate for sexual assault victims;

(viii) One representative from the Washington state attorney general's office; and

(ix) One representative from the Washington association of prosecuting attorneys.

(b) The task force shall select a coordinator to facilitate its progress.

(c) The purpose of the task force is to coordinate and implement the goals in subsection (1) of this section.

(3) The task force shall report to the legislature and the institutions of higher education on its goals and recommendations annually by December 31st.

(4) For the purposes of this section, "institutions of higher education" has the same meaning as in RCW 28B.10.016.

(5) To select the representative from the nonprofit community, as required by subsection (2)(a)(vii) of this section, the student achievement council shall issue a request for interest to nonprofit communities that are sexual assault victim advocates, asking who wishes to participate on the task force as a volunteer. The names and resumes, including experience participating in similar efforts, of proposed task force members must be submitted to the student achievement council. The student achievement council shall give this information to the task force and the task force chairs must select the representative from this pool of candidates.
1  (6) This section expires July 1, 2017.

Passed by the Senate April 16, 2015.
Passed by the House April 13, 2015.
Approved by the Governor May 11, 2015.
Filed in Office of Secretary of State May 12, 2015.
Appendix C: Summary of 2015 Sexual Violence Legislation

**HB 1068 (Concerning sexual assault rape kits) – Rep. Orwall**

- The task force shall submit a preliminary report regarding its initial findings and recommendations to the appropriate committees of the legislature and the governor no later than December 1, 2015.
- The task force shall report its findings and recommendations to the appropriate committees of the legislature and the governor by September 30, 2016, and by September 30th of each subsequent year.

**SB 5518 (Creating procedures to address campus sexual violence) – Sen. Kohl-Welles**

- The state board for community and technical colleges, the council of presidents, and independent colleges of Washington shall submit reports to the governor and the legislature's higher education committees by July 1, 2016, on steps taken by their institutions to enter into memoranda of understanding with local law enforcement that set forth each party's respective roles and responsibilities related to the prevention and response to sexual assault.
- The four-year institutions of higher education and the state board for community and technical colleges shall report their findings (from having conducted a campus climate assessment to gauge the prevalence of sexual assault on their campuses) to the governor and the higher education committees of the legislature by December 31, 2016. The report must also include a plan or proposal to undertake a statewide public awareness campaign on campus sexual violence.

**SB 5719 (Creating a task force on campus sexual violence prevention) – Sen. Bailey**

- The task force shall report to the legislature and the institutions of higher education on its goals and recommendations annually by December 31st. Goals outlined in the bill include:
  
  (a) Develop a set of best practices that institutions of higher education and private independent higher education institutions may employ to promote the awareness of campus sexual violence, reduce the occurrence of campus sexual violence, and enhance student safety;
  
  (b) Develop recommendations for institutions of higher education and private independent higher education institutions for improving institutional campus sexual violence policies and procedures; and
  
  (c) Develop recommendations for improving collaboration on campus sexual violence issues among institutions of higher education and between institutions of higher education and law enforcement.
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Attachment D: Subcommittees and Membership

Campus Climate Assessment Subcommittee Membership:

Joe Holliday (chair), Richard DeShields, Sue Guenter-Schlesinger, Kelly Schrader, Laurie Connelly, and Luca Lewis

Student Conduct Processes Subcommittee Membership:

Amanda Paye (chair), Natalie Dolci, Bruce Marvin, Ana Blackstad, Tricia Boerger, Kim Anderson, Sue Guenter-Schlesinger and Kelly Schrader

Criminal Justice Subcommittee Membership:

Natalie Dolci, Steve Ritereiser, Eric Richey, Tricia Boerger, and Riddhi Mukhopadhyay

Memoranda of Understanding Subcommittee Membership:

John Vinson and Steve Ritereiser
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Attachment E: Sexual Violence Incident Reporting Requirements

Addressing Campus Sexual Assault Prevention and Response

For Washington’s institutions of higher education, there are currently three statutes that govern sexual violence prevention and response:

- Title IX of the United States Education Act Amendments of 1972 (Title IX);
- The Jeanne Clery Disclosure of Campus Security Policy and Campus Crimes Statistics Act, as recently amended by the Campus Sexual Violence Act (the SaVE Act) provisions of the Violence of Women Act Reauthorization of 2013;
- Washington’s Campus Sexual Assault Prevention and Response Act of 2015 (SB 5518).

In addition to these three laws, the Campus Accountability & Safety Act (CASA), which is currently under consideration by Congress, would require colleges and universities to institute additional prevention and response measures.

The tables below describe how each of these provisions address sexual violence on campus by imposing regulations in the following areas:

- Required incident reporting under the Clery Act;
- Promulgation of campus wide sexual assault response and prevention policies and procedures;
- Requirements for the filing and investigation of sexual violence complaints;
- Revisions to student disciplinary proceedings involving allegations of sexual violence;
- Campus climate surveys regarding sexual violence prevention and response; and
- Memoranda of understanding between institutions of higher education and local law enforcement.

Table 1. Sexual Violence Incident Reporting Requirements

<table>
<thead>
<tr>
<th>The SaVE Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>The SaVE Act requires institutions to gather information on all incidents of dating violence, domestic violence, sexual assault, and stalking that occur on an institution’s campus. Institutions must disclose crime statistics based on this information in their Annual Security Reports (ASR) and Campus Safety and Security Surveys. To ensure that the information is complete and accurate, the SaVE Act requires institutions to adopt policies and procedures for victims or witnesses to report crimes on a voluntary and confidential basis. Institutions are also required to maintain credible documentation that substantiates the reported crime statistics.</td>
</tr>
<tr>
<td>Reports of crimes that have been “unfounded” by law enforcement officials may be removed from the institution’s crime statistics only under very limited circumstances. Institutions are required to report to the Department of Education and disclose in their ASRs the number of crimes that were “unfounded” and subsequently withheld from their crime statistics.</td>
</tr>
<tr>
<td>The SaVE Act revises the definition of the crime of “rape” for Clery reporting purposes to reflect the Federal Bureau of Investigation’s updated definitions contained in the Uniform Crime Reporting (UCR) Program, Summary Reporting System (SRS). The SRS contains a general discussion of classifying and scoring offenses, which include the categories of rape, sodomy, and sexual assault with an object that are used in the UCR National Incident-Based Reporting System. SaVE also includes gender identity as a category of hate crime reportable under the Clery Act.</td>
</tr>
</tbody>
</table>
Proposed Federal Legislation – Campus Accountability & Safety Act (CASA)

CASA, if adopted, would expand Clery reporting requirements to include the number of incidents of reportable criminal activity that were reported to the institution’s Title IX Coordinator or other higher education responsible employees. In addition to reporting the incident, the institution would also be required to make annual disclosures of:

- the number of victims who sought campus disciplinary action at the institution;
- the number of cases processed through the student disciplinary process;
- the number of accused individuals who were found responsible through the student disciplinary process;
- the number of accused individuals who were found not responsible through the student disciplinary process;
- a description of final sanctions imposed for which the accused individual was found responsible through the student disciplinary process; and
- the number of student disciplinary proceedings at the institution that have closed without resolution since the previous annual security report.

Institutions that do not comply with certain requirements under the proposed legislation may face a penalty of up to one% of the institution’s operating budget. CASA would also increase the penalty for Clery Act reporting violations from a maximum of $35,000 per violation to a maximum of $150,000 per violation.

In addition to increasing the number of reportable incidents, CASA would require each institution to submit to the Office for Civil Rights of the Department of Education and the Civil Rights Division of the Department of Justice the name of and contact information for the institution’s Title IX Coordinator; a brief description of the coordinator’s role and the roles of other officials of the institution who may be contacted to discuss or report sexual violence and harassment; and documentation of training received by the Title IX Coordinator. These reports would be required on an annual basis. The institution would also be required to provide updated information to the Office for Civil Rights of the Department of Education and the Civil Rights Division of the Department of Justice not later than 30 days after the date of any change.
Table 2. Sexual Violence Prevention and Response Policies and Procedures

### The SaVE Act

The SaVE Act requires institutions to implement Prevention Awareness Programs and adopt definitions for specific terms related to these programs. Under the SaVE Act, institutions must provide information on culturally relevant, inclusive prevention awareness programs to incoming students and new employees, as well as describe these programs in their Annual Safety Reports (ASRs). These programs must include:

- a statement prohibiting the crimes of dating violence, domestic violence, sexual assault, and stalking;
- the definitions of each of these crimes in the applicable jurisdiction;
- the definition of “consent,” in reference to sexual activity in the applicable jurisdiction;
- a description of safe and positive options for bystander intervention;
- information on risk reduction; and
- information on the institution’s policies and procedures after a sex offense occurs.

Institutions must also provide, and describe in their ASRs, ongoing prevention and awareness campaigns for students and employees. These campaigns must include the same information as the institution’s primary prevention and awareness program.

Institutions are also required to include definitions of the following terms in their sexual violence prevention and awareness program policies: “awareness programs,” “bystander intervention,” “ongoing prevention and awareness campaigns,” “primary prevention programs,” and “risk reduction.”

### Title IX

The Department of Education’s Office of Civil Rights (OCR) has identified the following Sexual Violence Prevention and Response Policies and Procedures that institutions must adopt in order to comply with Title IX.

#### a. Grievance Procedures

Title IX requires that institutions adopt and publish grievance procedures for sexual discrimination complaints, including complaints alleging acts of sexual violence or harassment. These procedures should be written in language that is easily understood by the institution’s students and should be broadly disseminated and easily located by students, employees and other interested parties.

Institutions must ensure that their employees are trained so that they know to report harassment to appropriate school officials, and so that employees with the authority to address harassment know how to respond properly. Institutions frequently utilize voluntary informal dispute resolution, like mediation, as a means of addressing disputes between students. In cases involving allegations of sexual assault, however, mediation is not appropriate even on a voluntary basis. OCR has recommended that institutions clarify in their grievance procedures that mediation will not be used to resolve sexual assault complaints.

An effective sexual violence grievance system requires that employees responsible for implementing the system receive training, including practical information about how to identify and report sexual harassment and violence. This training should be provided to any employee who is likely to witness or receive reports of sexual harassment and violence, including instructors, school law enforcement unit employees, administrators, counselors, general counsels, health personnel, and resident advisors. Institutions’ law enforcement and security personnel should receive training on the school’s Title IX grievance procedures and any other procedures used for investigating reports of sexual violence. In addition, these employees should also receive copies of the school’s Title IX policies.

OCR recommends that the grievance procedures be prominently posted on school Web sites; sent electronically to all members of the school community; available at various locations throughout the school or campus; and summarized in or attached to major publications issued by the institution, such as handbooks, codes of conduct, and catalogs for students, faculty, and staff.

The grievance procedures should address and protect against retaliatory harassment. At minimum, institutions must ensure that complainants know how to report any subsequent problems. Institutions should also follow-up with complainants to determine whether any retaliation or new incidents of harassment have occurred.
b. Title IX Coordinator

Institutions are required to designate a Title IX Coordinator to process Title IX complaints and oversee and/or conduct investigations into alleged misconduct. Employees serving in this role must have adequate training on what constitutes sexual harassment, including sexual violence, and they must understand how the institution's discrimination grievance procedures work. The Title IX Coordinator or his or her designee should be available to meet with students as needed.

The Title IX Coordinator should not have other job responsibilities that may create a conflict of interest. For example, a Title IX Coordinator should not also serve on a disciplinary hearing board that is responsible for hearing student or employee misconduct cases. Assigning Title IX Coordinator duties to the institution's general counsel is also not advisable.

The Title IX Coordinator should also be available to provide assistance to school law enforcement or security personnel regarding how to respond appropriately to reports of sexual violence.

The Title IX Coordinator should be given access to school law enforcement unit investigation notes and findings as necessary for the Title IX investigation, so long as access to this information does not compromise a criminal investigation.

c. Notice of Nondiscrimination

Institutions should promulgate a Notice of Nondiscrimination which states that prohibited sexual discrimination encompasses acts of sexual harassment, which includes sexual violence, and provides specific examples of the type of misconduct that is prohibited. The Notice should include the name or title, office address, telephone number, and email address of the Title IX Coordinator, and indicate that any inquiries concerning the application of Title IX should be referred to the Title IX Coordinator.

The Notice should be disseminated to all students, employees, applicants for admission and employment, and other relevant persons. OCR also recommends that this notice be prominently posted on school websites and other locations that provide employees and students with information about the institution's services and policies. The Notice should be easily accessible on an on-going basis to all interested parties.

d. Sexual Harassment and Violence Education and Prevention

OCR recommends that institutions consider including education programs on sexual harassment and sexual violence prevention and response in their (1) orientation programs for new students, faculty, staff, and employees; (2) training for students who serve as advisors in residence halls; (3) training for student athletes and coaches; and (4) school assemblies. These programs should discuss what constitutes sexual harassment and sexual violence, the institution's policies and disciplinary procedures, and the consequences of violating these policies.

These education programs should include information aimed at encouraging students to report incidents of sexual violence to the appropriate school and law enforcement authorities.

The OCR notes that victims or third parties may be deterred from reporting incidents if alcohol, drugs, or other violations of campus rules are involved. Institutions should determine whether their disciplinary policies chill victims' or other students' reporting of sexual violence offenses. OCR recommends informing students that student safety is the institution's primary concern, that other rules violations will be addressed separately from the sexual violence allegations, and that use of alcohol or drugs never makes the victim at fault for sexual violence.

Institutions should develop specific sexual violence materials that include the schools' policies, rules, and resources for students, faculty, coaches, and administrators. Such information should also be included in employee handbooks and any handbooks for student athletes or members of student activity groups. These materials should include where and to whom students should go if they are victims of sexual violence. These materials should tell students and school employees what to do if they learn of an incident of sexual violence. Schools should assess student activities regularly to ensure that the practices and behavior of students do not violate the schools' policies against sexual harassment and sexual violence."
Table 2. Sexual Violence Prevention and Response Policies and Procedures

**SB 5518**

Washington’s Campus Sexual Assault Prevention and Response Act of 2015 (SB 5518) requires that each institution develop and distribute policies and procedures for handling complaints of sexual harassment and sexual violence. These policies should include, but are not limited to, information about the institution’s Title IX compliance officer or other individuals at the institution responsible for handling sexual violence violations and potential criminal conduct. These policies and procedures must be distributed in writing or electronically to all students and employees on an annual basis. RCW 28B.110.030(8).

Pursuant to RCW 28B.112.020, institutions must also, on an annual basis, make the following information available to all current and prospective students and employees:

- The institution’s policies and procedures governing sexual harassment and sexual violence complaints;
- Information about the institution’s Title IX Coordinator or other individuals responsible for handling sexual violence violations and potential criminal conduct; and
- Information related to the institution’s compliance with campus sexual violence confidentiality and reporting requirements under 34 C.F.R. Sec. 668.46(b)(11)(iii).

Institutions are also required to make information described above available on a confidential basis to all campus sexual assault survivors, regardless of whether the survivor chooses to proceed with a formal report of sexual assault. RCW 28B.112.020(2).
Table 3. Handling of Sexual Violence Complaints and Investigations

The SaVE Act

Under the SaVE Act, institutions must adopt policies that describe the range of protective measures that the institution may offer following an allegation of dating violence, domestic violence, sexual assault, or stalking. Institutions must also provide students or employees who report being victims of dating violence, domestic violence, sexual assault or stalking with a written explanation of their rights and options, regardless of whether the offense occurred on campus, including written notification of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims both within the institution and in the community, and the availability of changes to academic, living, transportation, and working situations, or protective measures regardless of whether the victim reports to law enforcement.

Title IX

a. Initial Response to Notice of Possible Harassment

Under Title IX, an institution must initiate a prompt investigation to determine what occurred and take appropriate steps to resolve the situation whenever the institution knows, or reasonably should know, about possible harassment. The investigation should be initiated regardless of whether a harassed student, family member, or a third party files a complaint under the institution's grievance procedures or otherwise requests action on the student's behalf. If a student files a complaint with the school, regardless of where the conduct occurred, the school must process the complaint in accordance with its established procedures. In all cases, the institution's inquiry must be prompt, thorough, and impartial.

b. Interim measures

Institutions must be prepared to promptly implement interim measures necessary to protect the complaining party from further harm prior to the completion of the investigation. To this end, upon notice of a sexual harassment or violence allegation, the institution should:

- Notify the complainant of his or her options to avoid contact with the alleged perpetrator and allow students to change academic or living situations as appropriate.
- When separating the complainant and alleged perpetrator, a school should minimize the burden on the complainant, and should not, as a matter of course, remove complainants from classes or housing while allowing alleged perpetrators to remain.
- Ensure that complainants are aware of their Title IX rights and any available resources, such as counseling, health, and mental health services, and their right to file a complaint with local law enforcement.

c. Victim Consent and Confidentiality

Institutions should inform and obtain consent from the complainant before beginning an investigation. If the complainant requests confidentiality or asks that the complaint not be pursued, the institution should take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. Even if the institution cannot take disciplinary action against the alleged harasser because the complainant insists on confidentiality, it should pursue other steps to limit the effects of the alleged harassment and prevent its recurrence.

If a complainant insists that his or her name or other identifiable information not be disclosed to the alleged perpetrator, the school should inform the complainant that its ability to respond may be limited. The institution should also inform the complainant that Title IX prohibits retaliation, and that the institution will take strong responsive action if it occurs. If the complainant continues to ask that his or her name or other identifiable information not be revealed, the institution should evaluate that request in the context of its responsibility to provide a safe and nondiscriminatory environment for all students.

If an alleged harasser has a right under FERPA to inspect portions of the complaint directly relating to him or her, the institution must redact the complainant’s name and other identifying information before allowing the alleged harasser to review the complaint.
Table 3. Handling of Sexual Violence Complaints and Investigations  (Title IX continued.)

**d. Criminal conduct and investigations**

In cases involving potential criminal conduct, school personnel must determine, consistent with state and local law, whether appropriate law enforcement or other authorities should be notified. The institution should notify a complainant of the right to file a criminal complaint, and should not dissuade a victim from doing so either during or after the school’s internal Title IX investigation.

Institutions should not wait for the conclusion of a criminal investigation or criminal proceeding to begin their own Title IX investigation and, if needed, must take immediate steps to protect the student in the educational setting. While a temporary delay of the institution’s Title IX fact-finding may be necessary while police are gathering evidence, the institution must promptly resume and complete its Title IX fact-finding and investigation once the police have completed their evidence gathering. A memorandum of understanding (MOU) with a local police department must allow the institution to satisfy its Title IX obligations to resolve complaints promptly and equitably.

**e. Training**

All persons assigned roles in the grievance procedures (e.g., Title IX Coordinators, investigators, and adjudicators) must have training or experience in handling sexual harassment and sexual violence complaints, and in the institution’s grievance procedures, including applicable confidentiality requirements. In sexual violence cases, the fact-finder and decision-maker also should have adequate training or knowledge regarding sexual violence.

**f. Off-campus conduct**

Because students often experience the continuing effects of off-campus sexual harassment in the educational setting, institutions should consider the effects of the off-campus conduct when evaluating whether there is a hostile environment on campus. For example, if a student alleges that he or she was sexually assaulted by another student off campus, and that upon returning to school, he or she was taunted and harassed by other students who are the alleged perpetrator’s friends, the institution should take the earlier sexual assault into account in determining whether there is a sexually hostile environment. The institution should also take steps to protect a student who was assaulted off campus from further sexual harassment or retaliation from the perpetrator and his or her associates.

**g. Other remedies**

When confronted with allegations of sexual harassment or violence, institutions should proactively consider implementing a variety of remedies identified in the U.S. Department of Education Office for Civil Rights Dear Colleague Letter of April 4, 2011 (DCL). These include assisting individual students (e.g., providing complainant with escort, ensuring complainant and alleged perpetrator do not attend same classes, moving parties to different residence halls, providing counseling or medical or tutoring services, academic modifications, etc.), implementing remedies applicable to the broader student population (e.g., comprehensive victim services to all students affected by sexual harassment or sexual violence, notifying campus community about availability of these services, designating an “on-call” counselor to assist victims of sexual harassment or sexual violence, training on college’s Title IX responsibilities, information regarding link between alcohol and drugs abuse and sexual harassment and sexual violence, etc.), and the development and dissemination of relevant materials and implementation of policies and procedures designed to address reporting and prevention of sexual assault and sexual violence.
SB 5518 does not impose any specific requirements regarding grievance procedures on institutions of higher education. Nonetheless, the enactment's stated goals suggest that this state law is in alignment with Federal laws currently applicable to campus sexual violence issues. To this end SB 5518, §1, provides that the Washington statute is intended to “complement federal policy” and “ensure the safety of all our students by

- establishing minimum standards for all institutions pertaining to campus sexual violence policies and procedures;
- encouraging institutions to share with all students and current employees, especially survivors of sexual violence, the protections, resources, and services available to them if they are a victims of sexual violence; and
- directing institutions to prevent retaliation and prevent students from undergoing unnecessary or duplicative retellings of traumatic incidents.

Proposed Federal Legislation – Campus Accountability & Safety Act (CASA)

If adopted as currently drafted, CASA will impose a number of new requirements regarding how institutions handle sexual violence complaints and investigations.

a. Confidential Advisors

CASA would require institutions to designate “confidential advisors” who are trained to assist survivors of sexual violence. The confidential advisor would be trained to perform victim-centered, trauma-informed interviews and would be responsible for interviewing the victim to elicit information that can be used in either campus or criminal investigation or disciplinary proceedings. Additionally, the confidential advisor would be able to counsel the victim on his or her reporting options, issues related to undergoing a forensic interview, notification of law enforcement and initiation of criminal proceedings, and the decision to grant disciplinary authorities access to forensic interview information. The confidential advisor would also serve as the victim’s liaison with campus or local law enforcement, and, as appropriate, may assist the victim in contacting and reporting to campus or local law enforcement.

The confidential advisor would be empowered to implement interim measures on behalf of the victim, including changes to academic schedules and/or housing. Responsibilities would include advising the victim of both his or her rights and the institution’s responsibilities regarding protection orders, no contact orders, restraining orders, or similar lawful orders issued by the institution or a criminal or civil court.

CASA provides that the confidential advisor would not be obligated to report crimes to the institution or law enforcement, unless otherwise required to do so by State law. Services arranged by the confidential advisor would be provided to students and employees on a confidential basis. Requests for arrangement made by a confidential advisor would not constitute notice to a responsible employee for Title IX purposes, even if the advisor’s work is limited to the area of sexual assault.

b. Responsible employees

As currently proposed, CASA would require institutions to designate “responsible employees.” A “responsible employee” would be an institutional employee who

- Has authority to take action to redress sexual harassment, or has the duty to report sexual harassment or any other misconduct by students or employees to appropriate school officials;
- Has completed sexual assault training within a reasonable time of being designated; and
- Is responsible for assisting the Title IX Coordinator with providing a student or employee who reports being a victim of sexual harassment with a written explanation of the student’s or employee’s rights and options.

c. Other/additional training

Each person who is responsible for implementing an institution’s grievance procedures would be required to have either training or experience in handling sexual violence complaints, and the operations of the institution’s grievance procedures. This would include, but not be limited to, training on the following topics:

- working with and interviewing persons subjected to sexual violence;
Table 3. Handling of Sexual Violence Complaints and Investigations. (CASA continued.)

- the particular types of conduct that would constitute sexual violence, including same-sex sexual violence
- consent and the role drugs or alcohol can play in the ability to consent;
- the effects of trauma, including neurobiological change;
- cultural awareness training regarding how sexual violence may impact students differently depending on their cultural background.

**c. Reporting systems; hotlines**

CASA would authorize institutions to provide online reporting systems to collect anonymous disclosures of crimes. Victims could submit anonymous reports, but the institution would only be obligated to investigate when a formal report is submitted to a responsible employee. These websites would provide telephone numbers and links to local, state and/or national hotlines providing information for sexual assault victims. The website would also provide the name and location of the nearest medical facility where an individual may have a rape kit administered by a trained sexual violence forensic nurse, including information on transportation options and financial aid for a visit to such facility.
The SaVE Act

The SaVE Act requires institutions to promulgate and implement policies and procedures that describe:

- Each type of disciplinary proceeding used by the institution in cases of alleged dating violence, domestic violence, sexual assault, or stalking;
- The steps, anticipated timelines, and decision-making process for each type of disciplinary proceeding;
- How to file a disciplinary complaint;
- How the institution determines which type of proceeding to use based on the circumstances of an allegation of dating violence, domestic violence, sexual assault, or stalking; and
- the standard of evidence that will be used during the disciplinary proceeding.

Institutions must provide for a prompt, fair, and impartial disciplinary proceeding in cases of alleged dating violence, domestic violence, sexual assault, or stalking. These hearing must provide the following:

- Officials must be appropriately trained and not have a conflict of interest or bias for or against the accuser or the accused;
- The accuser and the accused must have equal opportunities to have others present, including an advisor of their choice;
- The accuser and the accused must receive simultaneous notification, in writing, of the result of the proceeding and any available appeal procedures;
- The proceeding must be completed in a reasonably prompt time frame;
- The accuser and accused must be given timely notice of meetings at which one or the other or both may be present;
- The accuser, the accused, and appropriate officials must be given timely and equal access to information that will be used during informal and formal disciplinary meetings and hearings; and
- If the disciplinary procedures provide for an appeal, the accuser and the accused must be given equal rights to appeal the disciplinary decision.

Institutions must list all of the possible sanctions that the institution may impose following the results of any institutional disciplinary proceedings for an allegation of dating violence, domestic violence, sexual assault, or stalking.

Institutions must specify that compliance with the SaVE Act regulations does not constitute a violation of section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly known as the Family Educational Rights and Privacy Act of 1974 (FERPA), which requires institutions to maintain the confidentiality of information contained in personally identifiable education records.

Title IX

a. Timeframes

An institution's grievance and disciplinary hearing procedures should specify the time frames for all major stages of the procedures, as well as the process for extending timelines. Grievance procedures should specify the time frame within which:

- The school will conduct a full investigation of the complaint;
- Both parties receive a response regarding the outcome of the complaint; and
- When the parties may file an appeal, if applicable. Both parties should be given periodic status updates.

OCR has opined that most disciplinary proceedings, excluding an appeal, should be completed within 60 days of the institution receiving the complaint.

b. Access to Evidence

The complainant and the alleged perpetrator must be afforded similar and timely access to any information that will be used at the hearing. An institution should not allow the alleged perpetrator to review the complainant's statement without also allowing the complainant to review the alleged perpetrator's statement.
Access should not be given to privileged or confidential information. For example, the alleged perpetrator should not be given access to communications between the complainant and a counselor or information regarding the complainant's sexual history.

c. Disciplinary Process

To comply with Title IX, institutions must use a preponderance of the evidence standard (i.e., it is more likely than not that sexual harassment or violence occurred) to determine whether the respondent's conduct violates the student conduct code. Disciplinary proceedings should be documented, including written findings of fact, transcripts, or audio recordings.

The complainant and the respondent should receive equal procedural rights during the hearing process. If there is a prehearing conference, both the complainant and the respondent should have an opportunity to attend. Both parties should have an equal opportunity to present relevant witnesses and other evidence. OCR has opined that a hearing officer or disciplinary board should not allow only the alleged perpetrator to present character witnesses at a hearing.

Institutions are not required to permit parties to have lawyers during any stage in the proceedings, but if they do, the institution must do so equally for both parties. Any institution-imposed restrictions on the ability of lawyers to speak or otherwise participate in the proceedings should apply equally.

Institutions should take steps to ensure that the complainant is not unnecessarily re-traumatized by the proceedings. In sexual violence cases, the fact-finder and decision-maker should both receive adequate training or knowledge regarding sexual violence. Institutions are strongly discouraged from allowing the parties to personally question or cross-examine each other during the hearing, as such a practice may traumatize or intimidate the complainant, thereby possibly escalating or perpetuating a hostile environment.

d. Final Decisions

Both parties should be notified, in writing, about the outcome of both the complaint and any appeal, i.e., whether harassment was found to have occurred. Institutions are encouraged to provide the written determination of the final outcome to the complainant and the alleged perpetrator concurrently.

e. Appeals

Institutions are encouraged to provide an appeals process and if they do, they must provide an appeal of the findings or remedy for both parties.

SB 5518

SB 5518, §2 requires that institutions employ a uniform disciplinary system that does not distinguish between the status or characteristics of certain students groups. Student athletes, members of fraternities and sororities, and undergraduate and graduate students should all be subject to the same disciplinary procedures.

Proposed Federal Legislation – Campus Accountability & Safety Act (CASA)

a. Uniform Disciplinary System

All schools would be required to use one uniform process for campus student disciplinary proceedings and may not allow athletic departments or other subgroups to handle complaints.

b. Written Notice of Decision to Victim

Institutions would be required to provide written notification of any decision to move forward with a campus disciplinary proceeding within 24 hours of that decision. This notice must be provided to both the victim and the accused. The notice must include details of the complaint, a summary of the disciplinary proceeding, and the rights and due process protections available to both parties.

c. Amnesty

Institutions would be required to provide amnesty from discipline to any student who reports, in good faith, sexual violence to a responsible employee. This amnesty will protect the reporting student from being disciplined by the institution for a student conduct violation, such as underage drinking, that is revealed during the course of making such a report.
Table 5. Campus Climate Surveys

**SB 5518**

SB 5518, §4 requires Washington’s four year institutions and community and technical colleges to conduct campus climate assessments to gauge the prevalence of sexual assault on their campuses. The assessment should include, but not be limited to, inquiries into:

- The prevalence of sexual assault, domestic violence, dating violence, and stalking on and off campus;
- Student and employee knowledge of the Title IX Coordinator’s role in reporting and investigating sexual violence complaints; campus sexual violence policies and procedures; options for reporting sexual violence; and availability of sexual assault resources both on and off campus.
- Student and employee bystander attitudes and behavior.
- Whether survivors reported to the institutions, law enforcement, or both, whether campus police or a local law enforcement agency, and reasons why they did or did not report; and
- An evaluation of student and employee attitudes and awareness of the campus sexual violence issue and any recommendations for better addressing and preventing sexual violence on and off campus.

Findings from the survey will include an evaluation of student and employee attitudes and awareness of campus sexual violence issues. If needed, the report should also provide recommendations for making improvements in addressing and preventing sexual violence on and off campus.

SB 5518, §4 provides that an assessment conducted to comply with new federal requirements pertaining to campus climate assessments would fulfill the State requirements.

**Proposed Federal Legislation – Campus Accountability & Safety Act (CASA)**

If adopted without amendment, CASA would require students at every institution of higher education to be surveyed about their experience with sexual violence to get an accurate picture of this problem. This biannual survey would be standardized and anonymous, with the results published online so that parents and high school students can make an informed choice when comparing universities and colleges. The Department of Education would also be required to publish the names of all institutions with pending investigations, final resolutions, and voluntary resolution agreements relating to concerns regarding sexual violence under Title IX.

CASA would require that the climate survey include, but not be limited to, questions on the following topics:

- Whether students know about institutional policies and procedures regarding sexual violence.
- If a victim reported sexual violence, to whom the report was made, the response the victim received, and whether the victim was informed about, or referred to, national, state, local or on campus resources.
- Contextual factors, such as whether force, incapacitation, or coercion were involved in a sexual assault.
- Whether the accused was a student.
- Whether the incident was reported to State or local law enforcement.
- Why the victim did or did not choose to report an incident to law enforcement.

The survey would be fair and unbiased, scientifically valid and reliable, and meet the highest standards of survey research. Survey questions would be designed to gather information on survivor experiences, and use trauma-informed language to prevent retraumatization.

Each institution would be required to publish the campus-level results of the survey on the website of the institution and in the annual safety report for campuses affiliated with the institution.
### Table 6. Memoranda of Understanding (MOUs) with Local Law Enforcement

#### Title IX

A MOU with a local police department must allow the institution to meet its Title IX obligation to resolve complaints promptly and equitably. Nothing in a MOU or a criminal investigation should prevent an institution from notifying complainants of their Title IX rights and the institution’s grievance procedures, or from taking interim steps to ensure the safety and well-being of the complainant and the school community during the law enforcement agency’s investigation.

Although an institution may need to temporarily delay the fact-finding portion of a Title IX investigation while the police are gathering evidence, once notified that the police department has completed its gathering of evidence (not the ultimate outcome of the investigation or the filing of any charges), the institution must promptly resume and complete its fact-finding for the Title IX investigation.

Institutions should not wait for the conclusion of a criminal investigation or criminal proceeding to begin their own Title IX investigation and, if needed, must take immediate steps to protect the student in the educational setting. For example, an institution should not delay conducting its own investigation or taking steps to protect the complainant because it wants to see whether the alleged perpetrator will be found guilty of a crime.

#### SB 5518

Stakeholder institutions and agencies must submit reports to the governor and the legislature’s higher education committees by July 1, 2016, on steps taken by their institutions to enter into memoranda of understanding with local law enforcement that set forth each party’s respective roles and responsibilities related to the prevention and response to sexual assault.

#### Proposed Federal Legislation – Campus Accountability & Safety Act (CASA)

If CASA was adopted without amendment, institutions would be required to enter into MOUs with each law enforcement agency that has jurisdiction to report as a first responder. The MOU would be required to clearly delineate responsibilities and share information in conformance with applicable Federal confidentiality laws about certain serious crimes, including sexual violence, occurring against students of the institution or other persons on campus. CASA mandates that institutions review and update each MOU, as necessary, every two years.

Based upon a victim’s wishes, institutions must cooperate with local law enforcement with respect to any alleged criminal offenses involving students or employees of the institution.

MOUs would be required to include:

- Delineation and sharing protocols of investigative responsibilities;
- Protocols for investigations, including standards for notification and communication and measures to promote evidence preservation;
- Agreed upon training and requirements for the institution on issues related to sexual violence;
- A method of sharing information about specific crimes, when authorized or requested to do so by a victim who has been fully and accurately informed about what procedures shall occur if the information is shared;
- A method of sharing information about specific crimes anonymously, when authorized or requested to do so by a victim who has been fully and accurately informed about what procedures shall occur if the information is shared, in order to better protect overall campus safety.

Under CASA, institutions that failed to enter into MOUS would be subject to a civil penalty of not more than one% of the institution’s operating budget. Monies collected would be used to fund grant programs for the SaVE Act. A safe harbor provision is provided for institutions who encounter an uncooperative law enforcement agency.
Endnotes