2020 Annual Security and Fire Safety Report

October 2021

Bellingham Main Campus
Everett University Center Campus
Anacortes Campus (Shannon Point Marine Science Center)
Bremerton Campus
Port Angeles Campus
Poulsbo Campus (WWU Center at Poulsbo)
Security and Fire Safety Report

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WWU Information

WWU Home Page: www.wwu.edu
Operating Budget: budgetoffice.wwu.edu/
Campus Safety: www.wwu.edu/vpess/campussafety.shtml
Consultation & Sexual Assault Support: pws.wwu.edu/consultation-and-sexual-assault-support-casas
Office of Student Life/Dean of Students Office: wp.wwu.edu/officeofstudentlife
Emergency Preparedness: emergency.wwu.edu
Equal Opportunity Office: www.wwu.edu/eoo/
Environmental Health & Safety: ehs.wwu.edu
New Student Services/Family Outreach: www.nssfo.wwu.edu/index.shtml
Prevention and Wellness: pws.wwu.edu
Title IX, Sexual Harassment and Sexual Assault: crtc.wwu.edu/compliance/sexual-violence
Together Against Sexual Violence: crtc.wwu.edu/compliance/sexual-violence
University Communications: www.wwu.edu/university-communications
University Police: police.wwu.edu
Vice President for Enrollment & Student Services: vpess.wwu.edu/vice-presidents-office
SAFE Campus Hotline: 360-650-7233
General Information

ABOUT THIS PUBLICATION

The Annual Security and Fire Safety Report is published each fall by the Office of the Vice President for Enrollment and Student Services and the Office of University Communications, in collaboration with University Police, University Residences, the Office of Student Life, Prevention and Wellness Services, the Office of Civil Rights and Title IX Compliance, and Environmental Health and Safety. As part of Western’s commitment to maintaining a healthy and safe living, learning and working environment, we want to make you aware of our Annual Security & Fire Safety Report. This report is developed in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) and provides reported crime statistics for the previous three calendar years (2018, 2019 and 2020). The report also includes institutional policies concerning campus security, such as those concerning alcohol and drug use, crime prevention, the reporting of crimes, sexual assault, and other matters. It is available for download at www.wwu.edu/vpess/docs/ASRCleryreport.pdf. To request a paper copy of this report, please contact the Vice President of Enrollment and Student Services Office; (360) 650-3839; vpsa.office@wwu.edu

Each year, an email notice is sent to university students, faculty and staff informing them of the availability of this report. It is also available on the Vice President of Enrollment & Student Services website at www.wwu.edu/vpess/docs/ASRCleryreport.pdf and anyone can obtain a written copy by contacting this office. Information in this publication is current as of November 2020. Subsequent changes in policy or reported statistics will be reflected in the online version of the Annual Security and Fire Safety Report.

YOUR RIGHT TO KNOW: DISCLOSURE OF CONSUMER INFORMATION

Western Washington University is committed to providing full disclosure of all consumer information required by state and federal law to all students, their families and members of the campus community. Additional information may be found at https://www.wwu.edu/your-right-know-disclosure-consumer-information

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

Western recognizes its responsibility to provide timely information to the campus community during emergencies. In the event of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, staff or faculty, the university will use every appropriate communication tool to share information with the campus community as quickly as possible. The Western Alert system, described below, uses various notification tools:

• Email messages
• Cell-phone text messages
• Social media messaging
• Voice messages over the campus fire alarm system (building enunciation)
• The Western Washington University home page (www.wwu.edu)
• The WWU Emergency Communications web site (emergency.wwu.edu)
• Desktop notification

Emergencies may be reported to University Police by dialing 3911 from a campus phone or 360-650-3911 from a non-campus phone or cell phone.

EMERGENCY NOTIFICATIONS

Western Washington University is committed to ensuring the campus community receives timely, accurate and useful information in the event of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, employee and visitors. Western Washington University will immediately notify the campus community upon confirmation of an emergency or dangerous situation via an emergency notification system, RAVE, that provides Western Alerts. This system is used to send emergency messages within minutes of being initiated. Notifications will be made using RAVE as well as any or all of the following: desktop notification; email messages to WWU accounts; campus building enunciation (where available); social media; WWU homepage; WWU Emergency Communications web site (emergency.wwu.edu); and local media.

When University Police become aware of a potential critical incident or emergency situation, they will confirm whether it is an emergency or dangerous situation that potentially affects the health and/or safety of the campus community. Western’s Department of Public Safety is responsible for such confirmation, and may work in conjunction with Western administrators, local first responders, public health agencies, and/or the National Weather Service as they confirm.

Upon confirmation, Western will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgement of Responsible University Authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

The following officials have been designated the authority to authorize emergency notifications/Western Alerts to provide alert, warning and safety or protection instructions:
• Director of Public Safety/Chief of Police
• Assistant Director of Public Safety/Assistant Chief of Police
• Any University Police command staff or officer
• Director of University Communications
• Assistant Director of University Communications

These positions will be collectively referred to as “Responsible Authorities” for purposes of the Communication Procedures and Protocols. In reference to any of these positions, in the absence of the referenced individual, their designee will have the authority.

The departments and positions listed in the chart below will typically be responsible for developing the content and distributing the notifications as described.

If the emergency is limited to a particular segment or segments of the campus, the Director of Public Safety/Chief of Police will typically determine the segment or segments of the community to receive the immediate notification.
The content of the message will vary depending on the situation. At a minimum, the messages will describe the emergency, provide basic instructions to the community and will direct them to where they can receive additional information. Follow-up information regarding an incident and/or an “all clear” message (once the incident has been resolved) will be sent to impacted members of the campus community using any or all of the previously mentioned forms of notification.

ENROLLING IN EMERGENCY NOTIFICATION SYSTEMS FOR WESTERN ALERTS

All current students are automatic recipients of Western Alerts. Faculty and staff must “opt in” to receive Western Alert text messages (e-mail alerts will be sent to your official university account automatically). To “opt in” to receive Western Alert text messages, students, faculty, and staff should login to their MyWestern account online at mywestern.wwu.edu and click on “Web4U.” To “opt in” to receive Western Alert text messages, students, faculty, and staff should login to their MyWestern account online at mywestern.wwu.edu and click on “Web4U.” Select “Personal Information,” then “Cell Phone – View/Update.” Enter your cell phone number, and finish by pressing the “Update” button. Text messaging will only be used to communicate with you in two circumstances: during an event deemed an imminent threat to the health and safety to campus and during periodic tests of the Western Alert system.

Parents, relatives and community members also can opt-in to receive Western Alerts at www.getrave.com/login/wwu

TESTING THE WESTERN ALERT EMERGENCY NOTIFICATION SYSTEM

The university tests the Western Alert emergency notification system on at least a biannual basis, to ensure that it is working properly. These tests will be carefully identified and widely publicized. Please be advised that your cell phone service provider may apply a small standard text message fee when you receive an emergency alert. For more information on Western’s emergency preparedness and response procedures, visit emergency.wwu.edu

WWU CRIME NOTICES/ TIMELY WARNINGS

In the event a crime is reported to have occurred within Western’s Clery Geography, that in the judgment of the Director of Public Safety/Chief of Police, and in consultation with Responsible Authorities (when time permits), constitutes a serious or continuing threat to the community, a campus-wide WWU Crime Notices will be issued. The University may issue a WWU Crime Notice for the following: arson; aggravated assault; criminal homicide; domestic violence; dating violence; robbery; burglary; sexual assault; hate crimes; and stalking. The University may also issue a WWU Crime Notice for alcohol, drug, and weapon arrests or referrals that may cause a continuing threat to the community. University Police will distribute these warnings through a variety of ways, including but not limited to emails, posters, web postings, and media. The purpose of the WWU Crime Notice is to notify the campus community of the incident and to provide information that may enable the community to take steps to protect themselves from similar incidents. The University will issue WWU Crime Notices on a case-by-case basis after considering the following criteria: (1) one of the above listed crimes are reported; (2) the perpetrator has not been apprehended; and (3) there is a substantial risk to the safety of other members of the campus community because of this crime.

WWU Crime Notices are typically written and distributed by the Director of Public Safety/Chief of Police
and/or Director of University Communications or their designees.

A WWU Crime Notices will typically include the following, unless issuing any of this information would risk compromising law enforcement efforts:

- Date and time or timeframe of the incident;
- A brief description of the incident;
- Suspect description(s) when deemed appropriate and if there is sufficient detail (see below);
- Western Washington University Police & Bellingham Police contact information;
- Information that will promote safety and potentially aid in the prevention of similar crimes (crime prevention or safety tips);
- Other information as deemed appropriate by the Director of Public Safety/Chief of Police (or designee in Western’s Department of Public Safety).

The description of subjects in a case will only be included in the alert if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, that will not be included in the alert.

An institution is not required to provide a timely warning with respect to crimes reported to a pastoral or professional counselor. The University may also issue WWU Crime Alert in other circumstances, which may pose a significant threat to the campus community.

**Reporting Crimes on Campus**

The University Police Department encourages anyone who is the victim of or witness to a crime to promptly report the incident to police. To report a crime or emergency from an on-campus phone, dial 3911. To report a crime or emergency from a cell phone or off campus phone, dial 360-650-3911.

When using a cell phone, it is important to remember that 911 does not automatically reach University Police; instead, it goes to a central dispatch location in Bellingham.

All students, faculty, and staff are encouraged to pre-program their cell phone with the University Police emergency number, 360-650-3911. On-campus police dispatchers are available 24 hours a day, 7 days a week.

When calling to report a crime or other emergency, on or off-campus, be prepared to:

- Clearly identify yourself;
- State where you are calling from; and
- Briefly state the nature of your call.

If possible, stay on the line unless the dispatcher tells you that it’s okay to hang up. If assistance is required from off campus, the dispatcher will summon appropriate police, fire, and/or medical services.

In cases involving sexual assault, dating or domestic violence, stalking, or sexual harassment, initial contact may be made by calling Western’s confidential Consultation and Sexual Assault Support Services’ (CASAS) voice mail at 360-650-3700. CASAS staff 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 from the incident(s). Resources and support are also available to assist students whose partner, friend or family member has experienced an act of violence.

Emergency blue light call boxes are located throughout the campus, in parking lots and commonly travelled areas. The emergency call boxes are blue and white, and have a blue light glowing above them. Each is connected directly to the University Police dispatcher and coded so the location of the phone is automatically identified.

A map of emergency call box locations is available online from Campus Accessibility Map, Equal Opportunity Office, Western Washington University at www.wwu.edu/map/?features=accessibility by selecting “emergency phones” under “Features.”

For additional information on reporting crimes on campus, contact University Police at 360-650-3555 or visit the Department of Public Safety website at www.wwu.edu/ps/police/index.shtml

For information on reporting crimes at Western’s off-campus sites, see page 8 in this document.
<table>
<thead>
<tr>
<th>Separate Campus 2020</th>
<th>Campus Safety and Security Departments (Report a Crime)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anacortes Campus&lt;br&gt;WWU at Shannon Point Marine Center&lt;br&gt;1900 Shannon Point Rd&lt;br&gt;Anacortes, WA 98221</td>
<td>360-293-2188&lt;br&gt;360-650-7400</td>
</tr>
<tr>
<td>Bellingham Campus (Main Campus)&lt;br&gt;Western Washington University&lt;br&gt;516 High St&lt;br&gt;Bellingham, WA 98225</td>
<td>University Police&lt;br&gt;360-650-3911 (Emergency Dispatch)&lt;br&gt;360-650-3555 (Non-Emergency)&lt;br&gt;<a href="mailto:University.Police@wwu.edu">University.Police@wwu.edu</a>&lt;br&gt;police.wwu.edu</td>
</tr>
<tr>
<td>Bremerton Campus&lt;br&gt;WWU at Olympic College Bremerton&lt;br&gt;1600 Chester Ave&lt;br&gt;Bremerton, WA 98337-1699</td>
<td>Campus Security&lt;br&gt;360-475-7800&lt;br&gt;<a href="mailto:SecurityOfficers@olympic.edu">SecurityOfficers@olympic.edu</a>&lt;br&gt;www.olympic.edu/services/campus-security</td>
</tr>
<tr>
<td>Everett Campus&lt;br&gt;WWU at Everett University Center&lt;br&gt;915 N Broadway&lt;br&gt;Everett, WA 98201-1390</td>
<td>Campus Safety, Security &amp; Emergency Management&lt;br&gt;425-388-9990&lt;br&gt;<a href="mailto:oasecurity@everettcc.edu">oasecurity@everettcc.edu</a>&lt;br&gt;www.everettcc.edu/administration/cwt-security/security</td>
</tr>
<tr>
<td>Port Angeles Campus&lt;br&gt;WWU at Peninsula College&lt;br&gt;1502 E Lauridsen Blvd&lt;br&gt;Port Angeles, WA 98362</td>
<td>Campus Safety and Emergency Management&lt;br&gt;360-417-6559&lt;br&gt;or 6559 from any campus phone&lt;br&gt;pencol.edu/services/campus-safety</td>
</tr>
<tr>
<td>Poulsbo Campus&lt;br&gt;WWU at Olympic College Poulsbo&lt;br&gt;1000 Olympic College Place, NW&lt;br&gt;Poulsbo, WA 98370-7198</td>
<td>Campus Security&lt;br&gt;360-475-7800&lt;br&gt;<a href="mailto:SecurityOfficers@olympic.edu">SecurityOfficers@olympic.edu</a>&lt;br&gt;www.olympic.edu/services/campus-security</td>
</tr>
</tbody>
</table>
CONFIDENTIAL CRIME REPORTING PROCEDURES

Western encourages community members to report crimes promptly to help ensure a safer campus. If you are the victim of or witness to a crime and you do not want to pursue formal action through the University or police, please consider making a confidential report to University Police. Confidential reports can be made to police by requesting non-disclosure to the public of personally identifying information. Depending on the circumstances of the report, you may be able to maintain confidentiality while taking steps to keep the community safe. Confidential reporting allows the University to keep and share accurate statistics on the number and types of reportable crimes that occur on campus, and to alert the campus community to possible danger. When confidential reports involve possible sexual assault, dating violence, domestic violence or stalking, all details of these reports are made available to the Director of Civil Rights & Title IX Compliance/Title IX Coordinator. The university completes publicly available recordkeeping requirements, including Clery Act reporting and disclosures, without the inclusion of identifying information about the victim(s).

CAMPUS SECURITY AUTHORITIES

While Western encourages all community members to promptly report crimes to police, some may prefer to report to other individuals or offices. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution. Campus security authorities at Western include the following staff:

University Residences
housing.wwu.edu/
All Resident Directors, the Assistant Directors of Residence Life, Manager of Guest/Housing Operations and Director of University Residences

Athletics
www.wwuvikings.com/
All head coaches and the Director of Athletics

Campus Recreation Services
www.wwu.edu/campusrec/
Director and Associate Director, and Assistant Director of Sports Clubs
Office of Student Life
wp.wwu.edu/officeofstudentlife
Associate Dean of Students/Executive Director – Student Life, Case Manager/Conduct Officer

Viking Union
Executive Director -Student Engagement, Assistant Director and Coordinator of Student Activities, Club Activities Coordinator, and Ethnic Student Center Manager.

Prevention and Wellness Services
www.wwu.edu/pws/
Director, Risk Reduction Specialist, Health Educator, Health Promotion & Communications Specialist, Suicide Prevention Specialist and Men’s Violence Prevention Specialist

Disability Access Center
disability.wwu.edu
Director and Disability Access Managers

Public Safety
www.wwu.edu/ps/
Police Chief, Assistant Chief, all Sergeants, Corporals and Officers

More Campus Security Authorities: Vice President of Enrollment and Student Services, Assistant Attorney General(s), Title IX Coordinator, Assistant Director of Civil Rights and Title IX Compliance, Deputy Title IX Coordinator, Manager of Compliance, Title IX/ Civil Rights Investigator.

Please Note: Professional, pastoral counselors, and individuals providing advocacy services for survivors of violence are not required to report crimes disclosed to them when acting in their professional roles; as a result, incidents shared with them may not be included in Western’s published crime statistics unless also reported to University Police or to a campus security authority. Counselors are encouraged to inform students they are counseling of the option to report crimes on a voluntary, confidential basis for inclusion in the annual crime statistics.

Campus Safety

The safety and well-being of all members of the campus community is of great concern to Western. Many departments and employees are dedicated to making the campus a safe place to live and work. A safe environment depends on the cooperation and involvement of all students, staff, and faculty in looking out for themselves and for one another. We encourage all members of the Western community to use this report as a guide for safe practices, both on and off campus.

UNIVERSITY POLICE

The Western Washington University Police Department employs 15 officers, all of whom are commissioned by the state of Washington. They receive the same training and are vested with the same powers of law enforcement as city, county, and state police officers.

The University Police Department has primary responsibility for law enforcement on campus. They work
closely with federal, state, and local law enforcement agencies, and have mutual-aid agreements in place with the Bellingham Police Department, Whatcom County Sheriff’s Office, Washington State Patrol, and the police departments of Central Washington University, Eastern Washington University, The Evergreen State College, Washington State University, and the University of Washington.

University Police officers investigate all crimes reported on campus and enforce all applicable criminal and traffic laws. Persons cited or arrested by University Police have their cases adjudicated in Bellingham Municipal Court, Whatcom County District Court, and/or Whatcom County Superior Court.

University Police officers respond to all on-campus emergencies and provide a variety of public services, including bicycle registration and crime prevention education and assessment (e.g., reviewing building plans to assure campus security). During the academic year, University Police employs an average of 20 Public Safety Assistants (also known as “Green Coats”). These students are trained to assist police by providing services such as dispatching, safety escorts, and vehicle/foot patrols. They also check academic buildings and residence halls for unsecured doors and windows, and report hazardous conditions. Public Safety Assistants are on duty every day.

The University Police Department is located in the Campus Services Building at 2001 Bill McDonald Parkway, and operates 24 hours a day, 7 days a week.

**CRIME PREVENTION PROGRAMS**

Crime prevention programs are sponsored by various campus offices and organizations throughout the year. University Police, Environmental Health and Safety, Prevention and Wellness Services, Civil Rights and Title IX Compliance, and the Associated Students’ Resource and Outreach Programs share information with students, faculty and staff, through new student and faculty/staff orientation sessions, drop-in programs, public education efforts, and residence hall programs (upon request).

**Prevention and Awareness Programs**

Prevention and Wellness Services and the Civil Rights and Title IX Compliance office work together to provide comprehensive, integrated initiatives, strategies, and campaigns intended to end sexual violence, sexual harassment, intimate partner violence, and stalking. Programming is culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to changing community needs, research/best practice-based, and assessed for value, effectiveness, and accomplishing desired outcomes. Programming follows a public health model of addressing large social health problems and includes consideration of environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Prevention programming implements the values of providing positive messaging, encouraging students to make choices about their sexual and intimate relationships that follow an ethic of safety and autonomy for self and others. Programs provide key information and definitions related to these crimes, and also teach essential skills for safe and effective intervention. Bystander Empowerment programming provides the awareness, knowledge, skills, and confidence to act to promote individual and community safety. In-person workshops aim to build safe environments for candid discussions and honest reflection about the complex and important work of creating healthy sexual and intimate relationship practices.
Prevention Campaigns Include:

- Skills and knowledge for building healthy intimate relationships
- Nonviolent communication and conflict resolution skills
- Navigating consent
- Building empathy for survivors of abuse and assault
- Trauma-informed responses and skills for effectively supporting survivors of abuse or assault
- Conditions that contribute to violence
- Technology and relationships
- Alcohol, substance use and consent
- Intersections of sexual/domestic violence and stalking with other forms of identity-based violence
- Practicing moral courage and interrupting harmful or potentially harmful behaviors (Bystander Intervention)
- Establishing group and team norms that promote safety and respect for people of all identities
- Opportunities for self-reflection and commitments to behavior change
- A call to action on campus and in participants’ communities
- Clear statement of behaviors that are prohibited
- Local legal definitions for key terms: dating violence, domestic violence, sexual assault, stalking, and consent
- Options for bystanders to intervene in potentially dangerous situations
- Warning signs of abuse and information on risk reduction
- Procedures/options available for a survivor if sexual violence occurs, including:
  - Preservation of evidence
  - Options for reporting
  - Assistance through the reporting process
  - The right to choose not to report – to anyone including the police
  - Rights of survivors and institutional responsibilities (including assistance in implementing no contact orders)
  - Potential outcomes of reporting - possible sanctions and available protective measures that may be implemented
  - Information about how confidentiality will be protected
  - Procedures for institutional disciplinary process and action
• Campus and community services for survivors
• Options for changing academic, living, transportation and working situations regardless of whether a report is made to law enforcement

**WWU MANDATORY SEXUAL VIOLENCE PREVENTION PROGRAMMING**

Western requires all matriculated first-year undergraduates and graduate students and all matriculated second-year students to complete a mandatory Sexual Assault Prevention online training.

This training helps create a shared understanding of the societal issue of sexual violence, an issue particularly critical to college students. It highlights healthy relationships, the importance of obtaining consent, and the ways you can help a friend or someone in need. It also explains Western’s policies, resources, and reporting options regarding sexual violence and ensures that learners are aware of their rights under Title IX.

The training includes:

• The definition of domestic violence, dating violence, sexual assault, and stalking in Washington, and other states
• A statement that Western prohibits these offenses
• The definition of consent in reference to sexual activity
• Safe and positive options for bystander intervention
• Information on risk reduction to recognize warning signs of abusive behavior
• A description of the Western’s ongoing prevention and awareness campaigns for students and employees
• Information regarding Western’s procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking
• A statement of policy regarding the institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking, and of procedures that the institution will follow when one of these crimes is reported

The required trainings are coordinated by staff based in Prevention & Wellness Services and assisted by many other Western departments.

During the 2020-2021 academic year, this online training was completed by:

• 4,778 new undergraduate students
• 237 new graduate students
• 6,410 continuing Western students
• 267 student athletes
**Bystander Intervention Training**

Bystander Intervention Training provides a definition of the process and the skills for action. It teaches safe and positive options for acting that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking, in-order to ensure safety and prevent sexual violence.

**The process of Bystander Intervention Training includes empowering individuals through:**

**Awareness and knowledge:**
- Recognizing situations of potential harm
- Understanding institutional structures and cultural conditions that facilitate violence
- Making the choice to act
- How to assess when it is safe to intervene directly. Never put one’s self in harm’s way.

**Skill acquisition:**
- Identifying and overcoming barriers to intervening
- How to intervene in a friendly and assertive manner
- How to approach the situation in a positive manner, staying level-headed, non-judgmental and open-minded
- How to use curiosity and questions effectively
- Identifying a wide variety of safe and effective intervention options for interventions

**Confidence to act when the need arises:**
- Practice taking action to intervene in a variety of circumstances that may occur
- Identify what would help ensure that action is taken and how to make that happen

**Specific Safe and Effective Options Include:**

Direct options can be implemented individually, or others can be enlisted to assist or act as allies.

**Direct options:**
- Approach the situation and ask questions, such as “do you need help?”
- Remove one of the individuals from the situation
- Speak up about the offensive remark or the inappropriate action
- Express your concerns - talk to all parties involved about your concerns
- Create distraction
  - Attracting the attention of either individual involved
  - Asking either party for information or help with something
    - “Aren’t you Jane’s friend? Can you help me find her?”
• “I’m having a ‘wardrobe malfunction and really need you to help me with…”

• Engaging either party in a conversation:
  • “Don’t I know you? Didn’t I see you in Red Square the other day?”
  • “I just love that shirt. Where did you get it?”

Indirect options:
  • Ask a friend/another bystander to step in
  • Call 911 or another authority for assistance – this may also include asking the host of an event to step in
  • Find other ways to get involved or disrupt an apparent risky situation
  • Check your perception of the situation with others you trust – then decide the best course of action

For additional information contact University Police at 360-650-3555, Environmental Health and Safety at 360-650-3064, or Prevention and Wellness Services at 360-650-2993.

WESTERN STARLIGHT SHUTTLE

The Western Starlight Shuttle provides late-night transit service to all students with a valid Western I.D. from 10:30 p.m. – 2:30 a.m. Monday through Saturday and 9 p.m. – 2 a.m. on Sunday. The service is on-demand and available in a geofenced area that is approximately a five-mile radius around campus. Additional information is available at transportation.wwu.edu/starlight-shuttle.

PERSONAL SAFETY ESCORTS

University Police provides personal safety escorts to or from any location on campus. To request a safety escort, call 360-650-3555.

DAILY CRIME AND FIRE LOG

The Daily Crime and Fire Log includes crimes reported to the Department of Public Safety (DPS) in the past 60 days, and fires in campus residence halls reported to the Department of Public Safety (DPS) in the past 60 days.

The Daily Crime and Fire Log for the most current 60 days is available for viewing online at police.wwu.edu/daily-crime-and-fire-log-records, or during regular business hours (police.wwu.edu/building-hours) at the dispatch center in the lobby of the University Police Department located:

WWU Campus Services Building
2001 Bill McDonald Parkway
Bellingham, WA  98225

Daily Crime and Fire Log incidents older than 60 days will be made available for public inspection within two business days of request.
REGISTERED SEX OFFENDERS

The Campus Sex Crimes Prevention Act of 2000 is a federal law that provides for the tracking of registered sex offenders enrolled at or employed by institutions of higher education. The law also requires institutions to issue a statement advising members of the campus community where they can find information on registered sex offenders who are enrolled at or employed by the university. You can obtain information regarding registered sex offenders by visiting the Whatcom County Sheriff’s Office website [www.sheriffalerts.com/cap_main.php?office=54493](http://www.sheriffalerts.com/cap_main.php?office=54493) or the Washington Association of Sheriffs and Police Chiefs website [www.waspc.org/sex-offender-information](http://www.waspc.org/sex-offender-information)

SAFE CAMPUS HOTLINE

To help maintain the safety and security of Western’s community, the university has established a “SAFE Campus” hotline, 360-650-SAFE or 360-650-7233. Individuals who are concerned about a person’s actions or behavior or believe they may pose a safety risk to members of the campus community, should call the SAFE Campus hotline immediately.

All information will be screened by trained personnel and forwarded to the Threat Assessment Team or appropriate university office for follow up. The SAFE Campus number is available 24 hours a day, 7 days a week.

SECURITY AND ACCESS TO CAMPUS FACILITIES

During business hours, the university (excluding certain housing facilities) is open to all students, employees, contractors, guests, and invitees. During non-business hours, access to campus facilities is by appropriate authorization only. The University Police Department posts a schedule of building hours on their website at [police.wwu.edu/building-hours](http://police.wwu.edu/building-hours)

Keys for offices, buildings and campus residence halls are closely controlled by the University Lock Shop and by the heads of campus departments and units. Reproduction of keys is authorized by the Office of Space Administration. Individuals must sign out keys through the Lock Shop, located in the Physical Plant Building at 915 26th Street. For questions, contact the Lock Shop directly at 360-650-3687.

WEAPONS POLICY

The possession or use of firearms or other weapons on university property or at official university events by anyone other than duly appointed and commissioned law enforcement officers is strictly prohibited. Members of the campus community and visitors who bring firearms or other weapons to campus must immediately place them in the university-provided storage facility, located in the University Police Department at 2001 Bill McDonald Parkway. Failure to do so may result in criminal charges and/or disciplinary action by the University. The storage facility is accessible 24 hours a day, 7 days a week. For additional information, refer to Western’s Policy on Firearms and Dangerous Weapons at [police.wwu.edu/selected-policies#firearms_and_dangerous_weapons](http://police.wwu.edu/selected-policies#firearms_and_dangerous_weapons) or contact University Police at 360-650-3555.
Campus Crime Statistics

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998 (also known as the Clery Act) requires the annual publication of select campus crime, arrest, and referral statistics for the previous three years. Beginning with the 1999 calendar year, the Clery Act expanded reporting requirements to include crimes and arrests occurring in certain off-campus locations.

The Office of the Vice President for Enrollment and Student Services, the Office of Student Life and the Office of University Communications coordinate the preparation of the Annual Security and Fire Safety Report. Crime and fire safety statistics are compiled from data provided by the University Police Department, Bellingham Police Department, Bellingham Fire Department, University Residences, the Office of Student Life, and campus security authorities.

To gather statistics for separate campuses and non-campus buildings, University Police requests information from each facility’s staff as well as from local law enforcement authorities.

Non-Campus

Non-campus is defined as any building or property owned or controlled by a student organization that is officially recognized by the institution and any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.
### Annual Security and Fire Safety Report

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

**Western’s Separate Campuses**

**Note on campus crime statistics for all campuses**

Beginning in 2018, campuses in Everett, Anacortes, Bremerton, Port Angeles and Poulsbo were identified as separate campuses for the purposes of reporting crime statistics. Crime statistics for these locations were included with numbers for the Bellingham main campus in 2017.
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** Did not respond to request for statistics.

** Hate Crime Key: (D) Disability, (E) Ethnicity, (Ra) Race, (Re) Religion, (S) Sexual Orientation, (G) Gender, (N) National Origin, (Gl) Gender Identity
## Annual Security and Fire Safety Report

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Hate Crime Key: (D) Disability, (E) Ethnicity, (Ra) Race, (Re) Religion, (S) Sexual Orientation, (G) Gender, (N) National Origin, (Gi) Gender Identity
## Annual Security and Fire Safety Report

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**Hate Crime Key:** (D) Disability, (E) Ethnicity, (Ra) Race, (Re) Religion, (S) Sexual Orientation, (G) Gender, (N) National Origin, (GI) Gender Identity
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### Hate Crime Key:
(D) Disability, (E) Ethnicity, (Ra) Race, (Re) Religion, (S) Sexual Orientation, (G) Gender, (N) National Origin, (GI) Gender Identity
Western Washington University’s Seattle location was terminated as a separate campus on Dec. 31, 2018.

### Hate Crime Key:
(D) Disability, (E) Ethnicity, (Ra) Race, (Re) Religion, (S) Sexual Orientation, (G) Gender, (N) National Origin, (GI) Gender Identity
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Safety Policies for Bellingham Campus Residence Halls

Campus residence halls are secured 24 hours a day. All residents have access to their building and their room. In the event a resident loses his/her room key, the lock is changed to minimize the risk of an unauthorized person gaining entry.

The staff of University Residences works closely with campus safety officials and others to make residence halls safer, more secure communities. All students in campus housing ultimately must share in this responsibility.

Staff members are trained to respond to emergency situations and address any safety or security issues arising. Full-time professional resident directors manage each building/complex and live on site. One of the resident directors is on call and available to respond 24-hours a day. Student staff are on call in every occupied building/complex from 9 p.m. to 7 a.m. daily.

University Residences staff collaborate with other campus offices to offer programs and information on a range of safety-related topics including sexual assault prevention, responsible alcohol use, and personal safety awareness. Detailed safety information, including information on residence hall policies and procedures, is provided to all campus residents on the University Residences website housing.wwu.edu.

MISSING STUDENT NOTIFICATION

In compliance with the Higher Education Opportunity Act (P.L. 110-315), the Western Washington University Police Department (UPD) in partnership with University Residences (UR) and Student Life implements required missing student notification protocol for students who reside in campus student housing.

Registering a Confidential Contact

University Residences provides each student enrolled in campus student housing the opportunity to register one or more “confidential contacts” to be notified by UR or UPD within 24 hours if they are determined to be missing.

A student may provide one or more “confidential contacts” that are different from their “emergency contact(s)” with the understanding that a “confidential contact” is only used for investigating a missing student report. An emergency contact(s) is utilized for situations such as a medical/injury emergency.

Confidential contact information is maintained separately from emergency contacts and is accessible only to limited UR personnel authorized to share it only with UPD for investigation of a missing student.

The University is required to notify parents or guardians of students under the age of 18 who are not legally emancipated, within 24 hours of being determined missing.

How to Report a Missing Student

If anyone believes a WWU student who resides in campus student housing to be missing, they are to immediately contact University Policy at 360.650.3911.

If anyone believes a WWU student who resides off campus to be missing, they are to immediately contact the Bellingham Police Department at 911 or 360.676.6911 (Bellingham Dispatch Center).
Notification Following a Missing Student Determination

When UPD determines that a student who resides in campus student housing is missing, the following notification will occur within 24 hours of that determination:

1. UPD informs an UR administrator of determination.
2. UR Administrator accesses the missing student’s confidential contact.
3. UR administrator contacts the confidential contact or provides the contact information to UPD to make the contact.
4. If the student registered multiple confidential contacts, UPD or UR will contact all of them even if one of the contacts states the student is not missing (unless the missing student contacts UPD or UR before additional the other contacts are reached).
5. UR Administrator contacts the parent or guardian only if it is determined that the missing student is under the age of 18 and legally emancipated.
6. UPD or UR will document all unsuccessful attempts to reach registered confidential contacts.

UPD will initiate a police investigation for a missing student and will notify appropriate law enforcement as necessary.

The University policy for Reporting a Missing Student Who Resides in University Residences is currently being formalized through the University’s policy development process with final approval expected in December 2021.

Fire Safety

Western takes fire safety and prevention seriously and works to enhance its programs continuously. Staff from Environmental Health & Safety work with University Residences’ staff to promote a safe living environment. More specifically, training and awareness is provided during new staff orientation (for all new University employees), during annual Resident Advisor fall training, and regular training for custodial staff. More comprehensive information can be found at ehs.wwu.edu/fire-safety.

All residence halls have building fire alarms, room detection equipment, common area detection equipment and central reportage of alarms. All buildings except for Edens North have a sprinkler system

If you discover a fire in a campus building:

- Immediately pull the nearest fire alarm as you exit the building.
- Once you are safely away from danger, call University Police at 360-650-3911 to report the fire. If you are off-campus, dial 911. Tell the dispatcher the exact location of the fire and any known hazards (e.g., flammable materials) at the location.
- After you’ve left the building, stand by to direct emergency personnel to the location of the fire.
- Immediately notify University Police for a non-emergency fire incident by calling 360 650-3555.

Additional information on fire safety – including what to do in a fire – is available on the Environmental Health and Safety (EHS) website at ehs.wwu.edu/fire-safety.

DESCRIPTION OF STUDENT HOUSING FIRE SYSTEMS

Fire Alarm: All facilities have combination automatic detection / manual initiation devices & notification system covering both student rooms & public areas connected to UPD in accordance with NFPA 72
standards.

**Security Alarm:** Although full scale intrusion detection systems are not in place computer lab assets are monitored via sensors connected to UPD.

**Fire Sprinkler:** Most facilities have fire sprinkler system covering both student rooms & public areas in accordance with NFPA 13 & 25 standards. However, Edens North has no coverage but are upgrades are being planned within the next 5 years.

**Fire Extinguisher:** All facilities have portable suppression devices located in accordance with NFPA 10 standards.

**Mass Notification:** Some facilities have general voice enunciation alert capabilities providing UPD & the campus capability of broadcasting emergency messages throughout facilities as needed. However, a 10-year plan has been developed to upgrade capabilities in order to meet Galain report recommendations which shall provide enhanced emergency notification.

**Testing:** All systems are testing in accordance with applicable National Fire Protection Agency (NFPA) codes previously listed, International Fire Code (IFC) & requires set forth by the Authority Having Jurisdiction (AHJ - Bellingham Fire Marshal). Annual testing is done on all systems at varying times throughout the year & monthly inspections are also done on fire extinguishers.

**FIRE STATISTICS**

There were no fires in residence halls in 2018. Information about fires in each residence hall for 2019 and 2020 are below:

### 2019

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<th>Fire Number</th>
<th>Cause of Fire</th>
<th>Number of Injuries</th>
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Information about building fire alarms, room detection, common area detection, central reporting and sprinkler systems for each residence hall is below.

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<th>Room Detection</th>
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<th>Central Reportage*</th>
<th>Sprinkler System</th>
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### Residence Hall Fire Alarm System Information

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* Central reportage provided through FireWorks for Birnam Wood, Buchanan Towers, Edens Hall, Fairhaven Complex, Higginson Hall, Nash Hall, and Ridgeway Delta, Gamma, Omega, and Sigma. Central reportage provided through McCullough Loop for Edens North, Mathes Hall, and Ridgeway Alpha, Beta, and Kappa.

### FIRE DRILLS

Each residence hall had three fire drills in 2018 and 2019, one each in winter, spring and fall quarters. Those that were occupied in summer had an additional fire drill. For 2020, all residence halls had one fire drill in winter quarter and then only those occupied had additional fire drills.

### PROHIBITED ITEMS*

The following items are prohibited in all campus student housing facilities, to prevent fire or the spread of fire:

- **Candles & Incense**: Burning candles, incense, torches, or open-flame devices is prohibited in University Residences. Careful use of candles or incense for birthdays or religious purposes is allowed with advance permission from your resident director.

- **Flammable Materials & Explosives**: Explosives, fireworks, gasoline, or any other flammable materials; and decorations made from cut, resin-bearing trees or vegetation such as fir, pine, cedar, spruce, and eucalyptus are prohibited in University Residences.

- **Hazardous Electronics**: Electric hotplates, burners, toasters, toaster ovens, electric blankets, space heaters and halogen lamps.

In addition, all power strips and extension cords must be UL (Underwriter Laboratory) approved and used only for their designed purposes and power loads. Residents are encouraged to use extension cords and power strips that sense leakage currents (such as Fire Shield®) and disconnect power when a fault is detected. This feature significantly reduces the potential for fire from cord fires, ground faults, surges and overloads.

Smoking is prohibited in all University Residences buildings and within 25 feet of doors, windows, and ventilation intakes. This includes, but is not limited to: all balconies and all public spaces such as lounges,
stairwells, hallways, food service areas, and laundry rooms. Smoking is also prohibited at any outside area that may affect the air supply of residential buildings.

**TRAINING**

All resident advisors and resident directors receive annual training in fire prevention, evacuation, and response provided by Environmental Health and Safety.

**EVACUATION PROCEDURES**

All campus buildings fully evacuate upon activation of the fire alarm. When an alarm, a shouted warning, or the sensation of smoke or fire has alerted you:

- **Keep low to the floor to avoid smoke.** When escaping through a smoke-filled corridor, move quickly in a crouched position. If possible, place a wet cloth over your face and head.

- **Feel the door before opening it.** If it’s hot, don’t open it. If smoke or heat is present, close the door and stay in the room. Seal the cracks around the door with whatever is handy (a towel, etc.). If the phone works, call 911 and report that you are trapped. Be sure to give them your room number and location. If the phone does not work, hang a sheet, jacket, etc., out of the window to attract attention.

- **If the hall is free of smoke or heat,** close and lock your door and immediately exit the building by the closest stairwell. **DO NOT USE AN ELEVATOR!**

- **If the nearest exit is blocked,** **go to another exit.** If all exits are blocked, go back to your room. Close the door, hang something out of the window to attract attention, and signal for help.

- **Once outside the building,** **move away from the building** and watch for vehicle traffic. Do not reenter the building until you have been given approval to reenter by police, fire officials, or university staff.

**Important:** Keep all fire exit and corridor doors closed at all times. These doors are fire rated to keep smoke and heat from entering stairways and adjoining corridors. If at any time you observe these doors propped open, please close them immediately.

**Prevention and Awareness Programs**

Prevention programming is designed to be comprehensive, intentional, and integrated initiatives, strategies, and campaigns intended to end sexual violence. Programming is culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to changing community needs, research/best practice-based, and assessed for value, effectiveness, and accomplishing desired outcomes. Programming includes consideration of environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Prevention programming implements the values of providing **positive messages,** and **empowers individuals to make positive, health enhancing choices in their lives.** All programs also teach essential skills for safe and effective intervention and strongly encourage **Bystander Empowerment through providing the awareness, knowledge, skills, and confidence to act to ensure their own and others’ safety and to engage in the creation of a safe and healthy environment.**

Prevention campaigns include:

- Clear statement that the relevant offenses are prohibited;
- Definitions are reviewed for the key terms: dating violence, domestic violence, sexual assault,
stalking, and consent in WA;

- Safe and positive options for bystander intervention
- Warning signs of abuse and information on risk reduction
- Procedures/options available for a survivor if sexual violence occurs, including re:
  - Preservation of evidence,
  - Options for reporting
  - Availability of assistance through the reporting process
  - The right to choose not to report – to anyone including the police
- Rights of survivors and institutional responsibilities (including assistance in implementing no contact orders)
- Potential outcomes of reporting possible sanctions and available protective measures that may be implemented
- Information about how confidentiality will be protected
- Procedures for institutional disciplinary process and action
- Campus and community services for survivors
  - Options for changing academic, living, transportation and working situations regardless of whether a report is made to law enforcement

**SEXUAL VIOLENCE PREVENTION PROGRAMS**

**Prevention and Awareness Programs**

Prevention and Wellness Services and the Civil Rights and Title IX Compliance office work together to provide comprehensive, integrated initiatives, strategies, and campaigns intended to end sexual violence, sexual harassment, intimate partner violence, and stalking. Programming is culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to changing community needs, research/best practice-based, and assessed for value, effectiveness, and accomplishing desired outcomes. Programming follows a public health model of addressing large social health problems and includes consideration of environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Prevention programming implements the values of providing positive messaging, encouraging students to make choices about their sexual and intimate relationships that follow an ethic of safety and autonomy for self and others. Programs provide key information and definitions related to these crimes, and also teach essential skills for safe and effective intervention. Bystander Empowerment programming provides the awareness, knowledge, skills, and confidence to act to promote individual and community safety. In-person workshops aim to build safe environments for candid discussions and honest reflection about the complex and important work of creating healthy sexual and intimate relationship practices.

**Prevention Campaigns Include:**

- Skills and knowledge for building healthy intimate relationships
- Nonviolent communication and conflict resolution skills
• Navigating consent
• Building empathy for survivors of abuse and assault
• Trauma-informed responses and skills for effectively supporting survivors of abuse or assault
• Conditions that contribute to violence
• Technology and relationships
• Alcohol, substance use and consent
• Intersections of sexual/domestic violence and stalking with other forms of identity-based violence
• Practicing moral courage and interrupting harmful or potentially harmful behaviors (Bystander Intervention)
• Establishing group and team norms that promote safety and respect for people of all identities
• Opportunities for self-reflection and commitments to behavior change
• A call to action on campus and in participants’ communities
• Clear statement of behaviors that are prohibited
• Local legal definitions for key terms: dating violence, domestic violence, sexual assault, stalking, and consent
• Options for bystanders to intervene in potentially dangerous situations
• Warning signs of abuse and information on risk reduction
• Procedures/options available for a survivor if sexual violence occurs, including:
  • Preservation of evidence
  • Options for reporting
  • Assistance through the reporting process
  • The right to choose not to report – to anyone including the police
  • Rights of survivors and institutional responsibilities (including assistance in implementing no contact orders)
  • Potential outcomes of reporting - possible sanctions and available protective measures that may be implemented
  • Information about how confidentiality will be protected
  • Procedures for institutional disciplinary process and action
  • Campus and community services for survivors
  • Options for changing academic, living, transportation and working situations regardless of whether a report is made to law enforcement

Awareness programs include student-led activities, events, educational workshops, and participation in actions initiated by other campus departments and student clubs. Awareness activities include implementation of campus-wide Domestic and Sexual Violence Awareness Month calendars and visual communications with easily identifiable branding and messaging. Awareness activities are interactive and
center the lived experiences and stories of survivors, and provide information about student services and university policies.

**Sexual Violence In-Person Prevention and Awareness Programs**

This section describes virtual workshops and presentations. Due to the COVID-19 pandemic, in-person workshops and presentations were changed to a virtual format. These were synchronous, interactive programs that differ significantly from the mandatory online education, which is completely asynchronously and individually by all incoming and second-year students.

During the 2020-2021 academic year, WWU completed the following prevention education workshops:

- Consent & Healthy Relationships workshops (31 participants total from Freshman Interest Groups, academic classrooms, and PPGen)
- Domestic Violence Awareness Month presentations (357 participants total from academic classrooms)

It should be noted that due to Athletics experiencing canceled seasons, the usual workshops presented to varsity and club sports did not take place.

During the year, Prevention & Wellness Services staff also offer programs and training to a wide variety of student groups and staff, including Peer Health Educators, Resident Directors, Counseling Center doctoral psychology interns, athletic teams, and students preparing for Study Abroad.

**WWU Mandatory Sexual Violence Prevention Programming**

Western requires all matriculated first-year undergraduates and graduate students and all matriculated second-year students to complete a mandatory Sexual Assault Prevention online training.

This training helps create a shared understanding of the societal issue of sexual violence, an issue particularly critical to college students. It highlights healthy relationships, the importance of obtaining consent, and the ways you can help a friend or someone in need. It also explains Western’s policies, resources, and reporting options regarding sexual violence and ensures that learners are aware of their rights under Title IX.

The training includes:

- The definition of domestic violence, dating violence, sexual assault, and stalking in Washington, and other states
- A statement that Western prohibits these offenses
- The definition of consent in reference to sexual activity
- Safe and positive options for bystander intervention
- Information on risk reduction to recognize warning signs of abusive behavior
- A description of the Western’s ongoing prevention and awareness campaigns for students and employees
- Information regarding Western’s procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking
A statement of policy regarding the institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking, and of procedures that the institution will follow when one of these crimes is reported.

The required trainings are coordinated by staff based in Prevention & Wellness Services and assisted by many other Western departments.

During the 2020-21 academic year, this online training was completed by:

- 3,843 new undergraduate students
- 201 new graduate students
- 8,029 continuing Western students
- 219 student athletes

Prevention & Wellness Services continues to develop a relationship with the Athletics and Campus Recreation departments on campus to provide a required 90-minute violence prevention workshop for athletes. Due to the COVID-19 pandemic and the resulting cancellation of athletic seasons, these in-person workshops were unable to take place in the 2020-2021 academic year.

Beyond the above basic information, these trainings included:

**Training for all Varsity Athlete teams**

Presentations have a strong focus on bystander intervention (how to recognize warning signs, how to confront violence-enabling attitudes and beliefs, and how to refer to appropriate resources). Students are also given opportunities to practice intervention skills through scenarios.

**Training for Club Sports**

Presentations have a strong focus on bystander intervention (how to recognize warning signs, how to confront violence-enabling attitudes and beliefs, and how to refer to appropriate resources). Students are also given opportunities to practice intervention skills through scenarios.

In addition to the information previously provided, the following content for these two programs included:

**Study Abroad program**

These presentations have a strong focus providing information about safety, support resources and how to access those resources while abroad.

**Other Groups of Students**

Student employees, volunteers and leaders (including Resident Advisors and Peer Health Educators) receive training in supporting student survivors of violence. This interactive workshop focuses on building empathy for survivors of violence, practicing trauma-informed responses and skills for effectively supporting survivors of abuse or assault, and how to refer and offer relevant support resources for survivors.
Western Washington University’s Drug and Alcohol Abuse Prevention Program

The following information is required to be disseminated to all students and University employees annually by the Department of Education: Drug Free Schools and Communities Act Amendments of 1989, Department of Education General Administrative Regulations (EDGAR) Part 86, and Section 12a.1 (a-e) of Title 1 of the Higher Education Act of 1965, as Amended in 2008.

A. Standards of Conduct

WWU ALCOHOL AND OTHER DRUG POLICY

Alcohol and Other Drugs

The Federal Drug-Free Workplace Act of 1988 and the Federal Drug-Free Schools and Communities Act Amendments of 1989 require that universities: (1) promote the reduction of risk associated with alcohol and other drug use through the adoption and implementation of policies and programs designed to educate the University community about the dangers of alcohol and other drug abuse, and (2) prevent the unlawful possession, use, or distribution of alcohol and other drugs by students and employees on University property or while involved in University business or activities.

WWU’s policies on alcohol and other drugs are outlined below, along with related information on University sanctions for violation of these policies; criminal sanctions for the illegal possession or distribution of alcohol and other drugs; the health risks of alcohol and other drugs; and places to get help concerning the use and/or abuse of alcohol and other drugs.

Policy Concerning Alcohol and Other Drugs*

Western Washington University is committed to providing an environment which is free of alcohol and other drug abuse for students, faculty, and staff. It maintains this commitment in support of academic excellence, work performance, and quality of life, as well as for the future well-being of all members of this community.

Western Washington University provides: (a) information about alcohol and other drugs and the reduction of associated risks; (b) appropriate intervention when alcohol or other drug use creates unwanted or unintended consequences; and (c) support for members of this community in reducing the risk of consequences associated with alcohol and other drug abuse.

Western Washington University will uphold state and federal laws pertaining to alcohol and other drug use. All students, faculty, and staff are required to comply with these laws. Action will be taken on any violation of state or federal law or University regulations concerning alcohol and other drugs which: (a) occurs in or on property controlled or owned by Western Washington University; or (b) involves University business or activities; or (c) relates directly and materially to the fitness of staff or faculty members in their professional capacities.
BEHAVIORAL EXPECTATIONS

ALL WESTERN STUDENTS

Student Conduct Code

WAC (Washington Administrative Code) sections:

WAC 516-21-010 Introduction

Western Washington University students enjoy the same basic rights, privileges, and freedoms granted to all members of society. At the same time, acceptance of admission to the university carries with it an obligation to fulfill certain responsibilities and expectations as a member of the Western Washington University community.

As members of the Western community, students must assume responsibility for their own actions and maintain an environment conducive to academic success. In addition, they are expected to be truthful, respect the rights of others, and abide by all university policies and procedures, as well as all applicable local, state, and federal laws and regulations. All students are responsible for understanding and complying with the responsibilities and expectations set forth in this code both on and off campus.

The student conduct process is intended to be educational in ensuring that students act in a manner consistent with high standards of scholarship and behavior, while maintaining the safety and well-being of all members of the university community.

WAC 516-21-030 Student Conduct Code Jurisdiction.

The student conduct code applies to all conduct that occurs on university property or in connection with any official university function.

Western Washington University does not act as a policing agent for students when they are off campus. However, the university reserves the right to take action if a student’s conduct is determined to adversely affect a substantial university interest.

Student conduct that occurs off campus may be subject to the student conduct code when it:

a) Adversely affects the safety or well-being of any member of the university community; or
b) Involves academic work or any records, documents, or identifications of the university.

In determining whether to exercise jurisdiction over such conduct, a conduct officer shall consider the seriousness of the alleged offense, the risk of harm involved, and whether the alleged complainant(s) are members of the university community. Any question of interpretation or application of jurisdiction shall be referred to the dean of students for final determination.

Students are responsible for their conduct from the time they have confirmed their enrollment at Western through the awarding of their degree. This includes conduct that occurs before classes begin, after classes end, and during periods between actual terms of enrollment. Students who are found to be in violation of the code may be subject to sanctions under the code.
A student with a pending conduct violation may not avoid the conduct process by withdrawing from the university. In these circumstances, a conduct hold will be placed on the student’s official record, preventing them from registering for classes, requesting an official transcript, or receiving a degree from the university. This hold will remain in place until the student has met with the conduct officer to discuss the alleged conduct violation(s).

Sanctions against student organizations are decided by procedures established by the university administrative unit governing that organization’s recognition. Conduct proceedings against individual member(s) of a student organization can be initiated under this code, independent of any departmental action(s) taken against the student organization.

WAC 516-21-130 Alcohol.

Except as permitted by law (e.g., possession or use by a person of legal age) and/or university policy, the possession, use, distribution, or sale of alcohol while on university property or at an official university function is a violation of the code.

WAC 516-21-140 Drugs and paraphernalia.

Except as permitted by law and university policy, the possession, use, cultivation, manufacturing, packaging, distribution, or provision of a controlled or illegal substance or the possession of drug paraphernalia while on university property or at an official university function is a violation of the code. This code violation also includes the intentional misuse or distribution of prescription drugs.

STUDENTS LIVING IN UNIVERSITY RESIDENCES-MANAGED HOUSING

The philosophy that guides the residential student conduct process is designed to be a learning experience that promotes an understanding of students’ responsibilities as members of the University community. The objectives are twofold: to ensure that students act in a manner consistent with high standards of behavior and to maintain the safety and well-being of all members of the University residential community.

WWU students enjoy the same basic rights, privileges, and freedoms granted to all members of society. Living on campus provides unique privileges and obligates students to fulfill certain additional responsibilities and expectations. By choosing to be a member of the residential community, students agree to abide by all residential policies and procedures, which are subject to change without notice. Residential students must assume responsibility for their own actions and maintain an environment conducive to the academic success, safety, and well-being of others. In addition, they are expected to be truthful, respect the rights of others, and abide by all University policies and procedures, as well as all local, state, and federal laws and regulations.

When a student has been found responsible for violating a policy, one or more of a wide variety of disciplinary actions may result. Disciplinary actions are intended to hold students accountable for policy violations, and to educate and guide students toward making good choices and informed decisions in the future. In some cases, interim sanctions may be imposed. An interim sanction is not an indication of a violation; it is simply a community safeguard until a decision about a possible violation(s) can be made. Interim sanctions remain in place until the conduct process is completed. If an interim sanction is violated, the resident may be removed from the halls and referred to the University Conduct Officer for further action. In addition to being subject to possible sanctions, behavior that violates local, state, or federal law (e.g., theft, assault, rape, illegal drug activity) is referred to University Police.
Community Standards Housing Agreement – Alcohol, possession or use of

1. Definitions in the alcohol policy
   - UR means University Residences – Office of Residence Life
   - Paraphernalia includes alcohol-related items, containers intended for alcohol, and what are considered common source containers (shot glasses, bottles, kegs, items designed or modified for substance use, etcetera).
   - Of-age/of age refers to 21 years or older; Underage refers to younger than 21 years old
   - Public intoxication refers to the exhibition of any disruptive behaviors while under the influence of alcohol that could threaten the welfare, health, and/or safety of one-self or others as well as behaviors that could result in damage to personal or WWU property.
   - This policy refers to non-WWU affiliate persons, students, and WWU UR residents.

2. Underage persons may not buy, possess, consume, or otherwise acquire any alcoholic beverage. If you are underage, it is unlawful and violates UR values and policy to possess any amount of alcohol in any container.
   - Possession of alcohol containers, whether full or empty, by persons underage is prohibited.
   - Decorative use of alcohol related paraphernalia may be permitted by the Resident Director when the paraphernalia is clearly not intended for the consumption of alcohol and does not currently contain alcohol.
   - No person may sell, serve, or otherwise furnish alcoholic beverages to any underage person.
   - Knowingly being in the presence of alcohol is prohibited by persons underage. Residents of any age may not be in a room with someone who is violating those alcohol policies.
   - Responsible alcohol consumption/possession is permitted in a private room/suite/apartment when all assigned residents, guests, and visitors are of-age and do not show signs of over-intoxication and/or behavior disruptive to their community. Alcohol consumption is not permitted in the common spaces of campus residential communities or in residential building space that is designated as substance free.
   - Possession or consumption of alcohol anywhere within substance-free residence halls or living areas is prohibited.
   - It is also a violation of policy when consumption of alcohol, regardless of age or location, leads to public intoxication that disrupts the welfare of oneself, the community, or property.

3. Games and other behaviors that are designed to facilitate, promote, or replicate competitive, excessive, accelerated, or abusive consumption of alcoholic beverages are prohibited, even if only involving water, regardless of age. Equipment, supplies, and paraphernalia designed for use in these behaviors are prohibited and may be disposed of or confiscated.

Community Standards Housing Agreement – Drugs, Possession or Use of

Marijuana: Possession or use of marijuana in any amount by any person is prohibited by the University.
Although Washington State law allows adults age 21 and older to possess marijuana for personal use, federal law prohibits marijuana possession and use of any kind. The University receives federal funds, therefore University residents must adhere to federal laws pertaining to possession and use of marijuana. Students with medical marijuana are prohibited from possessing or using marijuana on campus and should consult with the Student Health Center for alternative treatment methods.
**Other Drugs**: No person may possess, use, manufacture, cultivate, package, distribute, sell or provide a controlled or illegal drug or substance. No person may misuse prescription or nonprescription drugs; no person may possess or use drug paraphernalia. Drugs are defined as, but not limited to:

- Any chemical substance, compound or combination used to induce an altered state
- Any otherwise lawfully available product, over-the-counter or prescription drug used for any purpose other than its intended use
- Any hallucinogen
- Any intoxicant other than alcohol (alcohol is addressed separately)
- Any nervous system depressant
- Any stimulant

The body is considered a container; therefore, using/consuming drugs or marijuana (regardless of location) and then returning to your residence hall constitutes possession of the drug or marijuana.

Any student who remains in the presence of someone violating this drug policy may be subject to conduct sanctions.

**STAFF AND FACULTY**

**Staff and Faculty Conduct -Professional Conduct and Code of Ethics**

Professional staff at Western uphold the high standards of ethical behavior expected of Washington state employees as codified in RCW 42.52, Ethics in Public Service Act, and WAC 292-110-010, Use of State Resources. These standards include respecting and defending the rights of others, being responsible for their own actions, and maintaining an environment conducive to academic success, safety, and the well-being of others. Professional staff have the duty and the responsibility to be aware of and abide by existing university, local, state, and federal rules and policies. They are expected to provide leadership, model professional behavior, and ensure well-regulated operations that support safe and healthy work environments in ways that protect the institutional integrity of the university, and the interests and security of all Western employees, students, and visitors. Professional staff also have the responsibility to perform their duties to the best of their ability and to established standards, including those set forth in their job description, by the supervisor, or as otherwise established in compliance with this Handbook.

**WWU, ENVIRONMENTAL HEALTH AND SAFETY**

**Behavioral expectations – special circumstances:**

**POL-U5410.04 DRUG AND ALCOHOL TESTING FOR US DEPARTMENT OF TRANSPORTATION COMPLIANCE**

Section 5: Illegal substances are identified in Title 49, CFR, Part 40.21.

Appropriate use of drugs taken with written approval or prescription from a physician is not prohibited. The taking of any substance with a warning label indicating that mental functions, motor skills or judgment may be adversely affected should be reported to the supervisor. Use of alcohol or substances containing alcohol, e.g. mouth wash or food, is regulated in this policy.

Section 6: Some conduct is prohibited and subject to disciplinary action. Prohibited conduct includes the following:

- Reporting for work or remaining at work to perform sensitive functions while having an alcohol
concentration exceeding DOT standards;
• Using alcohol while performing safety-sensitive functions;
• Operating a vehicle while possessing alcohol;
• Using alcohol within eight hours following an accident or prior to taking a post-accident test – whichever is first;
• Refusing to take a controlled substance or alcohol test as required: random, post-accident, reasonable suspicion, or follow-up;
• Using alcohol within four hours of reporting for work;
• Arriving or remaining at work when using a controlled substance, with the exception of when instructed by a physician with the understanding that the substance will not affect the job performance and with the knowledge of the supervisor;
• Being in possession of alcohol of any type unless part of a manifested shipment;
• Altering or attempting to alter a urine specimen;
• Possessing, using, selling or distributing prohibited substances on campus, in a University vehicle or while on University business

B. Applicable Legal Sanctions: for the unlawful possession or distribution of illicit drugs and alcohol

ALL WESTERN STUDENTS AND EMPLOYEES MUST ABIDE BY THE LAWS DESCRIBED IN THIS SECTION.

FEDERAL LAW:

Federal drug and alcohol laws and policies are described in great length and detail under the following United States Codes:

21 U.S.C. Chapter 13 – Drug Abuse Prevention and Control, Includes:

Subchapter I: Control and Enforcement
• Part A—Introductory Provisions (§§ 801 – 803)
• Part B—Authority To Control; Standards and Schedules (§§ 811 – 814)
• Part C—Registration of Manufacturers, Distributors, and Dispensers of Controlled Substances (§§ 821 – 832)
• Part D—Offenses and Penalties (§§ 841 – 865)
• Part E—Administrative and Enforcement Provisions (§§ 871 – 890)
• Part F—General Provisions (§§ 901 – 904)
Subchapter II: Import and Export
• § 951. Definitions
• § 952. Importation of controlled substances
• § 953. Exportation of controlled substances
§ 954. Transshipment and in-transit shipment of controlled substances

§ 955. Possession on board vessels, etc., arriving in or departing from United States

§§ 955a to 955d. Transferred

§ 956. Exemption authority

§ 957. Persons required to register

§ 958. Registration requirements

§ 959. Possession, manufacture, or distribution of controlled substance

§ 960. Prohibited acts A

§ 960a. Foreign terrorist organizations, terrorist persons and groups

§ 961. Prohibited acts B

§ 962. Second or subsequent offenses

§ 963. Attempt and conspiracy

§ 964. Additional penalties

§ 965. Applicability of part E of subchapter I

§ 966. Authority of Secretary of the Treasury

§ 967. Smuggling of controlled substances; investigations; oaths; subpoenas; witnesses; evidence; production of records; territorial limits; fees and mileage of witnesses

§ 968. Service of subpoena; proof of service

§ 969. Contempt proceedings

§ 970. Criminal forfeitures

§ 971. Notification, suspension of shipment, and penalties with respect to importation and exportation of listed chemicals


The purpose of this chapter is to provide authority for the identification of, and application of sanctions on a worldwide basis to, significant foreign narcotics traffickers, their organizations, and the foreign persons who provide support to those significant foreign narcotics traffickers and their organizations, whose activities threaten the national security, foreign policy, and economy of the United States.
## DEA Federal Trafficking Penalties

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<th>Drug and Quantity</th>
<th>Penalties</th>
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<tr>
<td><strong>Other Schedule I &amp; II drugs (and any drug product containing Gamma Hydroxybutyric Acid)</strong>&lt;br&gt;Any amount&lt;br&gt;Flunitrazepam (Schedule IV)&lt;br&gt;1 gm or more</td>
<td><strong>First Offense:</strong> Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than Life. Fine $1 million if an individual, $5 million if not an individual.&lt;br&gt;&lt;br&gt;<strong>Second Offense:</strong> Not more than 30 yrs. If death or serious injury, not less than life. Fine $2 million if an individual, $10 million if not an individual</td>
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<tr>
<td><strong>Other Schedule III drugs</strong>&lt;br&gt;Any amount&lt;br&gt;Flunitrazepam (Schedule IV)&lt;br&gt;30 to 999 mgs</td>
<td><strong>First Offense:</strong> Not more than 5 years. Fine not more than $250,000 if an individual, $1 million if not an individual.&lt;br&gt;&lt;br&gt;<strong>Second Offense:</strong> Not more than 10 yrs. Fine not more than $500,000 if an individual, $2 million if not an individual</td>
</tr>
<tr>
<td>All other Schedule IV drugs&lt;br&gt;Any amount&lt;br&gt;Flunitrazepam (Schedule IV)&lt;br&gt;Less than 30 mgs</td>
<td><strong>First Offense:</strong> Not more than 3 yrs. Fine not more than $250,000 if an individual, $1 million if not an individual.&lt;br&gt;&lt;br&gt;<strong>Second Offense:</strong> Not more than 6 yrs. Fine not more than $500,000 if an individual, $2 million if not an individual</td>
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<tr>
<td>All Schedule V drugs&lt;br&gt;Any amount</td>
<td><strong>First Offense:</strong> Not more than 1 yr. Fine not more than $100,000 if an individual, $250,000 if not an individual.&lt;br&gt;&lt;br&gt;<strong>Second Offense:</strong> Not more than 2 yrs. Fine not more than $200,000 if an individual, $500,000 if not an individual</td>
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<td>DRUG AND QUANTITY</td>
<td>1&lt;sup&gt;st&lt;/sup&gt; OFFENSE</td>
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| Marijuana         | • Not less than 10 years, not more than life  
• If death or serious injury, not less than 20 years, not more than life  
• Fine not more than $4  
• million if an individual, $10 million if other than an individual | • Not less than 20 years, not more than life  
• If death or serious injury, mandatory life  
• Fine not more than $8 million if an individual, $20 million if other than an individual |
| 1,000 kg or more mixture; or 1,000 or more plants | | |
| Marijuana         | • Not less than 5 years, not more than 40 years  
• If death or serious injury, not less than 20 years, not more than life  
• Fine not more than $2 million if an individual, $5 million if other than an individual | • Not less than 10 years, not more than life  
• If death or serious injury, mandatory life  
• Fine not more than $4 million if an individual, $10 million if other than an individual |
| 100 kg to 999 kg mixture; or 100 to 999 plants | | |
| Marijuana         | • Not more than 20 years  
• If death or serious injury, not less than 20 years, not more than life  
• Fine $1 million if an individual, $5 million if other than an individual | • Not more than 30 years  
• If death or serious injury, mandatory life  
• Fine $2 million if an individual, $10 million if other than individual |
| more than 10 kgs hashish; 50 to 99 kg mixture  
more than 1 kg of hashish oil; 50 to 99 plants | | |
| Marijuana         | • Not more than 5 years  
• Fine not more than $250,000, $1 million other than individual | • Not more than 10 years  
• Fine $500,000 if an individual, $2 million if other than individual |
| 1 to 49 plants; less than 50 kg mixture | | |
| Hashish           | 10 kg or less | |
| Hashish Oil       | 1 kg or less | |
STATE LAW:

RCW 69.50.401: Prohibited acts: A—Penalties. * CHANGE IN 2019 ** (SEE 1792.SL) *

(1) Except as authorized by this chapter, it is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance.

(2) Any person who violates this section with respect to:

(a) A controlled substance classified in Schedule I or II which is a narcotic drug or flunitrazepam, including its salts, isomers, and salts of isomers, classified in Schedule IV, is guilty of a class B felony and upon conviction may be imprisoned for not more than ten years, or (i) fined not more than twenty-five thousand dollars if the crime involved less than two kilograms of the drug, or both such imprisonment and fine; or (ii) if the crime involved two or more kilograms of the drug, then fined not more than one hundred thousand dollars for the first two kilograms and not more than fifty dollars for each gram in excess of two kilograms, or both such imprisonment and fine;

(b) Amphetamine, including its salts, isomers, and salts of isomers, or methamphetamine, including its salts, isomers, and salts of isomers, is guilty of a class B felony and upon conviction may be imprisoned for not more than ten years, or (i) fined not more than twenty-five thousand dollars if the crime involved less than two kilograms of the drug, or both such imprisonment and fine; or (ii) if the crime involved two or more kilograms of the drug, then fined not more than one hundred thousand dollars for the first two kilograms and not more than fifty dollars for each gram in excess of two kilograms, or both such imprisonment and fine. Three thousand dollars of the fine may not be suspended. As collected, the first three thousand dollars of the fine must be deposited with the law enforcement agency having responsibility for cleanup of laboratories, sites, or substances used in the manufacture of the methamphetamine, including its salts, isomers, and salts of isomers. The fine moneys deposited with that law enforcement agency must be used for such clean-up cost;

(c) Any other controlled substance classified in Schedule I, II, or III, is guilty of a class C felony punishable according to chapter 9A.20 RCW;

(d) A substance classified in Schedule IV, except flunitrazepam, including its salts, isomers, and salts of isomers, is guilty of a class C felony punishable according to chapter 9A.20 RCW;

(e) A substance classified in Schedule V, is guilty of a class C felony punishable according to chapter 9A.20 RCW.

(3) The production, manufacture, processing, packaging, delivery, distribution, sale, or possession of marijuana in compliance with the terms set forth in RCW 69.50.360, 69.50.363, or 69.50.366 shall not constitute a violation of this section, this chapter, or any other provision of Washington state law.

(4) The fines in this section apply to adult offenders only.

LOCAL LAW:

See state and federal laws as listed above. Below are specific local laws and ordinances relevant to the community of Whatcom County and/or the City of Bellingham.

City of Bellingham Liquor and Drug Ordinances
Title 8: Parks, Cemeteries and Public Places

8.12.070 Lake Whatcom Water Safety: Intoxication

A. It is unlawful for any person who is under the influence of or affected by intoxicating liquor or
narcotic or habit-forming drugs to operate or be in actual physical control of any watercraft.

B. It is unlawful for the owner of any watercraft or any person having such in charge or in control to authorize or knowingly permit the same to be operated by any person who is under the influence of or affected by intoxicating liquor, narcotic or habit-forming drugs. [Prior code § 10.12.070.]

Title 10: Criminal Code

10.08.020 Possession of marijuana or marijuana infused products prohibited – Penalties

A. It is unlawful for any person under the age of 21 years to possess 40 grams or less of marijuana in the city. It is unlawful for anyone to possess between 28.3 grams and 40 grams of marijuana in the city.

B. It is unlawful for any person to possess more than 16 ounces of marijuana infused product in solid form or more than 72 ounces of marijuana infused product in liquid form. It is unlawful for any person under the age of 21 years to possess any amount of solid or liquid marijuana infused product.

C. Possession of marijuana or marijuana infused product in violation of this section shall be considered a misdemeanor.

D. A person who is convicted of a misdemeanor under this section shall be punished by imprisonment for not less than 24 consecutive hours, and by a fine of not less than $250.00. On a second or subsequent conviction, the fine shall not be less than $500.00. These fines shall be in addition to any other fine or penalty imposed. Unless the court finds that the imposition of the minimum imprisonment will pose a substantial risk to the defendant’s physical or mental well-being or that local jail facilities are in an overcrowded condition, the minimum term of imprisonment shall not be suspended or deferred. If the court finds such risk or overcrowding exists, it shall sentence the defendant to a minimum of 40 hours of community service. If a minimum term of imprisonment is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. Unless the court finds the person to be indigent, the minimum fine shall not be suspended or deferred. [Ord. 2012-12-063 § 2; Ord. 10371 § 3, 1992; Ord. 8573 § 2(B), 1977].

10.08.030 Unlawful Inhalation

A. It is unlawful to intentionally smell or inhale the fumes from any glue, cement, or other product containing one or more of the following chemical compounds: acetone, an acetate, benzene, butyl, alcohol, ethyl alcohol, ethylene, dichloride, isopropyl alcohol, methyl alcohol, methyl ethyl ketone, pentachlorophenol, petroleum ether or toluene for the purpose of becoming intoxicated, inebriated, excited, or stupefied; provided this section shall not be construed as applying to the inhalation of any anesthesia for medical or dental purposes.

B. Any person who violates this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than $100 or by imprisonment for not more than 30 days, or by both. [Ord. 10548 § 3, 1994; Ord. 8573 § 2(C), 1977].

10.08.070 Opening, Possessing, Or Consuming Liquor In A Public Place

A. It is unlawful for any person to open any package containing liquor, to possess any open container of liquor, or to consume any liquor in a public place, except in those areas or at those events that have
appropriate licensing from the State of Washington and written permission of the authorized public official.

B. Every person who violates any provision of this section shall be guilty of a civil infraction.

[Ord. 1999-09-057; Ord. 10507 §2, 1994; Ord. 10371 §1, 1992]

10.08.080 Opening Or Consuming Marijuana In A Public Place

A. It is unlawful to open a package containing marijuana or a marijuana-infused product, or to consume or use marijuana or a marijuana-infused product in a place which is open to the view of the general public.

B. Every person who violates any provision of this section shall be guilty of a civil infraction. [Ord. 2012-12-063 § 3].

10.08.090 Unlawful Transfer Or Use Of Identification

It shall be unlawful for the owner of a card of identification to transfer the card to any other person for the purpose of aiding such person to procure alcoholic beverages from any licensee or store employee. Any person who shall permit his or her card of identification to be used by another or transfer such card to another for the purpose of aiding such transferee to obtain alcoholic beverages from a licensee or store employee or gain admission to a premises or portion of a premises classified by the board as off-limits to persons under 21 years of age, shall be guilty of a misdemeanor, except that a minimum fine of $250.00 shall be imposed and any sentence requiring community service shall require not fewer than 25 hours of such service. Any person not entitled thereto who unlawfully procures or has issued or transferred to him or her a card of identification, and any person who possesses a card of identification not issued to him or her, and any person who makes any false statement on any certification card required by RCW 66.20.190, as now or hereafter amended, to be signed by him or her, shall be guilty of a misdemeanor, except that a minimum fine of $250.00 shall be imposed and any sentence requiring community service shall require not fewer than 25 hours of such service. [Ord. 10912 § 4, 1997].

Title 12: Harbors and Lakes

12.12.160 Intoxication

A. It is unlawful for any person who is under the influence of or affected by the use of intoxicating liquor or of any drug to operate, propel, or be in actual physical control of a watercraft within the city.

B. No owner of a watercraft or person in charge or control of a watercraft shall authorize or knowingly permit the watercraft to be propelled or operated by any person who is under the influence of or affected by the use of intoxicating liquor or any drug.

C. Whenever it appears reasonably certain to any police officer that any person under the influence or affected by the use of intoxicating liquor or any drug is about to operate a watercraft or vessel in violation of subsection A of this section, the officer may take reasonable measures to prevent any such person from so doing, either by taking from him or the watercraft the keys of such watercraft and securing the same by impounding them, or by some other appropriate means. Such keys or other articles which may be impounded in order to immobilize the watercraft may be returned to the owner or person in question upon proper identification if it appears there is no longer any reasonable cause to believe that the subject watercraft will be operated by a person under the influence of or affected by intoxicating liquor or any drug. [Ord. 8655 § 3(N), 1978.]
WHATCOM COUNTY LIQUOR AND DRUG LAW:
Consumption and Possession of Intoxicating Liquors by Minors

9.28.010 Unlawful acquisition, consumption and possession

It is unlawful for any person under the age of 21 years to acquire in any manner, consume or have in his possession any intoxicating liquor; provided, that the foregoing shall not apply in the case of liquor given or permitted to be given to such person under the age of 21 years by his parent or guardian for beverage or medicinal purposes, or administered to him by his physician or dentist for medicinal purposes. (Prior code § 5.16.010).

9.28.020 Unlawful supply to minors.

It is unlawful for any person to give, or otherwise supply, intoxicating liquor to any person under the age of 21 years, or permit any person under that age to consume intoxicating liquor on his premises or on any premises under his control, except as provided in Section 9.28.010. (Prior code § 5.16.020).

9.28.030 Violation -- Penalties.

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not less than $10.00 nor more than $100.00 or imprisonment in the county jail for not less than five days nor more than 30 days. (Prior code § 5.16.030).

C. Health Risks: associated with the use of illicit drugs and the abuse of alcohol

WWU POL-U7400.01 – POLICY CONCERNING ALCOHOL AND OTHER DRUGS

Abuse of alcohol and other drugs can impair ability and endanger others. Abuse of alcohol and other drugs can impair academic ability, work performance, relationships, and personal health and safety. Additionally, the safety of others may be placed at risk by an individual under the influence of alcohol and other drugs.

Below is a chart of commonly abused substances, their dependence potential, possible effects, and common complications associated with use.
## Health Risks

<table>
<thead>
<tr>
<th>Category</th>
<th>Drug</th>
<th>Risk of Dependence</th>
<th>Possible Short-Term Effects</th>
<th>Common Complications &amp; Symptoms of Withdrawal</th>
<th>Possible Long-Term Effects</th>
<th>Likelihood and Effects of Overdose</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alcohol</td>
<td>Beer, wine, liquor</td>
<td>Yes</td>
<td>Muscle relaxation, impaired motor control, memory and judgment; depression; intoxication.</td>
<td>Severe impairment of all physical and mental functions; high risk of choking or injury from falls or accidents, loss of consciousness; coma; death due to anesthesia of brain centers controlling breathing and heart rate.</td>
<td>Long-term effects include: liver failure, fatty liver, other liver damage, hepatitis, cirrhosis, excess stomach acid, gastritis, primary malnutrition, hypoglycemia, cardiovascular diseases, and nerve cell damage. Many diseases are also indirectly caused by long-term use.</td>
<td>Overdose likely with Blood Alcohol Level .30 or higher as CNS depresses and shuts down. Symptoms include: unconsciousness, excessive vomiting, shallow breathing, irregular heart rate, cold clammy skin. Coma and/or death can occur from overdose.</td>
</tr>
<tr>
<td>Cannabis</td>
<td>Marijuana, hashish, hashish oil</td>
<td>Yes</td>
<td>Altered sense of time and visual perception; euphoria; memory interference; reduced coordination and reflex response capacity.</td>
<td>Fatigue; reactions ranging from mild anxiety to panic and paranoia; confusion, disorientation; hallucinations and distortions of sense perceptions. Withdrawal: irritability, difficulty sleeping, decreased appetite, anxiety.</td>
<td>Respiratory complications such as excessive coughing, lung damage, chronic bronchitis, and increased phlegm. Other symptoms include: hyperemesis, and possible mental health complications.</td>
<td>Overdose on THC can occur, though death will not result from overdose. Symptoms include: extreme paranoia, hallucinations, vomiting, and brief psychosis.</td>
</tr>
<tr>
<td>Category</td>
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<tr>
<td>Enactogens</td>
<td>Ecstasy, X, XTC, MDMA, MDEA, MDA</td>
<td>Possible</td>
<td>Heightened feeling of empathy, openness, caring, and good feelings toward others; removal of fear response; increased heart rate, blood pressure, and body temperature; heightened sense of energy and alertness; decreased appetite.</td>
<td>Jitteriness, teeth clenching, dry mouth, muscle cramps, nausea, and dehydration; possible dangerous increase in body temperature; panic attacks; hypertension; kidney failure; long-term damage to serotonin receptors highly possible, resulting in decreased memory and learning abilities and increased anxiety and depression symptoms; rare incidences of paranoia and hallucinations.</td>
<td>Long-term brain damage, memory loss, damage to critical areas of brain, nerve damage, kidney failure, dehydration, psychosis, depression and anxiety.</td>
<td>Overdose can be deadly – caused by hemorrhaging and cardiovascular collapse. Dehydration death also possible.</td>
</tr>
<tr>
<td>Hallucinogens</td>
<td>LSD (acid) psilocybin, peyote, mescaline, many other natural and synthetic hallucinogen s, Ketamine</td>
<td>Unknown</td>
<td>Altered sense of time, space, and visual perception; disorientation; hallucinations; nausea; dilated pupils; cross-sensory perceptions; dizziness; increased temperature, blood pressure, and heart rate; sweating and chills.</td>
<td>Impaired judgment leading to impulsive actions; paranoia; rapid mood swings; “bad trip”—fear, anxiety, paranoia, panic, and hallucinations; exhaustion after use; depression; fears—often of death or of one’s mind not working right; flashbacks.</td>
<td>Long term effects include: persistent psychosis, hallucinogen persisting perception disorder, speech problems, memory loss, weight loss, anxiety, and depression.</td>
<td>Most hallucinogen overdose is nonfatal. However, PCP overdose can lead to coma or death. Symptoms of OD include: unpleasant psychosis.</td>
</tr>
<tr>
<td>Nicotine</td>
<td>Cigarette, cigar, pipe smoking; chewing tobacco; e-cigarette, vape devices</td>
<td>Yes</td>
<td>Increased heart rate and blood pressure; irritation of eyes, nose, and respiratory tract; shortness of breath; decreased sensitivity to taste; depression.</td>
<td>Increased risk of heart attack; cardiovascular disease; mouth, throat, and lung cancer; and other pulmonary diseases. Withdrawal: irritability, attention problems, sleep problems, increased appetite, depression, intense cravings, fatigue, headaches and nervousness.</td>
<td>Long Term effects include: emphysema, chronic bronchitis, chronic obstructive pulmonary disease, and 16 different types of cancers, gum and mouth diseases, diabetes, pneumonia, cardiovascular diseases and more.</td>
<td>Nicotine poisoning can be potentially deadly, though deaths are rare. Lethal limit is between 500-1000MG of nicotine. Symptoms include nausea, vomiting, burning sensation in mouth, fainting or coma, depression, headache, convulsions, and intense agitation.</td>
</tr>
<tr>
<td>Category</td>
<td>Drug</td>
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<tr>
<td>Opioids</td>
<td>Heroin, codeine, morphine, opium, Percodan, Percocet, fentanyl</td>
<td>Yes</td>
<td>Euphoria; drowsiness; nausea; respiratory depression.</td>
<td>Shallow and slow breathing; dizziness; vomiting; sweating; convulsions; coma; possible death. Withdrawal: restlessness, muscle &amp; bone pain, insomnia, diarrhea, vomiting; cold flashes with goose bumps, leg movements</td>
<td>Long term effects include: cardiovascular complications, depression, constipation, hormonal problems, weak bones, increased sensitivity to pain, abscesses, soft tissue infections, and hepatitis and sleep complications.</td>
<td>Opioid overdose can be fatal. Symptoms include: unconsciousness, shallow or no breathing, slowed or stopped heart rate, snoring or gurgling noises, pinpoint pupils, cold clammy skin, and blueish tint to skin,</td>
</tr>
<tr>
<td>Sedatives</td>
<td>Barbiturates, tranquilizers, Quaaludes, Valium, other depressant drugs, GHB, Rohypnol</td>
<td>Yes</td>
<td>Drowsiness; slurred speech; disorientation; impaired coordination.</td>
<td>Shallow respiration; weak and rapid pulse; coma; possible death from depression of central nervous system functions. Withdrawal: seizures, shakiness, anxiety, agitation, insomnia, overactive reflexes, increased heart rate, blood pressure, and temperature with sweating.</td>
<td>Effects include: seizures, memory impairment, speech problems, etc.</td>
<td>Overdose can be deadly. Symptoms include: unconsciousness, and shallow or irregular breathing and heart rate.</td>
</tr>
<tr>
<td>Steroids</td>
<td>Anabolic steroids</td>
<td>Yes</td>
<td>Acne; aggressive behavior; anger-management problems; cholesterol imbalance; impotence; psychosis.</td>
<td>Aggressive behavior; rage; psychosis; reduced fertility; stroke; liver damage; increased cancer risk. Withdrawal: mood swings, tiredness, restlessness, loss of appetite, insomnia, lowered sex drive, depression.</td>
<td>Effects include: kidney problems or failure, liver damage, tumors, enlarged heart, high blood pressure, changes in cholesterol, aggression, stroke and heart attack.</td>
<td>Death can occur due to heart attack or stroke.</td>
</tr>
</tbody>
</table>
### Category | Drug | Risk of Dependence | Possible Short-Term Effects | Common Complications & Symptoms of Withdrawal | Possible Long-Term Effects | Likelihood and Effects of Overdose
--- | --- | --- | --- | --- | --- | ---
Stimulants | Cocaine, crack, speed, amphetamines, diet pills; many other natural and synthetic stimulant products | Yes | Increased alertness; increased pulse and blood pressure; euphoria; pupil dilation; insomnia; loss of appetite; fatigue and some depression after effects wear off. | Agitation; irritability; dizziness; confusion; tactile or visual hallucinations; seizure; convulsion; stroke; possible death; after effects of exhaustion and depression. Withdrawal: depression, tiredness, sleep problems. | Long term effects include: cardiovascular disease, sleep deprivation, heart and blood vessel toxicity, malnutrition, gum disease and tooth decay/loss, respiratory infections and diseases, etc. Some long term effects depend on the specific substance abused. | Overdose can be deadly. Symptoms include: seizures or rigid jerking limbs, unconsciousness, rapid pulse, chest pain, psychological distress, hot skin, severe headaches, severe agitation, and excessive sweating. |

“Club” or “Rave” Drugs | GHB, Rohypnol, Ketamine | See other categories for specific drug information | These drugs are often associated with sexual assaults due to their amnesia-inducing and intoxication-like effects. Partial or complete amnesia; intoxication effects similar to alcohol. Ketamine can create hallucinations. | Nausea; vomiting; impaired coordination; confusion; muscle spasms; blurred vision; dizziness; slurred speech; hallucinations; unconsciousness; amnesia; aggressive behavior; rapid mood swings. | Long term effects include: psychosis, memory loss, high blood pressure, respiratory problems, bladder and kidney problems, stomach pain, and seizures. | Overdose can be deadly. Symptoms include: paralysis, seizures, nausea and vomiting, violent outbursts/hallucinations, unconsciousness, and coma. |

For additional information see: https://www.drugabuse.gov/drugs-abuse/commonly-abused-drugs-charts

While the above chart includes numerous substances, not all are common substances of abuse at Western Washington University. According to the 2016 National College Health Assessment, the four most commonly used substances within a 30 day period are: Alcohol, cannabis, cigarettes, and E-cigarettes, with respective percentages being 69.4%, 33.3%, 11.7%, and 6.6% (indicating the percentage of students reporting any use in the previous 30 days).
D. Drug or Alcohol Counseling, Treatment, Rehabilitation or Re-entry Programs

NOTE: All support services and resources are available to any enrolled Western student from all Western campus locations. The Washington State Employee Assistance program is available to any Western employee from all Western campus locations.

Medical Amnesty

In 2017 Western also adopted an amnesty policy by creating a section in the student Conduct Code to address amnesty for students seeking swift medical assistance for themselves or others in situations involving alcohol or drug overdose.

Student Conduct Code: 516-21-055, Amnesty.

(1) In situations involving intoxication, alcohol poisoning, or drug-related medical issues, students are encouraged to seek swift medical assistance for themselves and others without fear of penalty. Students requesting and receiving medical assistance in these situations will not typically be subject to the student conduct process. This policy refers to isolated incidents and does not excuse students who repeatedly or flagrantly violate the alcohol or drug policy, nor does it preclude action arising from other violations of the code. Western will consider the positive impact of reporting a situation when determining any course of action.

(2) Complainants and witnesses who in good faith report sexual violence will not be subject to alcohol or drug violations of the code occurring at or near the time of the sexual violence unless their own conduct placed another person’s health or safety at risk. Without imposing sanctions, Western may initiate educational remedies regarding alcohol or drug use.

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-055, filed 2/15/17, effective 3/18/17.]

Western’s policy is an institutional application of the 2015 Washington State Medical Assistance Law, also known as the Medical Amnesty Law. Washington State adopted this law in an effort to save lives by
ALCOHOL OVERDOSES ARE A MEDICAL EMERGENCY
DO YOU KNOW WHAT TO DO?

Know the Signs
Disoriented • Passed out • Unresponsive • Vomiting excessively
Irregular breathing • Bluish/cold/ clammy

Call 911
The Medical Amnesty Law protects you and the person who
needs help from being cited for underage drinking or being under
the influence of illegal drugs, so make the call and save a life!

Stay & Help
Place the person in the recovery position by rolling them on their
side. Don’t give food or water, as this may cause vomiting or block
their airway. Stay with them until help arrives.

Information courtesy of Prevention & Wellness Services AA/EO
increasing timely medical attention to drug overdose victims. This law provides limited immunity from prosecution for people who seek medical assistance in a drug overdose situation.

**RCW 69.50.315: Medical assistance—Drug-related overdose**

1. A person acting in good faith who seeks medical assistance for someone experiencing a drug-related overdose shall not be charged or prosecuted for possession of a controlled substance pursuant to RCW 69.50.4013, or penalized under RCW 69.50.4014, if the evidence for the charge of possession of a controlled substance was obtained as a result of the person seeking medical assistance.

2. A person who experiences a drug-related overdose and is in need of medical assistance shall not be charged or prosecuted for possession of a controlled substance pursuant to RCW 69.50.4013, or penalized under RCW 69.50.4014, if the evidence for the charge of possession of a controlled substance was obtained as a result of the overdose and the need for medical assistance.

3. The protection in this section from prosecution for possession crimes under RCW 69.50.4013 shall not be grounds for suppression of evidence in other criminal charges.

[C 2015 c 205 § 4; 2010 c 9 § 2.]

**CAMPUS RESOURCES:**

**STUDENTS**

**Alcohol & Drug Consultation & Assessment Services**

Alcohol and Drug Consultation and Assessment Services (ADCAS) is a free, confidential, professional service for Western students who want assistance or information regarding their own or someone else’s use of alcohol, tobacco, or other drugs. ADCAS can be reached by phone at 360-650-6865. There is NO charge for any of ADCAS services.

What to expect when referring students:

**Voluntary:** Students referred, not sanctioned, will be contacted (if there is an official form filled out) to schedule a 1:1 session. Students who walk-in or call for a session will have a 1:1 meeting with staff where we discuss student goals, values, behaviors, and determine next steps to reducing risk. Sessions are typically 60 minutes. Students can meet with staff for as many sessions as needed and can return any time as long as they are an enrolled Western student.

Learning outcomes include: Risk reduction techniques specific to individual needs, and knowledge of the relationship between substance use and academic success, physical and mental health impacts, social impacts, etc.

**Sobriety Strength Support Group:** This is a small group that meets weekly and is open to any WWU student who identifies substances as causing a disturbance in their life. This is not a 12-step meeting, students just process their thoughts with staff or Peer Health Educator group facilitation.
Learning outcomes: Support to remain substance free, connection to peers through shared experience, coping strategies to combat cravings and societal pressure, etc.

**ADCAS 1 – Alcohol or Cannabis:** Students sanctioned to complete ADCAS 1 will be informed via sanction letter and/or meeting to sign up on the PWS website for an ADCAS 1 class – either alcohol or cannabis per their incident.

Demographics and current behavior patterns will be collected during sign up.

Students will attend an 80 minute educational workshop facilitated by ADCAS Peer Health Educators, either on the topic of alcohol or cannabis safety and risk reduction. At the end of the workshop, ADCAS staff sends verification of completion to the referral source.

Students will be strongly encouraged to complete a 30 day follow up survey regarding current behavior patterns.

Learning objectives for Alcohol 1: ADCAS risk reduction philosophy and approach, standard serving sizes, understanding a safe blood alcohol level, the biphasic effect and tolerance, how to spot and alcohol emergency and what to do, moderation strategies, myth busting, social norms and misperceptions, and other health/academic/social risks from drinking.

Learning objectives for Cannabis 1: ADCAS risk reduction philosophy and approach, a general understanding of what cannabis is, how cannabis effects the brain, social norming and misperceptions, different experiences and outcomes and what factors influence those, risks of dabbing and mixing substances, and other health/academic/social risks from cannabis use.

**ADCAS 2 – High Risk Alcohol, Cannabis, or Other Drug:** Students who receive a high risk sanction will be immediately contacted by ADCAS to set up initial individual session, where wellness screens will be used to facilitate necessary referrals. The session will be about 60 minutes.

Students will then complete eCHECK-UP for either Alcohol or Cannabis.

Student returns for a final individual session to go over personalized assessment and discuss risk reduction behaviors. Upon requirement completion ADCAS staff sends verification to referral source.

Learning objectives: Substance use effect on current and past wellbeing, what risk factors lead to specific incident, understanding current use patterns and how to mitigate risks for future use, general education about substance, and substance related emergencies.

**For Western Students Mandated to ADCAS by Bellingham Municipal Court:** Per agreement between WWU and Bellingham Municipal Court, current students who receive a Minor In Possession citation may be required to participate in services provided by ADCAS. Upon requirement completion ADCAS staff sends verification to referral source.

**Alcohol Education Presentations**

ADCAS staff provide presentations on all multiple alcohol and drug-related topics to include: risk reduction and specifics about college drinking, abuse, dependency, overdose identification and prevention, medical amnesty, bystander intervention, how to support a friend, impact of individual alcohol or drug use on friends, family, roommates, cannabis information including prevalence and risks, and overview, prevalence and risks associated with use of other drugs, etc. Presentation are available through the academic year and can be requested by any faculty, staff or group member.
Other student-focused trainings and other presentations cover a wide range of risk/harm reduction basics including: standard drink size, blood alcohol content, physiological effects of consumption, role impact of substance use on academics, relationships, health and general wellness and well-being, and the intentionality of substance use with sexual decision-making, sexual assault, and other forms of violence. Strategies for low-risk consumption are also included.

**OFF CAMPUS RESOURCES -- FOR STUDENTS AND EMPLOYEES**

Students and employees can attend numerous 12-step recovery meetings available in the community, including Alcoholics Anonymous, Narcotics Anonymous, Cocaine Anonymous, Al-Anon, and more. Community treatment resources include Alcohol and Drug Information School (ADIS), Outpatient Treatment, Intensive Detoxification, and access to alcohol and drug assessments for a referral to inpatient treatment centers throughout Washington State. Below are a set of resources.

_Northwest Washington Area Narcotics Anonymous 24-Hour Hotline: (360) 647-3234, nwsrna.org/meetings._ Narcotics Anonymous is a non-profit fellowship of people who suffer from the disease of addiction. Call or visit website for meeting times.

_Whatcom County Alcoholics Anonymous Hotline: (360) 734-1688, (360) 318-5764 (Español), whatcomaa.org._ Alcoholics Anonymous is a fellowship of men and women who share their experience, strength and hope with each other that they may solve their common problem and help others to recover from alcoholism. Call or visit website for meeting times.

_Whatcom County Al-Anon Hotline: To hear a recording of Whatcom County meetings, call 866-259-8279 (toll-free), whatcomafg.org._ The Al-Anon Family Groups are a fellowship of relatives and friends of alcoholics who share their experience, strength, and hope, in order to solve their common problems. We believe alcoholism is a family illness, and that changed attitudes can aid recovery. Call or visit website for meeting times.


_Belair Clinic: 360-714-1294, 1130 N. State St., Bellingham, belairclinic.com._ Outpatient services for both adults and youth in Whatcom County Services include: • Alcohol and Drug Information School • DUI Assessments and Evaluations • Outpatient Treatment - Level 1 and 2 • Counseling for Couples and Families • Individual Therapy Sessions • Detox Support Services • Referral to Local Suboxone Providers

_Bridges Treatment & Recovery: Bellingham Location: 360-714-8180, 1221 Fraser St. Suite E-1, Bellingham, bridgestreatment.com._ Services include: • DUI Assessments & Treatment • DOL Assessments & Treatment • Self-Referred Drug & Alcohol Assessments • Outpatient Drug & Alcohol Treatment • MRT (Moral Reoncation Therapy) • Youth Programs & Assessments • Deferred Prosecution • Intensive Outpatient Treatment (IOP) Level 2.1 • Individualized Heroin & Meth Treatment Programs • Relapse Prevention Planning • After Care (Generally follow up care for after inpatient treatment) • Alcohol & Drug Information School (ADIS) • Individual Counseling • Family Programs for the drug addict and alcoholic • Employer Mandated Treatment • Inpatient Treatment Referrals
Catholic Community Services NW Recovery Centers: 360-676-2187, 515 Lakeway Dr., Bellingham, ccsww.org. The CCS NW Recovery Centers provide a full continuum of outpatient chemical dependency treatment services in Snohomish and Whatcom counties. CCS provides treatment to youth, adults, and their families.

Sea Mar Community Health Clinic Chemical Dependency Services: 360-734-5458, 3350 Airport Dr., Bellingham, seamar.org. State-licensed community mental health agency accredited by The Joint Commission which meets all requirements for court-mandated services. Multidisciplinary practices to develop and maintain personalized treatment goals. Clients are encouraged to include their families and members of their social support system in their treatment. Practitioners include mental health therapists, chemical dependency counselors, psychiatric advanced registered nurse practitioners, and psychiatrists specialize. Provides culturally-competent services and evidence-based practices. Serves clients of any age, religion, ethnicity, or sexual orientation and regardless of income, occupation, gender, immigration status, or citizenship status. Many on staff speak more than one language. • Drug and alcohol evaluations (English and Spanish) • DUI assessments • Deferred prosecution • Relapse prevention • Monthly monitoring • Aftercare • Intensive outpatient treatment • Women’s group

Washington Community Detox (Pioneer Human Services): 360-676-2020 ext. 5, 2030 Division St. #B, Bellingham, pioneerhumanservices.org/treatment. Whatcom Community Detox provides a monitored setting for the safe withdrawal from alcohol and other drugs. The detoxification is provided in a sub-acute (non-medical) unit where intensive medical monitoring is not required. Individuals can self-refer to the center. Also accepts referrals from law enforcement, hospital emergency departments, mental health agencies, and family or friends of the client

RESOURCES FOR EMPLOYEES:

The Washington state Employee Assistance Program provides support and resources to faculty and staff who want to change their drinking and/or drug use patterns. After-hours assistance is available by calling 877-313-4455 (toll free). More information about the Washington state Employee Assistance Program is available at des.wa.gov/services/hr-finance-lean/employee-assistance-program-eap.

Employees may also seek services from any of the above-mentioned community resources.

D. Statement to Impose Disciplinary Sanctions to Students and Employees

WHEN VIOLATIONS OF WESTERN WASHINGTON UNIVERSITY POLICY OR LOCAL, STATE, OR FEDERAL LAW OCCUR

WWU POL-U7400.01 – POLICY CONCERNING ALCOHOL AND OTHER DRUGS

Western Washington University will uphold state and federal laws pertaining to alcohol and other drug use. All students, faculty and staff are required to comply with these laws. Actions will be taken on any violation of State and Federal law or University regulations concerning alcohol and other drugs which (a) occurs in or on property controlled or owned by Western Washington University; or (b) involves University business or
activities; or (c) relates directly and materially to the fitness of staff or faculty members in their professional capacities.

**Alcohol**

As set forth by local, state, and federal law, no person under the age of 21 may acquire, possess, or consume any alcoholic beverage. It is also unlawful for any person to provide alcoholic beverages to anyone under the age of 21, or to sell alcohol without a permit.

Generally, possession and consumption of alcohol beverages is not permitted on any University property, including all campus buildings.

The exceptions – for persons of legal drinking age only – are:

- Events for which a banquet permit has been obtained. Authorization, in accordance with appropriate state laws, can be obtained from the Office of the Vice President for Enrollment and Student Services, (360) 650-3839;
- Private dwelling places: Western’s Residence Life policy defines private dwelling places as individual residence rooms or apartments with the door closed.

**Controlled Substances**

Numerous local, state, and federal laws relate to the manufacture, distribution, possession, and/or use of controlled substances. Detailed information regarding applicable laws and penalties is included in the following section.

**Special Note Regarding Marijuana**

Despite Washington state legislation legalizing marijuana for individuals 21 and older, it is still a violation of University policy to possess, use, manufacture, cultivate, distribute, provide or sell marijuana on WWU property or at an official WWU function.

**DISCIPLINARY SANCTIONS FOR STUDENTS**

**Sanctioning Guidelines**

Sanctions in Western Washington University’s student conduct process serve many purposes including, but not limited to, educating students about the seriousness of their actions; reinforcing the high standards of scholarship and behavior expected of Western students; promoting student development; and maintaining the safety and wellbeing of members of the university community. When a student admits responsibility or is found in violation of the code, a conduct officer may impose one or more sanction.

The Office of Student Life developed sanctioning guidelines for some the most common Student Conduct Code violations. These guidelines are not meant to be restrictive but provide a starting framework to determine appropriate sanctions for conduct officers at Western; other sanctions, designed or intended to enhance a student’s development, may be applied. It is important to understand that each conduct case is different, and decisions are based on assessing several factors rather than a strict adherence to guidelines or
precedent. Further, sanctioning at Western is progressive and repeat violations of the Student Conduct Code may lead to additional, more serious sanctions.

**Sanctioning Factors**

These factors are considered when determining appropriate sanctions:

- Nature of the violation;
- Intent and motivation of the misconduct;
- Effect(s) of the misconduct;
- Potential effect(s) of the misconduct;
- Student’s previous student conduct record;
- Student’s developmental state;
- Student’s willingness to be held accountable;
- Desired outcome of the complainant (if applicable);
- Safety and well-being of campus community.

**Learning Outcomes**

Because of the educational nature of the student conduct process, active sanctions are assigned to provide students the following developmental opportunities, based off their assessed developmental needs:

- Identify support services and resources available to assist in their success at Western; discuss how specific services and resources can assist them; develop a plan for connecting to services and resources; and appraise how those services and resources assisted in their success at Western.
- Identify behaviors and decision that potentially or did affect themselves and their community; describe the actual or potential impact of themselves and their community; and illustrate how their understanding will modify their behaviors and/or decisions in the future.
- Identify conflict resolution strategies and concepts to solve interpersonal conflicts; describe the benefits of these strategies and concepts; apply these strategies and concepts; and evaluate the application of the strategies and concepts.
- Identify alternative behaviors and decisions to prevent future incidents of misconduct; explain how these alternative behaviors and decisions would prevent future incidents of misconduct; demonstrate alternative behaviors and decisions in similar situations; and analyze their effectiveness.
- Identify their values and actions; describe any incongruence between them; investigate the reason for the incongruence; determine a plan to align their values and actions; and evaluate their effectiveness.

Additionally, students found in violation of Western’s alcohol and/or drugs and paraphernalia policy typically are assigned to Alcohol & Other Drug Consultation and Assessment Services (ADCAS) through Prevention Wellness Services. ADCAS has risk and harm reduction learning outcomes embedded within their program. All ADCAS programs are provided at no additional charge to WWU students.

**Educational Sanctioning Guidelines**

Not every sanction will encompass all the learning outcomes listed above. Western will also be using the framework below as a starting point for violations of these sections of the Student Conduct Code:

*Alcohol* violations are typically assigned ADCAS, through Prevention Wellness services. For repeat violations, or violations with high safety concerns, students will typically be assigned ADCAS-High Risk,
be placed on conditional status AND (as appropriate) have an Office of Student Life staff member contact a parent/family member.

**Drug use or possession** violations are typically assigned ADCAS, through Prevention Wellness services. For repeat violations, or violations with high safety concerns, students will typically be assigned a Mandated Chemical Dependency Assessment, be placed on conditional status AND (as appropriate) have an Office of Student Life staff member contact a parent/family member.

**Description of ADCAS Services:**

**ADCAS 1 – Alcohol or Cannabis:** Students sanctioned to complete ADCAS 1 will be informed via sanction letter and/or meeting to sign up on the Prevention and Wellness Services website for an ADCAS 1 class – either alcohol or cannabis per their incident. NO CHARGE will be issued for this service.

Demographics and current behavior patterns will be collected during sign up.

Students will attend an 80 minute educational workshop facilitated by ADCAS Peer Health Educators, either on the topic of alcohol or cannabis safety and risk reduction. General topics for the Alcohol class include: Standard serving size, blood alcohol level, the biphasic effect and tolerance, alcohol emergencies, moderation strategies, myth busting, and other health/academic/community concerns. The general topics discussed in the Cannabis class include: a basic overview of cannabis, experiences and outcomes, cannabis’s effect on the brain, factors that influence the experience, specific risks of mixing substances and dabbing, and other health/academic/community concerns/risks.

Students will be strongly encouraged to complete a 30 day follow up survey regarding current behavior patterns.

**ADCAS 2 – High Risk Alcohol, Cannabis, or Other Drug:** Students who receive a high risk sanction will be immediately contacted by ADCAS to set up initial 1:1 session, where wellness screens gathering information on typical depression and anxiety symptoms will be used to facilitate necessary referrals within or outside Western. Then staff and the student will discuss the specific incident which lead them to the office, specifically risk factors which contributed to the incident. The session will be about 60 minutes.

Students will then complete an on-line assessment, which includes and education component, for either Alcohol or Cannabis within a week or two. This is an evidence based, online personalized assessment tool collecting recent substance use information.

Student returns for a final individual session with staff to review the personalized assessment and discuss risk reduction behaviors.

**Drug cultivation** (a type of drug crime involving the growing of plants that are classified as controlled substances. This usually refers to the illegal growing of plants like marijuana, opium, and other types of intoxicants or hallucinogenic plants), **manufacturing and packing** (when they produce an illegal substance by means of a chemical synthesis or a natural extraction. The manufacturing of drugs can also include the packaging or repacking of the substance or the labeling and re-labeling of its container), or **distribution** (is the sale, transfer, exchange, import, or export of illegal drugs) violations, depending on the severity, are typically assigned one of the following sanctions along with a Mandated Chemical Dependency Assessment:

- Conditional Status – Student status dependent on follow through with sanction requirements
Deferred Suspension -- a designated period of time during which a student is given the opportunity to demonstrate the ability to abide by the community’s expectations of behavior articulated in the Code of Student Conduct.

Suspension -- is a forced, temporary leave from the university. There are three types of suspension for students that apply to both graduate and undergraduate students:

- **Academic Suspension** is the result of poor academic performance or violation of academic regulations and is imposed by the student’s college or academic department (see university and college academic policies).

- **Disciplinary Suspension** is the result of serious personal misconduct and is imposed by the Office of Student Life.

- **Administrative Suspension** is the result of failure to meet university financial obligations or failure to comply with federal, state or local health regulations and is imposed by Enrollment Services.

- Referral to University or Bellingham Police

**Below are the general process steps for issuing a drug and alcohol policy sanction:**

1. **Complaint/Report:** A Complaint/Report is received by the Office of Student Life/Dean of Students Office and reviewed for possible policy violations.

2. **Student Notification:** The student involved is sent notification via their University email account at least three days prior to a scheduled meeting with a conduct officer.

3. **Conduct Meeting:** The student individually meets with a conduct officer who asks for their perspective on the specific incident, reviews the incident report and discusses any other relevant information. Conduct meetings and decisions take place whether the student is present or not. If a student is unable to attend your conduct meeting, it is the student’s responsibility to notify the conduct officer to request rescheduling.

4. **Conduct Decision:** After reviewing the available information, the conduct officer determines whether a violation has occurred, the student’s responsibility for the violation, and any appropriate sanction(s).

5. **Decision Letter:** The student is notified of the determination made by the conduct officer in writing via their University email account within seven business days of the conduct meeting.

6. **Sanctions (if applicable):** A student who is found in violation of University policy may receive sanctions that require action before the student conduct process can be concluded. This may include attending workshops, writing essays, and/or other educational activities.

7. **Appeal (if applicable):** A procedure allowing students to ask for a review of the conduct decision
8. Review (if applicable): A procedure during the appeal where the Dean of Students will review documentation involving the student and the specific case to determine revoking or continuing with the sanction. This is the final call.

DISCIPLINARY ACTIONS FOR EMPLOYEES

STUDENT EMPLOYEES

Drug-Free Work Place - The Federal Drug-Free Workplace Act of 1988 and the Federal Drug-Free Schools and Communities Act Amendments of 1989 require that universities promote a drug-free workplace and environment through adoption and implementation of policies and procedures concerning alcohol and other drugs. These policies and procedures are designed to educate the university community about the dangers of substance abuse. **All student employees are required to abide by the state and federal laws governing the possession, manufacture, distribution, dispensing, sale and use of controlled substances while on university property or while involved in university business or activities.**

**Discipline**

Correct inappropriate behavior as soon as possible. Explain why the behavior was inappropriate or incorrect and how to remedy the situation. Try to resolve any problems pertaining to job performance or working relations at the time of the incident.

**Termination Procedures**

It is generally expected that whenever possible, the student employee will give the employer a two week notice prior to terminating their employment. The employer will similarly give the employee a two week notice before termination, unless an earlier date is mutually agreed upon. Reasons for employer termination include, but are not limited to:

- completion or elimination of job
- loss of funding
- avoidable absences
- unsatisfactory work
- inability to carry out work assignments
- lack of cooperation with co-workers or supervisor
- repeated lateness
- harassing a co-worker, sexually or otherwise

It is generally expected that the employer will advise the student in writing of unsatisfactory performance at least once before terminating the student employee. It is expected that at least two weeks before actual termination a warning of impending termination will have been received by the student. Retain a copy of the written warning within the department/office of origin. An employer is under no obligation to re-hire a student who was employed the previous academic year.
WESTERN FACULTY

The United Faculty of Western Washington Collective Bargaining Agreement – Western Faculty are responsible for adhering to Western’s drug and alcohol policies, which reflect Federal, State and Local Law. If found in violation of those policies, the Collective Bargaining Agreement, per Section 19- Disciplinary Action/Discharge, lays out steps necessary for mandating disciplinary sanctions.

SECTION 19 DISCIPLINARY ACTION/DISCHARGE

19.1 No faculty member shall be disciplined or discharged without just cause. Historical guidelines commonly used by arbitrators can be found in Appendix B.

19.2 The University shall employ, where appropriate, progressive discipline, including but not limited to the following steps: verbal warning, written warning, suspension without pay, and discharge. The University shall tailor discipline to respond to the nature and severity of the offense, and will not be required to apply progressive discipline where the University reasonably believes that the severity of the alleged offense calls for the imposition of discipline at an advanced step.

19.3 Disciplinary Procedures

19.3.1 Informal meetings between the University and faculty regarding workplace issues are encouraged.

19.3.2 Faculty shall be given a fair and reasonable opportunity to respond to complaints which could result in discipline. Discipline shall not result from prior incidents or complaints to which the faculty member has not had a reasonable opportunity to respond.

19.3.3 If, prior to or during a meeting between the University and a faculty member, the faculty member reasonably concludes that discipline could result, the faculty member shall be entitled to representation by the Union. If necessary, the meeting may be suspended for a reasonable time to obtain representation. All disciplinary meetings shall be conducted in private. Settlements reached in cases where the faculty member has chosen to waive the right to Union representation shall be non-precedent setting.

19.3.4 The University may place a faculty member on paid administrative leave pending investigation of an allegation. The Union will be notified of any such action. When placing a faculty member on paid administrative leave, prior to making a determination regarding the faculty member’s access to campus resources, the University shall consider the faculty member’s research and other academic activities as well as the health, safety, and legal interests of all those involved. Faculty members on paid administrative leave are expected to remain available during normal working hours. Paid administrative leave is not discipline and is not subject to the grievance procedure.

19.3.5 Notice of Intent to Discipline. If the University intends to impose discipline that involves a loss of pay or termination of employment, the University shall inform the faculty member and the Union of the proposed discipline in writing. The written notice shall describe the event or conduct with sufficient particularity to permit the faculty member and the Union to understand the reason for the proposed discipline.

19.3.6 Pre-Disciplinary Meeting. The University will schedule a pre-disciplinary meeting to permit the faculty member to respond to a notice of intent to discipline. At the beginning of any pre-disciplinary meeting, the University will describe its proposed discipline and the general reasons for issuing the proposed discipline. The University will inform the Union in advance of all pre-disciplinary meetings.
19.3.7 Disciplinary Decision. No later than fourteen (14) calendar days after the close of the pre-disciplinary meeting, the University shall inform the faculty member and the Union of its disciplinary decision in writing.

19.4 Progressive discipline consisting of verbal warning or written warning will be administered by the dean.

19.4.1 A dean may recommend to the Provost suspension without pay or discharge. The Provost may initiate suspension without pay or discharge in writing, following the procedures in Section 19.3.

19.5 Investigations and Discipline during summer

19.5.1 Both parties recognize that investigations and discipline in summer present a difficulty to faculty who are not being paid and/or are often away from campus during the summer. Both parties also recognize that the University and Union have due diligence and duty of fair representation responsibilities for cases that may arise in summer.

19.5.2 Before the end of spring quarter, the Union President or designee, and the University Provost or designee will meet to inventory and discuss scheduling to handle any cases that may be pending and lead to investigations and/or discipline in the summer.

19.5.3 If a complaint is received about a bargaining unit member during any period in which the University is not in session or during an academic term in which the member is not working, the college will suspend any investigation until school resumes and/or the member is again under contract. However, if, after consultation with the Union, the University reasonably believes the complaint could result in suspension without pay or discharge, the University may commence its investigation immediately.

19.5.4 Faculty not on contract, who are asked by the University to participate in an investigation in the summer shall be compensated on a pro-rated basis.

WESTERN STAFF

All Western staff are responsible for adhering to WWU policy as well as local, state and federal laws. Some staff groups are also governed by specific Union regulations as well. In addition there are some position roles or functions that also carry specific behavioral guidelines regarding substance use.

The Professional/Exempt Staff Handbook - Western Professional Staff are responsible for adhering to Western’s drug and alcohol policies, which reflect Federal, State and Local Law.

If found in violation of those policies, the Professional Staff Handbook states, “When an employee digresses from performance, conduct, and/or ethical standards, supervisors may, as appropriate, provide and/or arrange for the employee to receive coaching, counseling, and/or training. Western will determine the appropriate level of discipline up to and including termination”.

Western Classified Staff are responsible for adhering to Western’s drug and alcohol policies, which reflect Federal, state and Local Law. If found in violation of those policies, the Classified Staff Collective Bargaining lays out steps necessary to impose disciplinary sanctions, as well as:
WAC 357-40-(010-050) Discipline: Sections describe the power of the appointing authority to take disciplinary action, required notice to employees for pay changes or position dismissal or demotion or termination, and limits to such impositions.

WAC 357-46-(005-225) Layoff and separation: Thorough detailing of disciplinary layoff or separations; who can impose, reasons for, what to include, employee status, appeals, proper notice, etc.

WAC 357-52-(005-265) Appeals: Thorough detailing of appealing disciplinary sanctions; board rules and regulations, forms, mediations, prehearings, what needs to be submitted and when, imposing decisions, etc.

Collective Bargaining disciplinary sanctions – Each Union collective bargaining agreement specifies options and procedures for violations of Western policy or local, state or federal law.

DRUG TESTING

POL-US410.04 DRUG AND ALCOHOL TESTING FOR US DEPARTMENT OF TRANSPORTATION COMPLIANCE

Section 5: Illegal substances are identified in Title 49, CFR, Part 40.21.

Appropriate use of drugs taken with written approval or prescription from a physician is not prohibited. The taking of any substance with a warning label indicating that mental functions, motor skills or judgment may be adversely affected should be reported to the supervisor. Use of alcohol or substances containing alcohol, e.g. mouth wash or food, is regulated in this policy.

Section 6: Some conduct is prohibited and subject to disciplinary action. Prohibited conduct includes the following:

• Reporting for work or remaining at work to perform sensitive functions while having an alcohol concentration exceeding DOT standards;
• Using alcohol while performing safety-sensitive functions;
• Operating a vehicle while possessing alcohol;
• Using alcohol within eight hours following an accident or prior to taking a post-accident test – whichever is first;
• Refusing to take a controlled substance or alcohol test as required: random, post-accident, reasonable suspicion, or follow-up;
• Using alcohol within four hours of reporting for work;
• Arriving or remaining at work when using a controlled substance, with the exception of when instructed by a physician with the understanding that the substance will not affect the job performance and with the knowledge of the supervisor;
• Being in possession of alcohol of any type unless part of a manifested shipment;
• Altering or attempting to alter a urine specimen;
• Possessing, using, selling or distributing prohibited substances on campus, in a University vehicle or while on University business
Sexual Misconduct, Including Sexual Assault, Dating Violence, Domestic Violence and Stalking

WWU-Mandated Initial Sexual Violence Prevention Education for All Students

Western Washington University requires all students new to Western to complete Sexual Assault Prevention training, a web-based best practice training program to prevent sexual violence, designed specifically for college students.

By completing Sexual Assault Prevention training it ensures all students have a fundamental awareness of the issues relating to sexual violence. They are also engaged as part of the solution to sexual violence and participating in creating and maintaining a campus community that supports healthy relationships and fosters a safe environment for everyone.

It is hoped that through this training students will be better informed and build stronger skills to identify and intervene in situations where others’ well-being or safety may be in jeopardy. This training also provides important information about every student’s rights under Title IX, a civil rights law prohibiting sex discrimination, including sexual violence.

Prevention & Wellness Services

Comprehensive Awareness and Education Campaign Plan to Prevent Sexual Violence*

(Campus-wide intervention – initial prevention and awareness, and on-going programming and training)

Prevention & Wellness Services staff provide Sexual Violence Prevention and effective intervention training to a wide range of student groups throughout the year. One area of training focuses on student leaders as part of the solution. This group may include: Orientation Student Advisors, Resident Advisors, Peer Health Educators, and Varsity Athlete Teams, among others. Additional trainings are designed for groups of students identified as potentially at increased risk, such as: International students, students participating in Study Abroad, and new freshmen. Training is also promoted to faculty for potential inclusion in their course content.

Prevention & Wellness Staff also work collaboratively to infuse sexual violence prevention information into many programs, events, and activities that take place on campus through the year.

Additional programing highlights specific sexual violence-related outreach that encompasses awareness days, weeks, and month promotions, along with on-going campaigns promoting healthy relationships, importance of being an empowered and active bystander, and taking a stand against all forms of sexual violence.

Training is also provided for staff and faculty in covering how to have a compassionate response to disclosures, best options for assisting students who disclose sexual violence experiences, creating a safe
space for survivors in their classrooms or work spaces, increasing awareness of campus resources, and how
to effectively connect a student to these resources.

Sexual Violence Prevention staff also, directly or in collaboration with other programs, provide training for
many community groups. Audiences for these trainings vary from local community prevention coalitions,
local businesses, police, community college and public school classes, large concentration off-campus
student housing areas, and hosts of frequent, large music house parties.

*See Prevention & Wellness Services for more detail about sexual violence awareness and prevention
programs, events, activities, and services.

### Prevention Education for All Employees

Safe and positive options for bystander intervention are covered in the online Sexual Assault Prevention
training for Faculty and Staff training required of all new employees. Aspects of bystander intervention and
supporting survivors covered in the Sexual Assault Prevention training for Faculty and Staff training include:

- Educating yourself about reporting options and confidential resources so you can provide this
  information to others if they need it. Faculty and staff responsibility for reporting known or
  suspected sexual harassment and sexual violence to the Title IX Coordinator.

- Promoting positive social norms, for example by discouraging joking about sexual
  harassment or sexual violence.

- Building awareness to understand warning signs that may lead to sexual violence.

- Learning that there are multiple ways to be a bystander. These include (1) directly intervening by
  approaching the perpetrator or victim, (2) getting another person to intervene (for example by
  finding a friend of the person being targeted or by calling an authority over the space or the police),
  or (3) causing a distraction that interrupts the situation, for example by joining the conversation or
  spilling a drink.

- When observing unwanted sexual attention, if you overhear use of sexist or derogatory language,
  or if you know someone in an abusive relationship:

  - Notice that something is not right
  - Identify that a person needs help
  - Make the decision to act and develop a strategy for intervening
  - Intervene safely, either alone or with other people.

Bystander intervention is also covered during in-person Sexual Harassment Prevention Training and online
Sexual Harassment Prevention Refresher Training provided to faculty and staff. Aspects of bystander
intervention and supporting survivors covered in these trainings include:

- Faculty and staff responsibility for reporting known or suspected sexual harassment and sexual
violence to the Title IX Coordinator, the reasons for this reporting requirement, and action taken by the Title IX Coordinator upon receipt of a report.

• What to do if a survivor reports sexual violence to you, including letting the person know:
  • You care about them
  • You must inform the Title IX Coordinator so that the survivor can be fully notified of available resources and reporting options
  • They can expect that a staff member in the Office of Civil Rights and Title IX Compliance will reach out to them to provide information about available resources
  • The university will provide support services to survivors whether or not they choose to report to the police or file a discrimination complaint.

• When observing unwanted sexual attention or inappropriate sexualized comments:
  • Identifying that someone is uncomfortable, or that someone may be uncomfortable even if discomfort is not visible
  • Assessing one’s safety
  • Deciding to act, either by: (1) directly approaching the perpetrator, the person being targeted, or both individuals separately, about the situation, (2) indirectly interrupting the situation, for example by asking one party if they have tried the snacks, if they’d like to take a walk, if you can borrow their cell phone, or (3) calling for assistance.

All new permanent WWU faculty and staff are required to complete an initial 2-hour Sexual Harassment Prevention Training. Per University Policy 1600.04, new employees should complete this training within their first 6 months of employment. New temporary employees are also strongly encouraged to complete this training.

• From January 1, 2020 through December 31, 2020 the Office of Civil Rights and Title IX Compliance (CRTC – formerly Equal Opportunity Office) provided a total of 8 synchronous sessions of Sexual Harassment Prevention Training for new faculty and staff, attended by at least 102 participants.

Following the initial 2-hour synchronous Sexual Harassment Prevention Training, all WWU permanent faculty and staff are required to complete refresher training every three years thereafter. The online asynchronous refresher training is estimated to take approximately 45 minutes to complete. Employees may also choose to re-take the synchronous training, in lieu of completing the online refresher training.

• From January 1, 2020 through December 31, 2020 at least 457 individuals completed the online Sexual Harassment Prevention Refresher Training.

All new WWU faculty and staff, including temporary employees, are required to complete online asynchronous training about sexual violence prevention and response. The online training is estimated to take between 45 minutes and one hour to complete. New employees are asked to complete this training within their first week of employment.

• From January 1, 2020 through December 31, 2020 a total of 308 individuals completed online
training about sexual violence prevention and response.

From January 1, 2020 through December 31, 2020, CRTC additionally provided at least 2 synchronous training sessions regarding Rights and Responsibilities Under Title IX to a total of 69 student employees, athletes and/or graduate teaching/research assistants. During this same time period, a total of 148 student employees and/or graduate teaching/research assistants completed Sexual Harassment Prevention Training through an online asynchronous course developed by CRTC.

Policies Regarding Sexual Misconduct Including Sexual Assault, Dating Violence, Domestic Violence, and Stalking

POL-U1600.04 PREVENTING AND RESPONDING TO SEXUAL HARASSMENT UNDER TITLE IX

**Interim Policy**

This policy applies to all employees and all persons participate in Western Washington University education programs and activities to the extent provided by law, regardless of sexual orientation or gender identity. This policy applies to all Western Washington University locations (e.g. Bellingham campus, satellite locations, Lakewood); locations in the United States where Western Washington University programs are taking place (e.g. field trips, away sporting events); and Western Washington University-sponsored transportation (e.g. buses or vans to off-campus events).

Preamble:

Western Washington University (WWU) prohibits sex discrimination, which includes sexual assault. WWU is committed to preventing, addressing, and responding to sex discrimination under Title IX. Sexual harassment can have a serious impact on the quality of the educational and/or work experience. All students and employees have a right to educational and workplace environments free from sex harassment. Therefore, WWU adopts policies and programs aimed at preventing and responding to sex harassment and prohibits retaliation against individuals who file or participate in sex harassment complaints, as outlined in Title IX. This policy is restricted to allegations of sexual harassment, as that term is defined in 34 C.F.R. §106.30. Nothing in this policy limits or otherwise restricts WWU’s ability to investigate and pursue discipline based on alleged violations of other federal, state, and local laws, their implementing regulations, and other University policies prohibiting gender discrimination, including POL-U1600.02, through processes set forth in WWU’s Code of Student Conduct, employment contracts, employee handbooks, and collective bargaining agreements.

This policy and its associated procedures govern all reported acts of sexual harassment alleged to have occurred on or after August 14, 2020. Reports of sexual harassment alleged have occurred prior to August 14, 2020 will be governed by the policy in force at the time the alleged acts occurred.

Definitions:

Coercion:

Unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a
certain point of sexual interaction, continued pressure beyond that point can be coercive.

**Complainant:**
An individual who is at the time of the complaint participating in the educational program of or employed by the University and who is alleged to be the victim of conduct that could constitute sexual harassment.

**Consent:**
Knowing, voluntary, and clear permission by word or action, to engage in mutually agreed upon sexual activity. Each party has the responsibility to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be at the time of the act of sexual intercourse or sexual contact actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact.

A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has engaged in nonconsensual conduct.

Intoxication is not a defense against allegations that an individual has engaged in nonconsensual sexual conduct.

**Education Program or Activity:**
Locations, events, or circumstances in which WWU exercised substantial control over both the Respondent and the context in which the alleged sexual harassment occurred. It also includes any building owned or controlled by a student organization officially recognized by WWU.

**Force:**
The use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent.

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

**Formal Complaint:**
A writing submitted by the Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that WWU conduct an investigation.

**Grievance Procedure:**
The process WWU uses to initiate, informally resolve, and/or investigate allegations that an employee or
student has violated Title IX provisions prohibiting sex discrimination, including sexual assault.

**Respondent:**

An individual who is at the time of the complaint participating in the educational program of or employed by the University and who has been reported to be the perpetrator of conduct that could constitute sex discrimination including sexual assault while a student or employee of the University.

**Retaliation:**

Intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated, or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.

**Sexual Harassment:**

Sexual harassment occurs when a Respondent engages in the following discriminatory conduct on the basis of sex:

A) **Quid pro quo harassment**- A WWU employee conditioning the provision of an aid, benefit, or service of WWU on an individual’s participation in unwelcome sexual conduct.

B) **Hostile environment**- Unwelcome conduct that a reasonable person would find to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to WWU’s educational programs or activities or WWU employment.

C) **Sexual assault**- Sexual assault includes the following conduct:

i. **Nonconsensual Sexual Intercourse**- Any actual or attempted sexual intercourse (anal, oral, or vaginal), however slight, with any object or body part, by a person upon another person, that is without consent and/or by force. Sexual intercourse includes anal or vaginal penetration by a penis, tongue, finger, or object, or oral copulation by mouth to genital contact or genital to mouth contact.

ii. **Nonconsensual sexual contact**- Any actual or attempted sexual touching, however slight, with any body part or object, by a person upon another person that is without consent and/or by force. Sexual touching includes any bodily contact with the breasts, groin, mouth, or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

iii. **Incest**- Sexual intercourse or sexual contact with a person known to be related to them, either legitimately or illegitimately, as an ancestor, descendant, brother, or sister of either wholly or half related. Descendant includes stepchildren and adopted children under the age of eighteen (18).

iv. **Statutory Rape**- Consensual intercourse between a person who is eighteen (18) years of age or older, and a person who is under the age of sixteen (16).

v. **Domestic Violence**- Physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Washington, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the State of Washington, RCW 26.50.010.

vi. **Dating Violence**- Physical violence, bodily injury, assault, the infliction of fear of imminent
physical harm, sexual assault, or stalking committed by a person (i) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (ii) where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship;
- The type of relationship; and
- The frequency of interaction between the persons involved in the relationship.

vi. Stalking- Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for their safety or the safety of others; or (b) suffer substantial emotional distress.

**Summary Suspension:**

An emergency suspension of a student Respondent pending investigation and resolution of disciplinary proceedings pursuant to the procedure and standards set forth in WAC 516-21-260.

**Supportive Measures:**

Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or Respondent regardless of whether the Complainant or the Title IX Coordinator has filed a formal complaint. Supportive measures restore or preserve a party’s access to WWU’s education programs and activities without unreasonably burdening the other party, as determined through an interactive process between the Title IX Coordinator and the party. Supportive measures include measures designed to protect the safety of all parties and/or WWU’s educational environment and/or to deter sexual harassment or retaliation.

Supportive measures may include, but are not limited to:

- counseling and other medical assistance,
- extensions of deadlines or other course-related adjustments,
- modifications of work or class schedules,
- leaves of absence,
- increased security or monitoring of certain areas of campus, and
- imposition of orders prohibiting the parties from contacting one another in housing or work situations. Determinations about whether to impose a one-way no contact order must be made on a case-by-case basis.

**Title IX Administrators:**

Title IX Coordinator, Title IX investigators, the Student Conduct Officer, Student Conduct Committee members, Decision Makers, Appeals Panel and University-provided advisors assigned to the parties by the University during Title IX disciplinary proceedings.

**Title IX Coordinator:**

The WWU administrator responsible for processing Title IX complaints and conducting and/or overseeing formal investigations and informal resolution processes under this Grievance Procedure.

1. **WWU Does Not Discriminate on the Basis of Sex in its Programs and Activities and Will Not Tolerate Sex Discrimination, Including Sexual Harassment and Assault**
WWU prohibits discrimination on the basis of sex, including sexual harassment and sexual assault, dating violence, domestic violence, and stalking under Title IX. Further, Title VII of the Civil Rights Act of 1964, the Violence Against Women Reauthorization Act and the Washington State Law Against Discrimination require WWU to stop, remediate, and prevent discrimination on the basis of sex. Sex discrimination, including sexual assault, may be cause for discipline even if it does not rise to the level of a violation of Title IX. Sex discrimination which does not violate Title IX may still be a violation of Title VII, the Violence Against Women Reauthorization Act, and the Washington Law Against Discrimination, and WWU may take disciplinary action where warranted under those statutes.

2. The University is Committed to a Comprehensive Educational and Training Program to Promote Awareness of and Prevent Sex Harassment, Including Sexual Assault
   a. The Director of the Office of Civil Rights and Title IX Compliance is Western’s Title IX Coordinator. The Director is responsible for providing mandatory initial and refresher Sexual Harassment Prevention Training (SHPT) for University employees. New employees should complete this training within their first six months of employment.
   b. SHPT includes information on Title IX obligations and the nature and consequences of sexual harassment, including sexual assault, and discusses reporting options, resources, and procedures for handling complaints.
   c. The Vice Presidents and Deans are responsible for ensuring that their employees complete the mandatory SHPT and refresher training.
   d. The University provides sexual violence primary prevention and awareness training to new, matriculated students and new employees. The Director, Prevention and Wellness Services is responsible for implementing this training for students and the Director, Office of Civil Rights & Title IX Compliance is responsible for implementing this program for employees. Consistent with Western’s culture and values, participation in these programs is mandatory.
   e. Office of Civil Rights & Title IX Compliance (CRTC), University Police, Division of Enrollment and Student Services, Human Resources, and other offices promote awareness of and provide additional communication about and training in the prevention of sexual harassment, including sexual assault, in implementing an ongoing prevention and awareness campaign for students and employees.
   f. Primary prevention and awareness training for incoming students and new employees, and an ongoing prevention and awareness campaign, include the following: A statement that University prohibits sexual harassment, including sexual assault; the definition of these offenses; the definition of consent; safe and positive options for bystander intervention; information on risk reduction; information about the prevention of sexual harassment, including sexual assault; and information about relevant investigative and disciplinary procedures at the University.

3. The University and the Community Offer Support and Resources for Persons Affected by Sexual Harassment, Including Sexual Assault
   a. Supportive measures and reporting options are provided for individuals affected by sexual harassment, including sexual assault, whether or not a formal complaint is made. If supportive measures are not provided, the Title IX Coordinator must document in writing why this decision was clearly reasonable under the circumstances.
b. Confidential support resources are available to students through services provided by WWU psychologists, mental health counselors, survivor advocates, and health care professionals; confidential support resources are available to employees through the Employee Assistance Program. Reports to some off-campus support personnel may also be legally privileged, such as reports to clergy, private legal counsel, or health care professionals.

c. When sexual harassment, including sexual assault, complaints involving students are made to the Title IX Coordinator, supportive measures for both complainant and respondent will be coordinated through the Office of Student Life.

d. Supportive measures taken by WWU on behalf of parties to a Title IX matter will be shared by WWU only to the extent reasonably necessary in order to carry out the terms of the protective measure or accommodation.

4. The University Provides a Comprehensive Response System for Reporting and Addressing Sexual Harassment, Including Sexual Assault

a. The response system is available to students, employees, and others on campus affected by sexual harassment, including sexual assault. Individuals have the right to file a criminal complaint and an institutional discrimination complaint simultaneously. Complaints against anyone to whom this policy applies may be made to the Title IX Coordinator.

b. The investigation of complaints of sexual harassment, including sexual assault, is conducted by Title IX Administrators who, as relevant to their roles in these processes, receive annual training which includes, but is not limited to:
   i. the definition of sexual harassment under this policy and associated procedures,
   ii. the scope of WWU’s educational programs and activities,
   iii. how to conduct an investigation,
   iv. how to serve impartially without prejudgment of facts, conflicts of interest, or bias,
   v. use of technology employed during an investigation or hearing,
   vi. the relevance of evidence and questions,
   vii. trauma-informed interviewing techniques, and
   viii. effective report writing.

c. Any person may report sexual harassment, including sexual assault, whether or not the reporting party is the person alleged to be the victim of conduct that could constitute a violation of Title IX. The report can be made at any time, including during non-business hours, to WWU’s Title IX Coordinator, who also serves as the Director of the Office of Civil Rights and Title IX Compliance.

Director of the Office of Civil Rights and Title IX Compliance
Office of Civil Rights and Title IX Compliance
Western Washington University Old Main 345; MS 9021
516 High Street
d. The Title IX Coordinator is responsible for:
   - Accepting and processing all Title IX reports, referrals, and formal complaints.
   - Executing and submitting a formal complaint when appropriate and necessary.
   - Handling requests for confidentiality.
   - Determining, during the Grievance Procedure:
     - whether a Formal Complaint should be dismissed either in whole or in part, and if so,
     - providing notice to both parties about why dismissal was necessary or desirable, and
     - referring the complaint to the appropriate disciplinary authority for proceedings outside the jurisdiction of Title IX.
   - Maintaining accurate records of all complaints, reports, and referrals, and retaining investigation files, complaints, reports, and referrals in compliance with the applicable records retention schedules or federal or state law, whichever is longer.
   - Conducting investigations or assigning and overseeing investigations.
   - Engaging in an interactive process with both parties to identify and provide supportive measures that ensure during the investigation and disciplinary processes that the parties have equitable access to education programs and activities and are protected from further discrimination or retaliation.
   - Upon completion of an investigation, issuing or overseeing the issuance of a final investigation report to the parties and the appropriate disciplinary authority in compliance with this Grievance Procedure.
   - Recommending non-disciplinary corrective measures to stop, remediate, and/or prevent recurrence of discriminatory conduct to disciplinary authorities and other WWU administrators.
   - Overseeing the investigation of all complaints of sex discrimination, including sexual misconduct, which fall under Title IX.

e. Before imposing discipline, WWU is responsible for gathering and presenting evidence to a neutral and unbiased decision maker establishing responsibility for a Title IX violation.

f. The standard of evidence used by the Title IX Coordinator in investigating all allegations of discrimination from students and employees is the preponderance of the evidence, that is, it is more likely than not that the allegations made by the complainant are true.

g. WWU shall treat both the Complainant and Respondent equitably by providing Complainant with remedies against Respondent who has been found responsible for sexual harassment through application of the institution’s Title IX grievance and applicable Title IX disciplinary
procedures and by providing Respondent with Title IX procedural safeguards contained in this Title IX Grievance Procedures and in the applicable Title IX disciplinary procedures.

h. The investigator shall base investigation results on all relevant evidence, including both exculpatory and inculpatory evidence.

i. Formal and informal resolutions will be pursued within reasonably prompt timeframes with allowances for temporary delays and extensions for good cause shown. Good cause supporting a request for an extension includes, but is not limited to: a party, a party’s advisor, or a witness being unavailable, concurrent law enforcement activity, and the need for language assistance or accommodation of disabilities. Both parties will receive written notice of any temporary delay or extension for good cause with an explanation of why the action was necessary.

j. The Chief of University Police responds to and investigates all on-campus incidents of sexual misconduct when an individual seeks to file a criminal report. Off-campus incidents are handled by the police department with jurisdiction over the location where the alleged sexual misconduct occurred.

When the survivor of a criminal act chooses to seek a legal remedy, they are encouraged to report to the appropriate law enforcement agency. University Police may be contacted by calling 360-650-3911 in an emergency, or 360-650-3555 to make a non-emergency report. University Police are located in the Campus Services Building, 2001 Bill McDonald Parkway. WWU officials and offices may assist victims in reporting to law enforcement if the victim chooses.

5. The University Takes Action Towards Violators of this Policy

A respondent found responsible for engaging in sex discrimination, including sexual assault, may receive discipline.

Students found responsible may receive sanctions which include, but are not limited to, warning; conditional status; loss of privileges; no-contact orders; requirement to engage in educational activities, assessment, counseling, or treatment; requirement to provide restitution; campus housing relocation or termination; suspension or deferred suspension; expulsion from WWU.

An employee found responsible may receive sanctions which include, but are not limited to, training; written reprimand; leave without pay; reduction in job responsibilities or demotion; loss of title; termination of employment.

As outlined in the Student Code of Conduct, when an investigation is conducted involving a student respondent, the CRTC or their designee will provide a copy of the written report of findings to the student conduct officer. The student conduct officer will consider this report and make a finding as to whether the code was violated and impose sanction(s) as appropriate.

When an investigation is conducted involving an employee, the CRTC or their designee will provide a copy of the written report of findings to Human Resources, the Vice President of the organizational unit in which the respondent is employed, and to the employee’s supervisor.

Human Resources will refer the matter to the hearing body as appropriate.
6. All Members of the University Community Are Responsible for Preventing Sexual Harassment, Including Sexual Assault

7. Employees Must Report Sex Discrimination, including Sexual Assault

Employees have a duty to promptly report to the Title IX Coordinator any known or suspected incidents of sex discrimination, including sexual misconduct, with the exception of those employees statutorily excluded from this responsibility (confidential resources). Students and visitors are encouraged to report any known or suspected incidents of sex discrimination, including sexual misconduct.

8. The University Prohibits Retaliation

The University prohibits retaliation or encouraging others to retaliate against anyone reporting or believed to have reported a violation of this policy. Retaliation will be considered as a separate action, under POL-U1600.02, whether or not the original complaint is substantiated. WWU will take responsive action if retaliation occurs.

What You Can Do If You Have Experienced Sexual Violence

The list below offers possible next steps for anyone who has experienced an unwanted sexual encounter. If you have experienced sexual violence, it is important for you to know it is not your fault. Western’s primary concern is your safety, and we encourage you to utilize any or all of the suggestions below.

• Go to a safe place. This could be your home, a friend’s home, a locked car, or a busy public place. If you do not feel safe, please contact Bellingham Police (911) or University Police (360-650-3911) for assistance.

• Seek support. Contact a close friend or other trusted person who can help you clarify what you want to do next. Trained confidential support services are available through Domestic Violence & Sexual Assault Services of Whatcom County (DVSAS). DVSAS services include a 24-hour help line at (360) 715-1563 or (877) 715-1563, as well as walk-in services weekdays from 9am to 5pm, support groups, emergency shelter, and legal, medical and social services advocacy.

• Contact CASAS Survivor Advocacy Services. CASAS provides student survivors with confidential, individualized emotional support, safety planning, academic advocacy, information and support navigating medical, legal, and reporting options. CASAS can connect you with campus and area resources as well as support groups. Call the confidential CASAS voice mail line at 360-650-3700. You will be asked to leave your name and phone. An advocate will reach back out to you to set up an appointment.

• Preserve evidence. In case you choose to report the incident, preserve all physical evidence available to document a sexual assault or rape. This includes not laundering clothes/bedding and/or not showering until you’ve had a medical examination. If the incident location is accessible to you, disturb it as little as possible.

• Consider obtaining a medical examination. Even if you choose not to report the incident, you can still seek a medical exam to check for physical injury and the possibility of sexually transmitted diseases.

• Utilize campus employee resources. People who experience sexual violence can request assistance such as modifications in their working arrangements, help with safety planning, no-contact orders, and confidential consultation through the Employee Assistance Program, (877) 313-4455. Such assistance is available whether
or not an employee chooses to make a report to the police. The Title IX Coordinator (360-650-3307) can help with these arrangements.

- **Report the incident.** If you choose to report the assault, you have several options. These options include Campus Police (Campus Services Building, 360-650-3911) or Bellingham Police (911) to make a criminal report; and the Title IX Coordinator/Office of Civil Rights and Title IX Compliance (Old Main 345, 360-650-3307, crtc@wwu.edu) to report or file a formal discrimination complaint. The Title IX Coordinator is available to assist you in understanding how each reporting option works so you can be informed on which option(s) you would like to pursue.

An [online reporting form](#) is also available. These forms can be filled out anonymously; however, if you choose to remain anonymous, please know that the Office of Civil Rights and Title IX Compliance may not be able to look into your situation or investigate without further information. If you or someone you know has experienced discrimination, there are many reporting options and confidential support services available.

- **Formal complaints made to the Title IX Coordinator** are processed under the University’s [Title IX Grievance Procedure PRO-U1600.04A](#) or general [Discrimination Complaint Procedure](#) depending on the jurisdiction. Investigations are conducted using the preponderance of evidence standard (meaning is it more likely than not that the allegations occurred). The complainant and respondent are provided with the same opportunity to have an advisor and a support person present during the proceedings. The University will not limit either party’s choice of an advisor or support person who attends meetings related to the complaint, but may limit such a person's participation. Results of investigations or disciplinary proceedings under these processes are made simultaneously and in writing to both parties. Processes for appeals as well as sanctions and remedies are provided in these procedures.

**REDUCING YOUR RISK OF SEXUAL ASSAULT**

Sexual assault is a serious concern that affects people of all gender identities. Research shows that sexual assault affects one in five college women, and one in 16 men. Roughly 84 percent of all sexual assaults are committed by someone the survivor knows. Often, they involve alcohol and sometimes other drugs. Although personal safety can never be guaranteed, there are steps you can take to reduce your risk of being the victim of sexual assault.

These include:

- Always use the buddy system or travel in groups, especially when going to parties or other events on- or off-campus.
- Be assertive about communicating what you want from another person. Ask the person you are with to do the same.
- Trust your instincts. If a situation feels uncomfortable or unsafe to you, there is probably a good reason.
- Be aware of the effects of alcohol and other drugs on your body. Use of substances can interrupt the ability to make sound decisions and impair the ability to communicate clearly.
• Do not leave your drink unattended or accept a drink or other drugs from someone you don’t know, especially at a bar or a party.
• Avoid being alone with an unfamiliar person, particularly when alcohol or other drugs are involved. If you are alone, make sure that your friends know where you are, who you are with, and how long you’ll be gone.

**Procedures for Reporting Sexual Assault, Dating Violence, Domestic Violence or Stalking**

In addition to, or instead of reporting sexual assault, dating violence, domestic violence or stalking to University Police, reports may also be made to the Director, Office of Civil Rights & Title IX Compliance (CRTC) who also serves as the University’s Title IX Coordinator. Survivors of sexual assault, dating violence, domestic violence, or stalking are encouraged to contact the CRTC Director to discuss the investigation process or to file a complaint:

Director, Title IX Coordinator, ADA Coordinator
Office of Civil Rights & Title IX Compliance
Old Main 345
360-650-3307 (voice) or 711 (WA Relay)
crtc@wwu.edu.

The Director or their designee oversees and addresses allegations of harassment and discrimination, including complaints of sexual assault, dating violence, domestic violence, or stalking that involve or threaten members of the WWU community. All complaints that fall under Title IX jurisdiction will be conducted pursuant to POL-U1600.04, Preventing and Responding to Sexual Harassment under Title IX and its corresponding procedures. Incidents involving University students, staff and faculty which fall outside the Title IX jurisdiction will be conducted pursuant to POL-U1600.02, Ensuring Equal Opportunity and Prohibiting Discrimination and Retaliation, and its corresponding procedure, 1600.02A. All relevant procedures provide an administrative complaint process (not legal or criminal) for prompt, equitable and impartial investigation and resolution of sexual misconduct complaints. The following narrative summary describes the current practice and steps taken when handling any complaint of sexual violence (sexual assault, dating violence, domestic violence, or stalking). POL-U1600.02 is currently under revision, and the most current version of the Procedure can always be found online at crtc.wwu.edu/process/policies.

**Right to an Advisor**

In all grievance proceedings, complainants and respondents have the right to an advisor and/or support person. This includes the right to be accompanied to any meeting under the procedure or subsequent disciplinary proceedings by an advisor or support person of the party’s choice. For students who have
experienced sexual misconduct, this includes the right to a support person from CASAS. For unionized employees, this includes the right to have a union representative present. During proceedings with the CRTC Director, Investigator or designee, advisors and support people may communicate with the individual they are present to support; their role is not to speak on behalf of the party. Under POL-U1600.04, if either party does not have an advisor, the University will provide an advisor at no cost to the party. The advisor may be, but does not have to be, an attorney. Advisors are required to conduct cross examination on behalf of their party during live hearings or appeals processes under POL-U1600.04.

**Amnesty for Students in Cases of Sexual Misconduct**

Complainants and witnesses who in good faith report sexual violence, will not be subject to alcohol or drug violations of the Student Code occurring at or near the time of the sexual violence, unless their own conduct placed another person's health or safety at risk. Without imposing sanctions, Western may initiate educational remedies regarding alcohol or drug use. (WAC 516-21-055).

**Time limit extensions**

Time limits set forth in PRO-U1600.02 and outlined below may be extended by the ED at their discretion, or upon written application to the ED by the complainant, respondent, or the unit Vice President or Dean. The Vice Provost shall inform the parties when extensions of the time limits are made.

**Filing the complaint**

Under 1600.04, the resolution processes are initiated when the CRTC receives a written complaint alleging that a respondent(s) sexually harassed a complainant and requesting that the University initiate an investigation (a Formal Complaint). A Formal Complaint must be either submitted by the complainant or signed by the ED on behalf of the complainant. Formal complaints submitted to the ED may be resolved through either informal or formal resolution processes. The University will not proceed with either resolution process without a Formal Complaint.

**Supportive Measures**

Individuals involved in a discrimination or harassment complaint have a right to supportive measures and resources. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or Respondent regardless of whether the Complainant or the ED has filed a formal complaint. Supportive measures restore or preserve a party’s access to WWU’s education programs and activities without unreasonably burdening the other party, as determined through an interactive process between the ED and the party. Supportive measures include measures designed to protect the safety of all parties and/or WWU’s educational environment and/or to deter sexual harassment or retaliation. Supportive measures may include, but are not limited to:

- counseling and other medical assistance
- extensions of deadlines or other course-related adjustments,
- modifications of work or class schedules,
- leaves of absence,
- increased security or monitoring of certain areas of campus, and
• imposition of orders prohibiting the parties from contacting one another in housing or work situations. Determinations about whether to impose a one-way no contact order must be made on a case-by-case basis.

Available Services
Confidential support resources are available to students through services provided by university psychologists, mental health counselors, survivor advocates, and other health care professionals, and to faculty and staff via the Employee Assistance Program. Some off-campus reports may also be legally privileged, such as reports to clergy, private legal counsel, or health care professionals. A standardized document informing the University community of the available reporting options and supportive measures are made provided to the campus community in Attachment to POL-U1600.04, Support Services and Reporting Options for People Who Experience Sexual Misconduct. The CRTC provides this document directly to all impacted individuals when reports of sexual misconduct are made to the CRTC.

Determining Jurisdiction
Within ten (10) working days of the case filing date, the ED or their designee determines whether the facts alleged in the complaint fall within the jurisdiction of the CRTC and which policies may be implicated. If upon initial inquiry, the allegation(s) do not implicate a violation of CRTC policies, or if there are sufficient grounds for dismissal (as outlined in PRO-U1600.04A) the complainant will be notified in writing of the CRTC’s decision to not move forward with a formal investigation.

Steps Taken to Proceed with Complaint
Complaint procedures will commence in accordance with the policies which are implicated in the formal allegations. Under both POL-U1600.02 and POL-U1600.04, the ED or their designee:

i) Provides a copy of the complaint to the respondent(s), together with a copy of the Discrimination Complaint Procedures, and request a written response to the allegations;
ii) Informs the appropriate Vice President(s) and the complainant(s)’ and respondent(s)’ Dean or unit head of the complaint;
iii) Consults with the complainant, the department chair or unit head, and the respondent(s), all of whom may identify other persons having personal knowledge of the alleged incidents and all of whom will be advised not to disclose information about the allegation outside the complaint process.

Written Response may be Filed
Within ten (10) working days after receiving notification of the complaint, the respondent may submit to the ED a written response to the complainant’s allegations. The respondent is encouraged to provide a written response; however, refusal to answer a charge or to participate in an investigation will not prevent the process from proceeding. Refusal to respond may result in the investigation proceeding solely on the basis of the complainant’s testimony and evidence.

Investigation and Report
After determining jurisdiction, the ED or their designee follows procedures under POL-U1600.02 or POL-U1600.04 as appropriate:
i) The CRTC reviews the respondent(s) response and conducts an investigation. The investigation includes interviewing the complainant and respondent. The investigation may also include interviewing those persons identified by the parties as having personal knowledge of the alleged incidents and others identified in the investigation whose testimony may shed light on the complaint, and collecting and reviewing relevant documents and materials;

ii) If the alleged conduct was a violation of 1600.02, the CRTC will prepare a written investigative report which explains the investigation process, summarizes the information obtained, and makes findings of fact and determines whether there has been a violation of the University 1600.02. The standard of evidence used by the CRTC in investigating allegations of policy violation is a preponderance of evidence (i.e., that it is more likely than not that the allegations are true);

iii) If the alleged conduct was a violation of 1600.04 (under Title IX jurisdiction) the CRTC will prepare a written investigative report which explains the investigation process, summarizes the information obtained, including both inculpatory and exculpatory evidence. The ED or designee provides a copy of the investigative report to the complainant(s), respondent(s), the appropriate Vice President, and the appropriate dean. The standard of evidence used by the CRTC in investigating allegations of policy violation is a preponderance of evidence (i.e., that it is more likely than not that the allegations are true).

Confidentiality and Its Limitations

Discretion in the sharing of information is essential in matters involving allegations of illegal discrimination. Improper disclosure of information by the parties involved may be the basis for claims of unprofessional conduct, student conduct code violations, or charges of slander and retaliation. This does not limit the right of complainants or respondents to access support resources, consult with advisors, or participate in related investigations (such as a criminal, or external agency investigation).

The CRTC utilizes discretion in sharing information regarding matters under POL-U1600.04 and POL-1600.02. However, complete confidentiality cannot be guaranteed. Information provided to the CRTC may be shared with leadership and other individuals in order to investigate and resolve the matter, and as necessary to keep members of the campus community safe. By law, CRTC records may be subject to release following a public records request, request from an external agency, or court order. In addition, the number of sexual assaults (without any personalizing information) will be provided for the university’s Annual Security Report, as required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act or other applicable law.

Review and Sanctions

Specific processes for reviewing the investigative report and determinations are outlined under POL-U1600.04 for Title IX policy violations, and POL-U1600.02 for non-Title IX policy violations.

When the respondent is a student, any discipline is imposed by the Student Conduct Officer, to whom this responsibility is delegated by Vice President for Enrollment and Student Services. The student conduct officer considers the final report and makes a finding as to whether the Student Conduct Code was violated and imposes sanction(s) as appropriate. Possible sanctions for students are: warning; conditional status; loss
of privileges; no-contact orders; requirement to engage in educational activities, assessment, counseling or treatment; requirement to provide restitution; campus housing relocation or termination; suspension or deferred suspension from the University, and; expulsion from the University.

When an investigation is conducted involving a faculty or staff respondent, the CRTC or their designee provides a copy of the written investigative report to the Vice President of the organizational unit in which the respondent is employed (and to the dean, if applicable), and the Vice President determines any appropriate sanctions. Possible sanctions for employees include written reprimand, leave without pay, a reduction of job responsibility or demotion, and termination of employment.

Retaliation Prohibited

The University prohibits retaliation or encouraging others to retaliate against anyone reporting or believed to have reported a violation of this policy, or who is otherwise involved in a grievance proceeding as a witness, advisor or support person, or process personnel. Retaliation will be considered as a separate action, under POL-U1600.02, whether or not the original complaint is substantiated. WWU will take responsive action if retaliation occurs.

Alternate Complaint Processes

A person who believes that they have been the subject of discrimination or harassment, including sexual violence, prohibited by state or federal law, may choose to file a discrimination complaint by contacting the appropriate state or federal agency, including the U.S. Department of Education, Office for Civil Rights and the Equal Employment Opportunity Commission.

Discrimination Complaint Procedure

POL-U1600.02 ENSURING EQUAL OPPORTUNITY AND PROHIBITING DISCRIMINATION AND RETALIATION

Introduction:

Western Washington University is committed to equity and justice, and respect for the rights and dignity of all persons in all that we do. Our strategic goals express that deep commitment. We foster a caring and supportive environment where people are respected and treated fairly. We pursue justice and equity in our policies, practices, and impacts. We commit to providing a learning, living, and working environment free from discrimination and harassment. To fulfill these commitments and advance our core institutional goals, this policy prohibits discrimination and harassment, based on protected status and retaliation.

In addition to having employee mandatory reporting requirements, the University strongly encourages those who have experienced, witnessed, or become aware of conduct that violates this policy to come forward promptly so that the University can take appropriate steps to prevent such conduct from occurring in the future and to ameliorate its effects. The University will protect the privacy of those who come forward to the extent possible and permissible by law.

Purpose and Jurisdiction:

This policy applies to complaints which allege discrimination or harassment based on protected statuses as
defined in this policy and complaints of retaliation.

With respect to allegations of sexual or gender-based misconduct, this policy applies to allegations that fall outside the definitions or jurisdiction of the University’s Title IX Policy, POL-U1600.04. The University’s Office of Civil Rights and Title IX Compliance (CRTC) will determine, based upon the definitions in and jurisdictional requirements of each policy, whether this policy or POL-U1600.04 applies to a specific allegation.

To be considered within the jurisdiction of this policy, the allegations of the concern or complaint presented, if true, must be, wholly or in part, potential violations of this policy and not be governed exclusively by another University policy.

There is no specific timeframe in which a complaint must be made. However, to facilitate a prompt and timely investigation, complaints should be brought forward to the Office of Civil Rights & Title IX (CRTC) as soon as possible after the alleged act of discrimination, harassment, or retaliation. All such incidents should be reported regardless of the amount of time that has passed since the alleged violation. Delay in reporting may inhibit the CRTC’s ability to investigate or the university’s ability to provide prompt corrective action.

**Definitions:**

**Coercion:**

Unreasonable pressure for sexual activity. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive. Using blackmail or extortion to gain consent is also coercion. Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced.

**Complainant:**

An individual who was at the time of the alleged conduct participating in the educational program or activity of or employed by the University and who is alleged to be the victim of conduct that could constitute discrimination.

**Confidential Resources:**

Providers of medical or mental health services, sexual assault and domestic violence advocacy, or other professional services protected by legal privilege.

**Consent:**

Knowing, voluntary, and clear permission by word or action, to engage in mutually agreed upon sexual activity. Each party has the responsibility to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be at the time of the act of sexual intercourse or sexual contact actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.
Consent is ongoing and can be withdrawn or revoked at any time. Ongoing consent requires ensuring freely given consent for changes or escalation of sexual activity during a sexual encounter. Because a person has previously consented to a sexual activity or sexual act does not indicate they have given consent for future sexual activity.

A person cannot consent if they are:

a) unable to understand what is happening or are disoriented, helpless, asleep, or unconscious for any reason, including the influence of alcohol or another substance, or some other cause.

b) forced or coerced to participate in the sexual activity. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has engaged in nonconsensual conduct. Intoxication is not a defense against allegations that an individual has engaged in nonconsensual sexual conduct.

**Dating Violence:**

Physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person (i) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (ii) where the existence of such a relationship shall be determined based on a consideration of the following factors:

a) The length of the relationship;

b) The type of relationship; and

c) The frequency of interaction between the persons involved in the relationship.

**Discrimination:**

Disparate Treatment: Unfavorable treatment of a person based on that person’s protected status or perceived protected status. Discriminatory harassment is a form of disparate treatment discrimination.

Disparate Impact: Neutral policies or practices that have a disproportionate, adverse impact on a group or population based on protected status when the policy or practice lacks substantial legitimate justification.

Failing to provide reasonable accommodation, consistent with state and federal law, to persons with disabilities.

**Discrimination Complaint Procedure:**

The process WWU uses to initiate, informally resolve, and/or investigate allegations that an employee or student has violated this policy’s prohibitions against discrimination, harassment, sex/gender misconduct, or retaliation.

**Discriminatory Harassment:**

Discriminatory harassment is unwelcome conduct, directed at a person because of their protected status, that is severe, persistent, or pervasive, and has the purpose or effect of:

a) Unreasonably interfering with an individual's work or academic performance; or

b) Interfering with or limiting the ability of an individual to participate in or benefit from the services, activities or privileges provided by the University; or

c) Creating an intimidating, hostile, or offensive work, educational, co-curricular, or University living...
environment, and would have such an effect on a reasonable person taking into consideration the relevant particularized characteristics, perspectives, identities, and circumstances of the person subjected to the conduct.

Discriminatory harassment may include but is not limited to: verbal abuse; epithets or slurs; negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; insulting or obscene comments or gestures; and the display or circulation of written or graphic material (including in hard copy, by email or text, through virtual platforms or social media) that denigrates or shows hostility or aversion toward an individual or individuals based on their protected status. Calls, texts, emails, virtual platforms and social media usage by employees can contribute to a hostile work, learning, or living environment, even if they occur away from the workplace premises or outside work hours. Sexual harassment and other gender-based harassment, described further below, are specific forms of discriminatory harassment.

**Domestic Violence:**

Physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Washington, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the State of Washington, RCW 26.50.010.

**Education Program or Activity:**

Locations, events, or circumstances in which WWU exercised substantial control over both the Respondent and the context in which the alleged discrimination or harassment occurred. It also includes any building or property owned or controlled by a student organization officially recognized by WWU.

**Force:**

The nonconsensual use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent.

**Formal Complaint:**

A writing submitted by the Complainant or signed by the Director of CRTC or Designee alleging discrimination, harassment, retaliation against a Respondent and requesting that WWU investigate.

**Gender-Based Harassment:**

Gender-based harassment includes nonsexual acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on a person's gender or nonconformity with gender stereotypes. Such acts or hostility constitute gender-based harassment when:

Such conduct is severe, persistent, or pervasive, and has the purpose or effect of:

1. Unreasonably interfering with an individual's work or academic performance; or
2. Interfering with or limiting the ability of an individual to participate in or benefit from the services, activities or privileges provided by the University; or
3. Creating an intimidating, hostile, or offensive work, educational, co-curricular, or University living environment, and would have such an effect on a reasonable person taking into consideration the relevant particularized characteristics, perspectives, identities, and circumstances of the person subjected to the conduct.

**Incapacitation:**

The physical or mental inability to make informed, rational judgments; to evaluate or control conduct; or communicate or grant consent. Incapacitation is created when the individual is unconscious, asleep, intoxicated, or under the influence of other drugs or is, for any other reason, physically, mentally or legally unable to communicate or grant consent. Incapacitation is not the same as legal intoxication.

A party who engages in sexual conduct with a person who is incapacitated when a reasonable sober person in similar circumstances would have known the person to be incapacitated is responsible for sexual misconduct. It is not a defense that the responding party’s belief in affirmative consent arose from their intoxication.

**Protected Status:**

Race, ethnicity, color, national origin, age, citizenship or immigration status, pregnancy, use of protective leave, genetic status, sex, sexual orientation, gender identity, gender expression, marital status, creed, religion, veteran or military status, disability or the use of a trained guide dog or service animal by a person with a disability.

**Reasonable Person:**

A hypothetical person similarly situated considering the relevant particularized characteristics, perspectives, identities, and circumstances of the person subjected to the conduct, when using an ordinary degree of reason, prudence, care, foresight, or intelligence whose conduct, conclusion, or expectation in relation to a particular circumstance or fact is used as an objective standard by which to measure or determine something.

**Respondent:**

An individual who is at the time of the complaint participating in the educational program of or employed by the University and who has been reported to be responsible for conduct that could constitute discrimination while a student or employee of the University. In those cases where a respondent is a student who is employed by the university in a position which is contingent on their status as a student, e.g., a research or teaching assistant, or student government employee, and the alleged conduct took place during work hours, findings and determinations will be referred to the Office of Student Life for disciplinary action, and further employment action may follow a finding of responsibility for violating the Code of Student Conduct.

**Retaliation:**

Adverse action, which may include intimidation, threats, coercion, or discrimination against any individual because the individual has (or is perceived to have) made a report or complaint, or participated in an investigation, proceeding, or hearing under this policy.

**Sexual Assault:**

Sexual assault includes the following conduct:
a) Nonconsensual Sexual Intercourse:
Any actual or attempted sexual intercourse (anal, oral, or vaginal), however slight, with any object or body part, by a person upon another person, that is without consent or capacity to consent, and/or by force. Sexual intercourse includes anal or vaginal penetration by a penis, tongue, finger, or object, or oral copulation by mouth to genital contact or genital to mouth contact.

b) Nonconsensual sexual contact:
Any actual or attempted sexual touching, however slight, with anybody part or object, by a person upon another person that is without consent and/or by force. Sexual touching includes any bodily contact with the breasts, groin, mouth, or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

c) Incest:
Sexual intercourse or sexual contact with a person known to be related to them, either legitimately or illegitimately, as an ancestor, descendant, brother, or sister of either wholly or half related. Descendant includes stepchildren and adopted children under the age of eighteen (18).

d) Statutory Rape:
Consensual intercourse between a person who is eighteen (18) years of age or older, and a person who is under the age of sixteen (16).

Sexual Exploitation:
Non-consensual abuse or exploitation of another person’s sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other illicit purpose.

Examples of sexual exploitation may include, but are not limited to: observing another individual’s nudity or sexual activity or allowing another to observe nudity or sexual activity without the knowledge and affirmative consent of all participants; non-consensual streaming of images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without the knowledge and affirmative consent of all participants; exposing one’s genitals in non-consensual circumstances; and inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity. Under certain circumstances sexual exploitation could constitute sexual harassment under Title IX.

Sexual Harassment:
Any unwelcome sexual advance, request for sexual favor, or other verbal, nonverbal, electronic, or physical conduct of a sexual nature, or based on sex or gender, when:

a) Quid Pro Quo:
1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, academic, co-curricular or campus life activities; or
2. Submission to or rejection of such conduct by an individual is used as the basis for employment or education-related decisions affecting such an individual; or,

b) Hostile Environment:
Such conduct is severe, persistent, or pervasive, and has the purpose or effect of:

1. Unreasonably interfering with an individual's work or academic performance; or

2. Interfering with or limiting the ability of an individual to participate in or benefit from the services, activities or privileges provided by the University; or

3. Creating an intimidating, hostile, or offensive work, educational, co-curricular, or University living environment, and would have such an effect on a reasonable person taking into consideration the relevant particularized characteristics, perspectives, identities, and circumstances of the person subjected to the conduct.

**Stalking:**

Engaging in a course of conduct directed at a specific person that would cause a reasonable person taking into consideration the relevant particularized characteristics, perspectives, identities, and circumstances of the person subjected to the conduct to (a) fear for their safety or the safety of others; or (b) suffer substantial emotional distress.

**Student:**

Any person who:

- a) Has been formally admitted to the University;
- b) Is enrolled in one or more classes at the university, including nonmatriculated international students attending language institutes or foreign study programs;
- c) Is participating in a certificate, degree, distance learning, or professional enrichment program, through extended education and summer programs;
- d) Is participating in a university-sponsored study abroad program;
- e) Was enrolled in a prior quarter or summer session at the university and is eligible to continue enrollment in the quarter or summer session that immediately follows; or
- f) Withdrew from the university after an alleged violation of the Student Conduct Code, for conduct that occurred while they were enrolled in or participating in a program offered by the university [WAC516-21-020]

**Interim Suspension:**

An emergency suspension of a student Respondent pending investigation and resolution of disciplinary proceedings pursuant to the procedure and standards set forth in WAC 516-21-260

**Supportive Measures:**

Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or Respondent regardless of whether the Complainant or the Director of CRTC has filed a formal complaint. Supportive measures restore or preserve a party’s access to WWU’s education programs and activities without unreasonably burdening the other party, as determined through an interactive process between the CRTC Office and the party. Supportive measures include measures designed to protect the safety of all parties and/or WWU’s educational environment and/or to deter sexual harassment or retaliation.
Supportive measures may include, but are not limited to:

• counseling and other medical assistance,
• extensions of deadlines or other course-related adjustments,
• modifications of work or class schedules,
• leaves of absence,
• increased security or monitoring of certain areas of campus, and
• imposition of orders prohibiting the parties from contacting one another in housing or work situations. Determinations about whether to impose a one-way no contact order must be made on a case-by-case basis.

1. The University is Committed to Ensuring Equal Opportunity and Prohibiting Unlawful Discrimination in All Aspects of Employment and for Students in Educational and Extracurricular Programs and Activities

Discrimination or harassment of any kind based on a protected status is prohibited under this policy. All members of the University community are expected to create and maintain an environment that is free of discrimination and harassment and in which employees, students, applicants, and visitors are treated with dignity and respect.

The CRTC Office will respond to all oral, written, and electronic concerns or complaints of conduct that may violate this policy.

Western reserves the right to address unwelcome and/or disruptive conduct that does not violate the provisions of this policy. Addressing such conduct will not result in the imposition of discipline under this policy, but discipline may be pursued under other University policy (i.e., student code, faculty handbook, employee handbook, etc.) as appropriate. Such behavior may additionally be addressed through remedial actions, education, conflict resolution, coaching, and/or other informal resolution mechanisms.

For assistance with conflict resolution and other informal resolution techniques and approaches, employees should contact the Office of Human Resources, and students should contact the Office of Student Life.

2. The President, as Delegate of the Board of Trustees, Ensures the University Shall Comply with Applicable Civil Rights Laws

a) The President delegates chief responsibility for compliance with civil rights laws to the Director, Office of Civil Rights and Title IX Compliance. Vice Presidents are responsible for ensuring compliance with this policy within their divisions.

b) Director, Office of Civil Rights and Title IX Compliance shall:

1. In collaboration with other units, develop, monitor, and enforce University policies governing recruitment and selection to remove barriers to equal employment opportunity and prevent unlawful discrimination.
2. Oversee the investigation of complaints of discrimination, and issue investigative reports to the appropriate officers of the university for action.

3. In collaboration with other units, ensure fairness and equity in the administration of personnel actions such as hiring, promotion, separation, compensation, benefits, transfers, layoffs, returns from layoff, discipline, University-sponsored training, education, tuition assistance, and social or recreational programs.

4. In collaboration with other units, ensure equal opportunity in the recruitment and admission of students, and in the operation of all University programs, activities, and services.

5. Cooperate with federal and state agencies in fulfilling University obligations under civil rights laws of the United States and the State of Washington.

3. The University Provides a Procedure for Investigating Complaints of Discrimination and Seeking Assistance

The University is committed to resolving complaints and concerns of discrimination, including harassment, at the earliest and most informal level, depending on the nature of the complaint. It is also committed to conducting investigations in a timely and effective manner, adhering to the principles of due process in all investigations, and providing prompt corrective action if discrimination is found to have occurred. No individual shall be penalized or retaliated against in any way by a member of the university community for their participation in this complaint procedure.

Individuals who believe they have been subject to discrimination or harassment based on a protected status are encouraged to contact the CRTC Office, Western Washington University, Old Main 345, MS 9021, 516 High Street, Bellingham, WA 98225; 360.650.3307 (voice) or 711 (Washington Relay); crtc@wwu.edu. Director of the CRTC is the University’s Title IX and ADA Coordinator.

a) Complaints of discrimination will be promptly and equitably addressed. See PRO- U1600.02A Discrimination Complaint Procedure.

b) Director, CRTC, designees, and other University officials can take proactive steps to prevent harassment from continuing or escalating and to protect or otherwise assist the parties involved.

c) CRTC provides complainants and respondents with process information and relevant resources throughout the initiation, investigation, and resolution of a complaint. CRTC also provides general information on resources pertaining to alleged discrimination and/or harassment violations.

4. Complaint Parties have the Right to an Advisor or Support Person

In all proceedings under this procedure, complainants and respondents have the right to and will be provided with the same opportunities to have other individuals present. This includes the right to be accompanied to any meeting under this procedure by an advisor and/or support person of the individual’s choice. For unionized employees, this includes the right to have a union representative present. During proceedings under this procedure, advisors and support people may communicate with the individual they are present to support but may not directly address the investigator.

5. The Director of Civil Rights and Title IX Compliance Acts with Independence and Authority Free from Bias and Conflicts of Interest.
The Director of CRTC oversees all resolutions under this policy and acts to ensure that all Western representatives act with objectivity and impartiality and are assessed with respect to conflicts of interest and/or potential bias.

Concerns or reports of misconduct or discrimination committed by the Director, CRTC should be reported to President or the Office of Compliance. Reports of misconduct or discrimination committed by any other administrator involved in the resolution process should be reported to the ED.

6. Protected Speech is Not a Violation of this Policy

When speech or conduct is protected by academic freedom and/or the First Amendment, it will not be considered a violation of Western policy, though support may be offered to those impacted.

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

7. CRTC finds Facts by Preponderance Standard and Assesses Conduct Severity by Objective and Subjective Factors

Allegations of discrimination and supporting evidence will be assessed by application of a preponderance of evidence standard. This is the standard of evidence used in formal investigations of alleged discrimination. The standard is whether it is “more likely than not” that allegation(s) occurred. If the facts found to be true by application of this standard meet the policy definitions of prohibited conduct, a violation of the policy will be found.

CRTC will determine whether alleged discriminatory harassment was severe, persistent or pervasive based on both subjective and objective factors, and the totality of the circumstances surrounding an alleged incident or course of conduct. The University will determine whether the conduct created a hostile environment by examining whether a reasonable person would find the environment hostile or abusive, taking into consideration the relevant particularized characteristics, perspectives, identities, and circumstances of the person subjected to the conduct.

8. Online Harassment and Misconduct is Prohibited

Any online postings or other electronic communication by students, including cyber-bullying, cyber-stalking, cyber-harassment, etc., which occurs within the institution’s control (e.g. on Western networks, websites, or using Institution email accounts) will be subject to this policy. When such online conduct occurs outside of Western’s control, we reserve the right to act when the behavior can be shown to cause a substantial on-campus disruption.

Off-campus discriminatory or harassing speech by employees, whether online or in person, may be regulated by the University only when such speech is made in an employee’s official or work-related capacity.

9. The University Prohibits Retaliation

The University prohibits retaliation or encouraging others to retaliate against anyone who has either made a
complaint or otherwise participated in an investigation. Retaliation will be considered as a separate basis for the filing of a complaint under this policy, whether the original allegation is substantiated. WWU will take responsive action if retaliation occurs.

This policy provision covers anyone reporting or thought to have reported a violation of Western anti-discrimination or retaliation policies or who has otherwise participated in a resolution process as a witness, complainant, respondent, support person, advisor, or any personnel involved in an informal or formal complaint process.

10. University to Provide Interim Measures: Safety Concerns - Support and Resource Referrals

During and after CRTC’s initial meeting with the complainant, CRTC will assess whether immediate action should be taken, including interim measures, to protect the safety of the parties involved and/or other members of the university community. Other university offices, including University Police, Office of Student Life, University Residences, and Human Resources, may be contacted in the event of a safety concern, or to coordinate an interim measure. CRTC may facilitate interim measures to ensure safety and limit the impacts of alleged discrimination while an investigation or informal resolution is ongoing.

Interim supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or respondent regardless of whether the complainant or the Director or designee has filed a formal complaint. Supportive measures restore or preserve a party’s access to WWU’s education programs and activities without unreasonably burdening the other party, as determined through an interactive process between the Director or designee and the party.

CRTC will share information with the parties involved about available resources that may be helpful, including the Counseling Center, Consultation and Sexual Assault Support (CASAS), Domestic Violence and Sexual Assault Services (DVSAS), and the Employee Assistance Program (EAP).

Supportive measures and reporting options are provided for individuals affected by sexual or gender-based harassment, or other sexual misconduct including sexual assault, whether a formal complaint is made. If supportive measures are not provided, the Director, CRTC, must document in writing why this decision was clearly reasonable under the circumstances. Supportive measures for students will be coordinated through the Office of Student Life. Supportive measures taken by WWU on behalf of parties to a sexual or gender-based harassment, sexual assault matter, or other sexual misconduct will be shared by WWU only to the extent reasonably necessary to carry out the terms of the protective or supportive measure or accommodation.

Confidential support resources are available to students through services provided by WWU psychologists, mental health counselors, survivor advocates, and health care professionals; confidential support resources are available to employees through the Employee Assistance Program. Reports to some off-campus support personnel may also be legally privileged, such as reports to clergy, private legal counsel, or health care professionals.

11. Employees Must Promptly Report Discriminatory Conduct and/or Retaliation to the CRTC office if They Know of Actual or Suspected Incidents

a) Except for confidential providers, all employees must report known and/or reported incidents of sexual
misconduct to their supervisor or the CRTC. Student staff with supervisory or evaluative responsibilities are also required to report.

b) All supervisors are expected to immediately report to CRTC any unlawful discrimination or harassment that they observe or learn about in their areas. Failure to report may constitute a separate violation of this policy.

c) Individuals should not wait to report conduct of concern until it becomes sufficiently serious to create a hostile environment. Individuals with discrimination or harassment concerns who are comfortable doing so are encouraged to discuss their concerns with the appropriate supervisor or department chair in an attempt to resolve the issue informally.

d) Individuals with discrimination and harassment concerns may tell the offending person directly that their behavior is inappropriate and to request that they stop the conduct. Individuals are not required to first speak directly with the person engaging in the offending conduct before making a report to their supervisor, department chair, or the CRTC.

12. The University Provides Amnesty for Students in Certain Situations

Complainants and witnesses who in good faith report sexual misconduct will not be subject to alcohol or drug violations of the Code occurring at or near the time of the sexual violence or misconduct unless their own conduct placed another person's health or safety at risk.

Without imposing sanctions, Western may initiate educational remedies regarding alcohol or drug use.

13. Confidential Information Shall be Handled with Utmost Care

CRTC handles concerns and complaint information as privately as possible. Although complete confidentiality cannot be guaranteed, CRTC uses discretion in sharing information and shares only on a strict need to know basis. Information provided to the CRTC may be shared with leadership and other individuals in order to investigate and resolve the matter, and as necessary to keep members of the campus community safe. CRTC shares only as much information as is necessary to meet the legitimate need for the information. By law, CRTC records may be subject to release following a public records request, request from an external agency, or court order. In addition, the number of sexual assaults (without any personalizing information) will be provided for the university’s Annual Security Report, as required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act or other applicable law.

Discretion in the sharing of information is important in matters involving allegations of discrimination to protect the integrity of the investigation and involved parties. This does not limit the right of complainants or respondents to access support resources, consult with advisors, or participate in related investigations (such as a criminal, or external agency investigation).

Certain types of information are privileged and confidential, such as medical and counseling records. Individuals reporting possible violations of this policy may but are not required to provide this type of information. If it is provided and it is relevant and relied upon by CRTC in its investigation, it will become part of the complaint record and may be shared with the other party to the extent sharing of such information is otherwise required.
14. Employees are Required to Cooperate with Investigations

All University employees are expected to fully cooperate with University complaint investigations and do so in good faith and truthfully.

If, at the conclusion of an investigation, it is determined that a complainant, respondent, or witness knowingly gave false or misleading information, it may be recommended that the individual be subjected to disciplinary action which may include, but is not limited to, written warning, demotion, transfer, suspension, dismissal, expulsion, or termination.

15. Filing a False Complaint May be Subject to Sanctions or Discipline

Filing a false complaint is considered to be serious misconduct and such offenses will be subject to the full range of sanctions and disciplinary measures. A finding that discrimination did not occur may reflect that there was not sufficient evidence to find that it did occur and will not in itself be the basis for a charge of false complaint.

16. The University Provides Alternative Complaint Processes

a) Internal- A complainant may not elect to use other internal grievance procedures (such as labor agreement grievance procedure) for complaints pertaining to alleged violations of University Policies on Discrimination and harassment.

A complainant alleging sexual violence or other forms of discrimination that may constitute criminal behavior may make a report to University Police or any law enforcement agency that has jurisdiction over the respondent, instead of or in addition to making a complaint under this Procedure.

b) External- A person who believes that they have been the subject of discrimination prohibited by state or federal law may choose to file a discrimination complaint by contacting one of the following agencies within their established time limits:

Washington State Human Rights Commission
711 S. Capitol Way, #402
P.O. Box 42490
Olympia, WA 98504-2490
Phone: (800) 233-3247 TTY: (800) 300-7525

U.S. Equal Employment Opportunity Commission
Seattle Field Office
909 First Avenue, Suite 400
Seattle, WA 98104-1061
Phone: (844) 234-5122

U.S. Equal Employment Opportunity Commission
131 M Street, NE
Washington, DC 20507
Phone: (202) 921-3191
TTY: (202) 669-6820
Student Conduct Code

Western Washington University students enjoy the same basic rights, privileges, and freedoms granted to all members of society. At the same time, acceptance of admission to the university carries with it an obligation to fulfill certain responsibilities and expectations as a member of the Western Washington University community.

As a condition of enrollment at Western, students must assume responsibility for their own actions and maintain an environment conducive to the academic success, safety, and well-being of others. In addition, they are expected to be truthful, respect the rights of others, and abide by all university policies and procedures, as well as all local, state, and federal laws and regulations. All students are responsible for understanding and complying with the responsibilities and expectations set forth in this code.

The student conduct process at Western is designed to be a learning process that promotes an understanding of students’ responsibilities as members of the university community.

The objectives of the student conduct system, as set forth in this code, are twofold: to ensure that students act in a manner consistent with high standards of behavior, and to maintain the safety and well-being of all
members of the university community.

Any member of the university community may file a complaint against a student for a violation of the student conduct code. A complaint should be made in writing to the Office of Student Life (student.life@wwu.edu).

On February 10, 2017, Western’s Board of Trustees voted to approve a new student conduct code after significant work by a committee composed of students, staff and faculty. This code replaced an emergency code that was in place since fall 2016. The full Washington Administrative Code can be found here. A copy of the Code can be requested by contacting the Office of Student Life.

The University will apply a preponderance of evidence standard to determine violations of the Student Conduct Code.

The Student Conduct Code applies to all conduct that occurs on university property or in connection with any official university function. Western Washington University does not act as a policing agent for students when they are off campus. However, the university reserves the right to take action if a student’s conduct is determined to adversely affect a substantial university interest.

Student conduct that occurs off campus may be subject to the student conduct code when it:

(a) Adversely affects the safety or well-being of any member of the university community; or

(b) Involves academic work or any records, documents, or identifications of the university.

In determining whether to exercise jurisdiction over such conduct, a conduct officer shall consider the seriousness of the alleged offense, the risk of harm involved, and whether the alleged complainant(s) are members of the university community. Any question of interpretation or application of jurisdiction shall be referred to the dean of students for final determination.

Students are responsible for their conduct from the time they have confirmed their enrollment at Western through the awarding of their degree. This includes conduct that occurs before classes begin, after classes end, and during periods between actual terms of enrollment. Students who are found to be in violation of the code may be subject to sanctions under the code.

A student with a pending conduct violation may not avoid the conduct process by withdrawing from the university. In these circumstances, a conduct hold will be placed on the student’s official record, preventing them from registering for classes, requesting an official transcript, or receiving a degree from the university.

This hold will remain in place until the student has met with the conduct officer to discuss the alleged conduct violation(s).

**WAC 516-21-030**

Alleged violations of the Code will be resolved through the student conduct process, respecting fairness and due process for all involved parties. Students accused of violating the Code have the following rights: to receive prior written notice to attend meetings with a conduct office or appeals board; to provide evidence on their own behalf; to be accompanied by an advisor; to remain silent or decline to answer any question(s); to review information relied upon by the conduct officer or appeals board in making a determination; to receive written notification of the findings, decision, and basis for each; to request an appeal of a decision by a conduct officer; and to request a review of an appeal.
An individual who has filed a complaint alleging violence or sexual violence, including sexual assault, dating violence, domestic violence, and stalking or any other type of sexual misconduct or gender-based discrimination have the following rights: to receive prior written notice to attend meetings with a conduct office or appeals board; to provide evidence on their own behalf; to be accompanied by an advisor; to remain silent or decline to answer any question(s); to review information relied upon by the conduct officer or appeals board in making a determination; to receive written notification of the findings, decision, and basis for each; to request an appeal of a decision by a conduct officer; and to request a review of an appeal. Additionally, an individual who has filed a complaint alleging sexual violence, including sexual assault, dating violence, domestic violence, and stalking or any other type of sexual misconduct or gender-based discrimination have the following additional rights: to be notified of the availability of counseling, academic support, and general assistance and support resources, both on campus and in the surrounding community; to have past behavior unrelated to the alleged behavior excluded; to be free from questioning about their sexual history involving anyone other than the respondent; to submit an oral or written impact statement to the conduct officer, and/or appeals board, and/or dean of students for consideration; to request an administrative no contact order against the respondent(s) during the conduct process; to have alternative accommodations to avoid being in the physical presence of the respondent during the conduct process; and to be free of any form of retaliation.

Additional information about student rights in the conduct process can be found in the Student Conduct Code WAC 516-21-250.

**Counseling Services at Western**

The Counseling Center provides professional counseling for a wide variety of student concerns and issues. The Center offers group counseling, short-term individual and couples’ counseling, and psycho-educational workshops and classes designed to help students gain the skills necessary to be successful at Western. The Counseling Center is located in Old Main 540, and is open Monday, Wednesday, Thursday and Friday 8:30 a.m. to 4:30 p.m. and Tuesday 10 a.m. to 4:30 p.m. when classes are in session. Call 360-650-3164 to schedule an appointment; same day appointments are available for students whose concerns are urgent. An on-call counselor is available when the Counseling Center is closed; to access the on-call counselor, call the Counseling Center at 360-650-3164 and select Option 1.

The Washington State Employee Assistance Program offers counseling and support to assist faculty and staff in resolving personal or work-related problems. To schedule an appointment during office hours, call 877-313-4455 (toll free) or learn more at des.wa.gov/services/hr-finance-lean/employee-assistance-program-eap

**ACCESS TO SERVICES FOR PERSONS WITH DISABILITIES**

Western is committed to providing a campus community, workplace, and academic environment that is fully accessible to students, faculty, and staff of all abilities. Under state and federal law, no qualified person will be denied access to, or participation in, a University program or activity on the basis of their disability. For additional information, visit https://disability.wwu.edu/, or contact the following offices.
FOR STUDENTS:
Disability Access Center
Location: Wilson Library 170
Phone: 360-650-3083
Website: disability.wwu.edu

FOR FACULTY AND STAFF:
Human Resources Disability Services (to request a work-related accommodation)
Location: HU203
Phone: 360-650-3774
WA Relay: 711
Website: hr.wwu.edu/workplace-accommodation

Director of Civil Rights & Title IX Compliance/Title IX Coordinator
Location: Old Main 345
Phone: 360-650-3307
WA Relay: 711
Website: www.wwu.edu/eoo/disability.shtml