RESPONDING TO SEXUAL HARASSMENT, SEXUAL MISCONDUCT, and SEXUAL ASSAULT COMPLAINTS

WSU OFFICE OF STUDENT STANDARDS AND ACCOUNTABILITY

The following procedures apply to complaints of alleged sexual harassment, including but not limited to nonconsensual sexual misconduct, nonconsensual sexual intercourse, dating and/or domestic violence, and stalking, where the respondent is a student (either graduate or undergraduate). Please consult with the Office for Equal Opportunity (OEO) for information about matters in which the respondent is faculty, staff, or student employee.

Filing a Complaint.

To file a complaint or report an alleged act, contact OSSA or OEO. They can explain the complaint procedures and processes. A written complaint is not required. See below for information about additional WSU resources.

Investigation Process.

Upon receipt of information about an alleged incident, OEO and OSSA will determine what policies, if any, are implicated. OEO will determine whether or not the Policy Prohibiting Discrimination and Sexual Harassment (EP 15) is implicated. OSSA will determine whether or not provisions of the Standards of Conduct for Students are implicated. Based upon these assessments, the offices may have an obligation to investigate and to pursue disciplinary action. In most instances, representatives from OEO and OSSA will jointly conduct the investigation.

The reporting party may determine the extent to which they will participate in this process. However, in some situations, the University may be required to proceed with an investigation regardless of whether the reporting party decides to participate in the investigation or disciplinary process.

When investigating a complaint, OSSA and OEO will usually take the following steps:

1. Interview the complainant, witnesses, and the respondent.
2. Request written statements when helpful.
3. Obtain all relevant documentation.
4. When appropriate, provide the complainant, the respondent, and any necessary parties updates regarding the status of the investigation.

In most instances, upon completion of the investigation, OEO will provide an investigation memorandum to OSSA. This memorandum will include a summary of the investigation, findings of fact based on the preponderance of the evidence standard, or more likely than not, a conclusion as to whether or not EP 15 was violated, and a recommendation to OSSA as to whether further proceedings are warranted. The complainant and the respondent will receive a copy of this memorandum, with student names redacted. Visit www.oeo.wsu.edu for additional information about OEO’s process.
**Student Conduct Process.**

OSSA will review OEO’s investigation memorandum, and based on the memorandum and its own investigation, will determine whether disciplinary action under the Standards of Conduct is warranted. If disciplinary action is warranted, OSSA may either dispose of the matter through an informal one-to-one conduct officer hearing, or by referring the matter to the University Conduct Board.

**Conduct Board Hearing.**

The University Conduct Board consists of two faculty members, two students and the chair of the board. Conduct board members are required to attend special training before hearing a matter involving allegations of sexual misconduct. Prior to a Conduct Board hearing, the complainant and respondent will receive notice of hearing from an OSSA representative. This notice will outline the date and time of the hearing, as well as the option to offer additional witnesses and statements.

The Conduct Board hearing will be scheduled in a timely manner, and in a space that is appropriate and private for the parties and witnesses. The hearing is closed to all but the conduct board, complainant, respondent, advisors, the conduct officer, and witnesses during their respective interviews.

Both the complainant and the respondent may present questions to the conduct board chair who will determine whether the question is relevant before deciding whether or not to ask those questions of the other party. The chair’s decision on such matters is final.

*Hearing Process.*

Generally, hearings will follow the process below.

- The board chair makes introductions and explains the hearing process
- OSSA will notify and seek the consent of each witness to create an audio recording of the hearing for OSSA’s use and for the conduct file
- Conduct officer reads Standards of Conduct charges and the board chair asks the respondent to state whether he or she is responsible or not responsible
- The respondent will remain in the hearing room while witnesses present to the board
- The conduct officer will state the case
- Witnesses for WSU and the complainant will be sworn in and provide information to the board, one at a time
- The complainant will be able to provide a statement after being sworn in and then may be asked questions by the board
- Then, the respondent will be sworn in and will be able to provide a statement and then may be asked questions by the board
- The chair will ask the conduct officer to make a summation and recommendation, if necessary
- The respondent will be able to make one final statement to the board
In addition, the following procedures generally apply to hearings:

- If the complainant or respondent have questions, he or she can write questions on a notepad to present to the board chair, who will ask the question if it is relevant.
- Breaks will be permitted as necessary by request to the chair.

**Witnesses.**

The respondent or complainant may call witnesses to present information at the board hearing. If either party has witnesses, those witnesses must submit written statements to board two days before the scheduled hearing. Witnesses will generally not be allowed to speak to the board unless they provide a written statement before the hearing.

**Deliberations.**

Upon completion of the hearing, the conduct board will deliberate in private to determine if any violations of the Standards of Conduct occurred. The hearing board will use the preponderance of the evidence standard (“more likely than not”) to determine responsibility.

**Notification of Decision.**

If the respondent is found responsible, the Board will notify the respondent and the complainant. The decision will be provided by personal delivery or US mail within 10 calendar days of the hearing. The decision letter will describe the process for the University Appeals Board.

**Privacy of Information.**

WSU treats all information shared about a reported incident of alleged sexual harassment, including information shared during an information and discipline process, as private. The Office of Student Standards & Accountability (OSSA) takes student privacy seriously. This means that OSSA only shares information gathered through the investigation and discipline process on a need-to-know basis. As part of the process, OSSA may provide limited information to the respondent so they may respond to the allegations, and individuals who participate in the conduct process may be permitted to review the conduct file in preparation for disciplinary proceedings. Additionally, individuals may obtain records through public records requests; however identifying student information will be redacted. Those who participate in an investigation and/or the discipline process should respect the privacy of student information, and any information shared throughout the process.
Rights of those Involved in a Hearing.

All parties are entitled to a fair and equitable process. Below, individual rights of the parties are discussed in more detail.

Complainant Rights

- The right to an explanation of the investigation and student conduct process;
- The right to make a complaint that may initiate the investigation process outlined above;
- The right to privacy, to the extent possible;
- The right to an advisor who will assist the complainant during the process;
- The right to request certain interim measures.
- The right to an explanation of the hearing process, including any witnesses to be called at the hearing;
- The option to be in a room separate from the respondent during any part of the process;
- The right to hear the hearing and inspect all statements and materials presented to the conduct board;
- The right to submit a written statement;
- The right to speak and present information on one’s own behalf;
- The right to know the status of the case at any point throughout the investigative or student conduct process;
- The right to have questions approved and asked by the Conduct Board rather than directly by the respondent;
- The right to file a police report and take necessary legal action, if warranted, separate from and/or in addition to the student conduct process;
- The right to be informed of the outcome of the hearing in a timely manner;
- The right to appeal to the University Appeals Board;
- The right to be informed of an appeal, if filed by the respondent, and to provide a statement to the University Appeals Board.
Rights of those Involved in a Hearing.

**Respondent Rights**

- The right to an explanation of the charges against him or her;
- The right to review his or her conduct file;
- The right to confidentiality in the disciplinary process, to the extent possible
- The right to an adviser who will assist the respondent during the investigative and student conduct processes;
- The right to request certain interim measures .
- The right to be presumed not in violation until a violation is established through the investigative and student conduct processes;
- The right to an explanation of the hearing process, including any witnesses to be called at the hearing;
- The option to be in a room separate from the complainant during any part of the process;
- The right to speak and present information on one's own behalf;
- The right to submit a written statement;
- The right to know the status of the case at any point throughout the investigative or student conduct process;
- The right to have questions approved and asked by the Conduct Board rather than directly by the complainant;
- The right to file a police report and take necessary legal action, if warranted, separate from and/or in addition to the student conduct process;
- The right to appeal to the University Appeals Board;
- The right to be informed of the outcome of the hearing in a timely manner;
- The right to be informed of an appeal, if filed by the complainant, and to provide a statement to the University Appeals Board.

**Advisors.**

The complainant and the respondent have the right to be assisted by an advisor they choose, at their own expense. The role of the advisor throughout the investigative and student conduct process is to provide support and advice to the student. Upon request, an advisor from the WSU Dean of Students Office is available to the complainant and the respondent to assist them in understanding the conduct process.

The complainant and the respondent are responsible for presenting their own information throughout the investigative and student conduct processes. Therefore, advisors are not permitted to address investigators, conduct officers, the conduct board, witnesses, or any other parties or witnesses involved in the process.

An advisor may communicate with their advisee during the process, and breaks may be requested throughout the process for this purpose.
Standards of Conduct for Students.

A more detailed explanation of the conduct process can be found at conduct.wsu.edu. Also, definitions of stalking, sexual misconduct, harassment, and discrimination are all available on OSSA’s website (conduct.wsu.edu) and the Washington State Legislature’s website (http://apps.leg.wa.gov/WAC/default.aspx?cite=504-26).

Additional Resources and Contact Information.

In most instances, care providers from the following resources can discuss student concerns confidentially:

- WSU Health and Wellness 509-335-3575;
- WSU Counseling and Testing Center 509-335-4511; and
- Alternatives to Violence on the Palouse 509-332-0552.

The following WSU offices will share information on your concerns with other WSU personnel on a need-to-know basis, but cannot guarantee confidentiality:

**Dean of Students:** The Dean of Students’ Office can assist you in coordinating resources and support, such as changes in classes or your schedule. This office also can help you resolve housing issues, notify faculty if you will be leaving campus for a short time, and assist you with other challenges you may encounter. For additional information, see deanofstudents.wsu.edu.

You may contact the Dean of Students’ Office at: 509-335-5757.

**OSSA:** OSSA works closely with the OEO on student conduct cases involving discrimination, sexual harassment, and sexual misconduct. OSSA participates in preliminary investigative meetings and addresses any disciplinary action, as appropriate, after the preliminary investigation is complete. For information about OSSA’s processes, see standards.wsu.edu.

You may contact OSSA at: 509-335-4532.

**OEO:** This office works closely with OSSA on student conduct cases involving discrimination, sexual harassment, and sexual misconduct. OEO conducts preliminary investigations, makes findings of fact, determines whether the WSU Policy Prohibiting Discrimination and Sexual Harassment was violated, and makes recommendations to OSSA about further disciplinary actions. OEO also can provide you contact information to file a complaint with state and/or federal agencies. For information about OEO’s processes, see oeo.wsu.edu.

You may contact OEO at: 509-335-8288.
**Student Legal Services:** For legal actions, you may wish to obtain legal counsel. WSU’s student government, Associated Students of WSU, has a Student Legal Services office that may be available for consultation or referral to a local attorney.

You may contact Student Legal Services at: 509-335-9539.

**Criminal Process.**

Additionally, please be advised that WSU’s processes under Executive Policy 15 and the Student Code of Conduct are separate from any criminal process and can be pursued simultaneously. If you choose to file criminal charges, you may contact the following agencies:

- **WSU Police Department** 509-335-8549
- **City of Pullman Police Department** 509-334-0802

When OSSA or OEO receives a complaint, the immediate concern becomes the safety and well-being of the complainant. Reporting parties can be assured that his or her own possible policy violations (such as use of alcohol) are not the major concern. The specific nature of the alleged offense will be the focus of any investigation.