

Discrimination, Sexual Harassment & Sexual & Interpersonal Violence

Standards of Conduct

EWU Policy 402-01

Authority: EWU Board of Trustees

Effective: May 11, 2018

Proponent: President's Office

Purpose: This policy describes university standards for discrimination, sexual harassment, sexual misconduct, domestic violence, relationship violence, stalking, and retaliation involving members of the university community. It also establishes procedures for handling related complaints or incidents of policy violations.

History: This policy revises EWU Policy 402-01, dated February 24, 2017.

Applicability: This policy applies to all members of the university community, including employees, students, and guests.

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CHAPTER 1 – INTRODUCTION

1-1. General

Eastern Washington University will not tolerate any form of discrimination, harassment or retaliation and will take appropriate action against a university employee or student who violates any part of this policy. Enforcement of this policy is subject to constitutional protections related to freedom of speech, association, and the press.

1-2. Goal

As a public institution of higher education, the university has a special responsibility to create and maintain an academic environment that promotes freedom of inquiry and expression while protecting the rights, opportunities, and welfare of students, employees and guests.

The goal of this policy is to promote an environment that is free of discrimination, sexual harassment, sexual and interpersonal violence, and retaliation.

To facilitate this goal, the university retains authority to discipline or take other appropriate action for any conduct that is deemed unacceptable or inappropriate, regardless of whether the conduct rises to the level of unlawful discrimination, sexual harassment, sexual or interpersonal violence, or retaliation.

1-3. Scope

All persons, including students, employees, visitors, contractors, and guests, are required to comply with this policy while on campus or participating in university programs. EWU students and employees are also required to comply with this policy while conducting university business, participating in university activities, or using university resources. Students and employees are also responsible for violations of this policy off-campus when the conduct in question has an impact on the person's duties or responsibilities as a university student or employee.

1-4. Equal Opportunity

Eastern Washington University is committed to equal opportunity, fair treatment, and taking affirmative action to increase the number and retention of students and employees from historically underrepresented groups. EWU prepares an updated affirmative action plan each year in accordance with federal requirements. EWU's commitment to diversity is addressed in EWU Policy 402-02, Diversity.

1-5. Nondiscrimination

EWU does not discriminate in its programs and activities on the basis of race, color, creed, religion, national origin, sex, pregnancy, sexual orientation,

gender identity/expression, genetic information, age, marital status, families with children, protected veteran or military status, HIV or hepatitis C, status as a mother breastfeeding her child, or the presence of any sensory, mental, or physical disability or the use of a trained guide dog or service animal by a person with a disability, as provided for and to the extent required by state and federal laws. The university may consider a student's gender, marital status, or the existence of dependent children in making assignments to residence halls and other university housing in accordance with RCW 49.60.222.

No person may discriminate against another person on any of the grounds listed above when acting or speaking on behalf of EWU.

1-6. Reporting

The university strongly encourages students and employees to report violations of this policy.

Employees or students who have cause to believe they are being subjected to conduct in violation of this policy are encouraged to report such conduct and seek advice and assistance as soon as possible.

A complainant or witness who is threatened in any way should immediately report these concerns to the University Police, the Title IX Coordinator, and/or the Director of Equal Opportunity (EO).

Generally, any violation of this policy should be reported to either the Director of EO or, for incidents where a student is involved, to the Dean of Students. The Director of EO and the Dean of Students will ensure that received complaints are referred to the appropriate university personnel for investigation.

More detailed information for reporting violations is contained in chapters 3 and 4.

1-7. References

1. EWU Policy 402-04, Investigations of Employees for Sexual Harassment, Sexual Misconduct, Domestic Violence, Relationship Violence, and Stalking
2. EWU Guideline 402-01, Investigations
3. EWU Policy 603-01, Campus Safety, Security & Crime Prevention
4. EWU Policy 402-02, Diversity

5. Titles VI and VII of the Civil Rights Act of 1964
6. Title IX of the Education Amendments of 1972
7. Sections 503 & 504 of the Rehabilitation Act of 1973
8. Age Discrimination in Employment Act
9. 29 CFR Part 1635, Regulations under the Genetic Information Nondiscrimination Act of 2008
10. Vietnam Era Veteran's Readjustment Asst Act
11. The Americans with Disabilities Act (ADA)
12. The Civil Rights Act of 1991
13. Student Conduct Code, WAC 172-120
14. Washington State Laws on Discrimination, RCW 49.60
15. Collective Bargaining Agreements
16. Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act

CHAPTER 2 – RESPONSIBILITIES

2-1. University President

The university president is responsible for overall compliance with federal and state anti-discrimination laws. The president will ensure development and implementation of university affirmative action, equal opportunity, and discrimination policies and programs. The president will promote those programs and policies and monitor university compliance.

2-2. Director of Equal Opportunity a. Contact Information

Director of Equal Opportunity
 218 Showalter Hall
 (509) 359-4673

a. Duties

The Director of Equal Opportunity is responsible for all training and compliance efforts with respect to these laws and regulations.

The Director will:

- 1) clearly communicate to employees and students that EWU will not tolerate any form

of discrimination, including sexual harassment;

- 2) inform employees and students that discriminatory behaviors will subject the offender to disciplinary action under this policy;
- 3) provide training on discrimination and sexual harassment as required or requested;
- 4) implement preventative education programs for students and employees. Such training shall include federal and state laws, university policies, and general information as to what constitutes discriminatory conduct, sexual harassment, sexual misconduct, stalking, and retaliation. At a minimum, awareness training will include:
 - a) university prohibitions against discrimination and sexual harassment;
 - b) how to recognize forms of discrimination and sexual harassment; and
 - c) how to report violations.
- 5) facilitate victim resources;
- 6) establish and maintain an effective complaint process; and,
- 7) investigate complaints of discrimination in accordance with university guidelines and policies in a prompt, thorough, and impartial manner. In the absence of extenuating circumstances, a discrimination investigation should be completed within 90 days from the date the complaint is received by the university.
- 8) Respond on behalf of the university to discrimination complaint filed with external agencies.

2-3. Title IX Coordinator

a. Contact Information

Title IX Coordinator
 Human Resources Office
 314 Showalter Hall
 509) 359-2381

b. Response

The Title IX Coordinator will ensure all complaints of sexual harassment and sexual and interpersonal violence are investigated in a prompt, thorough, and impartial manner. In the absence of extenuating circumstances, a sexual misconduct investigation should be completed within 60 days from the date the complaint is received by the university. These investigations will be handled in accordance with EWU Policy 402-04, Investigations of Employees for Sexual Harassment, Sexual Misconduct, Domestic Violence, Relationship Violence, and Stalking.

c. Monitoring

The Title IX Coordinator shall maintain a register of the number and types of sexual harassment and sexual and interpersonal violence complaints received, the results of any investigations, interim measures taken, and the resolutions of student and employee conduct.

The Title IX Coordinator will periodically review incident details and university responses for consistency and sufficiency - and to assess whether the university is meeting its goal to promote a safe learning and working environment free from discrimination and harassment, including preventing future recurrence of such conduct and addressing the effects of such conduct on the university learning and work environments.

d. Reporting:

The Title IX Coordinator shall report the data and findings to the university president at least once per academic quarter.

2-4. Deputy Title IX Coordinators

The Dean of Students shall serve as a Deputy Title IX Coordinator. In consultation with the Title IX Coordinator, the Dean of Students shall ensure appropriate actions are taken to comply with Title IX for complaints involving students. The university president may appoint additional Deputy Title IX Coordinators as needed.

2-5. Supervisors and Faculty

Supervisors and faculty members play a key role in both preventing and responding to discriminatory acts or behaviors.

- a. **Prevention:** Prevention is the best method for eliminating discrimination and harassment in the workplace. Supervisors and faculty members can help prevent discrimination and harassment by modeling appropriate behaviors and by arranging discrimination prevention training when necessary.
- b. **Response:** When supervisors and faculty members become aware of incidents of discrimination and/or harassment, they will take appropriate action based on the situation. In all cases, the supervisor or faculty member will report the incident or behavior to appropriate authorities.
- c. Faculty members have the additional responsibility to monitor student activities in the classroom and to take appropriate action when discriminatory or harassing behaviors or incidents occur.
- d. Supervisors and faculty who are, or should be, aware of discriminatory practices or harassment within their department, area, or classroom will be held responsible for their actions in response to such circumstances. In determining such responsibility, the supervisor's or faculty member's extent of control over the circumstances and any corrective actions they have taken will be considered.

2-6. Dean of Students; Human Resources, Rights & Risk

Victims of sexual and interpersonal violence must be provided with certain notifications and procedural protections in accordance with the requirements of the Clery Act. The Dean of Students, in coordination with University Police, will ensure such notifications and protections are provided to students.

Human Resources, Rights & Risk will coordinate with the Title IX Coordinator and University Police to ensure the required notifications and protections are provided to employees and to students in cases where a student files a complaint against an employee or an employee files against another employee.

Additional information about the procedural protections, training, and resources for victims is contained in EWU Policy 402-04, Investigations of Employees for Sexual Harassment, Sexual Misconduct, Domestic Violence, Relationship Violence, and Stalking, and EWU Policy 603-01, Campus Safety, Security & Crime Prevention.

2-7. University Police

The University Police are responsible for providing training to the campus community and resources for victims for the aspects of this policy that also constitute criminal conduct, including acts of sexual and interpersonal violence, as detailed in EWU Policy 603-01, Campus Safety, Security and Crime Prevention.

CHAPTER 3 – DISCRIMINATORY CONDUCT

University employees who engage in discriminatory conduct may be subject to corrective or disciplinary action, including, but not limited to, termination of employment. Student behavior involving discriminatory conduct is addressed in the Student Conduct Code, chapter 172-121, Washington Administrative Code.

3-1. Discriminatory Conduct

For the purposes of this policy, discriminatory conduct is defined as conduct by any means directed at another person that is so severe, pervasive, or persistent, and objectively offensive that it substantially interferes with another's ability to work, study, participate in, or benefit from the university's programs or activities, such that the person is effectively denied equal access to the university's resources and opportunities on the basis of the individual's protected status.

Note: Discriminatory conduct on the basis of sex may constitute sexual harassment under chapter 4.

***Protected Status:** Throughout this policy, the term protected status includes race, color, creed, religion, national origin, sex, pregnancy, sexual orientation, gender identity/expression, genetic information, age, marital status, families with children, protected veteran or military status, HIV or hepatitis C, status as a mother breastfeeding her child, or the presence of any sensory, mental, or physical disability or the

use of a trained guide dog or service animal by a person with a disability.

3-2. Retaliation

Any actual or threatened retaliation or any act of intimidation intended to prevent or otherwise obstruct the reporting, investigation, or enforcement of a discriminatory conduct complaint under this chapter is prohibited and will be treated as a separate violation of this chapter.

3-3. Complaints and Resolution

Complaints of discriminatory conduct or related retaliation, as described in this chapter, may be made to the Equal Opportunity Office or to the Dean of Students, as described in this section.

a. Complaints involving students

Reports of discriminatory conduct or related retaliation that only involve students will be handled by the Dean of Students and will be guided by the provisions of the Student Conduct Code, Chapter 172-121, WAC.

b. Complaints involving employees

Reports of discriminatory conduct or related retaliation where the respondent is an employee, student employee, contractor, or guest will be handled by the Director of Equal Opportunity. In such cases, the following provisions apply:

- (1) Complaints must be filed with the Director of Equal Opportunity.
- (2) Complaints may be made by completing a complaint form, or by contacting the EO Office by email or telephone.
- (3) Complaints must be made in good faith and, absent extenuating circumstances, must be filed within six (6) months of the alleged act of discrimination.
- (4) When a complaint is filed, the complainant and respondent will fully cooperate with management and/or the investigator to help ensure a thorough and timely complaint process and resolution.
- (5) The university will investigate the complaint in accordance with EWU Guideline 401-01 (Investigations).

- (6) Any pending or ongoing investigation by the university will not be suspended or terminated if a person also files a complaint with an agency identified in chapter 6, unless it would interfere with a criminal investigation.

c. Complaints involving student and employee

Reports of discriminatory conduct or related retaliation that directly involve at least one student and one employee will be handled jointly by the Dean of Students and the Director.

d. Informal Resolution

In lieu of filing a complaint, employees and students may attempt to resolve issues of discriminatory conduct by:

- (1) directly addressing the matter with the alleged offender;
- (2) asking a supervisor or co-worker to intervene;
- (3) engaging in an informal meeting with the alleged offender and his/her supervisor or manager;
- (4) requesting mediation with the alleged offender (mediation will be performed by the EO officer or other qualified mediator); or,
- (5) reporting the matter to the Dean of Students or the Director of Equal Opportunity for assistance.

Use of the university informal process does not restrict the complainant from the external or formal complaint process. If the informal process is unsuccessful or no longer an option, a person may file a complaint under section 3-4 or chapter 6.

3-4. Interim Measures

Upon receipt of a complaint, the university may take immediate, interim measures, as deemed necessary, to protect the complainant from further violations prior to completion of the investigation and resolution of the complaint. Appropriate measures may include, but are not limited to, separating the respondent from the complainant, adjusting schedules, placing an employee on administrative leave, providing counseling, and/or taking other action per WAC 172-121-140.

CHAPTER 4 - SEXUAL HARASSMENT AND SEXUAL & INTERPERSONAL VIOLENCE

All university students, employees, contractors, and guests are prohibited from engaging in sexual harassment or any form of sexual or interpersonal violence. "Sexual and Interpersonal Violence" includes sexual misconduct, domestic violence, relationship violence, and stalking, as defined below.

4-1. Sexual Harassment

Sexual harassment is a form of discrimination and violates this policy.

Sexual harassment is unwelcome conduct of a sexual nature and may include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, including sexual assault.

Sexual harassment, including sexual assault, can involve persons of the same or opposite sex.

Consistent with state and federal law, this policy prohibits two types of sexual harassment:

a. Tangible Employment or Educational Action

A person with authority over the student or employee explicitly or implicitly conditions a term or condition of the student or employee's education or employment on the victim's submission to unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature. This includes instances where submission to or rejection of such sexual conduct by a victim is used as the basis for educational or employment decisions affecting the victim. In determining whether such harassment exists, it is immaterial whether the victim resists and suffers the threatened harm or submits and thus avoids the threatened harm.

b. Hostile Environment

Sexual harassment may create a hostile environment when it is so severe, pervasive, or persistent, and objectively offense that:

(1) It substantially interferes with another's ability to work, study, participate in, or

benefit from the university's programs or activities; or,

(2) The conduct has the purpose or effect of unreasonably interfering with another individual's work performance or creating an intimidating, hostile, or offensive working environment. This alternative only applies in the context of employment.

4-2. Sexual Violence

Sexual violence violates this policy. Sexual violence includes, but is not limited to:

a. **Sexual Assault:** Sexual intercourse or sexual contact with a person without his or her consent.

Consent means actual words or conduct indicating freely given agreement to the sexual activity. Consent cannot be inferred from silence, passivity, or lack of active resistance. There is no consent where there is a threat of force of violence or any other form of coercion or intimidation, physical or psychological.

Sexual activity is nonconsensual when the victim is incapable of consent by reason of mental capacity, drug or alcohol use, illness, unconsciousness, or physical condition.

b. **Other forms of sexual violence** include, but are not limited to, indecent liberties, indecent exposure, sexual exhibitionism, sex-based cyber-harassment, prostitution or the solicitation of a prostitute, peeping or other voyeurism, or going beyond the boundaries of consent, such as by allowing others to view consensual sex or the non-consensual recording of sexual activity.

4-3. Interpersonal Violence

Interpersonal violence violates this policy. Interpersonal violence includes:

a. **Domestic violence:** means: (a) physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members; (b) sexual assault of one family or household member by another; or (c) stalking of one family or household member by another family or household member.

b. **Relationship violence** is a type of domestic violence, except the acts specified above are

committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. In determining whether such a relationship exists, the following factors are considered: (a) the length of time the relationship has existed; (b) the nature of the relationship; and (c) the frequency of interaction between the parties involved in the relationship.

- c. **Stalking** is engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for their health and/or safety or the health/safety of others; or (b) suffer substantial emotional distress.

4-5. Retaliation

Any actual or threatened retaliation or any act of intimidation intended to prevent or otherwise obstruct the reporting, investigation, or enforcement of a complaint under this chapter is prohibited. Such retaliatory acts will be treated as a separate violation of this chapter.

4-6. Reporting

a. Where to report

Students and employees are encouraged to report any violation of this chapter. Incidents or complaints of sexual harassment, sexual violence, and interpersonal violence may be reported to the Title IX Coordinator or Deputy Title IX Coordinator or their designees.

Title IX Coordinator
Human Resources
314 Showalter Hall
509-359-2381

Deputy Title IX Coordinator
Dean of Students
509-359-2292

If the Title IX Coordinator determines that a complaint does not involve a violation of Title IX/Violence Against Women Act, he/she will refer the matter to the appropriate university official for investigation.

b. Reporting Options for Victims

Anyone who believes he or she is a victim of sexual harassment, sexual violence, or

interpersonal violence is encouraged to report such incidents to the university.

- (1) Victims may pursue a complaint through the university investigatory and disciplinary process.
- (2) Victims also have the option of pursuing a criminal complaint by contacting the university police or local law enforcement.
- (3) Victims may pursue both a criminal complaint and an administrative complaint consecutively or concurrently.

c. Confidential Assistance

Students wishing to obtain confidential assistance may do so by speaking with licensed professionals at EWU Counseling and Psychological Services (CAPS). Employees may receive confidential assistance through the Employee Assistance Program (EAP).

d. Notice to Victim of Resolution Rights

Once the university is notified of an allegation of sexual harassment, sexual violence, or interpersonal violence, it will notify the potential victim of his or her right to file a criminal complaint with the university police or local law enforcement. If the victim wishes to report the conduct to local law enforcement, the university should assist him or her in doing so. The university will also notify the victim that he or she is not required to file a report with local law enforcement. The university will report allegations of criminal acts related to this chapter to law enforcement or other authorities consistent with federal, state, and local law.

e. Mandatory Title IX Investigation

Regardless of how the university becomes aware of a violation of this chapter, or of the manner of resolution sought by the victim, the university is obligated to initiate a Title IX investigation as soon as it learns of a complaint involving a possible violation of Title IX.

The university shall coordinate with the university police and local law enforcement to ensure the university, through its Title IX Coordinator, is apprised of all complaints of sexual harassment, sexual violence, or

interpersonal violence,, regardless of whether the victim seeks to press charges.

f. Mandatory Employee Reporting for Sexual Harassment, Sexual Violence, or Interpersonal Violence

Except for licensed professionals at CAPS, all university employees who become aware of an incident or complaint of sexual harassment or sexual or interpersonal violence that involves a student must report it to the Title IX Coordinator or Deputy Title IX Coordinator within 24 hours of becoming aware of the matter.

Employees must report such complaints regardless of the victim's desire for the matter to remain confidential and regardless of whether a report is made with campus or local law enforcement. University employees who fail to report complaints received or cooperate fully with these complaint processes are subject to disciplinary action.

Mandatory reporting helps the university to respond effectively and prevent a hostile educational environment.

4-7. Initial Notifications

Upon receipt of a complaint under this chapter, the appropriate university official or designee shall send an initial notification in writing to both the complainant and the respondent that the matter is under investigation. Both the complainant and respondent shall be informed of their rights during the investigative and discipline processes, as well as the university's policy against retaliation. Additionally, the complainant shall be informed of:

- a. The complainant's rights and options, including options to avoid contact with the respondent, available resources to assist the complainant, and possible protective measures he or she can take;
- b. Procedures to follow to preserve evidence of the alleged incident and seek medical treatment;
- c. Who will receive a report of the complaint;
- d. His or her right to file a criminal complaint as detailed in section 4-6(c);

- e. A list of resources for obtaining protective, no contact, restraining, or similar orders, if applicable;
- f. A list of existing on and off campus counseling, mental health, or other services for victims;
- g. The procedures the university will follow when determining if discipline is appropriate;
- h. Steps the university will take to ensure confidentiality and limits this may place on the university's ability to investigate and respond, as set forth above;
- i. A list of options and resources available to assist the complainant regarding academic, living, transportation and working situations; and,
- j. Information regarding the university's policy against retaliation and how the complainant should report retaliation or new incidents.

4-8. Investigations

The university is obligated to investigate complaints under this chapter in a prompt, thorough, and impartial manner. In the absence of extenuating circumstances, all investigations must be completed within 60 days from the date the complaint is received by the university.

An investigation will be conducted regardless of whether law enforcement is also conducting an investigation, as the university has an independent obligation to conduct such an investigation under Title IX regardless of any law enforcement investigations.

Regardless of the type of investigation conducted, the university must determine whether it is more likely than not that a violation of this chapter occurred.

a. Investigative process when the alleged perpetrator is a student.

Complaints of student peer misconduct under this chapter are investigated by the Deputy Title IX Coordinator within Student Affairs or designee. In conducting an investigation, the investigator should interview the complainant, the respondent, and search for corroboration through other witnesses and physical or documentary evidence. Proceedings against alleged student perpetrators in their capacity as

students are conducted pursuant to the Student Conduct Code. The complainant shall be provided with a written notice of the university's determination to the extent allowable under Family Educational Rights and Privacy Act. Generally, information regarding the discipline of a student found guilty of a violation of this chapter and contained in the student's educational record may not be disclosed unless:

- 1) information contained in the record directly relates to the complainant, such as an order requiring the student harasser to not contact the complainant; or,
- 2) the violation involves a crime of violence or sexual assault, including rape, relationship violence, domestic violence or stalking as defined in 42 U.S.C. § 13925(a). The results of such investigations and proceedings shall be reported to the Title IX Coordinator within 30 days.

b. Investigative process when the alleged perpetrator is a university employee.

Complaints of a violation of this chapter that involve university employees, including students acting in their capacities as employees, will be referred to the Title IX Coordinator for investigation in accordance with EWU Policy 402-04, Investigations of Employees for Sexual Harassment, Sexual Misconduct, Domestic Violence, Relationship Violence, and Stalking.

c. Investigative process when the alleged perpetrator is not a university student or employee.

The university is obligated to investigate all violations of this chapter occurring on campus regardless of whether the alleged perpetrator is a university student or employee. Additionally, the university should investigate sexual harassment or sexual misconduct occurring off-campus when such conduct may adversely affect the university when students experience the continuing effects of the off-campus sexual harassment or sexual misconduct in the university setting. In those instances where the alleged perpetrator is neither a university employee nor student, the university shall seek to investigate the matter in compliance with

EWU Policy 402-04, Investigations of Employees for Sexual Harassment, Sexual Misconduct, Domestic Violence, Relationship Violence, and Stalking, to the extent applicable.

- d. **Confidentiality.** The university is obligated to investigate all complaints under this chapter. To facilitate the investigative process and protect the privacy of those involved, all information will be maintained in a confidential manner to the fullest extent permissible by law. During an investigation, complaint information will be disseminated only on a need-to-know basis. If the complainant wishes to remain anonymous, the university will take all reasonable steps to investigate the allegation without disclosing the name of the complainant to the extent allowed by state and federal law and contractual obligations. If the complainant wishes to remain anonymous, the university shall inform him or her that its ability to investigate and respond to the allegation will be limited and that any type of retaliation is prohibited. The university will notify the complainant of the steps it will take to prevent and respond to any retaliation to help alleviate the complainant's concerns. However, the university cannot ensure confidentiality, as its legal and contractual obligations may require disclosure of the complainant's name. Reports of crimes to the campus community shall not include the names of the complainants or victims. Files subject to public disclosure will be released to the extent required by law.

4-9. Interim Measures

Upon receipt of a complaint under this chapter, the university may determine whether immediate, interim measures are necessary to protect the complainant from further harassment prior to completion of the investigation and resolution of the complaint. Appropriate steps may include, but are not limited to, separating the respondent from the complainant, adjusting schedules, placing an employee on administrative leave, providing counseling, and/or taking other action per WAC 172-121-140. If the university makes a preliminary determination that conduct in violation of this chapter has created a hostile work or learning environment, the university will take immediate action to stop the

harassment, prevent its recurrence, and address its affects.

CHAPTER 5 – SEGREGATED FACILITIES

5-1. Restroom, Locker Room & Dressing Room Use

Consistent with Chapter 162-32 in the Washington Administrative Code, the University allows individuals the use of gender segregated facilities, such as restrooms, locker rooms and dressing rooms that are consistent with that individual's gender identity. In facilities where undressing in the presence of others occurs, the University shall allow the use of a facility consistent with that individual's gender expression or gender identity.

The University shall not request that an individual use a gender-segregated facility that is inconsistent with that individual's gender expression or gender identity, or require that individual use a separate or gender-neutral facility. If another person expresses concern or discomfort about a person using a facility that is inconsistent with the person's gender expression or identity, the person expressing discomfort shall be directed to a separate facility, if available.

Any action taking against a person using a restroom or other gender-segregated facility should be taken due to that person's actions or behavior in the facility not due to their gender expression or gender identity. The same standards of conduct and behavior must be consistently applied to all facility users, regardless of gender expression or identity.

Whenever feasible, the University will provide options for privacy, such as single-use gender neutral bathrooms or private changing areas that are available to any individual desiring privacy.

5-2. Federal Grant & Contract Requirements

In compliance with 48 CFR 52.222-21, the University does not permit its employees to perform services at any location where facilities are segregated on the basis of race, color, religion, sex, sexual orientation, gender identity, or national origin because of policy or employee custom.. This does

not include separate single-use restrooms or necessary dressing or sleeping areas.

CHAPTER 6 – EXTERNAL COMPLAINTS

Individuals have a right to file complaints alleging discrimination, harassment, or retaliation with state or federal agencies within the agencies' prescribed time periods. State and federal agencies have their own processes for responding to and processing such complaints. Filing a complaint with a state or federal agency listed below may be done in lieu of or in addition to the university's complaint process.

Equal Employment Opportunity Commission
1321 2nd Avenue, 7th Floor, Seattle, WA 98101
(206) 442-0968
www.eeoc.gov

Office of Federal Contract Compliance
Room 3038, Regional Office
909 First Avenue, Seattle, WA
(206) 398-8005.
www.dol.gov/ofccp/index.htm

U.S. Department of Labor
Wage and Hour Division
909 First Avenue, Room 1068, Seattle, WA
(509) 353-2793
www.dol.gov/WHD/index.htm

U.S. Office for Civil Rights
Department of Education
2910 3rd Avenue, Mail Stop 106, Seattle, WA
(206) 442-1636
OCR@ed.gov
www2.ed.gov/about/offices/list/ocr/index.html

Washington State Human Rights Commission
905 Riverside, Suite 416, Spokane, WA 99201
(509) 456-4473
www.hum.wa.gov

CHAPTER 7 – RESOURCES

The following resources may be helpful if you have concerns involving discrimination, sexual

harassment, sexual misconduct, domestic violence,
relationship violence, stalking, or retaliation.

Campus Resources

Counseling and Psychological Services

(confidential)
509-359-2366

Dean of Students Office

300 Showalter Hall
(509) 359-2292

Equal Opportunity/Affirmative Action/ADA Compliance

214 Showalter Hall
(509) 359-2371

EWU Police Department

509-359-7676

Human Resources, Rights and Risk

314 Showalter Hall
(509) 359-2381

President's Office

214 Showalter Hall
(509) 359-2371

Student Advocacy Services

(509) 359-2292

Student Rights & Responsibilities

509-359-6960

Local, State, and Federal Resources

Cheney Police Department

911
Nonemergency number: 509-535-9233

Regional Human Resource Services

509-358-7740

U.S. Office for Civil Rights

Department of Education
2910 3rd Avenue, Mail Stop 106, Seattle, WA
(206) 442-1636
OCR@ed.gov

Equal Employment Opportunity Commission

1321 2nd Avenue, 7th Floor, Seattle, WA 98101
(206) 442-0968

Victim Rights Response Team- 24 hr crisis line

Help for victims of crimes and/or sexual assault
509-624-7273

Washington State Human Rights Commission

Spokane District Office
Rock Point Plaza III
1330 N. Washington Street, suite 2460
Spokane, WA 99201
1-800-233-3247
<http://www.hum.wa.gov/>

YWCA Alternatives to Domestic Violence- 24 hour crisis line

509-326-2255