Policy Prohibiting Discrimination, Discriminatory Harassment, Sexual Harassment, and Sex and Gender Based Violence

PURPOSE

Washington State University (WSU) recognizes that discrimination, discriminatory harassment, sexual harassment, and sex and gender-based violence can impact the ability of students, staff, faculty, and community members to participate in, access, or reap the benefits of educational and employment opportunities. WSU is committed to creating and maintaining a diverse, inclusive, accessible, and equitable community. WSU encourages reporting and questions, even anonymous questions, to the Office of Civil Rights Compliance and Investigation (CRCI) under this policy. WSU offers support even if reporting parties choose to limit the information they disclose.

Furthermore, WSU also recognizes and is committed to the principles of free inquiry and free expression, understanding that discussion and debate are fundamental to the University.

Complaints under this policy are to be reviewed on a case-by-case basis to ensure the integrity of the University, and to ensure that the University maintains its tradition of intellectual freedom, the trust and respect expected in the University community, and the rights of individuals.

POLICY

Protected Classes

WSU recognizes the following classes (categories or traits) as protected, in accordance with applicable federal and state regulations and law:

- Race
- Sex and/or gender
- Sexual orientation
- Gender identity or expression
- Religion
- Age
- Color
- Creed
- National or ethnic origin
- Marital status
- Genetic information
- Status as an honorably discharged veteran or member of the military
- Physical, mental, or sensory disability, including the use of a trained service animal
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**Discrimination**

Discrimination means unfair different treatment of, or behavior towards, another based on the individual's or individuals' membership in a protected class, or their perceived membership in a protected class.

Discriminatory conduct includes a wide spectrum of behaviors. Conduct which meets the violation standards listed below is subject to WSU investigative and disciplinary procedures. Where conduct does not meet the violation standards listed below, but is discriminatory in nature, WSU may take steps to remedy the conduct, educate, provide support or resources, or engage in an alternative resolution process.

**Violation of Policy**

In determining if conduct is discriminatory and a violation of this policy, the totality of the circumstances are assessed including, but not limited to, the following factors: severity; frequency of the discrimination; status of the reporting and responding parties and their relationship to each other; physicality, threats, or endangerment; and whether or not the conduct could be reasonably considered protected speech or serving some other lawful purpose.

The following conduct is prohibited and subject to the investigative, adjudicative, and disciplinary procedures outlined in this policy. See also Appendix I: Examples of Prohibited Discriminatory Conduct below.

1. **Disparate Treatment**

   Knowingly or intentionally treating an individual or individuals differently on the basis of a protected class not for a legitimate lawful purpose, which results in the individual or individuals being treated less favorably than similarly situated individuals of a different protected class.

2. **Disparate Impact**

   A facially neutral policy or practice that results in an individual or individuals in a protected class being impacted differently and less favorably than similarly situated individuals who are not in that protected class. This does not include conduct which has a legitimate lawful purpose.
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3. Discriminatory Harassment

Unwelcome, intentional conduct, on the basis of membership in a protected class, which is so severe or pervasive, and objectively offensive, that it substantially and unreasonably:

a. Interferes with, or has the potential to interfere with, an individual's ability to participate in WSU employment, education, programs, or activities;

b. Adversely alters the condition of an individual's WSU employment, education, or participation status;

c. Creates an objectively abusive employment, program, or educational environment; or

d. Results in a material or substantial disruption of WSU's operations or the rights of students, staff, faculty, visitors, or program participants.

4. Sexual Harassment

Discriminatory harassment includes sexual harassment, which is discriminatory harassment on the basis of sex and/or gender. WSU is committed to providing a working and academic environment free from sexual harassment of any kind. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature or on the basis of sex and/or gender constitutes sexual harassment and is a violation of this policy when:

a. The conduct meets the definitions described in Discriminatory Harassment above, or Quid Pro Quo, Sexual Misconduct, Stalking, or Intimate Partner Abuse (see subsections 5, 6, 7, and 8 below, respectively); or

b. The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

WSU is under a legal obligation to respond to allegations of sexual harassment. CRCI requests feedback from a reporting party regarding their desired outcome and/or process.

5. Quid Pro Quo

Quid pro quo sexual harassment includes:

a. Submission to unwelcome verbal or physical conduct of a sexual nature made either explicitly or implicitly a term or condition of any individual's employment or education; or

b. Submission to or rejection of unwelcome verbal or physical conduct of a sexual nature by an individual used as the basis for employment or educational decisions affecting the individual.
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6. Sexual Misconduct

Sexual misconduct is defined by the WSU Standards of Conduct for Students, *Washington Administration Code (WAC)* 504-26-221. For purposes of this policy, the referenced definition applies to complaints against students, faculty, staff, and others having an association with the University, in accordance with Application of Policy below.

7. Stalking

Stalking is defined by the WSU Standards of Conduct for Students, *WAC* 504-26-223. For purposes of this policy, the referenced definition applies to complaints against students, faculty, staff, and others having an association with the University, in accordance with Application of Policy below.

8. Intimate Partner Abuse

Intimate partner abuse is conduct or threats which are targeted against a person with whom an individual is in or had been in a romantic, sexual, or dating relationship, where the conduct or threats are used to coerce, intimidate, or control the person. This may include physical, verbal, emotional, psychological, or financial assault and/or control. It may also include direct or indirect conduct, as well as threats or conduct directed towards the person's family, friends, property, or pets. Such conduct is a violation of this policy where it meets one or more of the four factors described in the definition of Discriminatory Harassment above.

9. Retaliation

Any act that would dissuade a reasonable person from making or supporting a complaint, or participating in an investigation, under this policy. It includes, but is not limited to, action or threat of action that could foreseeably negatively affect another's employment, education, reputation, or other interest, and/or threats or conduct directed at a person's family, friends, property, or pets.

10. Interference

Actions that intentionally:

- Dissuade or attempt to dissuade reporting parties, responding parties, or witnesses from reporting or participating in an investigation;
- Attempt to influence a reporting party, responding party, or witness to make an inaccurate statement in the investigation;
- Delay or disrupt, or attempt to delay or disrupt, any University processes related to this policy; and/or
- Alter or attempt to alter the evidence provided to or received by investigative or disciplinary processes.
11. False Allegations

Knowingly misrepresenting facts or evidence to University officials, or engaging in other fraudulent conduct, for the purpose of making a claim that a violation of this policy occurred. No complaint is considered false solely because it cannot be corroborated.

12. Violation of Discrimination Law

Any action that would be a violation of any Washington state or federal discrimination law is also a violation of this policy.

Limitations on Violations

WSU recognizes that some harassing or discriminatory speech may be used to communicate ideas, beliefs, or opinions, and therefore may have first amendment protections.

With limited exceptions, WSU does not limit or prohibit speech in an employee's private context, unless that private speech impacts WSU's operations. Employees should also be aware of their obligations and responsibility to WSU when acting in their private capacities. See for example WAC 504-35-030(3).

This policy does not restrict the academic freedom of faculty within their instructional content and method or in the communication of ideas relating to their subject matter. See WSU Faculty Manual, Section II.B (Freedom of Expression and Accompanying Responsibilities).

This policy also does not restrict the protected speech rights of students. (See also Appendix 2: Examples of Protected Speech below.)

WSU also recognizes that conduct which does not violate this policy may still have the ability to harm individuals. Where conduct does not violate this policy, WSU may still engage in proactive steps to provide support, resources, and alternative programming to address concerns. Conduct which does not violate this policy may still be a violation of another University policy or professional code.

Standard of Evidence

WSU determines the facts and whether there is a violation of this policy based on a preponderance of evidence. Preponderance means that the totality of the evidence persuades the fact finder that a fact is more probably true than not true and/or that it is more probable than not that a violation of the policy occurred.
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Application of Policy

This policy applies to all students, faculty, staff, and others having an association with the University if the incident:

1. Occurred on WSU-owned or -controlled property;
2. Occurred in connection with WSU activities, programs, or events;
3. Has the effect of, or the potential to, unreasonably interfere with or limit an individual's work, academic performance, living environment, personal security, or participation in any activity at WSU;
4. Includes unlawful acts that directly affect WSU programs, community members, or property insofar as such acts materially and substantially interfere with the missions, functions, processes, and goals of the WSU community; or
5. Includes unlawful acts that result in a guilty plea to or conviction of a felony.

WSU may act upon incidents that are outside of the application of this policy if another University policy provides jurisdiction.

Consistent with WAC 504-26-221, the use of alcohol or drugs is not a valid defense to a violation of this policy.

REPORTING AND SUPPORT OPTIONS

Filing a Complaint

Consistent with Executive Policy Manual EP26: Internal Investigations Training and Policy, the Office of Civil Rights Compliance and Investigation (CRCI), or its designee, is responsible for University investigations under this policy. CRCI provides reporting options and investigative processes to address allegations of violations of this policy.

EXCEPTION: Grievances under this policy arising out of WSU health care programs or activities which receive funding from the U.S. Department of Health and Human Services (e.g., a patient alleging a denial of service due to a protected class status), must be filed with the Section 1557 Civil Rights Coordinator, housed in Cougar Health Services. (See Patient Protection and Affordable Care Act below.) The Section 1557 Civil Rights Coordinator works with CRCI regarding investigation of the complaint.

The Section 1557 Civil Rights Coordinator may be contacted at:

Cougar Health Services Access and Civil Rights Coordinator
Mailing address: PO Box 642302
              Pullman, WA 99164-2302
E-mail: CHS.civirightscoord@wsu.edu
Filing a Complaint (cont.)

Complaints involving criminal activity may also be made to local law enforcement. WSU’s process related to this policy is separate and distinct from the criminal process and may be pursued simultaneously. In cases where a criminal conviction is made, CRCI may rely on that finding, in whole or in part. Furthermore, in cases involving criminal investigation, CRCI may rely on the police investigation in making determinations under this policy, regardless of whether or not that criminal investigation results in a criminal charge, prosecution, or conviction. The failure to charge, prosecute, and/or convict a respondent does not preclude CRCI's investigation of a complaint.

In cases of complaints relating to sex and/or gender, the Lead Title IX Coordinator (housed in CRCI) and area Title IX Deputy Coordinators are also available to receive a complaint and refer the complaint to CRCI. CRCI provides multiple reporting options, including reporting in-person, over the phone, via video/audio online service, online, or by e-mail:

Office of Civil Rights Compliance and Investigation / Title IX Coordinator

Physical location:

    French Administration Building Room 225
    Pullman, WA 99164

Mailing address:

    PO Box 641022
    Washington State University
    Pullman, WA 99164-1022

Telephone: 509-335-8288
Fax: 509-335-5483
Website: crci.wsu.edu/file-a-complaint/
E-mail: crci@wsu.edu

CRCI accepts anonymous complaints. Some investigative processes may not be available for anonymous reports if the reporting party's credibility cannot be assessed, supporting documentation is not provided, details are insufficient to support an investigation, and/or the due process rights of the responding party are in jeopardy. If an individual is interested in making an anonymous complaint, CRCI encourages the individual to provide as much information as is available, including descriptions of specific incidents, witness names, and any available documentary evidence.
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Filing a Complaint (cont.)

There is no time limit to report violations of this policy to CRCI; reports are always encouraged. CRCI makes an individualized assessment for each report; however, for complaints of conduct occurring more than two years in the past, CRCI's determination on whether to proceed with an investigation may be limited by the passage of time and availability of evidence. In making determinations on older matters, CRCI considers, at a minimum, the support options available to the participants, the likelihood of any continuing effects on WSU activities, programs, or events, available resources, the amount of time that has passed, the existence of available records, the availability of witnesses, and the impact of the time on witnesses' ability to recall accurate information.

Reporting parties may share information with CRCI for the purpose of:

1. Documenting their concerns;
2. Facilitating resources;
3. Requesting a consultation;
4. Requesting an informal resolution; and/or
5. Requesting a University investigation.

CRCI may report findings or the cause for an administrative leave to other agencies, where required by a granting agency (e.g., the National Science Foundation (NSF) requires awardee institutions to report sexual harassment findings).

For employees, sexual harassment is an unlawful employment practice prohibited by Title VII of the Civil Rights Act of 1964 and RCW 49.60. WSU may not require an employee, as a condition of employment, to sign a nondisclosure agreement, waiver, or other document that prevents the employee from disclosing sexual harassment or sexual assault occurring in the workplace, at work-related events coordinated by or through the employer, or between employees, or between an employer and an employee, off the employment premises in accordance with RCW 49.44.210.

WSU does not enter into nondisclosure agreements for matters involving this policy. An employer may not require an employee, as a condition of employment, to sign a nondisclosure agreement, waiver, or other document that prevents the employee from disclosing sexual harassment or sexual assault occurring in the workplace, at work-related events coordinated by or through the employer, or between employees, or between an employer and an employee, off the premises in accordance with RCW 49.44.210.
Requesting a Consultation

CRCI accepts requests for consultations, including anonymous consultations. During a consultation, a reporting party may report as much or as little information as the reporting party is comfortable sharing. University administrators may have limited actions available when incomplete information is provided.

CRCI also accepts requests for consultations that involve compliance-related questions and that do not involve a complaint.

Confidential Reporting

CRCI is not a confidential resource, and confidentiality is not guaranteed. However, CRCI takes reasonable steps to protect the privacy of individuals participating in matters under this policy, to the extent allowable by University policy and state and federal regulations and law. CRCI files are subject to public records requests; however, WSU redacts records to protect the privacy of individuals to the extent allowed by law. Responses to public records requests are in accordance with RCW 42.56.660, 42.56.665, and 42.56.675. Individuals may request to consult with the CRCI anonymously, before deciding whether to disclose their identity.

Reports may be shared confidentially with:

1. For students:
   a. WSU counseling or medical providers;
   b. Local victim advocacy agencies;
   c. Local counseling or medical providers; and/or
   d. Other University personnel designated as confidential.

2. For employees:
   a. Employee Assistance Program;
   b. Local victim advocacy agencies;
   c. Local counseling or medical providers; and/or
   d. Other University personnel designated as confidential.

Confidential reporting information is available on the CRCI website:

crci.wsu.edu/resources/
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External Reporting

Employees and students have the right to file complaints to external agencies including, but not limited to:

1. The Washington State Human Rights Commission
2. The Federal Equal Employment Opportunity Commission
3. The Department of Education's Office for Civil Rights
4. Law enforcement agencies

Resources

Access to confidential and nonconfidential resources is available to all participants in CRCI's processes, which may include University administrative resources, counseling, medical services, advocacy, and safety options. Information about resources, including resources specific to each campus location, as well as state and federal compliance offices, is available on the following CRCI website:

[crci.wsu.edu/resources/](crci.wsu.edu/resources/)

Some WSU employees may be required to report information under this policy. For more information, see [Employee Reporting Requirements](#) below.

Participant Rights and Responsibilities

During a CRCI investigative process, the reporting party and the responding party have the right to:

1. Individualized and appropriate interim or safety measures, determined to be necessary by CRCI, Human Resource Services, the Office of the Dean of Students, law enforcement, court order (including protection orders), and/or other University administrators;
2. Confidential and nonconfidential resources;
3. Neutral investigative process;
4. Receive information about University policies and procedures, including information that retaliation is prohibited for all investigation participants;
5. Notification of allegations;
6. Opportunity to respond to allegations and/or witness statements;
7. Opportunity to present evidence;
8. Opportunity to provide relevant witnesses;
Participant Rights and Responsibilities (cont.)

9. Opportunity to present and have considered their preferred resolution path;
10. Opportunity to have a support person or advisor, which may be an attorney;
11. Opportunity to be informed of the status and the outcome of an investigation;
12. Opportunity to review investigative findings and conclusions in writing, which may be redacted as necessary to protect privacy.

Additional rights and information about CRCI's investigative procedures can be found in the CRCI Procedural Guidelines:

crci.wsu.edu/crci-procedural-guidelines/

Additional rights and responsibilities for the sanctioning process can be found in the WSU Faculty Manual, the Administrative Professional Handbook, WAC 357-40 (civil service employees), applicable collective bargaining agreements, or the WSU Standards of Conduct for Students (WAC 504-26),

The reporting and responding parties in an investigation are responsible for:

1. Providing verbal or written statements, if desired;
2. Presenting the names of witnesses, if desired;
3. Reviewing and responding to University communications provided to their WSU e-mail account; and
4. Participating in adjudicative or disciplinary proceedings.

Good Samaritan Guideline - Students

During a CRCI process, when a student voluntarily shares information about the possession or use of alcohol or drugs, CRCI does not refer the student to the Center for Community Standards for alcohol or drug related conduct proceedings, except where drugs or alcohol were used to gain advantage, incapacitation, or exploitation over another individual. The Center for Community Standards also uses discretion under WAC 504-26-510, the Good Samaritan Policy, and may refrain from imposing formal discipline for alcohol or drug use and possession under the Standards of Conduct for Students.

For more information, see:

- Center for Community Standards website: communitystandards.wsu.edu/policies-and-reporting/good-samaritan-guideline/
- WAC 504-26-510: Good Samaritan policy: apps.leg.wa.gov/wac/default.aspx?cite=504-26-510
UNIVERSITY RESPONSE TO A COMPLAINT

CRCI Responsibilities

CRCI is the central intake office for complaints under this policy and serves as a neutral consultation and investigation resource. CRCI acts in an impartial manner following its Procedural Guidelines, which include information on reporting, interim measures, determination to proceed, investigative procedures, informal resolutions, and appeals:

crci.wsu.edu/crci-procedural-guidelines/

Reports to CRCI may also involve other University policies or procedures within the purview of the Center for Community Standards, Human Resource Services, or the Office of Internal Audit, among others.

Information on student conduct policies and procedures are available on the following Center for Community Standards website:

communitystandards.wsu.edu/

Information on employment policies and procedures are available on the Human Resource Services website:

hrs.wsu.edu/employees/employee-policies/

Information on policies and procedures under the purview of the Office of Internal Audit are available on their website:

internalaudit.wsu.edu/

Resolution and Disciplinary Processes

CRCI functions as a neutral fact-finder only and does not participate in discipline or sanction decision-making, but may participate in informal resolution processes, as appropriate. Upon receipt of CRCI investigation findings, discipline and sanctions may be imposed by:

1. Conduct officers or conduct boards, as administered by the Center for Community Standards, for student responding parties.
2. Supervisors or appointing authorities as appropriate, with the support and guidance of Human Resource Services, for employees.
3. Appropriate University administrators, for all other responding parties.
Resolution and Disciplinary Processes (cont.)

Individuals found to have violated this policy are subject to corrective and/or disciplinary action, up to and including dismissal or expulsion, consistent with this policy and other applicable University policies and handbooks (e.g. the WSU Faculty Manual, the Administrative Professional Handbook, WAC 357-40 (civil service employees), applicable collective bargaining agreements, and the WSU Standards of Conduct for Students (WAC 504-26), including any appeal procedures provided under the applicable standard. The sanctions that are imposed, or other actions taken, must be reported to CRCI by the administrator or supervisor who imposes the sanctions.

Discriminatory conduct includes a wide spectrum of behaviors. Where conduct does not violate this policy, but is discriminatory in nature, WSU may take steps to address the conduct, provide support or resources, or engage in an alternative resolution process, in lieu of a formal investigative and sanctioning process. Recommendations by CRCI to address such conduct are to be carefully considered by WSU departments. Alternative resolution processes are also available in matters where an investigation is warranted, or where a resolution is the preferred resolution path of the reporting party and/or responding party.

Alternative resolution processes may include, but are not limited to:

1. Safety measures;
2. Verbal counseling;
3. Departmental resolutions;
4. Separation of the reporting party and the responding party, where appropriate (e.g., residence hall relocation, class or work schedule changes);
5. Mediation;
6. Settlement agreements; and/or
7. Training.

Alternative resolutions are typically used for less serious allegations and/or where the reporting and responding parties agree to the resolution.

Violation findings are final after all participants have exhausted or declined to exercise their appeal rights, within the time frames dictated by the CRCI Procedural Guidelines or other relevant University policies. However, this decision does not limit individuals' rights to contact the resources discussed under Reporting and Support Options above.

Once a complaint has been resolved under this policy (e.g. a complaint was investigated, findings were made, and all participants had an opportunity to appeal a final University decision), it may be reactivated only where new relevant and credible information becomes available to CRCI.
EMPLOYEE-RELATED RESPONSIBILITIES

Department Responsibilities

All University departments are expected to promote a work and academic environment which is free of discrimination, discriminatory harassment, and sex and/or gender-based violence. This may include taking steps to address conduct, in consultation with CRCI, Human Resource Services, and the WSU Division of the Office of the Attorney General, providing training to employees or students, and ensuring policies and procedures are in compliance with this policy.

Managers and supervisors are required to:

1. Coordinate and cooperate with the Lead Title IX Coordinator or CRCI regarding compliance, investigations, and resolutions under this policy, including taking appropriate steps to prevent or respond to potential retaliation and interference as prohibited by this policy;
2. Ensure staff are adequately trained on this policy (see Employee Training Requirements below);
3. Engage in preventative activities and create a culture of compliance with this policy;
4. Promptly report possible violations of this policy as required (see Employee Reporting Requirements below);
5. Participate in investigations or other resolution processes under this policy, as appropriate;
6. Maintain records as required by the state and University retention policies;
7. Execute resolutions or sanctioning, if appropriate; and
8. Not engage in conduct prohibited under this policy.

WSU employees are required to:

1. Contribute to a culture of compliance with this policy;
2. Not engage in conduct prohibited under this policy;
3. Promptly report possible violations of this policy as required (see Employee Reporting Requirements below);
4. Participate in an investigation or other resolution process under this policy, as appropriate;
5. Not engage in retaliation or interference as prohibited by this policy; and
6. Complete the required Discrimination, Discriminatory Harassment, Sexual Harassment, and Sex and Gender Based Violence Prevention employee training (see Employee Training Requirements below).
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Employee Training Requirements

This section applies to employees, which includes all WSU employees, student employees, and authorized volunteers.

In accordance with the goals of this policy, all WSU employees, including student employees and authorized volunteers, are required to take the Discrimination, Sexual Harassment, and Sexual Misconduct Awareness, Prevention, and Response Training at regular intervals determined by the WSU Office of the President. To learn more about this training requirement, see:

hrs.wsu.edu/training/discrimination-sexual-harassment-prevention/

Individual units may require employees to complete additional training and may submit requests to CRCI for specific training needs.

Employee Reporting Requirements

Incidents Involving Sexual Harassment

Employees who have information regarding an incident or situation involving sexual harassment (including, but not limited to, quid pro quo harassment, sexual misconduct, intimate partner violence, or stalking) are required to promptly report the information to CRCI, or the Lead Title IX Coordinator, or one of the designated area Title IX Deputy Coordinators. The list of Lead Title IX Coordinator and area Title IX Deputy Coordinators is available on the CRCI website at:

crci.wsu.edu/title-ix/title-ix-coordinators/

There are limited exceptions to this requirement. The exceptions are:

- Employees who are statutorily barred from reporting (for example, health care providers and mental health care providers acting in their capacities as health care and mental health care providers);
- Employees, interns, professional trainees, volunteers, contractors, and other similar individuals who have received information while providing services within their professional capacity at WSU’s Cougar Health Services, Athletic Medicine, or WSU Psychology Clinic, or while otherwise designated by WSU to provide medical or mental health services;
- Employees participating in preventative education for students regarding sex and gender-based violence or a related program, during which a student or employee discloses having experienced sexual harassment (including, but not limited to quid pro quo harassment, sexual misconduct, intimate partner violence, or stalking);
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Employee Reporting Requirements (cont.)

Incidents Involving Sexual Harassment (cont.)

Exceptions (cont.):

- Employees who have no authority to take action to redress sexual harassment (including, but not limited to quid pro quo harassment, sexual misconduct, intimate partner violence, or stalking) and who could not reasonably be viewed by students or other employees as having such authority (for example, certain nonsupervisory custodial or dining services staff); such employees are nonetheless strongly encouraged to report all instances of sexual harassment (including, but not limited to, quid pro quo harassment, sexual misconduct, intimate partner violence, or stalking) to CRCI; and

- Employees engaged in research and climate surveys which include gathering information on discrimination, discriminatory harassment, sexual harassment, and sex and gender based violence, during which a research participant discloses, for the purpose of the research, having experienced discrimination, discriminatory harassment, sexual harassment, or sex and gender based violence, unless the Institutional Review Board requires otherwise.

Other Incidents of Discrimination

Employees with supervisory responsibility must report all incidents of discrimination that may violate this policy to CRCI. All other WSU employees are strongly encouraged to report such incidents.

Campus Security Authority Reporting

Employees designated as a Campus Security Authority are required to report Clery Act identified crimes to the appropriate Clery administrator. Each campus has its own Campus Security Authorities. Campus Security Authorities are identified on the following website:

crci.wsu.edu/csa/

State Mandatory Reporting

Under state law (RCW 26.44.030(1)(f)), all administrative, academic, and athletic department employees, including student employees, are required to report suspected child abuse or neglect to law enforcement or to the Washington State Department of Social and Health Services. All other higher education employees are required to report suspected child abuse or neglect to their supervisor within 48 hours and also should report these incidents to law enforcement (RCW 28B.10.846).

WSU students participating in certain internships, clinical rotations, and other training programs, and faculty, staff, and licensed health care providers overseeing such programs, also may have mandatory reporting requirements with respect to abuse and neglect of children and vulnerable adults, in accordance with RCW 26.44.030 and RCW 74.34.035.
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Patient Protection and Affordable Care Act

Grievances under this policy (e.g., a patient alleging a denial of service due to a protected class status) arising out of WSU health care programs or activities which receive funding from the U.S. Department of Health and Human Services, must be filed with the Section 1557 Civil Rights Coordinator. (See Filing a Complaint above.)

WSU health care programs or activities post a Notice of Nondiscrimination and Accessibility (Notice) within each health care program/activity (i.e., Cougar Health Services), as required by Section 1557 of the Patient Protection and Affordable Care Act (ACA). This Notice formally designates the Civil Rights Coordinator to receive grievances and the procedure for submitting a grievance. The Section 1557 Civil Rights Coordinator is also responsible for coordinating WSU's compliance with Section 1557 of the ACA.

QUESTIONS

Questions about this policy may be directed to CRCI.
APPENDIX 1:
Examples of Prohibited Discriminatory Conduct

Prohibited conduct may include, but is not limited to, the following examples, where the conduct violates the standards outlined above. These examples are provided to help the University community understand this policy; individual complaints of the nature listed below are thoroughly reviewed using the standards in the above section:

1. **Disparate treatment or disparate impact** may include:
   a. Denying of educational or employment opportunities or benefits because of a person’s protected class;
   b. Giving a person less advantageous working conditions or educational opportunities because of their protected class; or
   c. Maintaining a practice or policy that disproportionately impacts a protected class.

2. **Discriminatory harassment** may include:
   a. Name calling or other verbal or physical behavior based on a protected class that is so severe or pervasive, and objectively offensive, that it substantially and unreasonably interferes with an individual's ability to participate in a WSU program or activity;
   b. Physical assault, or threatening or causing physical harm, extreme verbal abuse, or other conduct that threatens or endangers the health or safety of any person;
   c. Intimidation, including implied threats or acts that cause a reasonable fear of harm in another;
   d. Hazing, as defined in WAC 504-26-206; or
   e. Cyber harassment.

3. **Sexual harassment** may include:
   a. Sexually explicit jokes, comments about another's physical appearance, and/or displaying of media with sexual content that is so severe or pervasive, and objectively offensive, that it substantially and unreasonably interferes with an individual's ability to participate in a WSU program or activity;
   b. Persistent, unwanted attempts to change a professional relationship to an amorous relationship;
   c. Subtle propositions for sexual activity or direct propositions of a sexual nature; or
   d. Uninvited letters, emails, telephone calls, or other correspondence referring to or depicting sexual activities that are so severe or pervasive, and objectively offensive, that it substantially and unreasonably interferes with an individual's ability to participate in a WSU program or activity.
APPENDIX 1:
Examples of Prohibited Discriminatory Conduct (cont.)

4. **Quid pro quo** may include:
   a. Direct or implied threats that submission to sexual advances is a condition of employment, work status, promotion, grades, work references, or letters of recommendation.

5. **Sexual misconduct** may include:
   a. Nonconsensual sexual contact;
   b. Causing or attempting to cause the incapacitation of another person to gain sexual advantage over such other person;
   c. Invading another person's sexual privacy;
   d. Engaging in voyeurism;
   e. Knowingly or recklessly exposing another person to a significant risk of sexually transmitted disease or infection; or
   f. Possessing and/or distributing child pornography.

6. **Stalking** may include:
   a. Engaging in a course of conduct in-person, electronically, or through a third party that is directed at a specific person that would cause a reasonable person to:
      i. Fear for their safety or the safety of others;
      ii. Fear for harm to their property or the property of others; or
      iii. Suffer substantial emotional distress.

7. **Intimate partner violence** may include:
   a. Pervasive threats of physical violence towards a romantic partner or their pet;
   b. Physical assault towards a sexual partner;
   c. Severe and pervasive negative comments towards an intimate partner made to gain control over that partner; or
   d. Controlling behavior, such as limiting a romantic partner's access to joint finances, legal paperwork, family, friends, and/or transportation.
APPENDIX 1:
Examples of Prohibited Discriminatory Conduct (cont.)

8. **Retaliation** may include:
   a. Making threats or intimidating a witness, reporting party, or responding party in an attempt to prevent them from participating in an investigation; or
   b. Making statements that cause a witness, reporting party, or responding party to believe that participating in an investigation would be harmful to their career or academic opportunities.

9. **Interference** may include:
   a. Asking a witness, reporting party, or responding party to provide false information to an investigator or disciplinary body;
   b. Unreasonably delaying participation in an investigation; or
   c. Sharing false information to a witness, reporting party, or responding party in order to disrupt an investigation.

10. **Knowingly false allegations** may include:
   a. Falsely filing a complaint of discrimination against another individual whom the reporting party dislikes or disagrees with;
   b. Falsely filing a complaint of stalking against an individual in an attempt to improperly remove them from campus; or
   c. Falsely filing a complaint of sexual harassment against an individual to harm their reputation.

11. **Violation of discrimination law** may include:
   a. Failing to accommodate a disability, meaning refusing to offer reasonable accommodation to an individual with a disability, which results in the individual being denied an educational or employment opportunity.
APPENDIX 2: Examples of Protected Speech

The following examples may be protected speech, depending on the content and context. These examples are provided to help the University community understand this policy; individual situations, content, and intention are thoroughly reviewed to determine whether or not the conduct is considered protected speech:

1. **Protected verbal conduct** may include:
   a. An individual uses some offensive language to convey a political message.
   b. An individual makes political statements, with which others disagree.

2. **Protected expressive conduct** may include:
   a. An individual wears a t-shirt to protest political activity.
   b. An individual engaged in some symbolic activity that others find offensive to convey their concern; for example, the individual burns a flag or erects a statue to convey a political message.
   c. A group of individuals engages in a silent parade to show support for an organization.