

# Student Training - General

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## Audio Transcript

### Slide 1.1

WSU Policy on Discrimination, Sexual Harassment, and Sexual Misconduct.

### Slide 1.2

This presentation is intended to inform students about WSU Policies relating to discrimination, sexual harassment, and sexual violence in our community. Discussing these topics can be distressing. Please know there are confidential care providers available to speak with you. Click on the link on this slide to view lists of resources at various campus locations.

### Slide 1.3

WSU prohibits discrimination, sexual harassment, and sexual misconduct because “Discrimination in all its forms destroys mutual respect and a trusting environment, can bring substantial personal harm to individuals, and violates individual rights.

### Slide 1.4

Let’s discuss the policies that are applicable at WSU. First, all employees, students, and others having an association with WSU are prohibited from discriminating on the basis of a protected class under Executive Policy #15, the WSU Policy Prohibiting Discrimination, Sexual Harassment, and Sexual Misconduct.

In addition, students are also governed by WSU’s Standards of Conduct for Students. These standards can be located in Chapter 503-526 of the Washington Administrative Code.

### Slide 1.5

Discrimination on the basis of a protected class is prohibited at WSU. WSU recognizes the following protected classes: race, sex and/or gender, sexual orientation, gender identity or expression, religion, age, color, creed, national or ethnic origin, physical, mental, or sensory disability, including disability requiring the use of a trained service animal, marital status, genetic information, and status as an honorably discharged veteran or member of the military.

Discrimination is defined as the improper or different treatment on the basis of a protected class. Discriminatory harassment includes unwelcome conduct on the basis of a protected class. Sexual Harassment is a form of discrimination wherein the unwelcome conduct is on the basis of sex and/or gender, or of a sexual nature. Sexual Misconduct is a form of Sexual Harassment which includes, but is not limited to, sexual assault, voyeurism, sexual exploitation, and intimate partner violence.

### Slide 1.6

What exactly is sexual harassment? As we discussed on the previous slide, sexual harassment is unwelcome conduct on the basis of sex and/or gender. WSU prohibits this conduct when it is sufficiently severe, persistent, or pervasive. Some examples of sexual harassment include: comments of a sexual nature, harassment of a non-sexual nature that is based upon a person’s sex and/or gender, or harassment based on a person’s nonconformity with sex and/or gender stereotypes. Quid Pro Quo harassment is also prohibited – this Latin term means “something for something”. For example, if a manager offered or hinted that an employee would receive a raise or promotion in return for satisfying the manager’s demands of a sexual nature that would be quid pro quo harassment. Finally, sexual harassment can

also include unwelcome sexual advances and persistent attempts to convert a professional relationship to an amorous relationship.

### Slide 1.7

Sexual Misconduct is also prohibited by Executive Policy 15. One instance of sexual misconduct is considered sufficiently severe to rise to the level of a violation of EP 15. Examples of sexual misconduct include sexual assault or non-consensual sexual contact, intimate partner violence (also known as domestic violence or relationship violence), stalking, sexual exploitation, and voyeurism.

### Slide 1.8

This slide includes definitions of several forms of sexual misconduct. Please take a moment to read through the definitions before proceeding to the next slide.

### Slide 1.9

Sex and gender based violence does not have to occur on the WSU campus for WSU to address it. WSU will address allegations of sexual harassment and misconduct regardless of where the conduct occurred, including conduct that occurred off campus. WSU recognizes that off-campus activity can have an impact on student's ability to pursue their education.

WSU's process to address allegations of sexual misconduct is a university administrative process. This process is separate and distinct from a criminal process. A university and criminal process can be pursued simultaneously, if desired. Or, a complainant can choose to bring their concerns to the system that they are the most comfortable with.

### Slide 1.10

What is consent? Consent is demonstrated by clear affirmative words or actions. Silence is not consent. In addition, consent is not present if the person lacks the mental capacity to be able to understand the nature or consequences of the act. Let's read the example on this slide. "I drank way too much at a party. I blacked out and when I woke up, somebody was having sex with me. I feel like it is my fault because I was drinking." Did the person in the example provide consent to sexual activity? The answer is no. The person was extremely intoxicated to the point where the person lacked the mental capacity to understand the nature or consequences of the act. Determining the level of intoxication is an important factor in determining whether or not consent was present. We will discuss incapacity in more depth on the next slide.

### Slide 1.11

A person is incapacitated when the person lacks the mental capacity, at the time of the sexual activity, to be able to understand the nature or consequences of the act. Incapacity can be produced by illness, defect, the influence of alcohol or another substance, or some other cause.

### Slide 1.12

Besides lacking consent, there are other behaviors that can make sexual contact non-consensual. For example, threats, intimidation, coercion, or anything else constituting force, whether verbal, physical, or implied, negate consent. Let's read through the examples. "If you don't have sex with me, I will tell your parents you are having sex." This is an example of a threat that could be used to force a person into non-consensual sexual contact. Let's look at the second example "I was pinned into a corner. He's twice my size. I knew that if I didn't say yes, it would be worse." This is an example of intimidation. In this example, the person says "yes", but that consent is negated by the intimidation of the aggressor. Let's look at the final example. "I believe in waiting until marriage to have sex. My girlfriend constantly tells me that is lame and makes fun of me in front of all our friends." This is an example of coercion – that is applying an unreasonable amount of pressure to engage in sexual activity. The next slide will quiz you on your understanding of consent.

### Slide 1.13

Please read the question and then select the best answer.

## Slide 1.14

Follow the instructions on this page to access Executive Policy 15. Keep Executive Policy 15 open on your computer in order to answer the next two questions.

## Slide 1.15

N/A

## Slide 1.16

N/A

## Slide 1.17

Now that you have learned about the university's policy prohibiting discrimination, sexual harassment, and sexual misconduct, let's discuss campus resources that are available to you. First, let's start with the Office for Equal Opportunity, also referred to as OEO. What does OEO do? Well, OEO is the university's central intake office for allegations of discrimination, sexual harassment, and sexual misconduct. That means that even if you report concerns to another office or employee, you will likely be directed to or contacted by OEO.

OEO is a neutral fact-finder that is authorized to conduct investigations into complaints. OEO can also assist students and employees with accessing resources on campus and in the community, including assisting in obtaining interim safety measures. OEO is a good place to go, even if you aren't sure if your complaint fits under Executive Policy 15. OEO can help you determine the best university resource to speak with.

## Slide 1.18

What happens if you make a complaint to OEO?

OEO will listen to your concerns and offer assistance accessing resources. If your concern implicates discrimination, sexual harassment, and sexual misconduct, there are various paths that OEO can take, including informal measures, an inquiry to learn more about the situation, or a formal investigation.

## Slide 1.19

If a formal investigation is warranted, interim safety measures may be available to students. These could include schedule changes, residence hall changes, and/or no contact orders. The person that the complaint is made against is referred to as the Respondent. The Respondent will receive a notification letter that includes information about the allegations made against them. The Respondent and the Complainant will have an opportunity to provide written or verbal statements to investigators, as well as provide documentation or witness information.

At the conclusion of the investigation, OEO will issue a memorandum that includes findings of fact. These findings will be made using the preponderance of the evidence standard, which means "more likely than not" the following occurred. If the respondent is a student, the Office of Student Conduct will receive a copy of the memorandum and use it to determine potential sanctions, disciplinary actions, or educational opportunities. If the respondent is an employee, Human Resource Services and relevant supervisors will receive a copy of the report and use it to determine potential employment actions or responses. Further information on these processes is available on the websites of the Office for Equal Opportunity, Human Resource Services, and The Office of Student Conduct.

## Slide 1.20

Information that is shared with OEO investigators is only shared with others on a "need to know" basis. That may include sharing information with other investigators, witnesses, the accused individual, relevant WSU officials, or as required or permitted by law.

## Slide 1.21

Students are often afraid to start an investigation because they are afraid of how a respondent or other people might react. Executive Policy 15 includes a prohibition on retaliation – this includes any action that would cause a reasonable person to not make a complaint or to not participate in an investigation.

EP 15 also prohibits interference with an investigation. This includes any action that would dissuade or attempt to dissuade complaints or witnesses from reporting or participating in an investigation, as well as any actions that would delay or disrupt an investigation or attempt to delay or disrupt an investigation.

Retaliation and interference are separate and distinct violations of the university's policy and are taken very seriously.

### Slide 1.22

Students have a number of resources available to them. Please take a moment to review the resources on this slide. Resource information specific to each campus is available on the OEO website, or you can always contact OEO with questions or concerns.

### Slide 1.23

Please read the question and select the best answer.

### Slide 1.24

If desired, you may print this certificate for your records. If you need to provide this to a supervisor or administrator, please remember to hand-write your name in the designated spot.