
COMPLIANCE & CIVIL RIGHTS

Annual Report for 2020-2021 Academic Year

AUGUST 2022

Washington State University



To the WSU Community

Holly Ashkannejhad, Director | Title IX Coordinator

Welcome to WSU Compliance and Civil Rights' annual report. The purpose of this report is to provide greater transparency about the activities of Compliance and Civil Rights (CCR), including information about complaints, investigations, outcomes, outreach and compliance activities. We also hope to continue to engage the WSU community in these topics and spark interest and activity related to compliance and investigation. CCR recognizes that addressing discrimination, harassment, and sex and gender based violence; promoting privacy and security protocols; and identifying gaps and improvements areas in highly regulated areas takes a unified effort, and we thank our community partners for their collaboration.

For more information about CCR, please visit our website at ccr.wsu.edu.

Executive Summary

Compliance & Civil Rights Overview

Compliance and Civil Rights (CCR) is responsible for central compliance support for the WSU system and for providing technical guidance to the university community about equal opportunity, Title IX, Title VII, ADA, Affirmative Action, Clery Act, HIPAA, Uniform Health Care Information Act, and other state and federal civil rights and health sciences laws and regulations. CCR also serves as the central resource for complaints under the WSU Policy Prohibiting Discrimination and Harassment, Executive Policy 15 (EP 15), providing investigations, consultations, informal resolutions, and referrals, as appropriate. For more information about CCR, please visit our website: ccr.wsu.edu.

Meet our Team

Director

Holly Ashkannejhad, J.D.

Director – Compliance & Investigation
Title IX Coordinator

Compliance

Kiara Drake, J.D.

Assistant Director – Civil Rights
ADA Coordinator

Sally Makamson

Assistant Director – Health Sciences

Monica S. Collins

Affirmative Action Assistant
HR Consultant/Assistant

Bethany Loomis

Compliance Program Coordinator

Investigation

Jenna Van Klaveren, J.D.

Assistant Director – Investigations
Deputy Title IX Coordinator

Rachel M. Brooks, Ph.D.

Civil Rights Investigator/Coordinator

K. Raleigh Hansen

Civil Rights Investigator/Coordinator

Shelley Wieck

Civil Rights Investigator/Coordinator

Kristopher Alina

Investigative Program Coordinator

Geeta Shrestha

Office Assistant

Campus Partners

The work of building an equitable, diverse, and inclusive institution and addressing discrimination and harassment is system-wide. CCR acknowledges and thanks the contribution of our system partners, including President Schulz, system leadership, Student Affairs, law enforcement and campus security, Human Resource Services, the Office of the Provost, Campus Chancellors and leadership teams, the Athletic Department, local victim advocacy agencies, and the support and leadership for CCR from the Chief Compliance and Risk Officer, Sharyl Kammerzell, and the Vice President of Finance and Administration, Stacy Pearson.

CCR is incredibly grateful for our university partners who continue to support WSU's efforts to combat discrimination and harassment, and to proactively adhere to WSU's compliance requirements.

Discrimination and Harassment Reports to CCR

CCR receives reports of conduct implicating the WSU Policy Prohibiting Discrimination and Harassment, Executive Policy 15 (EP 15). The data provided in this report includes information on reports that were initially made to CCR during the 2020-2021 academic year; this report does not include information about investigations that may have been initiated or completed during the 2020-2021 year, where those investigations were triggered by a report from a prior academic year. The data in this report represents both formal grievance procedures that were initiated by CCR and resulted in a resolution agreement or disciplinary sanctions, as well as reports that did not result in formal grievance procedures. CCR provides participants with a number of response options beyond the formal grievance process including departmental resolutions, educational responses, and supportive measures, with or without filing a formal complaint. Supportive measures can include steps such as no-contact orders, workplace or academic management plans, or safety provisions.

The 2020-2021 academic year resulted in a reduction of reports to CCR, likely because of limits on interactions due to the pandemic. The reported cases stemmed from all parts of the WSU system, as follows:

Campus	Number of reports to CCR
Pullman	363
Vancouver	18
Spokane/Yakima	28
Tri-Cities	13
Everett/Bremerton	1
Extension	2
Global	6

Note: Some matters implicated more than one campus location.

For all cases received, CCR documented the concerns and initiated a university response, typically starting by reaching out to the complaint with information

about resources and reporting options. Based on information provided to CCR, and taking into consideration the wishes of the reporting party, CCR initiated 21 investigations into allegations regarding student and/or employee conduct under EP 15 reported to CCR during the 2020-2021 academic year. CCR also resolved 11 matters through the new resolution process, an alternative to investigations which resolves grievances through a binding agreement between parties, often including punitive or protective measures. CCR provided 83 consultations and made referrals in 114 matters. In collaboration with numerous campus partners, CCR also facilitated numerous supportive measures for students and employees throughout the year, including connecting students to support and care resources in Student Affairs, connecting employees to the Employee Assistance Program, facilitating workplace or classroom management solutions, identifying and implementing protective solutions in technology, requesting flexibility for students relevant to their specific needs, facilitating meetings with law enforcement or local victim advocacy agencies, re-arranging work or academic schedules, engaging in educational meetings and outreach, working with supervisors to monitor and address staff behavior, engaging in preliminary information gathering to support a complainant's needs, engaging in safety planning, arranging residence hall room changes, facilitating campus transfers, reporting students in need to the Student Care Network, utilizing intermediaries between parties for ongoing work or academic needs, implementing temporary restrictions on location access, and facilitating consultations on financial support, accommodations, and medical leave, or utilizing intermediaries between parties for ongoing work or academic needs.

The below table includes a breakdown of the status of reporting and responding parties for the 2020-2021 academic year. Please note, "students" can include WSU students, former WSU students (not alums, but those who are recently not enrolled), prospective WSU students, or students from another institution. "Employees" includes faculty, administrative professionals, civil service, bargaining unit, temporary/hourly, and student employees. Finally, CCR also receives reports which do not fit into these categories (e.g. complaints more appropriately directed to other agencies, complaints with anonymous responding parties, complaints involving individuals or organizations not

affiliated with WSU, and complaints against individuals affiliated with WSU, such as volunteers).

Report involves:	Number of Reports
Student reporting party	249
Employee reporting party	92
Student responding party	125
Employee responding party	110

Note: Some matters involved multiple reporting parties or responding parties, and/or unknown responding parties.

Consistent with past years, the vast majority of complaints to CCR involve allegations based on sex and/or gender, indicating a continued need for Title IX prevention and response training and education. The following table includes the number of reports made for each protected class category identified in Executive Policy 15.

Protected Class	Count of CCR Reports
Age	6
Color	31
Creed	0
Disability	36
Gender identity or expression	11
Genetic information	0
Immigration or citizenship status	2
Marital status	3
National or ethnic origin	37
Race	70
Religion	6
Sex/gender	203
Sexual orientation	20
Veteran/military status	2

CCR Investigations

CCR conducted 21 investigations/inquiries from matters reported during the 2020-2021 academic year, which was a reduction in number from prior years. These investigations looked into alleged conduct from various WSU community members, including:

<u>Primary Respondent Category</u>	<u>Number of investigations</u>
Administrative Professional	3
Bargaining Unit	0
Civil Service	3
Faculty	1
Graduate Student	2
Undergraduate student	8
Non-WSU	1
WSU Department	2
Fraternity	1
Former WSU Employee	1

The table in Appendix A includes information on the outcome of CCR investigations from reports that were received in the 2020-2021 academic year. In order for a violation to be noted, it must be supported by a preponderance of the evidence. Please note, where the tables denotes that no violation was found, this does not necessarily mean that the conduct did not occur. It may mean that CCR did not receive sufficient evidence to make a violation finding or the conduct may have not risen to the level of a violation, but may still implement other employment or student conduct code policies.

CCR serves as a neutral investigator. CCR’s investigation reports are provided to the complainant and the respondent, as well as the appropriate sanctioning authority for final determinations under university policy. For student respondents, CCR investigation reports are shared with the Center for Community Standards which may engage in conduct officer or conduct board hearings, depending on the severity of the conduct. Additionally, for student matters, students may share their preferred outcome with the Center for Community Standards, which at times will engage in a resolution agreement process to achieve outcomes based on preferences. For employee respondents,

CCR investigation reports are provided to the respondent's supervisor for review under employment disciplinary policies. For all matters, participants also retain appeals rights, which can be exercised prior to any final university decision. Finally, for matters involving Title IX Sexual Harassment, as defined in Executive Policy 15, participants had the right to participate in a formal hearing in compliance with the federal Title IX regulations. Appeals are available in all cases.

Finally, it is important to note that even in matters where CCR did not find a violation of Executive Policy 15, the conduct may still be inappropriate, unprofessional, or in violation of other university policies, such as the Workplace Violence and Bullying Policy or the Standards of Conduct for Students. CCR is not authorized to investigate or make recommended findings under any policy but EP 15. Such matters are referred to the appropriate department or supervisor for further action under those policies.

2020-2021 Achievements and Initiatives

In addition to providing consultations, compliance recommendations, and researching civil rights compliance requirements for the campus community on a regular basis, CCR partners with university departments to proactively address and respond to compliance concerns. Below are some highlights from the 20-21 academic year.

- Identified a Security Risk Assessment Tool and initiated a system-wide review for health sciences components.
- Updated the WSU Policy Prohibiting Discrimination and Harassment and the CCR Procedural Guidelines to comply with Title IX regulations issued by the Department of Education regarding university response to complaints of sexual harassment, dating violence, domestic violence, stalking, and sexual assault. Updated all templates, handouts, and training materials to match these changes.
- Partnered with the Center for Community Standards, Human Resource Services, and the Office of the Provost to ensure that student and

employee disciplinary processes were in compliance with the Title IX regulations.

- Regularly provided at request, on-demand, and scheduled trainings for classes, student organizations, community forums, and employees, tailored to meet the needs of the requesting organization, including trainings on Title IX, Discrimination and Harassment Prevention, Clery Act Compliance, HIPAA Compliance, ADA Compliance, and Reporting and Resource Options.
- Partnered with the College of Arts and Sciences, Human Resource Services, Student Affairs, and the Office of the Provost to develop a “Managing Difficult Situations” training, designed to help supervisors more effectively respond to situations involving misconduct allegations that may impact the workplace.
- Developed a protocol for faculty response to student speech concerns within the classroom space.
- Identified areas for Clery Act compliance improvement and partnered with university partners to develop additional structure and support for compliance activities. Developed a model Clery Act compliance plan to support system partners with project requirements and timeline for the Annual Security Report.
- Published the WSU Pullman Annual Security Report, in partnership with the WSU Police Department and other campus partners.
- Drafted and sought campus feedback on Protected Health Care Information Breach Response policy and a Patient Access to Protected Health Information policy.
- Updated internal protocols to provide greater consistency to grievance participants and a new case workflow to reduce case timelines.
- Developed a new advisor identification workflow for investigations.
- Developed and launched a new internal database for tracking reports of discrimination and harassment.
- Developed yearly Affirmative Action Report and submitted VETS-4212 report to the Office of Federal Contractor Compliance Programs.

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- Developed comprehensive EEO/AA workforce and recruitment reports for specific areas and distributed them to senior leaders in each area to allow for data-driven planning and recruitment strategies.
 - Issued a compliance memorandum outlining Title IX compliance requirements for athletic opportunities.
 - Compiled student feedback on CCR's website with the goal of making the website more student friendly (currently being updated by CCR's program administrator).

Appendix A: Investigation Outcomes

Protected Class	Type of Conduct Alleged	Respondent Status	Outcome
Sexual Orientation	Comments	Student organization	Insufficient evidence available to identify specific respondents involved or to link conduct to the overall student organization. Additional training provided for the student organization.
Disability	Comments and Disparate Treatment	Civil Service employee	Complaint withdrawn by the complainant.
Sex and/or gender	Dating Violence, Damage to Property	Student-Undergraduate	Complaint withdrawn by the complainant who identified a preferred grievance/resolution path.
Sex and/or gender	Disparate Treatment	Non-WSU	No violation, no disciplinary sanctions
Sex and/or gender	Sexual Misconduct – Possession of Child Pornography	Student-Undergraduate	Violation, resulting in a hold on account pending a hearing
Sex and/or gender	Disparate Treatment	Non-WSU policy, applied to WSU students	Insufficient evidence to support challenging the policy
Color, National or Ethnic origin, Race	Disparate Treatment	WSU Department	No violation
Sex and/or gender	Comments, Cyber and/or Telephone Harassment, Sexual Exploitation	Student-Undergraduate	Violation, resulting in expulsion, trespass, and a no contact order
Disability	Discriminatory Harassment, Disparate Treatment, Retaliation	Faculty	No violation, no disciplinary sanctions
Disability	Discriminatory Harassment	Student – Undergraduate	No violation, no disciplinary sanctions

Sex and/or gender	Cyber and/or Telephone Harassment, Interference, Stalking	Student – graduate	No violation, and complaint withdrawn
Sex and/or gender	Sexual exploitation	Student – Undergraduate	CCR recommended a violation; however, Conduct Board found the respondent not responsible.
Sex and/or gender	Cyber and/or Telephone Harassment, Dating Violence, Graffiti/ Vandalism, Suspicious Circumstances	Student – Undergraduate	No violation, no disciplinary sanctions
Disability	Denial of Benefits, Discriminatory Harassment	WSU Department	No violation, pending appeal
Age	Comments	Civil Service Employee	Violation, Employment Sanctions
Sex and/or gender	Comments, Cyber and/or Telephone Harassment, Sexual Exploitation, Threats	Student – Undergraduate	Violation resulting in expulsion, no contact directive, and trespass.
Sex and/or gender	Disparate Impact, Disparate Treatment	Administrative Professional	No violation
Marital status, Sex and/or gender	Comments, Discriminatory Harassment	Civil Service Employee	No violation. Recommended additional training required for all staff.
Sex and/or gender	Discriminatory Harassment	Student – Graduate	Investigation – No violation of EP 15, but respondent was found responsible for a separate student conduct code violation. Educational sanctions imposed.
Color, race, sex and/or gender	Comments, Disparate Treatment	Former employee	No violation

National or ethnic origin, race, sex and/or gender	Comments, Disparate Treatment	Administrative Professional Employee	No violation, no disciplinary sanctions.
Sex and/or gender	Coercion, Sexual Assault, Quid Pro Quo Sexual Harassment	Administrative Professional	Violation, Termination