



2021

ANNUAL SECURITY AND FIRE SAFETY REPORT



the  
evergreen  
state college

## Message from Director of Police Services

Dear Evergreen State College Community:

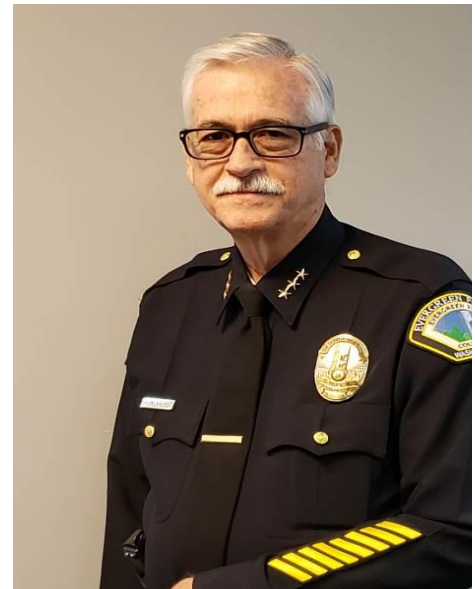
Welcome to The Evergreen State College campus community. Our Police Services Department has commissioned police officers who patrol and protect our campus community year-round. Our department's primary jurisdiction is the 1000-acre campus, including the 3,000 foot stretch of beach where environmental studies and relaxation is ongoing. The campus includes a population of around 2,000 students and nearly 500 faculty and staff members in the fall of 2020. Community oriented policing with a guardian focus is at the heart of our service here at Evergreen State College.

The Evergreen State College Police Services Department is committed to building relationships with community members while providing the highest level of service to keep our students, faculty, staff and visitors safe. We are in the process of optimizing our outreach efforts to provide more opportunities for the campus community to interact with our officers. Our community partnerships are established through the daily efforts of our officers and support staff to develop and maintain the confidence of those we serve. We have programs designed to enable our students, faculty and staff to be more informed, aware and active in the safety and security of our campus community; and its quality of life, including, but not limited to: 911 Code Blue Light Stations, safety escort services for students, faculty and staff, our vehicle unlock and battery jump program, and the Anonymous Online Reporting site: On-line Reporting, just to note a few. We also are developing programs to provide staff and students with training that teach personal safety methods and techniques which may be helpful if faced with an emergency on or off campus. Every member of the Evergreen State College community should be familiar with the services offered by the Evergreen State College Police Services Department, detailed on our website and in this report; and, are encouraged to take advantage of them. Become proactive in your own personal safety by being aware of your surroundings, staying informed and using good judgment. We encourage you to act in partnership with our department to address crime and security issues on campus. If you see something, say something!

Thank you for taking the time to review The Evergreen State College Annual Security and Fire Safety Report. I encourage you to consider the information provided in this report and ways that we can work together to keep our campus safe and secure. Don't hesitate to contact The Evergreen State College Police Services Department if you need help, or additional information about our services.

Sincerely,

David Brunckhurst, Chief of Police/Director Police Services



## Introduction to Evergreen

The Evergreen State College is a regional, comprehensive public college located in Olympia, Washington, with programs offered at campuses in Olympia and the Evergreen State College, Tacoma campus program. On the Evergreen State College Olympia campus, campus safety and security are shared responsibilities. Many departments are dedicated to making the campus a safer place to live and work. The College relies on every community member to contribute to the safety and security on campus by reporting crimes and suspicious activities in a timely manner and using common sense when going about daily activities.

The Evergreen State College's mission is: "as an innovative public liberal arts college, Evergreen emphasizes collaborative, interdisciplinary learning across significant differences." The Evergreen academic community engages students in defining and thinking critically about their learning. Evergreen supports and benefits from local and global commitment to social justice, diversity, environmental stewardship and service in the public interest.

Evergreen is accredited by the Northwest Commission on Colleges and Universities, and has been since 1974. The Evergreen State College was created in 1971 as a way to provide students with a more meaningful experience. Students do not receive grades at Evergreen, and instead dive deep into programs of integrated study that are hands-on and experimental.

Evergreen currently has over 40 fields of study, and allows students to create their own individual learning contracts to create their own programs and experiences. Evergreen offers three undergraduate and three master's degrees, and in 2020 enrolled 2,281 students. The US News and World Report consistently calls Evergreen the "most innovative college in the West."

Evergreen prides itself in being affordable to all students, and has the second-lowest tuition and fees of any Washington State 4-year institution (The National Center for Education Statistics). 67% of students receive financial aid, and there is a robust veteran population on the campus.

Due to the COVID-19 Pandemic, Evergreen has offered remote and hybrid learning environments since March of 2020, and has been working with faculty and staff to provide remote workplace environments. This move has been made in response to keeping students, faculty and staff safe. Limited residence hall facilities have been available to students, with upgraded safety and cleanliness standards and guidelines. Evergreen's COVID-19 safety plan and information can be found at <https://www.evergreen.edu/covid19/>. Additionally, the COVID-19 planning team at Evergreen sends weekly email updates with information to all faculty, staff, and students. These emails can also be found on the above webpage.

# Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act

Access to campus safety and security information is critical for prospective students and their families when choosing the right college or university to attend, and for faculty and staff who are deciding where to work and build a career. It is equally important for current students and employees to have access to this information while studying and working at The Evergreen State College. In 1990, Congress enacted this act, amending the Higher Education Act of 1965, which required colleges and universities to report and distribute their crime statistics each year. In 2013, the Violence Against Women Act Amendments were enacted to include additional reportable crimes that include sexual violence and harassment. All public and private postsecondary institutions that participate in Title IV student financial assistance programs must comply with the Clery Act and its mandates.

The 2021 Annual Security Report from The Evergreen State College is provided in accordance with the Clery Act. This report will be provided to each employee and student through email, and will be publicized on the Police Services website of The Evergreen State College for prospective employees and students, and community members. This report includes statistical information for 2020, in addition to 2019 and 2018. The statistical information includes reported crimes which occurred on The Evergreen State College's campuses, in certain off-campus buildings or properties owned or controlled by The Evergreen State College, and on public property within or immediately adjacent to and accessible from The Evergreen State College's campus properties. This ASR also includes institutional policies concerning campus safety and security issues, such as policies and/or procedures concerning sexual violence, alcohol and drug use, and the Drug-Free Schools Act. Additionally, all Title IV institutions with on-campus student housing are required to prepare and distribute an Annual Fire Safety Report. This report contains statements of fire safety policies and procedures and includes The Evergreen State College's fire safety statistics for the past three calendar years. The Annual Fire Safety Report for 2020 is contained in this report.

## Preparing The Evergreen State College's Annual Report

This Annual Safety Report (ASR) was prepared for by the Clery Working Group, a group charged by the President of the college. The Clery Working Group is chaired by the Title IX Coordinator, and contains members from the following departments: Office of Sexual Violence and Prevention, Student Rights and Responsibilities, Police Services, Facilities Services, Emergency Response, Residential and Dining Services, and First Peoples Multicultural, Trans & Queer Support Services.

Each of the departments report information to the Title IX Coordinator, and the ASR is reviewed by the Clery Working Group and other stakeholders in order to verify all components are accounted for and accurate.

The Evergreen State College is committed to complying with the Clery Act, and the Clery Working Group commits to bring back information to their various departments, complete professional development training to understand obligations related to the Clery Act, and work to make institutional change around the campus.

### Access to the Annual Security Report

The 2021 Annual Security Report is available on the Police Services website at <https://www.evergreen.edu/policeservices/cleryreport>, starting on October 1, 2021. Previous ASRs are also listed on the same website, and can be downloaded by any individual through the Police Services website.

Individuals may request a printed copy of the ASR by contacting Title IX Office at [titleixcoordinator@evergreen.edu](mailto:titleixcoordinator@evergreen.edu), or 360-867-5224.

### Dissemination and Publication of the Annual Security and Fire Safety Report

At the direction of the Title IX Coordinator, in charge of Clery compliance, on or before October 1<sup>st</sup> annually, the Office of the President will disseminate via email a notice that the ASR is available. The email will contain a direct link to the report, and the email will be sent to all students, faculty, and staff.

## Important Contact Information

<b>EMERGENCY</b>		
<b>Police Services at Evergreen</b>	Emergency	360-867-6140
	Non-Emergency	360-867-6832
<b>Thurston County Sheriff</b>	Emergency	911
	Non-Emergency	360-704-2740
<b>The Evergreen State College Administrative Services</b>		
<b>Affirmative Action and Equal Opportunity</b>	Library 3102	360-867-5371
<b>CARE Team</b>	Library 3009	360-867-6296 <a href="mailto:careteam@evergreen.edu">careteam@evergreen.edu</a>
<b>Facilities Services</b>	Lab II 1254	360-867-6700
<b>First Peoples Multicultural, Trans, and Queer Support Services</b>	CAB 227	360-867-6467 <a href="mailto:firstpeoples@evergreen.edu">firstpeoples@evergreen.edu</a>
<b>Human Resource Services</b>	Library 3102	360-867-5361 <a href="mailto:jobline@evergreen.edu">jobline@evergreen.edu</a>
<b>Inclusive Excellence and Student Success</b>	Library 2153	360-867-5133
<b>Intercollegiate Athletics</b>	CRC 210	360-867-6778
<b>Office of Sexual Violence Prevention and Response</b>	Sem I 4119	360-867-5221 <a href="mailto:jonese@evergreen.edu">jonese@evergreen.edu</a>
<b>Residential and Dining Services</b>	RAD A 301	360-867-6132 <a href="mailto:rad@evergreen.edu">rad@evergreen.edu</a>
<b>Student Wellness Services</b>	SEM I 2100	360-867-6200 studentwellnessservices@evergreen.edu
<b>Student Rights and Responsibilities</b>	Library 3009	360-867-6296 <a href="mailto:conduct@evergreen.edu">conduct@evergreen.edu</a>
<b>Title IX Office</b>	Library 3216	360-867-5224 <a href="mailto:titleixcoordinator@evergreen.edu">titleixcoordinator@evergreen.edu</a>
<b>Thurston County and Pierce County Services</b>		
<b>Thurston County Sherriff</b> <a href="http://www.co.thurston.wa.us/sheriff/">www.co.thurston.wa.us/sheriff/</a>	2000 Lakeridge Drive SW Olympia, WA 98502	Emergency: 911 Headquarters: 360-786-5500 After Hours Non-Emergency: 360-704-2740
<b>Pierce County Police</b> <a href="https://www.co.pierce.wa.us/121/Sheriff">https://www.co.pierce.wa.us/121/Sheriff</a>	930 Tacoma Ave. S. Tacoma, WA 98402	Emergency: 911 Non-Emergency: 253-798-4721
<b>Safe Place Olympia</b> <a href="http://www.safeplaceolympia.org">www.safeplaceolympia.org</a>	314 Legion Way Olympia, WA 98501	24 Hour Helpline: 360-754-6300 Office: 360-786-8754
<b>Rebuilding Hope Pierce County</b> <a href="http://www.sexualassaultcenter.com">www.sexualassaultcenter.com</a>	101 E 26 <sup>th</sup> St #200 Tacoma, WA 98421	Hotline: 253-474-7273 Office: 253-597-6424
<b>Washington State Employee Assistance Program</b> <a href="https://des.wa.gov/">https://des.wa.gov/</a>	1222 State Ave NE, Ste. 201 Olympia, WA 98504	360-407-9490

# Clery Jurisdiction for Evergreen

## On-Campus Olympia

Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution’s educational purposes, including residence halls; and any building or property that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes.

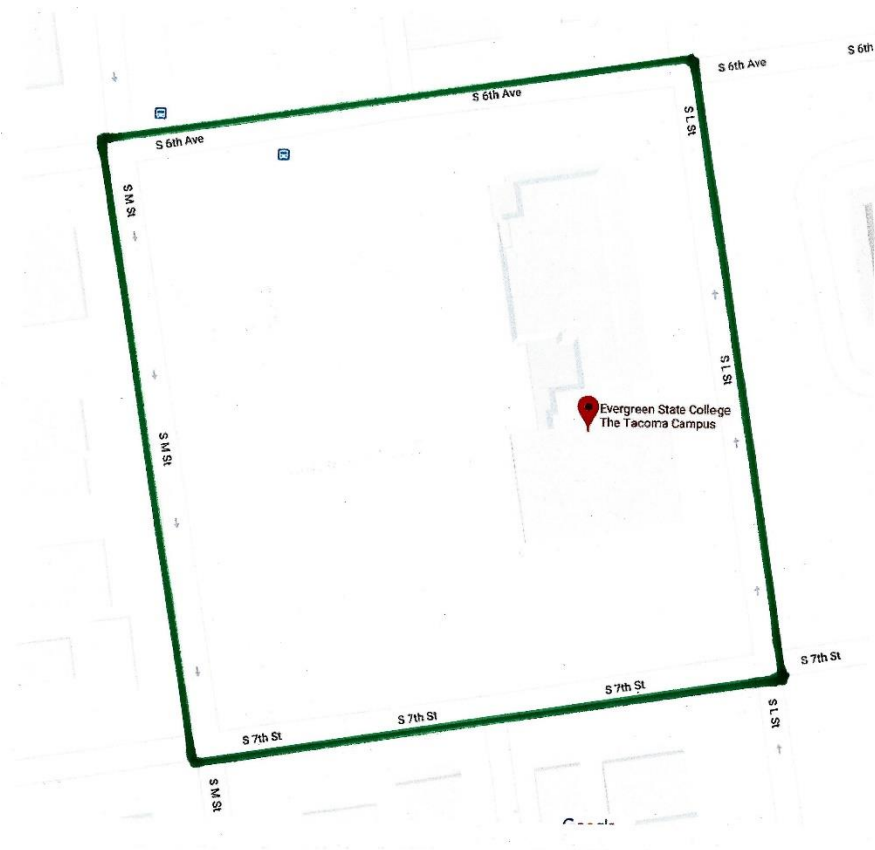
The map below shows the border of the contiguous Evergreen State College, Olympia campus. The Evergreen State College police service’s jurisdiction includes all properties that are a part of the Evergreen Olympia campus.



## On-Campus Tacoma

The Tacoma Police Department is responsible for providing police and security services for the Tacoma campus, which resides within their jurisdiction, pursuant to RCW 35A.12.020. The Tacoma Police Department is located at 3701 S Pine Street, Tacoma WA 98409. Business operations are conducted during general business hours, 8:00am- 5:00pm, Monday through Friday and can be reached at (253) 798-4721 for non-emergency situations. Emergency situations should call 9-1-1.

The map below shows the border of the contiguous Evergreen State College Tacoma campus. The Tacoma Police jurisdiction includes all properties that are part of the Tacoma campus.



## Off-Campus Jurisdiction

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



# Police Services at Evergreen

## Overview

The Evergreen State College Police Department is responsible for providing police and security services for the Olympia campus, pursuant to RCW 28B.10.550. The Evergreen Police Department provides full-service police protection to the campus community. Officers patrol the Olympia campus with an emphasis placed on safety, crime prevention, and education. The department employs fully commissioned police officers who have the same arrest and investigative authority as other law enforcement officers in the state. All of the officers are graduates of the Washington State Criminal Justice Training Commission's Basic Academy or the equivalent. Officers are certified as police officers and are trained in all phases of law enforcement, including the use of firearms. Officers carry standard issue or approved firearms at all times and must maintain firearms proficiency through quarterly training, qualification and certification at a local firing range.

The Police Department has the primary responsibility for law enforcement on The Evergreen State College Olympia campus, and works closely with other law enforcement agencies. Evergreen's Police Department has a written agreement with the Thurston County Sheriff's Department, Washington State Patrol, Olympia, Lacey, and Tumwater Police Departments that further defines the cooperative policing strategies.

The Evergreen Police Department is a part of Police Services at Evergreen, and includes Emergency Communications.

## Daily Crime Log

The Evergreen State College Police Services maintains a daily crime log. This log records all criminal incidents and alleged criminal incidents that are reported to Police Services and occur within Evergreen Police Service's patrol jurisdiction. The log also includes all fires reported in on-campus student housing. The Daily Crime log is available for public inspection at Police Services during regular business hours.

# Reporting a Crime

## Emergency

To report a crime or emergency on the Olympia campus, contact the Evergreen Police Services at 360-867-6140 or 9-1-1. Non-emergency crimes can be reported by calling 360-867-6832. Crimes occurring off-campus should be reported to Thurston County Police by calling 9-1-1 or non-emergency at 360-704-2740. To report a crime on the Tacoma campus, call 9-1-1 to contact Pierce County Police.

## Blue Light Stations

Dedicated emergency blue light phones can be found at various outdoor locations throughout campus. These stanchions are for the protection of persons on campus, and may be used to report suspicious activity, crimes in progress, or any emergency situation. These phones are push-button operated and are topped by distinctive blue lights for easy identification. They provide a direct, open connection Evergreen Police Services. A dispatcher will identify the location of the blue light being used, even if nothing is said by the user, and will dispatch police personnel as necessary. If possible, the caller should stay at the stanchion and give information to the operator until help arrives.

Not Shown: F-lot, Geoduc House



## Reporting Options

Reports of criminal activity can be reported through Police Services at Evergreen at the numbers listed above. Individuals may also submit a report online here: <https://www.evergreen.edu/policeservices/report-incident>. This report can be submitted anonymously.

Other reporting options are discussed throughout this report, and below.

## Title IX/Sexual Misconduct Reporting Options

Any individual wishing to report any instance of sexual harassment can report to the Title IX Office in the following ways: emailing at [titleixcoordinator@evergreen.edu](mailto:titleixcoordinator@evergreen.edu), telephone at 360-867-5224, in person (when open) at Library Building 3216, or through the online reporting form at [www.evergreen.edu/titleix](http://www.evergreen.edu/titleix). Reports may be anonymous.

**Responsible Employees:** In accordance with the College's Title IX Policy and Procedure, all Evergreen staff and faculty (with the exception of temporary hourly employees and confidential resources explicitly listed), and student Resident Assistants are designated as Responsible Employees as it relates to Title IX.

All Responsible Employees have a mandatory duty to immediately report, all details known to them regarding behaviors that might constitute sexual harassment, sexual misconduct, or related retaliation to the Title IX Coordinator or an Official with Authority (Director of Student Rights and Responsibilities and/or the Affirmative Action and Equal Opportunity Officer in addition to the Title IX Coordinator).

## Voluntary Confidential Reporting

If you are the victim of a crime and do not want to pursue criminal or conduct action, or you are a witness to a crime and do not want to reveal your identity, you may make a confidential report of the incident to Evergreen Police Services. Police Services maintains an online reporting form on their webpage, [www.evergreen.edu/policeservices](http://www.evergreen.edu/policeservices), which can be submitted anonymously. The purpose of a confidential report is to maintain the reporting individual's confidentiality, while helping Evergreen protect the safety of the community. This information also helps the college maintain accurate records of incidents occurring on campus, to determine if there are trends or a pattern of crime, and alert the campus community to potential dangers when appropriate.

To facilitate the investigative process and protect the privacy of those involved, information gathered by Evergreen Police Services will be maintained in a confidential manner to the fullest extent possible during the pendency of a criminal investigation. If a victim or witness wishes to remain anonymous, Police Services will take all reasonable steps to investigate the allegation without disclosing the name of the victim/witness to the extent allowed by state and federal law and contractual obligations. If the victim/witness wishes to remain anonymous, the college shall inform them that its ability to investigate and respond to the allegation will be limited, and that any type of retaliation is prohibited. Ultimately, the college cannot ensure confidentiality of victim and witness names, because legal and contractual obligations may require disclosure.

# Campus Security Authorities

## Purpose

The Clery Act is aware that while community members should report any crimes to Campus Police, that is not always the case. Individuals will report or disclose crimes to people they feel most comfortable with. Because of this, the Clery Act requires that Evergreen designate Campus Security Authorities (CSAs) on campus to collect crime reports from.

The Clery Act states that a crime is “reported” to the institution when it is brought to the attention of a CSA or local law enforcement. Anyone is able to report a crime, including a victim, witness, third-party, or even the responding party, whether they are associated with Evergreen or not. Any report of an alleged crime must be reported by a CSA, regardless of whether it is investigated or goes through a conduct process.

## Who is a CSA?

The Clery Act defines a CSA as being associated with Evergreen in the following ways:

1. A campus police department and all individuals who work for that department
  - a. All campus police officers and Police Services employees are considered Campus Security Authorities.
2. Any individual who have responsibility for campus security
  - a. Examples include: Resident Assistants, parking staff, Resident Directors, front desk workers in key offices and residence facilities, Victim Advocates, Student Wellness Services leadership, President’s Office.
3. Any individual or organization specified in an institution’s statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
  - a. Title IX Coordinator, Student Rights and Responsibilities, Affirmative Action and Equal Opportunity Officer are considered CSAs.
4. An official of an institution who has significant responsibility for student and campus activities
  - a. Examples include, but are not limited to: Student Engagement and Leadership staff members, residence life staff members, Advisors for student clubs and organizations, Academic Deans, faculty in a study abroad program, Athletics and Recreation staff members and volunteers, members of the Care Team, Senior Leadership, Vice Presidents, and Career/Academic Advising and Inclusive Excellence are all considered CSAs.

Any person on The Evergreen State College campus that does not receive notification of this are NOT considered Campus Security Authorities for that academic year. Evergreen acknowledges functions may change within roles, the list of CSAs may change throughout the academic year. Professional counselors and pastoral counselors acting within the scope of their duties as a

counselor or a trainee may be exempt from being CSAs. For a full list of CSAs, please contact the Clery Compliance Officer ([connie.gardner@evergreen.edu](mailto:connie.gardner@evergreen.edu))

The Clery Act Working Group will coordinate with Human Resource Services each academic year to designate a list of CSAs. Any CSA will receive notification of their role and receive online training each academic year.

### Training

Campus Security Authorities are trained annually through an online course created by the Clery Compliance Officer. The Clery Compliance Officer is in charge of inviting and tracking all employees that are considered CSAs and verifying their completion of the training.

### Reporting Obligations

Campus Security Authorities must report any crime report information they receive. Information to be reported is from direct notification only; CSAs do NOT need to report anything they overhear, anything disclosed during classroom discussions or assignments, or anything learned in an indirect manner.

CSA's roles are to report any information they have once information is known to them; CSAs should not determine whether a crime actually took place, discipline any alleged respondent, or give opinions on if the impacted party should report to law enforcement.

**How to Report:** Any CSA who has knowledge of a crime must report it to Campus Police, or through the CSA Reporting Form: <https://www.evergreen.edu/policeservices/report-incident>.

**Requests for Confidentiality:** If someone is designated a CSA, they are obligated to report information on potential crimes. However, it is possible for CSAs to keep the names and demographic information confidential when reporting. CSA reports are used to compile crime statistics, therefore, most of the time disclosing identifying information is not needed.

## Evergreen Crime Statistics 2018-2020

The statistics in this report are published according to the standards and guidelines used by the FBI National Incident Based Reporting System and relevant federal law. Annual crime statistics are also submitted to the Department of Education. The statistical information gathered by the Department of Education is available to the public through their website. For statistical purposes, crime statistics are recorded in the calendar year the crime was reported. Statistics are being reported per the archived Department of Education's 2016 Handbook for Campus Safety and Security Reporting, and the Clery Act Appendix for the FSA Handbook.

Evergreen includes the three most recent years of crime statistics in this Annual Security Report, occurring within college geography. These statistics are based on crimes reported to the Evergreen Police and reports from Campus Security Authorities. Additionally, a written request for statistical information is made on an annual basis to local police departments.

Definitions of the Clery Crimes and the hierarchy rule can be read in Appendix A of this Annual Security Report.

**CRIME STATISTICS 2018, 2019, 2020 – OLYMPIA CAMPUS**

CRIME STATISTICS 2018, 2019, 2020 – OLYMPIA CAMPUS						
Offense	Year	On-Campus	Residential	Non-Campus	Public Property	
CRIMINAL OFFENSES	Murder	2018	0	0	0	0
		2019	0	0	0	0
		2020	0	0	0	0
	Non-Negligent Manslaughter	2018	0	0	0	0
		2019	0	0	0	0
		2020	0	0	0	0
	Manslaughter by Negligence	2018	0	0	0	0
		2019	0	0	0	0
		2020	0	0	0	0
	Rape	2018	2	2	1	0
		2019	5	3	1	0
		2020	1	1	0	0
	Fondling	2018	1	0	0	0
		2019	0	0	0	0
		2020	1	0	0	0
Incest	2018	0	0	0	0	
	2019	0	0	0	0	
	2020	0	0	0	0	
Statutory Rape	2018	0	0	0	0	
	2019	0	0	0	0	
	2020	0	0	0	0	
Robbery	2018	0	0	0	0	
	2019	0	0	0	0	
	2020	0	0	0	0	
Aggravated Assault	2018	0	0	0	0	
	2019	1	1	0	0	
	2020	0	0	0	0	
Burglary	2018	9	3	0	0	
	2019	1	0	0	0	
	2020	4	1	0	0	
Motor Vehicle Theft	2018	2	0	0	0	
	2019	5	0	0	0	
	2020	2	0	0	0	
Arson	2018	0	0	0	0	
	2019	1	0	0	0	
	2020	0	0	0	0	
VAWA OFFENSES	Dating Violence	2018	0	0	2	0
		2019	2	1	0	0
		2020	0	0	0	0
	Domestic Violence	2018	2	1	0	0
		2019	3	3	0	0
		2020	9	9	0	0
	Stalking	2018	3	1	0	0
		2019	1	0	0	0
		2020	1	0	0	0

ARRESTS AND REFERRALS TO CONDUCT	Weapons – Arrest	2018	0	0	0	0
		2019	0	0	0	0
		2020	0	0	0	0
	Weapons – Referral	2018	0	0	0	0
		2019	2	2	0	0
		2020	1	0	0	0
	Alcohol – Arrest	2018	4	0	0	0
		2019	0	0	0	0
		2020	0	0	0	0
	Alcohol – Referral	2018	52	38	0	0
		2019	43	24	0	0
		2020	25	2	0	0
	Drugs – Arrest	2018	13	0	0	0
		2019	7	0	1	0
		2020	4	0	0	0
	Drugs – Referral	2018	125	74	1	0
		2019	55	20	0	0
		2020	28	6	0	0
	Unfounded	2018	1			
		2019	0			
		2020	0			

**HATE CRIMES (Olympia Campus):**

2020 (4):

- On-Campus Residential, Harassment, sexual orientation
- On-Campus Residential, Harassment, race
- On-Campus, Intimidation, race
- On-Campus, Intimidate, race

2019 (2):

- On-Campus, Simple Assault, religion
- On-Campus, Simple Assault, religion
- On-Campus, Intimidation, race

2018: 2 hate crimes were reported involving gender identity and race



**CRIME STATISTICS 2018, 2019, 2020 – TACOMA CAMPUS**

Offense		Year	On-Campus	Residential	Non-Campus	Public Property
CRIMINAL OFFENSES	Murder	2018	0	0	0	0
		2019	0	0	0	0
		2020	0	0	0	0
	Non-Negligent Manslaughter	2018	0	0	0	0
		2019	0	0	0	0
		2020	0	0	0	1
	Manslaughter by Negligence	2018	0	0	0	0
		2019	0	0	0	0
		2020	0	0	0	0
	Rape	2018	0	0	0	0
		2019	0	0	0	0
		2020	0	0	0	1
	Fondling	2018	0	0	0	0
		2019	0	0	0	0
		2020	0	0	0	0
Incest	2018	0	0	0	0	
	2019	0	0	0	0	
	2020	0	0	0	0	
Statutory Rape	2018	0	0	0	0	
	2019	0	0	0	0	
	2020	0	0	0	0	
Robbery	2018	0	0	0	0	
	2019	0	0	0	0	
	2020	0	0	0	2	
Aggravated Assault	2018	0	0	0	0	
	2019	0	0	0	0	
	2020	0	0	0	3	
Burglary	2018	0	0	0	0	
	2019	0	0	0	0	
	2020	0	0	0	1	
Motor Vehicle Theft	2018	0	0	0	0	
	2019	0	0	0	0	
	2020	0	0	0	2	
Arson	2018	0	0	0	0	
	2019	0	0	0	0	
	2020	0	0	0	1	
VAWA OFFENSES	Dating Violence	2018	0	0	0	0
		2019	0	0	0	0
		2020	0	0	0	0
	Domestic Violence	2018	0	0	0	0
		2019	0	0	0	0
		2020	0	0	0	4
	Stalking	2018	0	0	0	0
		2019	0	0	0	0
		2020	0	0	0	0

ARRESTS AND REFERRALS TO CONDUCT	Weapons – Arrest	2018	0	0	0	0
		2019	0	0	0	0
		2020	0	0	0	0
	Weapons – Referral	2018	0	0	0	0
		2019	0	0	0	0
		2020	0	0	0	0
	Alcohol – Arrest	2018	0	0	0	0
		2019	0	0	0	0
		2020	0	0	0	0
	Alcohol – Referral	2018	0	0	0	0
		2019	0	0	0	0
		2020	0	0	0	0
	Drugs – Arrest	2018	0	0	0	0
		2019	0	0	0	0
		2020	0	0	0	0
	Drugs – Referral	2018	0	0	0	0
		2019	0	0	0	0
		2020	0	0	0	0
	Unfounded	2018	0			
		2019	0			
		2020	0			

**HATE CRIMES (Tacoma Campus):** No Hate Crimes reported during the 2018, 2019, or 2020 year.

# Crime Prevention and Education

## Crime Prevention Programs

Police Services distributes literature for prevention efforts regarding personal safety, rape prevention, substance abuse, self-defense and prevention of burglary, theft and vandalism throughout the school year. Police Services participates during the training of Residential Life employees each year as well.

Generally during each fall quarter, Residential Life (RAD Services) assists in distributing safety literature to each resident student during their required community meetings, which covers personal safety on campus. Resident Assistants and other staff in each community offer a number of programs throughout the year to students in their areas on varying topics of personal safety. In the 2019-2020 academic year, these items were not completed due to the COVID-19 pandemic and for the safety of our students and Residence Life staff.

The Office of Emergency Planning and Police Services offer Active Shooter training as requested by departments on campus. They also provide Evacuation and Emergency Awareness training on a quarterly basis. An office walk-through is available on request.

## Personal Responsibility

Members of the College community must assume responsibility for their own personal safety and the security of their personal property. The following precautions provide guidance for this:

1. Report all suspicious activity to the Evergreen Police Department immediately
2. Never take personal safety for granted
3. Try to avoid walking alone at night. Use the Evergreen PD escort service
4. Limit your alcohol consumption, and leave social functions that get too loud, too crowded, or that have too many people drinking excessively
5. Carry only small amounts of cash
6. Never leave valuables (wallet, purses, books, calculators, etc.) unattended
7. Carry your keys at all times and do not lend them to anyone
8. Lock up bicycles and motorcycles. Lock car doors and close windows when leaving your car
9. Always lock the door to your residence hall room, whether or not you are there. Be certain that your door is locked when you go to sleep and keep windows closed and locked when you are not home
10. Do not leave valuables in your car, especially if they can be easily noticed
11. Engrave serial numbers or owner's recognized numbers such as a driver's license number on items of value
12. Inventory your personal property and insure it appropriately with personal insurance coverage

## Escort and Safety Programs

The Evergreen State College Police Services provides safety escorts for students, faculty and staff walking on or near the Olympia campus. The program's intent is to get students, faculty and staff safely to their destinations on campus or within a close proximity of the campus during the hours of darkness. This service is limited to the availability of Police Services employees or police officers. Before calling for an escort, please seek assistance from a friend, roommate or colleague. If returning home or to your residence hall after dark, it is best to plan your departure in advance. Avoid secluded areas, call home or your destination to let someone know you are leaving and the route you are taking, and always try to walk in groups or pairs. However, people who are not able to get assistance elsewhere should not hesitate to call for a police services escort.

To receive this service, call The Evergreen State College police at 360-867-6832. If there is an available escort, the caller will be told who the escort will be and receive instructions as to where and when to meet the escort.

## Bike Registration Programs

Bicycle registration is recommended for faculty, staff, and students who ride on the Evergreen State College campus, because bicycles can be a target of theft. Registration is an aid for recovery of a bicycle that is stolen, and it is free and easy.

## Theft Prevention

Police Services offers Operation ID services, in which serial numbers or driver's license numbers can be engraved on items of value.

## Drug and Alcohol Prevention Programming

The following programs, services, and activities are available to address underage drinking and other substance abuse problems.

International Programs provides an orientation workshop that covers drugs and alcohol information.

Human Resources provides on-line training that includes alcohol and drug-free workplaces, and provides on-going assistance for employees in need of support.

In regular years, RAD Residential Life provides programming in the residence halls related to safe behaviors and the Student Code of Rights and Responsibilities as it relates to alcohol and drug prevention. However, in the 2019-2020 academic year, due to the COVID-19 pandemic and for the safety of our students and staff, no in-hall programming was completed. All residential students do receive information on the alcohol and drug policies at Evergreen through an online module at the start of each academic year.

# Title IX and Sexual Misconduct and Harassment

## Applicable Policies

The Evergreen State College has adopted the Department of Education's Title IX Regulations on August 14, 2020, and created the Title IX Policy and Procedure. The full policy can be found at [www.evergreen.edu/titleix](http://www.evergreen.edu/titleix). The Student Code of Rights and Responsibilities and the Non-Discrimination Policy and Procedure also outline prohibited behaviors related to sexual misconduct.

## Title IX and Washington State Definitions

**Sexual Harassment:** For purposes of the Title IX Policy and Procedure, Sexual Harassment occurs when a Respondent engages in the following discriminatory conduct on the basis of sex:

- a. **Quid Pro Quo harassment:** An Evergreen employee conditioning the provision of an aid, benefit, or service of Evergreen 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 Evergreen's education programs or activities or Evergreen employment.

**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 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 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.
- 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).
- e. **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.

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

### Programming and Education

**First Year Programming:** Starting in Fall of 2020, all incoming students to Evergreen are required to take the online module "Sexual Assault Prevention" from Everfi Company. This includes students reading the Title IX Policy and Procedure, and the Student Code of Rights and Responsibilities.

**By-Stander Intervention:** By-Stander intervention training is included in all trainings with student athletes and through the online module for all incoming students to Evergreen.

**Intercollegiate Athletics Education:** Evergreen athletics is a member of NAIA, the National Association of Intercollegiate Athletics. NAIA has a commitment to diversity and equity, and has guiding resources for all institutions to use. In addition to the guiding principles of NAIA, the Title IX Coordinator works closely with Athletics at Evergreen to provide training for Responsible Employees, and sexual misconduct and consent training to athletic teams.

### Procedures for Complainants

Any Complainant may meet with the Title IX Coordinator to talk through all resolution options and receive supportive measures. Meeting with the Title IX Coordinator does not mean a Formal Complaint is filed.

### Reporting Title IX/Sexual Misconduct/Harassment

Anyone experiencing, witnessing, or having knowledge of a potential Title IX violation can report in the following ways:

- a. In person, via email or telephone to an Official with Authority:

- a. Title IX Coordinator, Connie Gardner
  - i. Library Building 3216
  - ii. [titleixcoordinator@evergreen.edu](mailto:titleixcoordinator@evergreen.edu)
  - iii. 360-867-5224
- b. Affirmative Action and Equal Opportunity Officer, Lorie Mastin
  - i. Library Building 3102
  - ii. [mastinl@evergreen.edu](mailto:mastinl@evergreen.edu)
  - iii. 360-867-5371
- c. Senior Student Conduct Official, Lori Johnson
  - i. Library Building 3009
  - ii. [johnsolo@evergreen.edu](mailto:johnsolo@evergreen.edu)
  - iii. 360-867-6298
- b. Police Services: If there is an immediate threat of safety, please contact Police Services or 9-1-1. Police Services are located in Seminar 1, 2150. Their non-emergency line: 360-867-6832.
- c. Online Incident Reporting Form: The online reporting form allows for anonymous reporting. Please note that Responsible Employees must provide their own contact information when reporting knowledge. The Title IX Report Form can be found on the Title IX website at [www.evergreen.edu/titleix](http://www.evergreen.edu/titleix), or through this direct link: [https://evergreen-advocate.symlicity.com/titleix\\_report/index.php/pid824677?](https://evergreen-advocate.symlicity.com/titleix_report/index.php/pid824677?).

Evergreen has designated several individuals on-campus as confidential, meaning they are not Responsible Employees and are not obligated to report any knowledge of an alleged Title IX violation to an Official with Authority. For individuals not wishing to receive Supportive Measures or make a report, Confidential Resources are available for support for any party. Confidential Resources include:

1. Student Wellness Services (Health and Counseling)
  - a. Seminar 1, 2100
  - b. [studentwellnessservices@evergreen.edu](mailto:studentwellnessservices@evergreen.edu)
  - c. 360-867-6200

## University Response to Notifications

The Title IX resolution processes are initiated when the Title IX Coordinator's Office receives a written complaint alleging that a Respondent(s) sexually harassed a Complainant and requesting that Evergreen initiate an investigation (a Formal Complaint). A Formal Complaint must be either submitted by the Complainant or signed by the Title IX Coordinator on behalf of the Complainant. Formal Complaints submitted to the Title IX Coordinator may be resolved through either informal or formal resolution processes. Evergreen will not proceed with either resolution process without a Formal Complaint.

For purposes of this Title IX Policy and Procedure, the Complainant must be participating in or attempting to participate in an Evergreen education program or activity at the time the Formal Complaint is filed.

1. Informal Resolution: Under appropriate circumstances and if the Complainant(s) and Responding Party(ies) agree, they may voluntarily pursue informal resolution during the investigation of a concern. Informal resolution is not appropriate when the allegations involve a mandatory reporting situation, an immediate threat to the health, safety or welfare of a member of the Evergreen community or the larger Evergreen community, or in cases where an employee is alleged to have sexually harassed a student.

If an informal resolution is appropriate, the Complainant(s) and the Responding Party(ies) may explore remedies or resolution through:

- Guided conversations or communications conducted by the Title IX Coordinator/HRO representative or a mutually agreed upon third party;
- Structured resolution process conducted by a trained mediator; or
- Voluntarily agreed on alterations to either or both of the parties' work or class schedules, on-campus activities, or student housing arrangements.

If the parties agree to an informal resolution process, Evergreen will commence the process within 14 business days after the parties agree to this option and conclude within 30 business days of beginning that process, subject to reasonable delays and extensions for good cause shown. The informal process is voluntary. Either the Complainant or the Responding Party may withdraw from the informal resolution process at any time, at which point the formal investigation process will resume.

If the Complainant and the Responding Party voluntarily resolve a report, Evergreen's Title IX Coordinator will record the terms of the resolution in a written agreement signed by both parties and provide written notice to both parties that the report has been closed.

2. Formal Resolution: Formal resolution means that the Complainant's allegations of Sexual Harassment will be subjected to a formal investigation by an impartial and unbiased investigator. The investigator will issue a report of the investigation findings. Upon completion of the investigation, the investigator will submit the final investigation report to the appropriate disciplinary authority to determine whether disciplinary proceedings are warranted.

## Grievance Procedures

Appendix C of this Annual Security Report outlines the disciplinary process for student Respondents for Title IX cases. For cases of sexual misconduct that may violate the Student



Code of Rights and Responsibilities, Appendix B of this Annual Security Report outlines that process.

**Possible Sanctions:** As stated in WAC 174-123-240, sanctioning against student Respondents that are found responsible for sexual misconduct and/or Title IX may include, but is not limited to:

- Written warning
- Probation
- Suspension
- Expulsion
- Educational Action
- Professional Evaluation
- Loss of privileges
- No Contact Order
- College Housing eviction
- Conduct Hold
- Restitution
- Withholding admission or degree

## Confidentiality

1. Evergreen will seek to protect the privacy of the Complainant to the fullest extent possible, consistent with the legal obligation to investigate, take appropriate remedial and/or disciplinary action, and comply with the federal and state law, as well as Evergreen policies and procedures. Although Evergreen will attempt to honor Complainants' requests for confidentiality, it cannot guarantee complete confidentiality. Determinations regarding how to handle requests for confidentiality will be made by the Title IX Coordinator.
2. The Title IX Coordinator will inform and attempt to obtain consent from the Complainant before commencing an investigation of alleged Sexual Harassment. If a Complainant asks that their name not be revealed to the Respondent or that Evergreen not investigate the allegation, the Title IX Coordinator will inform the Complainant that maintaining confidentiality may limit Evergreen's ability to fully respond to the allegations and that retaliation by the Respondent and/or others is prohibited. If the Complainant still insists that their name not be disclosed or that Evergreen not investigate, the Title IX Coordinator will determine whether Evergreen can honor the request and at the same time maintain a safe and nondiscriminatory environment for all members of the Evergreen community, including the Complainant. Factors to be weighed during this determination may including, but are not limited to:
  - a. The seriousness of the alleged Sexual Harassment;
  - b. The age of the Complainant;
  - c. Whether the Sexual Harassment was perpetrated with a weapon or other dangerous means;
  - d. Whether the Respondent has a history of committing acts of Sexual Harassment or violence or has been the subject of other Sexual Harassment or violence complaints or findings;

- e. Whether the Respondent threatened to commit additional acts of Sexual Harassment or violence against the Complainant or others; and
  - f. Whether relevant evidence about the alleged incident can be obtained through other means (e.g. security cameras, other witnesses, physical evidence).
3. If Evergreen is unable to honor the Complainant's request for confidentiality, the Title IX Coordinator will notify the Complainant of the decision and ensure that the Complainant's identity is disclosed only to the extent reasonably necessary to effectively conduct and complete the investigation in compliance with this Procedure.
4. If Evergreen decides not to conduct an investigation or take disciplinary action because of a request for confidentiality, the Title IX Coordinator will evaluate whether other measures are available to address the circumstances giving rise to the complaint and prevent their recurrence, and implement such measures if reasonably feasible.

### Responsible Employees

Under the Evergreen Title IX Policy and Procedure, Evergreen designates all staff (with the exception of temporary hourly employees and those confidential resources identified), all faculty, and student resident assistants as Responsible Employees.

All Responsible Employees have a mandatory duty to immediately report all details known to them regarding behaviors that might constitute Sexual Harassment or Retaliation. Information to report includes, but is not limited to, the identities of the parties, and knowledge of the events. Failure to immediately report shall be deemed a violation of this policy. Responsible Employees may report knowledge to any Official with Authority.

Officials with Authority are individuals designated by Evergreen to receive complaints of alleged Title IX violations. Under this policy, Evergreen designates an Official with Authority as three individuals on campus: the Title IX Coordinator, the Affirmative Action and Equal Opportunity Officer, and the Senior Student Conduct Official. Any person wishing to make a complaint of sexual harassment should report to any of the three individuals, or report as stated above.

# Sex Offender Notification

## Applicable Policies

The Sex Offender Notification Policy is housed in Police Services, and it is the responsibility of Police Services to provide the procedures outlined in the policy. A link to the Thurston County Sex Offender Registry is on the Police Service's website at [www.evergreen.edu/policeservices](http://www.evergreen.edu/policeservices).

The Federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. This act also requires sex offenders already required to register in a State to provide notice, as required under state law, of each institution of higher education in that state at which the person is employed, carries on a vocation, volunteers services, or is a student.

In the state of Washington, convicted sex offenders must register in accordance with RCW 9A.44.130.

**Purpose:** To increase the safety and welfare of the students, employees and contractors of The Evergreen State College by providing timely and appropriate notification of the presence of a convicted sex offender. This notification shall be provided in accordance with applicable state law and in such a manner that fosters safety without creating excessive anxiety among students and staff. The notification policy applies to students, employees and individuals contracted by the college.

The extent and content of the disclosure of relevant and necessary information shall be related to:

- The risk posed by the offender to the community
- The location where the offender resides, intends to reside, is regularly found, or is employed; and
- The needs of affected community members for information to enhance their individual and collective safety.

The College will not tolerate using this public information to threaten, intimidate or harass sex offenders.

**Authority:** Pursuant to RCW 4.24.550, The Evergreen State College is authorized to release information to the public when the college determines that disclosure of the information about the sex offender is needed and necessary.

Additionally, under RCW 4.24.550, public employees and/or public agencies are immune from civil liability or damages for any discretionary decisions or release of relevant or necessary information regarding a registered sex offender, unless it is shown that the employee or the agency acted with gross negligence or in bad faith.

**Sex Offender Responsibility:** In the State of Washington, convicted sex offenders must register in accordance with RCW 9A.44.130, which states, in part: “any adult or juvenile ...who has been found to have committed or has been convicted of any sex offense ...shall register with the county sheriff ...of the person’s residence, or ...the county of the person’s school, or place of employment...”

**Student Sex Offender Responsibility:** Within ten days of enrolling or by the first business day after arriving on campus, whichever is earlier, all full or part-time students must notify the sheriff for the county where the student resides of intent to attend the College (RCW 9A.44.130).

**Employee Sex Offender Responsibility:** A prospective college full or part-time employee must notify the sheriff for the county where the employee resides of the intent to accept a position at the College by the first day of employment. Current employees must notify the Associate Vice President of Human Resources of any sex offender conviction that occurs while employed. Such notification must occur within three days of the conviction.

**Disclosure to the College Community:** The extent of public disclosure of relevant and necessary information should not be based on bias, but directly related to:

- The level of risk posed by the offender to the community
- The locations where the offender resides, expects to reside or is regularly found
- The needs of the community members for information to enhance their individual and collective safety.

**Definitions:** The Department of Corrections, the Juvenile Rehabilitation Administration, and the Indeterminate Sentence Review Board are required to classify all sex offenders released from their facilities into levels of risk (Level I, Level II or Level III). These agencies then issue to appropriate law enforcement agencies narrative notices regarding the pending release of sex offenders.

Level I: The vast majority of registered sex offenders are classified as Level I offenders. They are considered at low risk to re-offend. These individuals may be first time offenders and they are usually known by their victims. They normally have not exhibited predatory type characteristics and most have successfully participated or are participating in approved treatment programs. Many are first time offenders.

Washington state law strictly limits public disclosure of all Level I registered sex offender information. Information shall be shared with other law enforcement agencies and, upon request, relevant, necessary and accurate information may be disclosed to any victim or witness to the offense and to any individual community member who lives near the residence where the offender resides, expects to reside, or is regularly found. Level I offenders may not be the subject of general public notification.

Level II: Level II offenders have a moderate risk of re-offending. They generally have more than one victim and the abuse may be long term. These offenders usually groom their victims and may use threats to commit their crimes; they have a higher likelihood of re-offending than the Level I offenders. They are considered a higher risk to re-offend because of the nature of their previous crime(s) and lifestyle (drug and alcohol abuse and other criminal activity). Some have refused to participate or failed to complete approved treatment programs. Typically these individuals do not appreciate the damage they have done to their victims. Washington state law prohibits the public disclosure of Level II registered sex offenders except under specific criteria. Level II notifications including relevant, necessary and accurate information may be disclosed to public and private schools, child day care centers, family day care providers, businesses and organizations that serve primarily children, women, vulnerable adults, and neighbors and community groups near the residence where the offender resides, expects to reside, or is regularly found. Level II offenders may not be the subjects of general public notification.

Level III: Level III offenders are the greatest risk to the community. Most are predatory, have other violent crime convictions, refused treatment and are known substance abusers. Community notification is the most extensive. Washington state law permits notifications about Level III offenders that include relevant, accurate and necessary information to the public at large as part of general notification.

### Notification Procedures

Notification from law enforcement will be made to the Police Services office. Police Services will review records to determine if the offender is a registered student or college employee and/or communicate the offender status to the Vice President for Student Affairs.

1. All official notifications to the College community shall come from the Vice President for Student Affairs or designee. Requests for additional information will be referred to the appropriate law enforcement agency.
2. Upon learning of the enrollment/presence of a convicted sex offender at The Evergreen State College, the Vice President for Student Affairs will take the following steps:
  - a. Obtain additional information, as necessary, from law enforcement and about the offender's enrollment and employment history on campus.
  - b. Meet with Senior Staff and review relevant information to assess safety issues posed for currently enrolled students and the Child Care Center.
  - c. Notify the convicted offender to make him or her aware of the notification procedure. Other than the notification procedure, convicted sex offenders will receive the same rights and privacy protections provided to all students or staff.

Notification will correspond with the classification level in the following manner:

### Level I:

- Senior Staff
- Selected Academic Deans and Student academic Support Services
- Selected Administrators/Directors/Supervisors
- Faculty and staff in whose program/courses the offender is enrolled or employed
- Children's Center

### Level II:

- All Level I notifications
- Public Notification: Sex Offender Release posted on various office bulletin boards around campus including Police Services, Children's Center, Admissions and Registration Services, Bookstore, Library, Computer Labs, Campus Recreation Center, Housing, and areas overseen by student employees after business hours.
- Faculty will be provided the ability to exercise discretion with regard to notification of Level II offenders to students within their programs or others with whom the students may be working. This information should be shared with the intention of enhancing the safety of program participants and those who are in contact with program members as a result of program activities. Faculty members are welcome and encouraged to discuss with their Academic Dean or the Vice President for Student Affairs, factors such as program plans or the behavior history of the offender that might influence their decision. A synopsis from the Thurston County Sheriff's Office of the date, location and circumstances of the sex offense will be shared with the faculty. To further assist faculty, a conversation with a detective of the Thurston County Sheriff's Office Sex Offender Registration Unit or sex offender treatment provider can be arranged. Faculty can also consult with the Office of Sexual Assault Prevention on campus.

### Level III:

- All Level I and II notifications
- Information provided to all college employees via campus mail and/or listserv
- The Vice President for Student Affairs will provide notification to the classes in which the offender is enrolled. If requested, the Vice President will meet with the program to share information regarding the relevant state law, the College's sex offender notification policy and information released by the Thurston County Sheriff's Office.

# Alcohol, Drugs and Weapons

## Applicable Policies

The Evergreen State College has several policies that relate to Alcohol, Drugs, and Weapons, including the Student Code of Rights and Responsibilities (Appendix A has definitions of this policy and Appendix B outlines the procedures for alleged violations), and the Alcohol and Drug Free Workplace policy through Human Resource Services. This policy applies to all students, employees, and volunteers acting in an official capacity of the College.

The Evergreen State College adheres to the Washington Authoritative Code, WAC 174-136-043 regarding weapons prohibited on-campus.

In addition, Evergreen is in compliance with the federal Drug-Free Schools and Communities Act of 1989. Each year Evergreen renews its commitment to the letter and spirit of the law with an informational letter to students and employees.

## Education and Programming

**Education for Students:** Students have educational opportunities and programming available to them through Evergreen's Residential and Dining Services (RAD Services). Each residential student must adhere to the policies and procedures set forth in the Housing Contract, and all students will be held accountable to the Student Code of Rights and Responsibilities.

Programming, training, and educational materials are available to all students through RAD Services, Student Rights and Responsibilities, and Student Wellness Services. Student organizations like the Geoduck Student Union have provided programming on safe drug and alcohol behaviors to the campus community, and all incoming students receive education on healthy drug and alcohol behaviors during their orientation.

**Education for Employees:** Human Resource Services works with employees to uphold the Alcohol and Drug-Free Workplace policy, and provide educational workshops once a year to the campus community.

**Resources Available:** Students and staff have resources available to them regarding healthy and safe behaviors related to alcohol, drugs, and weapons. Human Resource Services has a comprehensive list of resources available locally. Some resources include:

- Employee Assistance Program (360-753-3260)
- Evergreen Student Wellness Services (360-867-6200)
- Olympia Crisis Clinic (360-586-2800)

# Emergency Management

## Emergency Response

The College's Emergency Response Handbook includes information about incident teams, college operating status parameters, incident priorities and performance expectations, shelter-in-place and evacuation guidelines, along with local contingency and continuity planning requirements. Individual college departments are responsible for developing contingency plans and continuity of operations plans for their staff and areas of responsibility. The College conducts numerous emergency response exercises each year, such as table top exercises, field exercises, and tests of the emergency notification systems on campus. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution.

The Evergreen State College Police and supervisors have received training in Incident Command and Responding to Critical Incidents on campus. When a serious incident occurs that causes an immediate threat to the campus, the first responders to the scene are usually The Evergreen State College Police, Thurston County Sheriff and the McLane Fire Department and they typically respond and work together to manage the incident. Depending on the nature of the incident, other Evergreen departments and other local or federal agencies could also be involved in responding to the incident. General information about the emergency response and evacuation procedures for Evergreen is publicized each year as part of the institution's Clery Act compliance efforts, and that information is available on Evergreen's website at <https://www.evergreen.edu/emergencyresponse>.

**Active Shooter:** An active shooter or armed assault on campus may involve one or more individual's intent on causing physical harm to students, staff and faculty by the use of firearms or other deadly weapons such as a knife, a bomb or other harmful devices.

- Run – if safe, make a run for it, do not run in a straight line.
- Hide behind something that stops bullets. Wait for emergency personnel.
- Fight the shooter.
- When emergency personnel arrive, put your hands up to show that you are not a threat to them.
- If a shooter is outside the building:
  - Turn off lights, lock windows and doors, close curtains
  - Get on floor out of line of fire
  - Move to a central area if safe
  - Follow directions of uniformed officers
- If a shooter is inside the building:
  - If safe to exit, run and flee
  - When it is safe, call 9-1-1 and give location
  - Do not pull fire alarm



- If flight is not possible, lock doors, get on floor, and remain silent
- Barricade door with something heavy
- Hide behind something that stops bullets
- If a shooter comes inside a building or classroom:
  - Call 9-1-1 when it is safe to do so
  - Hide behind something that stops bullets
  - Fight the shooter – rush with lots of people, throw things, use improvised weapons to take the shooter to the ground

#### **Suspicious Object:**

- Do not touch or disturb object
- Call 9-1-1
- Notify your supervisor and/or building monitor
- Be prepared to evacuate
- When told to evacuate by emergency personnel, follow evacuation procedures

#### **Suspicious Person:**

- Do not physically confront the person
- Do not let anyone into a locked building or office
- Do not block the person's access to an exit
- Call 9-1-1. Provide as much information as possible about the person, direction of travel, etc.

#### **Power Outage:**

- Turn off and unplug all computers and other voltage-sensitive equipment
- For information about a prolonged outage, check with authorities, listen to radio

#### **Earthquake:**

- If indoors, stay calm, don't rush for the door
- Drop, cover, and hold on. Get under a table or desk- not in a doorway- turn away from the windows
- Protect your head and neck with your arms, close your eyes
- Keep away from objects that might fall
- After the shaking stops, check yourself and others for injuries and move towards the nearest exit. Remember that aftershocks can occur at any time.
- If outdoors, move to a clear area away from trees, poles, buildings, and wires.

#### **Wildfire:**

- Activate the nearest fire alarm and call 9-1-1
- Close windows, do not evacuate building unless safe to do so

- If building is on fire, follow evacuation procedures

#### **Building Fire:**

- Activate the nearest fire alarm
- Evacuate the building
- Call 9-1-1
- If trapped in the building, stay near floor to avoid toxic fumes, signal emergency personnel

#### **Evacuation:**

- Use the nearest exit. Do not use the elevator
- Move quickly, remain calm
- Take personal items (coat, shoes, wallet, medication, phone, etc.)
- Secure any hazardous materials
- Close door when you exit
- Go to assembly point (evacuation procedures will tell you where to go)
- Report to officials, regarding casualties, trapped victims, injuries, or hazardous conditions
- Do not leave campus until roads and bridges are safe
- Do not re-enter buildings until the fire alarm stops and until advised by safety personnel
- Check in with officials before leaving campus
- Verify that disabled persons have evacuated

#### **Timely Warnings**

Timely Warnings are provided to notify the Evergreen community of certain crimes (Clery-defined crimes and other crimes as applicable) within Evergreen's geographical jurisdiction that may represent a serious or ongoing threat to the Evergreen community. The purpose of a Timely Warning is to heighten awareness and increase safety measures for the Evergreen community.

Reports are received by Evergreen's Police Services through a variety of ways, including but not limited to: community members, Campus Security Authorities, local law enforcement, or the national weather service. Reports received by Police Services are reviewed to determine whether there is an on-going threat to the community. Each incident is assessed on an individual basis on whether to issue a Timely Warning or not. Factors that determine whether to issue a Timely Warning or not include:

- The nature of the crime
- The continuing danger to the campus community
- The timeliness of the report and the time that has passed between incident and report
- The possible risk of compromising law enforcement efforts

Timely Warnings are generally distributed for the following, but not limited to: major incidents of arson, murder/non-negligent manslaughter, and robbery. Incidents of aggravated assault and sex offenses are considered on an individual basis, depending on facts of the case and information known by Police Services.

If Police Services determine a Timely Warning may be warranted, a select group of individuals will make a determination on if a Timely Warning is justified, what to include, and who to send it to. Individuals making this determination include the Director of Police Services, Vice President of Finance and Operations, Vice Provost for Student Life, and the President of the College. Depending on the nature of the crime, others may be consulted in making a determination. Decisions on whether to issue a Timely Warning or not is based on information known at the time.

Each discussion of whether a Timely Warning should be distributed or not will be documented with justification on the determination.

Timely Warnings will generally be written and distributed by College Relations, in consultation with Police Services. In rare occasions, the Director of Police Services can, at their own discretion, issue a Timely Warning if an immediate issuance is warranted.

Timely Warnings will include general information about the incident, but will not include personally identifiable information about any victim(s) of the incident in order to maintain confidentiality of the victim. Timely Warnings may include information about the alleged suspect(s), and will include additional information about how members of the community can protect themselves and other information as applicable. The content of each Timely Warning is determined on an individual basis.

After a Timely Warning is issued, follow-up information may be provided if needed, and may include further information on the incident and/or suspect(s), or an all-clear notification.

Timely Warnings are distributed campus-wide, and generally will be issued through the college's email system to students and employees. There may be situations in which Police Services will also post fliers throughout the physical campus, or through the e2Campus emergency messaging system.

Evergreen is not required to issue a Timely Warning with respect to crimes reported to confidential employees on-campus. Confidential employees at Evergreen are staff in Student Wellness Services and the Coordinator of the Office of Sexual Violence Prevention and Response.

### Emergency Notifications

Evergreen has a responsibility to immediately notify the campus community or parts of the campus community upon confirmation of a significant emergency or dangerous situation occurring on campus that involves an immediate threat to the health or safety of students,

employees, and/or visitors. An immediate threat, as defined by the Clery Act, is an imminent or impending threat. Examples include, but are not limited to: approaching natural disaster such as a tornado or hurricane; terrorist incident; gas leak; active shooter; outbreak of serious illness; bomb threat; explosion; hazardous waste spill; unplanned college closure. If an incident is not deemed an "immediate threat," a Timely Warning may be used by Evergreen instead of an Emergency Notification.

Emergency Notifications require action by the receiver(s) of the Notification, in order to remain safe.

Information regarding an emergency situation can come from many avenues, including community reports, Campus Security Authorities, local law enforcement, weather reports, or the National Weather Service. Individuals may report an emergency through Police Services by calling 360-867-6140 or 911, in person at the Police Services Office (Seminar Building 1). Police Services staff are responsible for responding to reported emergencies and confirming the existence of an emergency, sometimes in conjunction with campus administrators, local first responders, and/or others as applicable.

Issuing an Emergency Notification will be determined by Police Services, in consultation with others as necessary. Because of the need for immediate notification, the Director of Police Services or their designee will make the determination based on the information known at the time of notification. If time allows, the Director of Police Services or their designee will consult with the Vice President for Finance and Operations, the President of the College, Vice Provost for Student Life, and/or others in Emergency Response Services. These roles, as applicable, will collaborate to determine the content of the message, the audience of the message, and how the message will be disseminated.

Emergency Notifications will be initiated and provided, without delay, immediate notifications to the appropriate segment(s) of the Evergreen community, once there is confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, employees, or visitors. Emergency Notification may not be issued if issuing a notification will, in the judgment of emergency professionals, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

Emergency Notifications will be short, direct messages that information the information needed to take action. Specific, identifiable information of the victim(s) will not be included. Emergency Notification messages will contain information on a need-to-know basis, and generally will include a follow-up message once the immediate threat has been contained. Police Services will continue to assess the situation, and additional notifications may be issued as the situation warrants.

Emergency Notifications will be sent to segments of the campus community based on the scope of the immediate threat. Not all Emergency Notifications will be sent to the entire campus community, and may be sent only to affected areas.

Emergency Notifications will generally be sent via the e2Campus Alert System. All Evergreen students and employees are encouraged to sign up to receive e2Campus Alerts via text message at <https://www.evergreen.edu/news/weatherdelays>. Additional Emergency Notification avenues may include Evergreen email, loud speaker on the Olympia campus, telephone services, banner on the Evergreen website, social media, local media, and/or in person communication. Additional information may be sent when the all-clear is given. College Relations may distribute information in a campus-wide email following the incident, on a case-by-case basis.

If there is an immediate threat to the health or safety of students, employees and/or visitors occurring on the Evergreen campus, Evergreen will follow their Emergency Notification procedures set out in this policy and in the Emergency Preparedness materials. Evergreen is not required to issue a Timely Warning AND an Emergency Notification for the same circumstances; however, Evergreen will provide timely follow-up information to the community as applicable.

### Emergency Planning and Procedures

Evergreen's Emergency Response Planning Coordinator works with the Evacuation Team and the Emergency Response Team to plan and coordinate Evergreen's emergency response and training. The Emergency Response Procedure manual is updated and housed with the Emergency Response Planning Coordinator.

### Emergency Evacuation

Evergreen has an Evacuation Team, which is comprised of at least one professional in each work unit on campus. These individuals are trained in the evacuation procedure of the building and have materials for assisting in evacuation efforts.

Each building has an emergency evacuation meeting point, which is told to all employees during their new employee orientation.

Students should learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. Evergreen does not tell residents in advance about the designated locations for long-term evacuations because those decisions are affected by time of day, location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. In both cases, Evergreen Police, Evergreen staff and/or RAD Services staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes.

Students will receive information about evacuation and shelter-in-place procedures during their first floor meetings and during other educational sessions that they can participate in throughout the year. The RAD staff members are trained in these procedures as well and act as an on-going resource for the students living in residential facilities. The Emergency Response

Team conducts announced and unannounced drills and exercises each year and conducts follow-through activities designed for assessment and evaluation of emergency plans and capabilities.

Evergreen publishes a summary of its emergency response and evacuation procedures in conjunction with at least one drill or exercise each calendar year.

## Missing Student Protocol

### Applicable Policy

In accordance with the Clery Act, The Evergreen State College works to make sure any report of a missing student is investigated appropriately. Police Services, in conjunction with RAD Services at Evergreen and the applicable law enforcement jurisdiction, will work together when notification of a missing student is brought to an official's attention. Missing student protocol applies to students that reside on-campus, and students that are not residing on-campus.

For the purpose of this policy, a "missing student" is defined as someone, regardless of age, who has an unusual absence in the College environment for a reasonable amount of time, including absence in classes, employment, or residence hall facilities. Any unusual patterns of absence in a student is cause for reporting, especially if the College determines there may be unusual circumstances regarding this absence or if there is any concern for the student's safety. A reasonable amount of time varies for each student, given their usual patterns of behavior.

Anyone who believes a student is missing should immediately report their concern to their Residence Director in RAD Services in RAD A 301, or 360-867-6132 or Police Services in Seminar Building 1 2150, or 360-867-6140. Other college officials who receive notification of a potential missing student must report this information to Police Services immediately.

Once RAD Services or Police Services receive notification of a potential missing student, the following protocol will be followed immediately. In cases where there are unusual circumstances or potential safety concerns, a student may be determined missing immediately and protocols start immediately. Otherwise, a student must be reported missing to the appropriate police agency within 24 hours of Police Services receiving the notification.

### Filing Confidential Contact

Students must designate an emergency contact and have the option of designating a confidential emergency contact in case they are considered a missing student during the housing application process. Students must apply to register to live in on-campus residence

facilities for the academic year (fall quarter through spring quarter), and then for the summer quarter. During this time, students have the ability to designate their emergency contacts.

In addition to registering an emergency contact, students residing in on-campus housing have the option to confidentially identify an individual to be their contact by The Evergreen State College in the event the student is determined to be missing for more than 24 hours. If a student has identified such an individual, Evergreen will notify that individual no later than 24 hours after the student has been determined missing. If the student has listed multiple emergency contacts, Evergreen will contact each one in the order given by the student.

This missing person contact is confidential, and will be kept separate from student's regular Emergency Contact. The only offices that have access to the missing person contacts are authorized campus officials, who can only disclose this information to law enforcement only for the purpose of a missing person investigation. This information will only be accessed once a student has been declared as missing. This person will be notified within 24 hours of notification that the student is missing.

### Procedure for On-Campus Students

If a student is reported as being missing for more than 24 hours, Resident Directors in RAD Services will contact Police Services, and report the missing student to the Resident Director back-up.

The Evergreen State College Police Services will generate a missing person report and initiate an on-campus investigation. The Resident Director and any Police Officer may complete the following as a part of their investigation:

- Attempt to call the student's cell phone listed in the College's records
- Key into the student's residence hall room with a Police Officer to confirm the student is not in the room. While in the room, notice any clues including personal items in the room, or other clues regarding where the student may be
- Check the student's Emergency Missing Contact, and call to see if that listed individual has any information
- Check with suitemates/roommates/Resident Assistants to see when was the last time they saw the missing student, and if they have any information
- Send an email to the student letting them know they have been reported as missing
- Check car registrations and if the missing student has a car registered to them, investigate if the car is on campus
- Check social media as applicable to determine if there is anything of note on the missing student's account(s)
- Check jail rosters in the local jurisdictions

If The Evergreen State College Police Services determine that the student is still missing and has been missing for 24 hours since the initial notification, Police Services will notify the police

agency with jurisdiction and the student's emergency contact (or designated emergency contact for missing person). If the missing student is under the age of 18 and is not an emancipated individual, an Evergreen official must notify the student's parent or legal guardian at this time as well.

Police Services will determine, based on the procedures of a Timely Warning and/or Emergency Notification, if a campus alert should be issued.

### Procedure for Off-Campus Students

If a person is reported to Police Services as missing and lives off-campus, Evergreen Police Services will determine the police agency of jurisdiction and notify them immediately. All possible efforts are made to locate the student to determine the student's health and well-being through collaboration with the police agency of jurisdiction.

Evergreen officials, in conjunction with Police Services and the police agency of jurisdiction will endeavor to determine the student's whereabouts through contact with friends, associates, and/or employers and faculty members of the student. Any information available will be reported to the police agency of jurisdiction.

If the student is not located through the above means, notification of the family of an off-campus student is coordinated with the police agency. Evergreen's Police Services will cooperate, aid and assist the policy agency in all ways prescribed by law. Police Services are an active participant in the exchange of mutual aid agreements between local law enforcement agencies and other law enforcement agencies throughout the state.

**If Located:** If a missing student is located, verification of the student's state of health and their intention of returning to campus is made. When and where appropriate if the need is determined, a referral will be made to Student Wellness Services and other Evergreen services as applicable.



# Safety and Access to Campus Facilities

## Access to Campus Facilities

The Evergreen State College Facilities Department maintains oversight and maintenance of all lock systems including electronic card access. Facilities and the College Key Shop will work with individual departments to create departmental access for each individual department's needs.

All buildings are checked periodically throughout the night by The Evergreen State College Police Officers. Once facilities are locked, only authorized personnel with assigned key access may lawfully enter. In the event that a campus facility, including a residence hall, is under maintenance or construction, the contractor of the project is required by the college to provide security for the facility.

During the COVID-19 pandemic, some residence hall facilities, academic and administrative buildings have been closed due to the campus's remote environment. Only approved personnel have access to the applicable buildings, and Facilities has been coordinating access and cleaning. Evergreen has been in a remote environment since March 2020, and continued with a remote and limited hybrid model until September 2021. At that time, Evergreen started operating on a hybrid model.

**Academic and Administrative Buildings:** Academic and Administrative buildings are open and accessible during business hours, on schedules that vary by building. Some of the building locks are controlled automatically through the Access Control Systems, and some are locked manually.

**Residence Halls:** All exterior doors of the residence halls lock. Residents are responsible for protecting building security by ensuring exterior doors are locked each time they enter or exit a building. Residents are prohibited from propping or leaving any exterior building, apartment, or unit exterior door open. Residents are responsible for locking their individual bedroom doors. For safety and security reasons, if a RAD staff member finds a bedroom door unlocked during inspections, maintenance, etc., the door will be locked. All doors should be unobstructed and able to be opened freely for egress in the event of an emergency. Altering door safety closures or locks is prohibited. Tampering or interfering with the operation of security systems or door locks is prohibited.

**Facilities Maintenance:** Campus security systems, including lighting, alarms, locks and emergency phone stanchions are actively checked and maintained. Evergreen Police Services actively address identified safety issues, such as lighting, traffic, and pedestrian safety, as well as ensuring that routine testing is performed on electronic safety/security systems. Facilities Maintenance personnel conduct periodic checks of the campus and surrounding areas to identify and address safety concerns.

## Off-Campus Buildings

Evergreen does not have any officially recognized organizations that have housing facilities “off-campus” meaning in non-campus facilities. Students may reside in housing off-campus that are close to the Evergreen campus, and the Evergreen Police may patrol the area as required, in cooperation with Thurston County Police.

# Study Abroad and International Programs

## Evergreen Programs

Each academic year, Evergreen offers several study abroad programs led by Evergreen faculty. These programs are one, two, or three quarters, and students must apply for specific study abroad programs.

During the Spring 2020 academic quarter, Evergreen study abroad trips were cancelled due to COVID-19, and study abroad trips did not occur during the 2020-2021 academic year. Limited opportunities for Study Abroad are available starting in the 2021-2022 academic year.

## Applicable Clery Ramifications

Study Abroad trips and field trips in which Evergreen controls the content and there is an Evergreen faculty member traveling with the students for educational purposes, these locations fit within the non-campus Clery geography. Additionally, faculty members who take students on these Study Abroad programs are considered Campus Security Authorities at Evergreen.

## Training

All faculty members who are taking students on an international or domestic program must attend in-person, interactive training hosted by Evergreen’s International Programs office. This training also includes presentations from Title IX, Student Conduct, and others. During these in-person (or virtual) trainings, the Title IX Coordinator outlines the responsibilities of a CSA, and these faculty members must take the designated CSA Training. This is facilitated by the Clery Compliance Officer each year, in conjunction with the International Studies office.

## Fire Safety Report

The Evergreen State College promotes fire safety in a variety of ways including both formal training sessions and through dissemination of fire safety information to students and employees. The focus of training and education efforts is first to prevent fires by emphasizing personal diligence and individual responsibility. The second goal is to prepare students and employees to respond quickly and effectively when a fire is suspected or certain.

In compliance with provisions of federal law, The Evergreen State College is required to make reports available to the campus community and to prospective students and their parents pertaining to fire safety. Institutions maintaining on-campus student housing facilities must collect fire statistics and publish an annual fire safety report, and keep a fire log available for review. The fire log includes information about fires that occur in residential facilities, including the nature, date, time and general location.

## Fire Statistics 2018-2020

Fire Statistics – 2020							
Building	# Fires	Date	Time	Cause	Deaths	Injury	Property Damage
A	0						
B	0						
C	0						
D	0						
E	0						
F	0						
G	0						
H	0						
I	0						
J	0						
K	0						
L	0						
M	0						
N	0						
P	0						
Q	0						
R	0						
S	0						
T	0						
U	0						
Mod 301	0						
Mod 302	0						
Mod 303	0						
Mod 304	0						
Mod 305	0						
Mod 306	0						
Mod 307	0						
Mod 308	0						
Mod 309	0						
Mod 311	0						
Mod 312	0						
Mod 313	0						
Mod 314	0						
Mod 315	0						
Mod 316	0						
Mod 317	0						
Mod 318	0						
Mod 319	0						

**Fire Statistics – 2019**

Building	# Fires	Date	Time	Cause	Deaths	Injury	Property Damage
A	0						
B	0						
C	0						
D	0						
E	0						
F	0						
G	0						
H	0						
I	0						
J	0						
K	0						
L	0						
M	0						
N	0						
P	0						
Q	0						
R	0						
S	0						
T	0						
U	0						
Mod 301	Vacant – 0						
Mod 302	Vacant – 0						
Mod 303	Vacant – 0						
Mod 304	Vacant – 0						
Mod 305	Vacant – 0						
Mod 306	Vacant – 0						
Mod 307	Vacant – 0						
Mod 308	Vacant – 0						
Mod 309	Vacant – 0						
Mod 311	Vacant – 0						
Mod 312	Vacant – 0						
Mod 313	Vacant – 0						
Mod 314	Vacant – 0						
Mod 315	Vacant – 0						
Mod 316	Vacant – 0						
Mod 317	Vacant – 0						
Mod 318	Vacant – 0						
Mod 319	Vacant – 0						

**Fire Statistics – 2018**

Building	# Fires	Date	Time	Cause	Deaths	Injury	Property Damage
A	0						
B	0						
C	0						
D	0						
E	0						
F	0						
G	0						
H	0						
I	0						
J	0						
K	0						
L	0						
M	0						
N	1	6/12/2018	1340	Cooking	0	0	\$50
P	0						
Q	0						
R	0						
S	0						
T	0						
U	0						
Mod 301	Vacant – 0						
Mod 302	Vacant – 0						
Mod 303	Vacant – 0						
Mod 304	Vacant – 0						
Mod 305	Vacant – 0						
Mod 306	Vacant – 0						
Mod 307	0						
Mod 308	0						
Mod 309	0						
Mod 311	Vacant – 0						
Mod 312	Vacant – 0						
Mod 313	Vacant – 0						
Mod 314	Vacant – 0						
Mod 315	Vacant – 0						
Mod 316	Vacant – 0						
Mod 317	Vacant – 0						
Mod 318	Vacant – 0						
Mod 319	Vacant – 0						

## Fire Safety in Buildings

**Safety Equipment:** The following table shows the type of fire safety equipment in each residence hall building.

Building	Sprinkler	Detection	Alarm	Extinguishers	Pull Stations
Res A	Wet, full coverage	Hardwired, local smoke w/isolated thermal; system smoke and system thermal	Edwards EST-3, addressable, reports to Police Services and McLane Fire	14 total: 1 per floor in main corridor; 2 in office; 2 in mechanical room	1 per building at the fire panel
Res B, C, D	Wet, full coverage	Hardwired, local smoke w/isolated thermal; system smoke and system thermal	Edwards EST-3, addressable, reports to Police Services and McLane Fire	5 per building: 1 on each floor in main corridor	1 per building at fire panel
Res E – U	None	Hardwired, local smoke w/isolated thermal; system smoke and system thermal	Edwards EST-3, addressable, reports to Police Services and McLane Fire	1 per apartment	1 per apartment; 1 building exterior; 2 additional at F, H and R
Mods (18 buildings)	None	Hardwired, local smoke w/isolated thermal; system smoke and system thermal	Edwards EST-3, addressable, reports to Police Services and McLane Fire	1 per apartment	1 per apartment

**Checks:** All fire equipment is checked regularly, and maintained through Evergreen facilities department.

### Reporting of Fire

If a fire is seen or there is suspicion to believe a fire is occurring, call 911 immediately, and evacuate the building.

### Fire Prevention Efforts

**Residence Hall Fire Safety Policy:** RAD Services has created a Fire Safety policy for all residential students living in the residential facilities. All residents agree to abide by the following policies:

- Fire Safety: No open flames (candles, kerosene lamps, etc.) or incendiary devices are permitted. Smoking is not allowed anywhere in student housing. Candles and incense may be approved on a case by case basis.

Neglecting appliances (including cooking appliances) while in use is extremely dangerous and therefore prohibited.

Prohibited items in a resident's apartment/unit include but are not limited to:

- Halogen bulbs and lamps
- Space heaters that do not meet the following specifications:
  - Electric with an adjustable thermostat
  - Over-heat protection
  - Tip-over protection
  - An intact power cord and plug
  - A handle or hand holds for carrying
- Kilns
- Gas grills
- Air conditioning units
- Camp stoves
- Hot plates
- Toaster ovens

No fabric or tapestries may be hung over heaters, on lights, or across ceilings. Hanging anything from fire system sprinklers or pipes is prohibited.

Furniture, clothing and other belongings should not be in close proximity to any heating unit.

Tangled electrical cords and/or overloaded power strips can cause fire and are therefore prohibited.

Hallways must be kept clear at all times. Playing sports or games including but not limited to Frisbee or flying discs, golf, soccer, field hockey, in-line skating, bicycling or skateboarding indoors is prohibited.

Intentionally sounding a false alarm is prohibited; this includes but is not limited to initiating or causing to be initiated a false alarm, warning, or threat, such as that of fire, explosion, or emergency that intentionally provokes a false emergency response. The improper use of, disabling, or obstructing the use of safety equipment including smoke detectors, fire alarms, fire extinguishers and emergency signs is likewise prohibited.

- Decorations: Decorations that do not alter or damage, do not present a fire hazard within, and do not prevent egress from an apartment/unit are permitted.



Permitted decorations include: artificial, nonmetallic trees; living potted trees and plants; and decorative lighting that is Underwriter Laboratories, Inc. (UL) approved and in good condition.

Prohibited decorations include but are not limited to: decorations attached to or in contact with building pipes, heaters, ceilings, smoke detectors, and other fire and life safety equipment; decorations that obstruct any walkway, hallway, stairwell, door or any part of the premises and grounds; equipment that would interfere with or damage any building surface or require removing/altering doors or windows; lighting that is not UL approved and/or is in poor condition.

- **Candles:** The possession or burning of candles is prohibited, except if approved in writing by a Resident Director for religious ceremonies or spiritual purposes. If approved to burn candles, the candles must be attended at all times and extinguished as soon as the ceremony is over. Residents will be billed for any damage from candles. Candles found in violation of this policy may be confiscated by a RAD staff member and may be returned to the resident on their next trip to their off-campus residence.
- **Incense:** The burning of incense is prohibited, except if approved in writing by a Resident Director for religious ceremonies or spiritual practices. You will be billed for any damage from incense. Incense found in violation of this policy may be confiscated by a RAD staff member.
- **Cooking Equipment:** The following UL approved cooking equipment is allowed in housing: hot water pots, coffee makers, microwaves, toasters, blenders, popcorn makers, indoor grills, slow cookers, rice cookers, waffle makers, and small individual refrigerators.

The following items are prohibited in housing: gas/propane grills, camp stoves, hot plates, and toaster ovens. Cooking equipment that is not listed here must be approved in writing by the Director of Residential Life or their designee.

Cooking equipment that is found in violation of this policy may be confiscated by a RAD staff member.

- **Electrical Equipment:** Residents may have the following UL approved electrical equipment in their apartment/unit: computers; printers; video and gaming equipment; sound equipment and musical instruments; lamps; fans; approved cooking equipment; and space heaters that meet the following specifications: electric with an adjustable thermostat, over-heat protection, tip-over protection, an intact power cord and plug, a handle or hand holds for carrying. Residents must receive written approval from the Director of Residential and Dining Services or designee for other electrical equipment.

Electrical equipment that is not UL approved is prohibited, including but not limited to: halogen bulbs and lamps; space heaters not meeting the specifications outlined herein; air conditioning units; and kilns. Residents are responsible for properly disposing of their electrical equipment upon move-out, and may be charged for improperly disposed of items.

- **Smoking:** Smoking is prohibited in all College buildings including student housing per the campus No Smoking Policy. Residents may smoke only in designated outdoor smoking areas on the College's campus. "Smoking" as used in this policy, refers to the inhaling, exhaling, burning or carrying of any lighted smoking or activated vapor equipment including cigarettes, electronic cigarettes, cigars, or pipes. A service charge will be assessed to cover the costs of cleaning and repairs in units/suites/apartments due to damage from smoking. Two public outdoor smoking areas are located within the proximity of housing: the main one is located behind the Housing Community Center (HCC). The designated smoking area located in Modular housing closes during residential quiet hours; the designated smoking area located behind the HCC is open 24-hours and students must abide by the "Noise and Quiet Hours" policy.
- **Fire Alarms:** All residents and guests of student housing must observe and comply with Evergreen's building evacuation procedures set forth in TESC's Building Evacuation Plan. This requires, among other things, that all residents and guests immediately evacuate a building whenever a fire alarm is activated and go to the designated evacuation location for student housing.

When an individual room's smoke detector is activated and there is no fire or other emergency, the occupants of the room are required to immediately call the campus Police Services' non-emergency number, 360-867-6832, to report the issue. A staff member from RAD facilities and/or fire personnel will respond. If a smoke detector is triggered as a result of a fire or other emergency, the building fire alarm should be activated and all residents and guests must immediately evacuate the building as set forth above. The resident should then call 911 to report the fire or emergency.

- **Smoke Detectors:** Tampering with, disabling, bagging or otherwise impacting the effectiveness of the smoke alarms is prohibited per the International Fire Code regulation 902.8 and Thurston County Fire Code 14.32.120.

**Fire Drills:** There are two fire drills per academic year, typically in fall and winter quarters.

**Evacuation Procedures and Publications:** Each residential student receives an email in the Fall of each academic year with evacuation procedures and information on fire safety. The

evacuation procedure, as written in the RAD Services safety protocol, is below. Fire drills are conducted quarterly by Fire Systems at Evergreen in the residence halls.

In case of a fire, remain calm. Never re-enter a burning building to save your personal possessions. If you discover or suspect a fire, pull a fire alarm and leave the building by the nearest exit. While exiting, attempt to warn your neighbors by banging on doors that you pass.

When an alarm, a shouted warning, or the sensation of smoke or fire has alerted you:

1. Keep low to the floor to avoid smoke. Unless smoke is present, close windows.
2. Feel the door before opening it. If it's hot, don't open it. If it isn't hot, open the door carefully. 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.). Call 911 and report that you are trapped. Be sure to give them your location. If the phone doesn't work, hang a sheet, jacket, etc., out of the window to attract attention.
3. If the hall is free of smoke or heat, close and lock your door and exit immediately by the closest stairwell. Do not use an elevator! If the nearest exit is blocked, go to another exit.
4. If all exits are blocked, go back to your room. Close the door, hang something out of your window, and signal for help.
5. Move quickly in a crouched position when escaping through a smoke-filled corridor. Place a wet cloth over your face and head.
6. Once outside the building, move away from the building and watch for vehicle traffic.
7. Do not re-enter the building until you have been given the OK by police, fire officials, or the hall staff. The silencing of the alarm does not indicate the building is safe to re-enter.

## APPENDIX A: Clery Act Definitions

There are four distinct categories of crimes reportable by Clery. These crime categories and the following crime definitions are used by Evergreen to determine whether any report is counted in the Clery Crime statistics. Note that crimes are categorized based on the initial report. Definitions of each crime are provided by the Federal Bureau of Investigation's Uniform Crime Reporting Program.

### Criminal Offenses (Primary Crimes)

**Murder and Non-Negligent Manslaughter:** the willful (non-negligent) killing of one human being by another

**Manslaughter by Negligence:** the killing of another person through gross negligence

**Sexual Assault (sex offenses):** Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent

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

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

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

**Statutory Rape:** sexual intercourse with a person who is under the statutory age of consent

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

**Aggravated Assault:** an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm

**Burglary:** the unlawful entry of a structure to commit a felony or a theft

**Motor Vehicle Theft:** the theft or attempted theft of a motor vehicle

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

## Hate Crimes

A Hate Crime is defined as a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Clery requires reporting on the following eight bias categories:

- Race: a preformed negative attitude toward a group of persons who possess common physical characteristics, e.g. color of skin, eyes, and/or hair; facial features, etc. genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind
- Religion: a preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being
- Sexual Orientation: a preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation
- Gender: a preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender
- Gender Identity: a preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity
- Ethnicity: a performed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture and/or ideology that stresses common ancestry
- National Origin: a preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth
- Disability: a performed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness

Hate crimes include any of the following offenses that are motivated by bias:

- Murder and non-negligent manslaughter
- Sexual assault
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Larceny-Theft: the unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another
- Simple Assault: an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated

bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness

- Intimidation: to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack
- Destruction/Damage/Vandalism of Property: to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it

### Arrests and Referrals for Disciplinary Action

Evergreen's Annual Security Report will include statistics of the number of arrests and the number of individuals referred to Student Rights and Responsibilities at Evergreen for the following three violations:

- Weapons
- Drug Abuse
- Liquor Law Violations

The Evergreen State College defines these in the Student Code of Rights and Responsibilities and Washington State Codes in the following way:

**Weapons: WAC 174-136-043:** According to the Evergreen State College Firearms and Weapons policy, members of the Evergreen State College community, including faculty, staff and students, as well as visitors to either of the Evergreen campuses, are prohibited from possessing firearms, explosives, weapons, or any item that may be construed as such, on the premises of the or in any building under the College's control, whether or not a federal or state license to possess the same has been issued to the possessor.

1. Possession, display, storage, wearing, or use of firearms, explosives (including fireworks), dangerous chemicals or other weapons are prohibited on the college campus, college-owned property, college approved housing, and at college sponsored events, unless prior written approval has been obtained consistent with subsection (6) of this section.
2. Firearm means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder, whether loaded or unloaded.
3. Weapon includes, but is not limited to:
  - a. Any weapon that it is unlawful to possess under Washington law including, but not limited to, slingshot, sand club, metal knuckles, or spring blade knife;
  - b. Stun guns, electroshock weapons, longbows, hunting bows, throwing weapons, air guns, pellet guns, paint ball guns, or other pneumatic propellant;
  - c. Any other object or instrument apparently capable of producing bodily harm that is carried, exhibited, displayed or drawn in a manner, under

circumstances, and at a time and place that manifests an intent to intimidate another or that warrants alarm for the safety of other persons including, but not limited to, daggers, swords, weapon replicas, knives or other cutting or stabbing instruments with blades longer than three inches, clubs, or bats.

4. Possession of a valid concealed pistol license authorized by the state of Washington is not an exemption under this section. However, nothing in this section shall prevent an individual holding a valid concealed pistol license from securing their pistol in a vehicle as authorized under RCW 9.41.050, provided the vehicle is locked and the weapon is concealed from view; or securing their pistol with The Evergreen State College Police Services under subsection (6) of this section.
5. Individuals authorized to carry firearms or other weapons on the college campus, college-owned property, college approved housing, and at college sponsored events include, but are not limited to:
  - a. Bank-related security personnel required by their office to carry such firearms or weapons;
  - b. Duly appointed and commissioned law enforcement officers in the state of Washington, or commissioned by agencies of the United States government while on duty and engaged in their regular duties. A law enforcement agent must notify Evergreen Police Services of their presence on campus on arrival.
6. Individuals seeking to bring a firearm or other weapon onto campus, college-owned property or a college sponsored event for display or demonstration purposes directly related to a legitimate pedagogical and/or other authorized or educational activity, must obtain prior written authorization from Evergreen Police Services, or any other person designated by the President of the College. Evergreen Police Services, or their authorized designees, will review any such request and, if it is granted, may establish conditions to the authorization. If the request is denied, the requestor will be informed of the available appeal process, if any.

Other than individuals referenced in subsection (5) of this section, individuals who bring firearms or other weapons to campus must immediately place the firearms or weapons in the college provided storage facility. The storage facility is located at Evergreen Police Services.

**Alcohol, drug and tobacco violations: WAC 174-123-170 (2a):**

1. Alcohol. The use, possession, delivery, sale, manufacture, or being observably under the influence of any alcoholic beverage, except as permitted by law and applicable college policies.
2. Cannabis. The use, possession, delivery, or sale of cannabis or the psychoactive compounds found in cannabis, regardless of form, or being observably under the influence of cannabis or the psychoactive compounds found in cannabis. Cannabis use and possession is illegal under federal law and the college is required to prohibit the

possession, use and distribution of illicit drugs, including cannabis, as a condition of receiving federal funding.

3. Drugs. The use, possession, delivery, sale, manufacture, or being observably under the influence of any mood altering drug, or any other controlled substance under chapter 69.50 RCW, except as prescribed for a student's use by a licensed practitioner.

## Violence Against Women Act Offenses

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

*Washington State law defines dating violence as a type of domestic violence. The definition of family or household members under Washington law includes those who have been or are in a dating relationship. A dating relationship is "a social relationship of a romantic nature." Factors that the court may consider in making this determination include: the length of time the relationship has existed; the nature of the relationship; the frequency of interaction between the parties. RCW 10.99.020(3), (4); 26.50.010(3), (6).*

**Domestic Violence:** a felony or misdemeanor crime of violence committed:

- By a current or former spouse or intimate partner of the victim;
- 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 or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred

*Under Washington State law the crime of domestic violence is defined in RCW 10.99.020(5) as including but not limited to any of the following crimes when committed by one family or household member against another: assault in the first degree, assault in the second degree, assault in the third degree, assault in the fourth degree, drive-by shooting, reckless endangerment, coercion, burglary in the first degree, burglary in the second degree, criminal trespass in the first degree, criminal trespass in the second degree, malicious mischief in the first degree, malicious mischief in the second degree, malicious mischief in the third degree, kidnapping in the first degree, kidnapping in the second*



*degree, unlawful imprisonment, violation of the provisions of a restraining order or no contact order, rape in the first degree, rape in the second degree, residential burglary, stalking, and interference with the reporting of domestic violence.*

**Stalking:** engaging in a course of conduct directed at a specific person that would cause a reasonable person to: fear for the person's safety or the safety of others; or suffer substantial emotional distress. For the purposes of this definition, a course of conduct means two or more acts, including but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property

### Hierarchy Rules

When an incident has multiple offenses, the FBI UCR uses the hierarchy rule, in which the most serious offense is counted. From top to bottom, the FBI lists the following as most serious:

- Murder and Non-negligent manslaughter
- Manslaughter by Negligence
- Sexual Assault
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft

Exceptions to the hierarchy rule apply to offenses of arson, sexual assaults, hate crimes and VAWA crimes. These categories should be counted in addition to the primary crimes.

## APPENDIX B: STUDENT CODE GRIEVANCE PROCESSES

WAC Code of Student Rights and Responsibilities, Chapter 174-123, outlines grievance procedures for students that may have violated the Code, including weapons violations, alcohol violations, drug violations, and sexual misconduct violations. The following procedures can be found in the 2021 Code of Student Rights and Responsibilities at [www.evergreen.edu/studentaffairs/student-conduct](http://www.evergreen.edu/studentaffairs/student-conduct).

### **SUBMITTING A COMPLAINT (WAC 174-123-190)**

1. Any person may submit a complaint alleging a violation of the code. A complaint may be submitted through the online report form, or to a college official who is able to take action. This includes, but is not limited to, the student conduct officials, the Title IX officials, residential life staff, police services, or to the senior college official. Individuals may choose not to submit a report to police services alleging a violation of the code. A complaint should be submitted as soon as possible after the event has taken place. A group of people may make an initial complaint collectively.
2. The senior student conduct official, or designee, will be responsible for addressing alleged violations of the code. If there is a question about who should be responsible for addressing a complaint, the senior college official, or designee, will assign responsibility for handling the complaint and if necessary, serve as a student conduct official.
3. A complainant or respondent may request, in writing to the senior college official or designee, to have a complaint addressed by an alternate student conduct official if a bias, prejudice, or conflict of interest is identified. The senior college official or designee will have the final authority to determine the appropriate student conduct official to assign in this case.
4. Based on the complaint, the senior student conduct official or designee will conduct an initial review of the complaint to determine jurisdiction and if there is clear information to indicate a possible violation of the code in order to determine next steps. The senior student conduct official or designee may elect to initiate a conduct conference, attempt to gather additional information to make a determination, or close the complaint without any further action. If the complaint is closed without any further action by the senior conduct official or designee, the parties may be referred for additional resources.

### **INITIATING A CONDUCT CONFERENCE (WAC 174-123-210)**

A conduct conference is a meeting or a series of meetings, held between a respondent and a student conduct official. The student conduct official will explain to the respondent the process for addressing complaints under the code, advise the respondent of their rights and responsibilities, and review with the respondent the complaint and alleged violation(s) of the code.

1. The respondent will meet with the student conduct official for a conduct conference as directed in a written notice. The notice will briefly describe the allegations and the provision(s) of the code the respondent is alleged to have violated. The notice will direct the respondent to schedule a conduct conference or direct the respondent to attend a conduct conference at a specific time and location. At the conduct conference, the student conduct official will present the allegations to the respondent and the respondent will be afforded an opportunity to explain what occurred. If the respondent fails to attend the conduct conference, a determination of responsibility and required resolution and sanction(s) may be determined in the respondent's absence.
2. If there is more than one respondent involved in the complaint, the student conduct official, at their discretion, may conduct the conferences concerning each respondent either separately or jointly.
3. In addition to information sought from the respondent regarding the allegations, the student conduct official may seek additional information from other persons with information relevant to the investigation of the complaint.

#### **INFORMAL RESOLUTION AND AGREEMENT OF ACCOUNTABILITY (WAC 174-123-220)**

The student conduct official will attempt to resolve a complaint informally using an agreement of accountability. If a complaint is not resolved using an agreement of accountability, the student conduct official will resolve the complaint by issuing a determination of responsibility and required resolution and sanction(s) as described in WAC 174-123-230.

1. The student conduct official may work with any respondent who acknowledges responsibility for engaging in prohibited conduct to identify the resolution and sanction(s). If an agreement is reached, the resolution and sanction(s) will be contained in a written agreement of accountability signed by both the respondent and the student conduct official.
2. A respondent who enters into an agreement of accountability will comply with the resolution and sanction(s) set forth in the agreement and will have no further right of appeal under the code. A respondent's failure to comply with an agreement of accountability may be the basis for a separate violation of misconduct under the code. A separate violation will be addressed using a conduct hold and/or initiating a conduct conference as described in WAC 172-123-210. The conduct hold will remain in effect until such time that the student satisfactorily completes all of the requirements of the agreement of accountability. If a complaint alleges non-Title IX sexual misconduct or assault, the informal resolution and agreement of accountability will not be used and a notice of determination of responsibility and required resolution and sanctions process (WAC 174-123-230) is used.
3. A restorative practice process may be a component of an agreement of accountability in cases where the student has taken responsibility for their actions

and a violation of the code. An agreement may be entered into as part of an agreement of accountability that the student is choosing to voluntarily participate in a restorative practice process. A restorative practice is intended to provide resolution and restoration for those negatively impacted by the code violation, as well as, give the respondent an opportunity to make the situation as right as possible.

### **NOTICE OF DETERMINATION OF RESPONSIBILITY AND REQUIRED RESOLUTION AND SANCTIONS (WAC 174-123-230)**

1. If a complainant is not resolved by entering into an agreement of accountability, the student conduct official will issue a determination of responsibility based on a preponderance of the evidence standard. Preponderance of the evidence standard means it is more likely than not that the information and evidence shows that an alleged policy violation did or did not occur.
2. The student conduct official may take any of the following actions:
  - a. Determine the respondent is not responsible for violating the code and end the conduct proceedings.
  - b. Determine the available information is inconclusive at this time. The student conduct official may revisit the determination if additional relevant information becomes available.
  - c. Determine the respondent is responsible for violating the code and issue required resolution(s) and sanction(s) as described in WAC 174-123-240.
3. The determination of responsibility will identify the specific conduct that has violated the code. The required resolution and sanction(s) will state the tasks or actions, and associated deadlines, the respondent must execute to address violations of the code.
4. The student conduct official's determination of responsibility and required resolution and sanction(s) will be final unless the respondent files a timely appeal to the senior college official. If a complaint alleges assault, non-Title IX sexual misconduct or Title IX Sexual Harassment, the complainant is to be informed of the final determination and any required resolution and sanction imposed against the respondent and may file a timely appeal to the senior college official.

### **RESOLUTION AND SANCTIONS (WAC 174-123-240)**

The following resolution and sanctions may be agreed to by, or required of, a respondent found to have violated the code. More than one resolution and sanction may be imposed for any single violation. Resolution and sanctions are based on the unique aspect of each situation and take into consideration the context and seriousness of the violation. In determining the resolution and sanctions, the student conduct official, the student conduct officer, or any appeal officer or panel, will consider history, patterns, and frequency of misconduct; severity and level of impact on the community; and a student's motivation and response to the allegations.

1. Written warning: This is a written notice that the student has violated one or more terms of this code and that continuation of the same or similar behavior may result in further sanctions.
2. Probation: A student will be on special status with conditions imposed for a defined period of time and includes the probability of more severe required resolution and sanctions if the student is found to violate the code during the probationary period.
3. Suspension: Separation of the student from the college for a specified period of time, after which the student is eligible to return, provided that the student has complied with all conditions imposed as part of the suspension and the student is otherwise qualified for enrollment.
4. Expulsion: Permanent separation of the student from the college with a notation on the student's transcript. This includes revocation of all rights and privileges of membership in the college community and exclusion from college activities, classes, and programs and college-owned or controlled facilities and property without any possibility of return. There will be no refund of tuition or fees for the quarter in which the sanction takes effect.
5. Deferred action: Deferred action is most commonly applied to college suspension or expulsion, and college housing suspension or eviction. Deferred action may be applied to other sanctions with conditions stated that outline when the sanction will no longer be in a deferred status. Deferred action is a special status issued for a defined period of time in which the student must complete required resolutions and sanctions that are not included in the deferred status. If the student does not complete the required resolutions and sanctions or is found in violation of the code during the time period, the deferred action will take effect immediately without further review. This deferred action will be in addition to any required resolutions or sanctions arising from the new violation.
6. Educational actions: The college may require the student to complete an educational activity or experience directly related to the violation committed, at the student's expense. This includes, but is not limited to, work assignments, essays, completion of a workshop or training, restorative practice, or service to the college community.
7. Emergency contact or parental notification: In cases of suspension, expulsion, or significant health and safety concerns, the parent or emergency contact may be contacted to inform them of the suspension, expulsion, or health and safety concern.
8. Professional evaluation: Referral for drug, alcohol, psychological, or medical evaluation by an appropriately certified or licensed professional may be required. The student may choose the professional within the scope of practice and having the professional credentials specified by the college. The student will sign all necessary releases:
  - a. To allow the college to provide the evaluator with all educational and other records in the student's college files; and
  - b. To allow the evaluator to provide the college with the evaluator's notes and file materials, including the results of tests, assessments, and report. The student's

return to college may be conditioned upon compliance with recommendations set forth in such a professional evaluation. If the evaluation indicates that the student is not capable of functioning within the college community, the student will remain suspended until further evaluation recommends that the student is capable of reentering the college and complying with the rules of conduct.

9. Loss of privileges: This may include, but is not limited to, the following restrictions:
  - a. Attend college-sponsored activities or events;
  - b. Hold an office or leadership position in any recognized organization or hold any elected or appointed office of the college;
  - c. Limited access or restriction from college premises;
  - d. Participate in co-curricular activities;
  - e. Participate in study abroad programs or field work;
  - f. Represent the college to anyone outside the college community in any way, including representing the college at any official function, or any forms of intercollege competition or representation;
  - g. Student employment;
  - h. Reside or be present in college housing;
  - i. Use of college equipment.
10. No contact order: An order directing a student to have no contact with a specified member of the college community, visitor, or particular college facility. The order may include, but is not limited to, directives with regard to path of travel, parking, arrival on campus, or specified times for use of campus resources.
11. College housing suspension: Separation of the student from the residence halls for a defined period of time that includes being barred from college housing, after which the student is eligible to return. Conditions allowing for a student to return to college housing may be specified in the suspension.
12. College housing eviction: Permanent separation of the student from college housing that includes being barred from college housing.
13. Restitution: Reimbursement for loss or damage, to property or for injury to persons. This may take the form of appropriate service, monetary or material replacement, or a combination of both.
14. Conduct hold: A measure restricting release of a student's transcript, diploma(s), or other records; and access to registration prohibiting registration for any program or course.
15. Withholding admission or degree: The withholding of admission to, or the withholding of a degree awarded from, the college for a specified amount of time. Withholding of a degree will be noted on the student's academic record.
16. Revocation of admission: The revocation of admission to the college. The denial of admission to the college may occur after admission and prior to initial enrollment.
17. Revocation of degree: The revocation of a degree from the college may be a sanction in those cases in which egregious academic dishonesty is discovered subsequent to a

student's graduation. Degree revocation must be approved by the board of trustees and will be noted on the student's academic record.

### **PROCEDURAL REVIEW COMPLAINT (WAC 174-123-250)**

A procedural review complaint may be used to resolve any student complaint related to a current process in which a determination has not been issued regarding the alleged violations of the code.

A procedural review complaint is a student's formal complaint concerning the application of policy, a procedural concern, or a condition in which a student believes the current process has been impacted. This complaint may include, but is not limited to, the inappropriate application of a policy, the process, or procedures not followed appropriately in the process, or other concerns related to the process.

It is recommended that a student first discuss their concerns with the student conduct official responsible for the process prior to filing a complaint.

No disciplinary or other unfavorable action may be taken against any student or anyone who may support or advise a student using these procedures. A student wishing to report the actions of another student cannot use this process and is to be referred to the submitting a complaint section of WAC 174-123-190.

#### **1. Making a procedural review complaint:**

- a. A student with a procedural review complaint will report their concern in writing to the senior college official. While only one complaint may be made in the course of a proceeding, a complaint may address multiple concerns. A designated staff member will be assigned as the procedural review coordinator (coordinator) and the current code process that is the subject of the procedural review complaint will be put on administrative hold until the resolution of the complaint, except in the filing of a procedural review complaint will not cause any interim measures to be put on hold or halt the implementation of any interim measures.
- b. The coordinator will discuss the concern with the student. If the student has not already discussed the concern with the student conduct official, the coordinator may refer the student to the student conduct official.
- c. If the student elects to not discuss their concern with the student conduct official, or the procedural review complaint is not referred to or resolved by the student conduct official, the student will submit their concern as a written complaint to the coordinator. The written complaint should contain a complete and specific account of the student's complaint, including the policies, practices, procedures, or the condition complained of, with written evidence attached, and stating the remedy the student seeks.

#### **2. Resolution of procedural review complaint:**

- a. The coordinator will investigate the student's written complaint by gathering information from the involved people named by the student as well as from others as necessary. The coordinator may ask those named to respond to the student's complaint in writing.
- b. The coordinator will make recommendations based on information presented in an effort to resolve the procedural review complaint. The student will be notified of the recommendations within five business days of the close of the investigation.
- c. Any recommendations by the coordinator will be instituted by the senior student conduct official or designee at the resumption of the process.

#### **FILING OF APPEAL (WAC 174-123-260)**

1. A respondent may appeal a student conduct official's determination of responsibility and required resolution and sanction(s) by filing a written notice of appeal to the senior college official within ten calendar days of service of the student conduct official's determination. Failure to file a notice of appeal within the time period constitutes the waiver of the right to appeal and the student conduct official's determination of responsibility and required resolution and sanction(s) will be final.
2. The student filing the notice of appeal must include a brief statement explaining why they are seeking review of the determination of responsibility and/or required resolution and sanction(s).
3. Except in cases of interim measures including interim suspension and/or interim restriction(s), the required resolutions and sanction(s) will be on hold pending the outcome of an appeal.
4. The parties to an appeal will be the appellant and the student conduct official.
5. On appeal, the college bears the burden of establishing the evidentiary facts underlying the determination of responsibility and required resolution by a preponderance of the evidence.
6. The appellant has a right to a prompt and fair hearing as provided for in these procedures.
7. Student conduct appeal to determinations in which the required resolution and sanction(s) include the following will be reviewed through a brief adjudicative proceeding:
  - a. Suspensions of ten days or less;
  - b. College housing suspension or eviction;
  - c. Deferred action;
  - d. Probation; and
  - e. Any conditions or terms imposed in conjunction with one of the foregoing resolution and sanctions.
8. Student conduct appeal to determinations in which the required resolution and sanction(s) include the following will be reviewed by the student conduct appeal panel:



- a. Suspensions in excess of ten days;
  - b. College expulsions; and
  - c. Complaints referred to the panel by the student conduct review officer or senior college official, or designee.
9. Except as provided elsewhere in this code, warnings and findings of no responsibility are final and are not subject to appeal.
10. In cases involving allegations of assault or non-Title IX sexual misconduct, the complainant has the right to appeal the following outcomes using the same procedures as set forth above for the respondent:
  - a. The determination of responsibility; or
  - b. Any required resolutions and sanction(s) imposed including a disciplinary warning.
11. If the respondent appeals a decision imposing discipline for an assault or non-Title IX sexual misconduct violation, the college will notify the complainant of the appeal and provide the complainant an opportunity to participate in the appeal.
12. Except as otherwise specified in the code, a complainant who appeals a determination of responsibility and required resolution and sanction(s) within ten calendar days of notice of the determination, or who participates as a party to a respondent's appeal of a determination of responsibility and required resolution and sanction(s) will be afforded the same procedural rights as are afforded the respondent.

#### **BRIEF ADJUDICATIVE PROCEEDINGS- INITIAL HEARING (WAC 174-123-270)**

Brief adjudicative proceedings will be conducted by a conduct review officer. Conduct review officers shall be designated by the senior college official. The conduct review officer will not participate in any case in which they are or have been involved; or in which there is a direct or personal interest, prejudice, or bias.

1. The parties to a brief adjudicative proceeding are the respondent, the student conduct official, and the complainant in cases involving assault or non-Title IX sexual misconduct. Before taking action, the conduct review officer will conduct an informal hearing and provide each party:
  - a. An opportunity to be informed of the college's view of the matter; and
  - b. An opportunity to explain the student's view of the matter.
2. The conduct review officer will schedule an informal hearing and serve written notice of the hearing to the parties at least seven calendar days in advance of the hearing. The notice of informal hearing will include the following:
  - a. The date, time, location, and nature of the hearing;
  - b. A date by which the parties must identify advisors as well as requests for reasonable accommodations, if any;
  - c. A date on which the parties may review documents held by the student conduct official; and

- d. A date by which the parties must provide a list of witnesses and copies of any documents to other parties and to the conduct review officer.
3. The conduct review officer will serve an initial decision upon the parties within ten calendar days of the completion of the informal hearing. The initial decision will contain a brief written statement of the reasons for the decision and information about how to seek administrative review of the initial decision. If no request for review is filed within ten business days of service of the initial decision, the initial decision will be deemed the final decision.
4. If the conduct review officer determines that the respondent's conduct may warrant imposition of a college or college housing suspension of more than ten days or college expulsion or college housing eviction, the matter will be referred to the student conduct appeal panel for a new hearing.

#### **BRIEF ADJUDICATIVE PROCEEDINGS – APPEAL OF AN INITIAL DECISION (WAC 174-123-280)**

1. An initial decision may be appealed to the senior conduct official or designee, provided a party files a written request including the grounds for appeal for review with the conduct review officer within ten calendar days of service of the initial decision. The grounds for appeal are limited to new information not available at the time of the initial process, procedural error that impacted the outcome of the process, and/or bias of the student conduct official, or the conduct review officer.
2. The senior college official or designee will not participate in any case in which they are or have been involved as a complainant or witness, or in which there is direct or personal interest, prejudice, or bias.
3. During the appeal, the senior college official or designee will give each party an opportunity to file written responses explaining their view of the matter and will make any inquiries necessary to ascertain whether the sanctions should be modified or whether the proceedings should be referred to the student conduct appeal panel for a hearing.
4. The decision on appeal must be in writing and must include a brief statement of the reason for the decision and must be served on the parties within twenty calendar days of the request for appeal. The decision will contain a notice whether appeal to Thurston County superior court is available.
5. If the senior college official or designee determines that the respondent's conduct may warrant imposition of a college or suspension of more than ten days or college expulsion, the matter will be referred to the student conduct appeal panel for a hearing.
6. In cases involving allegations of assault or non-Title IX sexual misconduct, the senior college official or designee, on the same date as the final decision is served on the respondent, will serve a written notice upon the complainant informing the complainant whether the allegations of assault or non-Title IX sexual misconduct were found to have merit and describing any resolution and sanctions and/or conditions imposed upon the

respondent, including suspension or expulsion of the respondent. The decision will contain a notice whether appeal to Thurston County superior court is available.

### **APPEAL PANEL PROCEEDINGS- HEARING PROCEDURES (WAC 174-123-290)**

1. If not addressed in the code, the proceedings of the student conduct appeal panel will be governed by the Administrative Procedure Act, chapter 34.05 RCW.
2. The senior college official, or designee, will schedule a hearing before the student conduct appeal panel and serve written notice of the hearing to the parties at least ten calendar days in advance of the hearing. The notice period may be shortened by the senior college official, or designee, with the parties' permission; and the senior college official may reschedule a hearing to a later time for good cause.
3. The notice of hearing will include the following:
  - a. The date, time, location, and nature of the hearing;
  - b. A date by which the parties must identify advisors as well as requests for reasonable accommodations, if any;
  - c. A date by which the parties must provide a list of witnesses and copies of any documents to be provided to the appeal panel. The date for providing documents must be at least five business days prior to the hearing date. Documents and witness names submitted after the deadline stated in the hearing notice will be admitted at the discretion of the appeal panel. Documents and witness names submitted after the deadline may be excluded from the hearing absent a showing of good cause;
  - d. A date on which the parties to the appeal may review documents and witness lists submitted to the panel, which must be no less than three business days prior to the hearing.
4. The panel chair is authorized to make determinations regarding requests for postponement, release of information, or other procedural requests, provided that good cause for the request is shown. Requests for reasonable accommodations based on disability will be determined by the college's disability compliance officer.
5. The panel chair may provide to the panel members in advance of the hearing copies of:
  - a. The student conduct official's determination of responsibility and required resolution and sanction(s);
  - b. The decision of the conduct review officer, if any;
  - c. The review on appeal of the senior college official, if any; and
  - d. The notice of appeal by the respondent or complainant.
  - e. If doing so, the chair should remind the members that these documents are not evidence of any facts that may allege.
6. The parties may agree before the hearing to designate specific exhibits as admissible without objection and, if they do so, whether the panel chair may provide copies of these admissible exhibits to the panel members before the hearing.

7. Only those materials and information presented at the hearing will be considered. The chair may exclude or limit ineffectual, irrelevant, or unduly repetitious information.
8. The student conduct official or designee, upon request, will provide reasonable assistance to the parties in obtaining relevant and admissible evidence that is within the college's control.
9. Communications between panel members and other hearing participants regarding any issue in the proceeding, other than procedural communications that are necessary to maintain an orderly process, are generally prohibited without notice and opportunity for all parties to participate. Any improper communication, as further provided in RCW 34.05.455, is prohibited.
10. Each party may be accompanied at the hearing by an advisor of the party's choice. A respondent, or complainant in a case involving allegations of assault or non-Title IX sexual misconduct may elect to be represented by an attorney at their own cost, and will be deemed to have waived that right unless, at least five business days before the hearing, written notice of the attorney's identity and participate is filed with the panel chair with a copy to the student conduct official. The panel will ordinarily be advised by an assistant attorney general. The student conduct official may be represented by an assistant attorney general.
11. The complainant and the respondent are neither encouraged nor required to be assisted by an advisor of their choosing at their own expense. Both the respondent and the complainant will be provided the option to have a trained procedural advisor provided by the college to assist them prior to and during the hearing in order to understand their rights in the appeal process. A college procedural advisor may not represent an individual in the appeal proceeding. Proceedings will not be automatically delayed due to the scheduling conflicts of any advisor.
12. Each party is expected to present all information during the proceedings.
13. In cases where the complaint alleges non-Title IX sexual misconduct or assault, the complainant may present information during the proceedings.
14. Upon the failure of any party to attend or participate in a hearing, the student conduct appeal panel may either:
  - a. Proceed with the hearing and issue a determination; or
  - b. Serve a decision of default in accordance with RCW 34.05.440.
15. The hearing is a closed proceeding which includes only members of the panel; the advisor to the panel, if any; the student conduct official and their advisor, if any; the complainant and the respondent and their advisor(s), if any; and persons requested to provide information at the hearing. Admission of any other person to the hearing is at the discretion of the panel chair.
16. All procedural questions and other decisions are subject to the final decision of the panel chair unless otherwise provided for in these rules. The chair will ensure that the proceeding is held in an orderly manner such that the rights of all parties to a full, fair, and impartial proceeding that adheres to the code is achieved.

17. There will be a single verbatim sound recording of the hearing, and the record will be on file with the senior college official and is the property of the college in accordance with RCW 34.05.449.
18. All testimony will be given under oath or affirmation. Evidence will be admitted or excluded at the discretion of the panel chair.
19. In cases involving allegations of non-Title IX sexual misconduct or assault, neither party will directly question or cross examine one another. Attorneys for the parties are also prohibited from questioning the other party. All cross examination questions will be directed to the panel chair, who has the discretion to pose the questions on the party's behalf.

#### **APPEAL PANEL PROCEEDINGS – PANEL COMPOSITION (WAC 174-123-300)**

1. The student conduct appeal panel will be composed of three members consisting of one faculty member, one staff member, and one student. One member will be designated by the senior college official or designee to serve as the chair of the student conduct appeal panel for a hearing.
2. The faculty agenda committee will designate faculty members to serve on the student conduct appeal panel as needed.
3. The senior college official or designee will be responsible for designating the student and staff members serving on the panel. The student members, including the selection of alternate members to serve as necessary, will be done through an open selection process established by the senior college official or designee.
4. All panel members hearing cases involving sexual misconduct will have received training within the previous twelve months on the issues related to domestic violence, relationship violence, sexual misconduct, and stalking and how to conduct an investigation and hearing process that protects the safety of complainants, ensures fair proceedings, and promotes accountability in cases involving allegations of sexual misconduct.
5. Members of the student conduct appeal panel will not participate in any case in which they are involved as a complainant or witness; or in which there is direct or personal interest, prejudice, or bias; or in which previous actions have been taken in an advisory capacity.
6. A party may request removal of a member of the panel at the beginning of the hearing for reasons of bias, prejudice, or conflict of interest. The chair of the panel will be responsible for making decisions regarding removal, unless the student is requesting removal of the chair. When there is a request to remove the chair, and the chair does not voluntarily step down, the remaining members will vote on whether removal is warranted. If the remaining members disagree, the chair will be removed, and the senior college official will appoint an appropriate alternate member (i.e. faculty, student or staff) to serve on the panel for the removed member. The senior college official will also appoint the panel chair to replace the removed chair, the parties can agree in

writing to proceed with the hearing with only two members setting aside the replacement measures.

#### **APPEAL PANEL PROCEEDINGS – DETERMINATION (WAC 174-123-310)**

1. At the conclusion of the hearing, the student conduct appeal panel will permit the parties to make closing statements in whatever form it wishes to receive them. The panel also may permit each party to propose findings, conclusions, and/or a proposed decision for its consideration.
2. Only members of the student conduct appeal panel and the advisor to the panel, if any, will be present for deliberations. Deliberations are not recorded.
3. Within fifteen calendar days following the conclusion of the hearing, or the panel's receipt of closing arguments, whichever is later, the panel will issue a decision in accordance with RCW 34.05.461 and WAC 10-08-210 or written notice specifying the date by which it will issue a decision. The decision will include findings on all material issues of fact and conclusions on all material issues of law, including which, if any, provisions of the code were violated. Any findings based substantially on the credibility of evidence or the demeanor of witnesses will be so identified.
4. The panel's decision will also include a determination on appropriate resolution and sanction(s), if any. The panel may affirm, reverse, or modify the required resolution and sanction(s) issued by the student conduct official and/or issue additional sanction(s) or condition(s) as authorized herein.
5. The panel's decision will also include a statement of the available procedures and time frames for seeking reconsideration. The decision will also include a notice whether appeal to Thurston County superior court is available.
6. The panel chair will serve copies of the decision on the parties through the senior college official's office. It is the responsibility of the student to forward any notice or communication to their advisor. If a student signs a release of information, the chair of the panel will provide the decision to legal counsel representing a student.
7. In cases involving allegations of assault, non-Title IX sexual misconduct or Title IX sexual harassment, the chair of the student conduct appeal panel, on the same date as the decision is served to the respondent, will serve a written notice to the complainant informing the complainant of the panel's decision and describing any sanction(s) and/or condition(s) issued to the respondent, including suspension or expulsion of the respondent. The complainant may request reconsideration of the panel's decision subject to the same procedures and deadlines applicable to other parties. The notice will also inform the complainant of the available procedures and time frames for seeking reconsideration. The decision will also include a notice whether appeal to Thurston County superior court is available.

## **RECONSIDERATION (WAC 174-123-320)**

1. Within five business days of the written notice of the final determination, a party may submit a petition for reconsideration with the senior college official. The petition must state the specific grounds upon which relief is requested. The grounds for reconsideration are limited to new information not available at the time of the hearing, procedural error that impacted the outcome of the process, and/or bias of the student conduct official.
2. The petition will be deemed submitted on the day of actual receipt by the senior college official's office. Service can be made by one of the following means:
  - a. Email received by the office of the senior college official; or
  - b. By deposit in the United States mail, postage prepaid, addressed as follows: The Evergreen State College, Student Conduct Appeal Panel, Office of the Senior College Official, 2700 Evergreen Parkway N.W., Olympia, Washington 98505; or
  - c. By personal service which will be deemed accomplished by hand delivering the petition to the office of the senior college official during regular business hours at the address listed in (b) of this subsection.
  - d. Within two days of being served, the senior college official will provide notice to all other parties, who have five calendar days to file their opposition to the petition for reconsideration.
3. All reasonably available members of the panel that heard the original appeal will review the request for reconsideration and determine whether or not to grant the reconsideration. If a reconsideration is granted, the panel will review the submitted materials and make a determination.
4. The final determination issued by the student conduct appeal panel will remain in effect during the time period that a petition for reconsideration is under review by the panel. Within twenty business days from the date of the petition the student conduct appeal panel will provide a determination or written notice specifying the date by which it will act on the petition.

## APPENDIX C: Title IX Grievance Procedure

### WAC 174-123-400 Initiation of Discipline

- (1) Upon receiving the Title IX investigation report from the Title IX Coordinator, the Student Conduct Official will independently review the report to determine whether there are sufficient grounds to pursue a disciplinary action against the Respondent for engaging in prohibited conduct under Title IX.
- (2) If the Student Conduct Official determines that there are sufficient grounds to proceed under these procedures, the Student Conduct Official will initiate a Title IX disciplinary proceeding by filing a written disciplinary notice with the Chair of the Hearing Panel. The Hearing Panel Chair will serve the notice on the Respondent and the Complainant, and their respective advisors. The notice must:
  - (a) Set forth the basis for Title IX jurisdiction;
  - (b) Identify the alleged Title IX violation(s);
  - (c) Set forth the facts underlying the allegation(s);
  - (d) Identify the range of possible sanctions that may be imposed if the Respondent is found responsible for the alleged violation(s);
  - (e) Explain that the parties are entitled to be accompanied by their chosen Advisors during the hearing and that:
    - (i) The Advisors will be responsible for questioning all witnesses and the other party(ies) on the party's behalf;
    - (ii) An Advisor may be an attorney; and
    - (iii) Evergreen will appoint the party an Advisor of Evergreen's choosing at no cost to the party, if the party fails to do so; and
    - (iv) A party may select to have an individual as emotional support with them during Title IX processes. This individual is separate from an Advisor, and will serve the purpose of providing care and emotional support for the party, but will not participate during the processes.
- (3) Explain that if a party fails to appear at the hearing, a decision of responsibility may be made in their absence.

### WAC 174-123-410 Pre-Hearing Procedure

- (1) Upon receiving the disciplinary notice, the Hearing Panel Chair will send a hearing notice to all parties, in compliance with WAC 174-123-290(3). In no event will the hearing date be set less than ten (10) days after the Title IX Coordinator provided the Final Investigation Report to the parties.



- (2) A party may choose an Advisor to be at the Hearing with them. The Advisor will be conducting the cross-examination of parties and witnesses. The full names and contact information for all advisors selected by the parties to appear at the Hearing must be submitted to the Hearing Panel Chair at least five (5) days before the Hearing.
- (3) A party may choose to have an attorney serve as their Advisor at the party's own expense. This right will be waived unless, at least five (5) days before the hearing, the attorney files a notice of appearance with the Hearing Panel Chair, with copies to all parties and the Student Conduct Official.
- (4) Parties may also select an individual to serve as emotional support during the hearing. This individual will not have a formal role in the hearing, and will serve the purpose of providing care and emotional support for the party.
- (5) In preparation for the hearing, the parties will have equal access to all evidence gathered by the investigator during the investigation, regardless of whether Evergreen intends to offer the evidence at the hearing.

**WAC 174-123-420 Rights of Parties**

- (1) The Evergreen State College's Code of Student Rights and Responsibilities, WAC 174-123, and this supplemental procedure shall apply equally to all parties.
- (2) Evergreen has the burden of offering and presenting sufficient testimony and evidence to establish that the Respondent is responsible for a Title IX violation by a preponderance of the evidence.
- (3) The Respondent will be presumed not responsible until such time as the disciplinary process has been finally resolved.
- (4) During the hearing, each party shall be represented by advisors. The parties are entitled to advisors of their own choosing and the Advisor may be an attorney. If a party does not choose a Process Advisor, then the Title IX Coordinator will appoint a Process Advisor of Evergreen's choosing on the party's behalf at no expense to the party.

**WAC 174-123-430 Evidence**

The introduction and consideration of evidence during the hearing is subject to the following procedures and restrictions:

- (1) Relevance: The Hearing Chair shall review all questions for relevance and shall explain on the record their reasons for excluding any question based on lack of relevance.
- (2) Relevance means that information elicited by the question makes facts in dispute more or less likely to be true.
- (3) Questions or evidence about a Complainant's sexual predisposition or prior sexual behavior are not relevant and must be excluded, unless such question or evidence:

- (a) Is asked or offered to prove someone other than the Respondent committed the alleged misconduct; or
  - (b) Concerns specific incidents of prior sexual behavior between the Complainant and the Respondent, which are asked or offered on the issue of consent.
- (4) Cross-examination required: If a party or witness does not submit to cross-examination during the live hearing, the Hearing Panel must not rely on any statement by that party or witness in reaching a determination of responsibility.
- (5) No negative inference: The Hearing Panel may not make an inference regarding responsibility solely on a witness's or party's absence from the hearing or refusal to answer questions.
- (6) Privileged evidence: The Hearing Panel shall not consider legally privileged information unless the holder has effectively waived the privilege. Privileged information includes, but is not limited to, information protected by the following:
- (a) Spousal/domestic partner privilege;
  - (b) Attorney-Client and attorney work product privileges;
  - (c) Privileges applicable to members of the clergy and priests;
  - (d) Privileges applicable to medical providers, mental health therapists, and counsellors;
  - (e) Privileges applicable to sexual assault and domestic violence advocates; and
  - (f) Other legal privileges identified in RCW 5.60.060.
- (7) Recording of Live Hearing: In accordance with WAC 174-123-290(17), there will be a single verbatim sound recording of the hearing, and the record will be on file with the senior college official and is the property of the college in accordance with RCW 34.05.449.

**WAC 174-123-440 Initial Order**

In addition to complying with WAC 174-123-310, the Hearing Panel will be responsible for conferring and drafting an Initial Order that:

- (1) Identifies the allegations of Sexual Harassment;
- (2) Describes the grievance and disciplinary procedures, starting with filing of the Formal Complaint through the determination of responsibility, including notices to parties, interviews with witnesses and parties, site visits, methods used to gather evidence, and hearings held;
- (3) Makes findings of fact supporting the determination of responsibility for each charge;
- (4) Reaches conclusions as to whether the facts establish whether the Respondent is responsible for engaging in Sexual Harassment in violation of Title IX;

- (5) Contains a statement of, and rationale for, the Hearing Panel's determination of responsibility for each allegation;
- (6) Describes any disciplinary sanction or conditions imposed against the Respondent, if any;
- (7) Describes to what extent, if any, the Complainant is entitled to remedies designed to restore or preserve the Complainant's equal access to Evergreen's education programs or activities; and
- (8) Describes the process for appealing the Initial Order.
- (9) The Hearing Panel Chair will serve the Initial Order on the Parties simultaneously.

**WAC 174-123-450 Appeals**

- (1) The Parties shall have the right to appeal from the Initial Order's determination of responsibility and/or dismissal of an allegation(s) of sexual harassment in a Formal Complaint. The Parties may by filing a written notice of appeal with the Hearing Panel Chair within ten (10) calendar days of service of the Student Conduct Official's, or Hearing Panel's decision. Failure to timely file a notice of appeal constitutes a waiver of the right to appeal and the decision shall be deemed final.
  - a. Either party may appeal based on the following criteria: procedural irregularity that affected the outcome of the determination; new evidence discovered that was not reasonably available at the time of the determination; a conflict of interest from a Title IX Administrator; or severity of sanctioning is not consistent with the violation.
- (2) The President or their designee will determine whether the grounds for appeal have merit, provide the rationale for this conclusion, and state whether the disciplinary sanction and condition(s) imposed in the Initial Order are affirmed, vacated, or amended, and, if amended, set forth any new disciplinary sanction and/or condition(s).
- (3) The President's Office shall serve the Final Decision on the parties simultaneously.