

Annual Security Report & Annual Fire Safety Report

Whitman College

October 1, 2012

The Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act is a federal law that requires colleges and universities to disclose information about crime on and around their campuses.

Introduction Statement

Whitman College is concerned about the safety and welfare of our campus members and guests and commits itself to promoting a safe and secure environment. Because no campus can totally isolate itself from crime, Whitman College has developed a series of policies and procedures designed to ensure that precautions are taken to protect the campus community.

Disclosure of Crime Statistics

Campus Security prepares this report in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. This report is prepared in cooperation with local law enforcement agencies, Residence Life, Judicial Affairs, Sexual Misconduct Coordinator, Business Office, and other college areas. Each entity provides updated information on their educational efforts and programs to comply with the Clery Act. The annual security report includes statistics for the three most recent calendar years concerning reported crimes that occurred on campus; in certain off-campus buildings or property owned or controlled by Whitman College; and on public property within or immediately adjacent to and accessible from the campus. The statistics must be gathered from campus security, local law enforcement, and other school officials who have “significant responsibility for student and campus activities” such as a student judicial coordinator. The report also includes institutional policies concerning campus security such as sexual assault and other matters.

The annual security report must be published and distributed to current students and employees by October 1st of each year. An e-mail will be sent to current students and employees prior to October 1st that announces the report’s availability, a list and a brief description of the information contained in the report and the exact address (URL) of the Internet Web site at which the report is posted (<http://www.whitman.edu/content/security/annualreport>). A paper copy of the annual security report will be provided to any students or employees on request. Requests for a paper copy should be directed to Campus Security at 509-527-5777.

A notice containing a statement of the annual security report’s availability, a description of its content and the opportunity to request a copy will also be provided to prospective students and prospective employees.

Reporting of Criminal Offenses

Whitman College encourages students, employees and campus visitors to accurately and promptly report crimes to the Walla Walla Police Department and the Whitman College Campus Security Office. Please note that Campus Security is not a police department and filing a report with Security alone is not the same thing as making a report to the Walla Walla Police Department.

Emergency criminal offenses should be reported to the Walla Walla Police Department by dialing 911 and then contacting Campus Security at 527-5777 (only the last four digits are needed when dialing from an

on-campus telephone). Non-emergency criminal offenses should be reported to Campus Security at 527-5777. Campus Security can aid in the reporting of non-emergency criminal offenses to the Walla Walla Police Department as needed or requested. Please report any suspicious activity or person inside buildings or around residence halls, loitering around campus or in parking lots to Campus Security. The campus has seven (7) blue light phones at the following campus locations:

1. Phi Delta Theta, 715 Estrella—In Front Yard
2. Maxey Hall—S.E. Corner
3. Maxey Hall—N.W. Corner
4. Memorial Hall—NE side, near outdoor tennis courts
5. Music Building—S.E. Corner
6. Prentiss Hall—Near Bridge in front of Prentiss Hall
7. North Hall—In yard in front of North Hall

These phones have a red 911 emergency button that dials the Walla Walla Police Department dispatch. If the red button is pushed and no one responds to the police dispatcher, the Walla Walla Police Department contacts Campus Security, who responds to the site. These phones also allow you to dial on-campus numbers, including Campus Security at 5777. Each residence hall also has a telephone located on the exterior of the hall next to the main front door. These phones dial both on-campus and off-campus numbers but require you to dial a 7 before dialing an off-campus number. However, in an emergency, you would simply dial 911 to reach the Walla Walla Police Department.

In addition to the blue light phones, we now offer a Whitman StaySafe smart phone app. The app features an emergency button that, when pressed, will automatically send the name, phone number, and GPS location via text message to Campus Security; as well as offer the user the option to initiate a phone call to Security if they are in a position to speak on the phone. In addition, the app features a green dot button that allows users to choose up to three contacts that can text the sender's name, phone number, and GPS location at the press of a button for Green Dot help when no bystanders are around. Finally the app also offers users instant contact with other safety and help resources at the push of a button: 911, Whitman Health Center, Campus Security, as well as contacting the RA on duty for any residence hall on campus.

Reporting Options:

You can also report crimes to the following areas. Reports made to these areas are evaluated for the purpose of making timely warnings to the community and inclusion in the annual statistics.

Security Office	509-527-5777	Memorial Building 137
Dean of Students	509-527-5158	Memorial Building 302
Associate Dean-Conduct Administrator	509-527-5213	Memorial Building 311
Associate Dean-Residence Life/Security	509-527-5297	Memorial Building 130

Crime Reports and Timely Warnings

Security Officers are required to document their activities during their shifts. At the end of their shifts, Security Officers use these activities to write a security log, which is e-mailed to campus budget officers

and other department heads for review. Crimes which are either directly reported to Security Officers during their shifts or discovered by Security Officers during their shifts are entered into the Daily Crime Log, which is available at <http://dailysecuritylog.wordpress.com/>.

When a crime is reported by a campus security authority to Security Officers or another of the campus reporting options, the Dean of Students, the Director of Security and/or the Director's supervisor will determine if a timely warning should be issued. A timely warning is information about a serious situation or pattern of incidents which occur on the campus, on adjacent public property and on reportable non-campus property, issued to the campus community when in the judgment of the Dean of Students, the Director of Security and/or the Director's supervisor; it constitutes an ongoing or continuing threat. This warning will be issued by the Dean of Students Office through the college email system to students and employees.

Depending on the particular circumstances of the situation, especially those that could pose an immediate threat to the community and individuals, the Security Office may also distribute flyers to each residence hall through the Resident Directors, each administrative office, the Academic Division Offices, the Fraternities through the Greek Advisor, the athletic facilities and the Physical Plant. If deemed appropriate, flyers will be posted on the entrances to campus buildings. Anyone with information they think warrants a timely warning should report the circumstances to Security at 527-5777 or to any of the offices listed above as reporting options.

The College also requests that the Walla Walla Police Department provide the Director of Security with information regarding crimes on campus or adjacent to the campus for the purpose of issuing timely warnings.

Please note that crimes reported to a psychological or pastoral counselor during a counseling session are confidential and may not result in the issuance of a timely warning.

Missing Student Notification

Whitman College has established a policy and procedure for missing student notification. One of the following individuals or offices should be contacted if a student has been missing for at least 24 hours. Note that the following steps may also be taken, if circumstances warrant, for a student who has been missing for less than 24 hours.

-Resident Assistant, Residence hall in which missing student resides, contact information varies

-Resident Director, Residence hall in which missing student resides, contact information varies

-Security Office, Memorial Hall 137, [509-527-5777](tel:509-527-5777)

-Associate Dean-Campus Life, Memorial Hall 130, [509-527-5297](tel:509-527-5297)

-Dean of Students, Memorial Hall 302, [509-527-5158](tel:509-527-5158)

Every residence hall student has the option to register a contact person to be notified by college officials if that student is determined to be missing. The list of contact persons will remain confidential and accessible only by the Dean of Students, Associate Dean for Campus Life, Director of Security, and law enforcement officers in accordance with a missing person investigation. Local law enforcement will be notified of all

students determined to be missing, whether they have registered a contact person or not. The parent or guardian of a student under 18 years of age and not emancipated will be notified should that student be determined to be missing.

When a student is thought to be missing, communication between appropriate campus officials is vital. If the student's resident assistant or resident director is notified, she or he will immediately contact a security officer, the Dean of Students, or the Associate Dean for Campus Life. Once one of these individuals is contacted, the other two will be notified to ensure communication of all pertinent information. Upon notification of a missing student, the residence life staff (RA's and RD's) will be contacted to determine if the student's whereabouts are known. The Dean of Students may also seek to determine the student's whereabouts. If these steps do not locate the student, the Dean of Students may contact the student's confidential contact person (if one is listed) or the student's parent/guardian. If they are non-emancipated and under 18 years of age the parent/guardian will be called. The call will be to inform him or her of the student's status and inquire about their whereabouts in the event that the contact person knows the location of the student. If the student is still missing after this notification, the Dean of Students may notify campus staff and faculty of the missing student through the campus e-mail system and inquire if any employees of Whitman know where the student may be. If these steps do not locate the student, the Director of Security, with the authorization from the Dean of Students, will convene an investigation to try to locate the student. This investigation may include interviewing residents, peers, and other Whitman community members who may have information regarding the location of the missing student. Upon direction by the Dean of Students, the Director of Security may also notify local law enforcement of the missing student in accordance with the investigation.

If circumstance warrant, these steps may be followed if a student has been missing for less than 24 hours.

Emergency Response and Evacuation Procedures

Whitman College's Emergency Response and Evacuation Procedures coordinate College and community resources in order to protect life and property following an emergency on the Whitman College campus, provide for the physical and emotional well-being of community members, and return the College to normal functioning as soon as possible.

Knowing it is impossible to predict each and every incident which might constitute a community crisis, the severity and extent of the crisis will determine the level of response. Major disasters require a significant, immediate life-safety response, followed by on-going College-wide coordination. Other incidents would require a coordinated response with a less extensive life-safety component.

Determination of an Emergency

The Emergency Response Plan is under the executive direction of President George Bridges who will determine whether the plan is to be activated and oversee implementation of the plan. In the absence of the President, the Treasurer /CFO, Peter Harvey will assume the role, followed in order by the Provost and Dean of Faculty, Timothy Kaufman-Osborn, the Dean of Students, Chuck Cleveland, the Dean of Admissions, Tony Cabasco, and the Chief Technology Officer, Dan Terrio.

When appropriate, the President will make an official declaration of emergency, including the nature of the emergency, names of individuals in designated roles, and other changes in decision making structure, authority and process.

Emergencies will be categorized into three levels:

Level 1 Emergencies - can be handled through normal operating channels. These might include minor chemical spills, most deaths/suicides, low-level acts of violence, sewer stoppages, power outages, weather-related situations and false alarms.

Level 2 Emergencies - require a coordinated response beyond that of normal operating channels, but do not include significant damage to College facilities. These situations are likely to traumatize a significant number of community members, for example some deaths, violence or civil unrest, and major power outages. Level 2 emergencies may require initiation of the Emergency Management Plan to ensure coordinated communication and decision making.

Level 3 Emergencies – require a coordinated response beyond that of normal operating channels and include significant damage to College facilities. These situations may include emergencies such as floods, earthquakes, major chemical incidents, major fires and major acts of violence. Level 3 emergencies always require initiation of the Emergency Plan.

Notification and Dissemination of Information

Any member of the Whitman College community should feel empowered to initiate an emergency response by calling 911. Once an emergency has been declared, the College will work to keep the campus community informed with as little delay as possible. To this end the College has purchased mass notification systems called 'Blackboard Connect' and 'Informacast'. These systems allow us to send messages using phones, text devices and e mail. In addition the College has installed Voice-over IP phones in classrooms and offices. The phone system includes a feature that allows the phone to act as a public address system and send out a recorded message that is broadcast over each phone. The College will also post information as it is available on the Whitman College web page under the "Headline News" banner. The content of any notifications will be the responsibility of the Public Information Officer or her designee in conjunction with the College President or his designee.

In the event of an emergency or dangerous situation that poses an immediate threat to the safety of the campus community, community members will be given instructions using one of the mass communication systems or by a the utilization of a "runner" who has be instructed to deliver emergency information door-to-door. The instructions will most likely be to either evacuate the building and gather in a designated location or to "Shelter in Place," locking/barricading doors and windows if necessary.

Information will be disseminated as quickly as possible taking into consideration the safety of the campus community. The content of the notification may be limited based on the professional judgment of responsible authorities such as law enforcement agencies. If information is limited it will be as an effort not to compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

Testing Emergency Response Systems and Plans

All mass notification systems will be tested at least once each semester. The test will include the statement "this is a test". Whitman College Technology Services will make available, on request, documentation of the test.

Evacuation drills will be conducted at least once per semester in all campus buildings. Drills in residence halls will be unannounced. Drills in academic or administrative buildings will be announced by providing the date of the drill. This notification is given in an effort to minimize disruption of classes.

The Emergency Response Plan will be reviewed after each emergency and at least once per year. The Whitman College Safety Department will conduct an emergency exercise, in the form of a 'table top,' functional or full-scale exercise annually. A report of the exercise may be requested from the Safety Department. In the near future all documentation of emergency drills and exercises will be located on the Whitman College Safety Department web page.

Daily Crime Log

A daily crime log has been created for the purpose of recording all alleged criminal incidents that are reported to Whitman Security Officers. The daily crime log includes the nature of the crime, the date/time the crime occurred, the date/time crime was reported, the general location of the crime, and the disposition of the crime. Crimes are logged in the order they are received by Security. The daily crime log is available on the web at <http://dailysecuritylog.wordpress.com/>.

Voluntary Confidential Reporting

Whitman allows confidential, anonymous reporting in cases of sexual misconduct and hate crimes. Sexual misconduct incidents may be reported by using an on-line reporting form at <http://wcts.whitman.edu/training/SexualMisconductForm.cfm>. Sexual Misconduct Report Forms are also available in numerous on-campus locations including residence hall sections, interest houses, the restrooms of Reid Campus Center, the Health Center, Counseling Center, Residence Life Office and Dean of Students Office. Instructions for submitting the paper reporting forms is listed on the top of the form and may be done in person or via campus or USPS mail. Hate crimes may be reported using an on-line reporting form at <http://www.whitman.edu/content/aah/report/reportform>. Sexual misconduct and hate reports filed in this manner are counted and disclosed in the annual crime statistics for the College. Whitman College does not allow voluntary confidential reporting in any other situations.

Crime Statistics

Every college and university receiving Title IV funds must disclose crime statistics for the campus, public areas immediately adjacent to or running through the campus, and certain non-campus facilities including Greek housing and remote classrooms. The statistics must be gathered from campus security, local law enforcement, and other school officials who have "significant responsibility for student and campus activities" such as a student judicial coordinator. Whitman College does not have a written policy which requires psychological and pastoral counselors to inform their clients of the procedures to report crime to Security Officers and/or local law enforcement.

Crimes are reported in the following 8 major categories, with several sub-categories: 1.) Criminal Homicide broken down by a.) Murder and Non-negligent Manslaughter and b.) Negligent manslaughter; 2.) Sex Offenses broken down by a.) Forcible Sex Offenses (includes rape) and b.) Non-forcible Sex Offenses (statutory rape and incest); 3.) Robbery; 4.) Aggravated Assault; 5.) Burglary; 6.) Motor Vehicle Theft; 7.) Arson; 8.) Hate Crimes. (NOTE: For a thorough explanation of the Clery forcible and non-forcible crime statistics go to: <http://www.whitman.edu/content/smrn/clery>. Colleges and universities are also required to report the following three types of incidents if they result in either an arrest or disciplinary referral: 1.) Liquor Law Violations; 2.) Drug Law Violations; and 3.) Illegal Weapons Possession. If both an arrest and referral are made only the arrest is counted.

The statistics are also broken down geographically into on campus, on-campus student residential facilities, non-campus buildings and property, or on public property such as streets and sidewalks. Listed below are the Whitman College crime statistics for the most recent 3-year period including 2010, 2009 and 2008.

Crime Statistics for 2011, 2010 and 2009

	2011 OC	2011 OCRH	2011 NCP	2011 PP	2011 *OFF	2010 OC	2010 OCRH	2010 NCP	2010 PP	2010 *OFF	2009 OC	2009 OCRH	2009 NCP	2009 PP	2009 *OFF
Criminal Homicide:															
~Murder/Non-Negligent Manslaughter	0	0	0	0	*	0	0	0	0	*	0	0	0	0	*
~Negligent Manslaughter	0	0	0	0	*	0	0	0	0	*	0	0	0	0	*
**Forcible Sex Offenses:															
~Forcible Rape	1	0	0	0	0	0	0	0	0	3	3	3	1	0	1
~Forcible Sodomy	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
~Sexual Assault with a weapon	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
~Forced Fondling	0	0	1	0	1	0	0	2	0	1	0	0	1	0	2
**Non-Forcible Sex Offenses:															
~Statutory Rape	0	0	0	0	0	0	0	0	0	*	0	0	0	0	0
~Incest	0	0	0	0	0	0	0	0	0	*	0	0	0	0	0
Robbery:	0	0	0	0	*	0	0	0	0	*	2	0	0	0	*
Aggravated Assault:	0	0	0	0	*	0	0	1	0	*	0	0	0	0	*
Burglary:	1	0	1	0	*	1	1	1	0	*	4	0	2	1	*
Motor Vehicle Theft:	1	0	0	0	*	1	0	0	0	*	0	0	0	0	*
Arson:	0	0	0	0	*	0	0	0	0	*	1	0	0	0	*
Hate Crimes:	0	0	0	0	*	0	0	0	0	*	0	0	0	0	*
Alcohol Violations:															
~Arrests	0	0	0	0	*	0	0	0	0	*	0	0	0	0	*
~Referrals	12	12	0	0	*	26	19	1	0	*	25	16	0	0	*
Drug Violations:															
~Arrests	0	0	0	0	-	0	0	0	0	*	0	0	0	0	*
~Referrals	10	9	0	0	-	17	13	0	0	*	30	26	0	0	*

OC=On-campus; **OCRH**=On-campus residence halls; **NCP**=Non-campus property; **PP**=Public property; ***OFF**=Off-campus (*category added by Whitman College for sex offense statistics only);
****** Reported by the college's sexual misconduct coordinator

Security and Access Regarding Campus Facilities

During business hours, most College facilities are open to students, parents, employees, contractors, guests and invitees. During non-business hours access to College facilities is by an authorized key, a valid ID card or admittance via a Security Officer, upon proper authorization. Some College facilities are locked 24 hours a day, seven days a week and require a valid ID card to gain entrance. Examples include Baker Ferguson Fitness Center, all residence halls and Sherwood Center. Other College facilities are locked unless a college event is being hosted in the facility. Examples include Baker Faculty Center, Cordiner Hall and Bratton Tennis Center. Other College facilities have individual hours, which may vary at different times of the year. Examples include the Penrose Library and Reid Campus Center.

Exterior residence hall doors are locked 24 hours a day and accessible only by a valid ID card, key code combination or a key. Over extended college breaks, the exterior doors of residence halls are secured, and equipped with a separate lock from the regular key issued to resident students. Doors with swipe access have swipe access changed, in addition to the key change.

The exterior doors of the student interest houses are locked 24 hours a day and accessible only by a valid key. During summer breaks, interest house exterior door keys are collected from residents and the houses remain locked during this period. Over winter break, students keep their keys but they are told they are considered trespassers if they enter during the breaks. Security checks to make sure the houses are secure during breaks.

Students and employees living in college-owned houses are responsible for determining when to lock and unlock their exterior doors and for securing the facility during extended breaks. The fraternity houses are also responsible for determining when to lock and unlock their exterior doors and for securing the facilities during extended breaks.

Emergencies may necessitate changes or alterations to any posted schedules. Campus Security Officers patrol the campus throughout the day and night, and report any areas or items that are a safety or security concern in their security logs. The Security Officers look for safety/security issues such as lighting, alarms, landscaping, locks and construction during their rounds. The security logs are received by numerous offices including the Dean of Student's Office, the Treasurer's Office and the Physical Plant, who respond to reported safety/security issues.

Enforcement Authority

Whitman College Security Officers have the authority to enforce the policies of Whitman College. This includes having the authority to ask people for identification and to determine whether individuals have lawful business at Whitman College. It also includes asking unauthorized person to leave campus events and/or property. They also have the authority to contact local law enforcement authorities in seeking compliance with local, state and federal laws. Security Officers do not possess arrest power. Criminal incidents are referred to the Walla Walla Police Department who have jurisdiction on the campus.

The Security Officers maintain a working relationship with the Walla Walla Police Department. At this time, the Security Officers have little on-going contact with the Washington State Police, the Sheriff's Department or the State Liquor Control Commission. If needed or requested, Whitman College Security Officer would work with these agencies. Crime victims and witnesses are strongly encouraged to immediately report crime to the Security Office and the Walla Walla Police Department. Prompt and accurate reporting will assure timely warning notices on-campus.

Professional and Pastoral Counseling Reporting

Professional and pastoral counselors employed by Whitman College have a professional obligation of confidentiality regarding information disclosed during a counseling session. Whitman College does not have a written policy which requires psychological and pastoral counselors to inform their clients of the procedures to report crime to Security Officers and/or local law enforcement.

Criminal Activity at Off-Campus Locations

When a Whitman student is involved in an off-campus offense, local law enforcement will respond to the incident. In addition, Whitman College fraternities, which are recognized off-campus student organizations, are also under the jurisdiction of the Walla Walla Police Department. (Whitman sororities occupy a section of Prentiss Residence Hall so they are considered on-campus student organizations). Security Officers may assist in responding to and investigating an incident at a fraternity when requested to do so by local law enforcement. College officials meet regularly with Walla Walla Police Department representatives to discuss issues relating to off-campus incidents. In addition, crime statistics from the Walla Walla Police Department are included in Whitman's annual security report.

Security Awareness/Crime Prevention Programs

During the new student orientation programs in August and January, new students are informed of services offered by the Whitman College Security Office. The Residence Life staff informs students on ways to maintain personal safety and residence hall security. A sexual assault prevention program (Green Dot) is also presented to new students during the orientation program. A second orientation program (Consent) reviews the definition of the sexual misconduct policy, the issue of consent and gives examples of how Whitman students ask each other for consent in intimate situations. At this time, there are no similar security awareness programs offered to employees.

Crime prevention programs on personal safety and theft prevention are conducted on campus in various formats throughout the year. Campus Security personnel facilitate programs for students, employees and others associated with the College. Programs for residence hall staff are provided each semester, providing a variety of educational strategies and tips on how to protect against assault, theft and other crimes.

The campus also has an escort service for students and employees (Yellow Jackets) which provides escort to and from campus facilities and up to two blocks off the campus from 7 p.m.-1 a.m. seven days a week during the academic year. Security officers can also provide escorts, when student escorts are not in service. *Tip:* To enhance personal safety in the evenings, walk with friends or call Security at 5777 for a Yellow Jacket escort.

When time is of the essence, information is distributed to the campus community through timely warning memos sent over the college's electronic mail system by the Dean of Students Office.

CAMPUS POLICIES

Alcohol:

Alcohol use continues to be an issue of concern on college campuses all across the country. Its abuse by Whitman's students is strongly discouraged because such behavior is absolutely counterproductive to the goals and mission of the college. Whether or not students choose to drink alcoholic beverages is their personal decision; however, individuals are held personally accountable for their actions at all times. The primary objectives of the college's policy and procedures regarding alcoholic beverages are (a) to promote

responsible behavior and attitudes among all members of the college community, (b) to educate students concerning the use and effects of alcoholic beverages in order to promote responsible decision-making, and (c) to help individual students experiencing difficulties associated with the use of alcohol.

Regulations Concerning Alcohol

1. There shall be no drinking of alcoholic beverages and no open containers of alcoholic beverages in public places on the college campus or public areas in campus buildings. Exceptions may be made on an event-by-event basis under the following conditions:
 - a. The use of alcoholic beverages will be in full compliance with Washington State law.
 - b. The event is sponsored by a college-affiliated organization or an organization that has reserved the facility according to college procedures.
 - c. A college faculty or staff member assumes responsibility for the event and agrees to be present for its duration.
 - d. The department, division, office, or administrator responsible for the facility being requested agrees to the terms of the use of alcoholic beverages and the facility.
2. No ASWC fees or residence hall fees may be used for the purchase of alcoholic beverages.
3. Students and student groups must avoid the direct or indirect sale of alcoholic beverages.
4. Students will be held directly responsible for the destruction of personal or public property, the violation of the safety or rights of other persons, or the violation of any other campus regulations which may occur while they are under the influence of alcohol. Excessive consumption and/or purchasing large quantities of alcoholic beverages are considered a violation of the alcohol policy.
5. Students should be familiar with the Washington State law that governs the use and purchase of alcohol (see below). Washington State Law Students should know that the alcoholic beverage laws of the State of Washington and the City of Walla Walla specify the following: It is unlawful for people under the age of 21 years to acquire or have in their possession or consume any liquor except that given to them by their parents or guardian or administered by their physician or dentist for medicinal purposes.

Washington State Law

Students should know that the alcoholic beverage laws of the State of Washington and the City of Walla Walla specify the following:

It is unlawful for people under the age of 21 years to acquire or have in their possession or consume any liquor except as administered by their physician or dentist for medicinal purposes. It is a violation of the State Liquor Act punishable by a maximum fine of \$5,000 or imprisonment, or both, for any person under the age of 21 years to purchase alcoholic liquors or to enter or remain on the premises of any establishment licensed to sell liquors at retail. The sale of alcoholic liquor to minors is a felony and the giving or supplying of alcoholic liquor to people under the age of 21, either for their own use or for the use of any other person for consumption on the premises or anywhere else, is a gross misdemeanor. The misrepresentation of age and the use of false or forged documents to obtain alcoholic beverages are gross misdemeanors punishable by a maximum fine of \$5,000.

Drugs:

It is a violation of college policy to use, possess, or distribute any illegal drug or controlled substance except as expressly permitted by law. Any student choosing to violate this policy, or the laws of the State of Washington, should be prepared to accept the consequences of his/her decision. The college reserves the right to pursue legal and/or its own judicial action should students violate the law or this policy. In addition, if referred for prosecution and found guilty, the law calls for penalties ranging from fines to imprisonment.

Drug and Alcohol Prevention Programs

Whitman College continues to develop a program to prevent the illicit use of drugs and the abuse of alcohol for students. Our current program provides services related to drug use and abuse including the dissemination of informational materials, such as the student handbook, educational programs, counseling services, referrals and college disciplinary efforts. Employees have two options for dealing with the illegal use of drugs and/or the abuse of alcohol. The College contracts with Cigna to provide an employee assistance program. As part of this employee assistance program, Cigna offers College employees anonymous, confidential alcohol abuse and/or drug abuse counseling and resource referrals. Also, employees who are enrolled in the College's medical plan are provided with a chemical dependency treatment benefit (including both alcohol and drugs).

The associate dean of students/student programs and activities provides the overall coordination of the drug and alcohol prevention program. However, many services are the responsibility of other areas of the institution. These include:

- Counseling Services
- Dean of Students
- Health Services
- Institutional Research
- Judicial Affairs
- Residence Life and Housing
- Security Office

Grievances:

1. PURPOSE AND SCOPE OF THIS POLICY

1.1 **Introduction.** Whitman College is committed to providing a learning and working environment characterized by mutual respect and fair treatment among all its constituents. An essential component of this environment is a strong ethic and practice of equality, acceptance and nondiscriminatory interactions. By College policy, harassment and discrimination on the basis of race, color, sex, gender, gender identity, sexual orientation, religion, age, marital status, national origin, physical disability, veteran's status, or any other basis prohibited by state or federal laws is unacceptable and will not be tolerated.

1.2 Purpose

- To establish procedures for filing complaints from students and employees¹ both formally and informally
- To outline procedures for addressing and resolving grievances involving conduct prohibited by Whitman College policy as well as conduct prohibited by Title IX and other federal and state laws pertaining to higher education and employment
- Define harassment and discrimination

¹ Faculty and staff are referred to as "employees." Students are defined as those who are enrolled in at least one credit.

- To affirm the College’s commitment to investigate all allegations of harassment and/or discrimination, act to end the violation, prevent its recurrence, and remedy its effect on individuals and the community

- 1.3 **Scope.** The Grievance Policy applies principally to students, faculty, and staff. Any member of the College community has a right to express a grievance. A grievance is a complaint alleging conduct or actions by a member of the Whitman College community which harms another employee or student’s ability to take full advantage of the College’s educational or employment opportunities, or impedes the grievant’s ability to study, learn or work. In cases alleging sexual harassment and sexual misconduct where both the grievant and respondent are students, the conduct procedures outlined in the student sexual misconduct policy will be followed (see the Student Handbook, and/or www.whitman.edu/righttoknow).
- 1.4 **Education and Prevention.** Whitman College provides education and training to students, faculty, and staff on a periodic basis addressing its policies regarding harassment and discrimination. All new students are required to attend two sexual misconduct prevention programs. In addition to “Green Dot,” a nationally recognized program effective in preventing sexual misconduct, students must attend a program designed to educate students regarding issues surrounding consent for sexual activity and the detrimental effects of alcohol. Whitman College employees in a supervisory capacity and/or who work with students are expected to report all complaints of sexual misconduct and demonstrate leadership in communicating the importance of mutual respect and in preserving an environment free of harassment and discrimination. These employees report the complaints to the Dean of Students Office for those involving students and to Human Resources for those involving only employees.
- 1.5 **Academic Freedom and Free Speech.** Whitman College recognizes that the educational process can be disturbing and unsettling, particularly when one’s ideas or values are being challenged. The learning, working, and living environments might not always be comfortable for all members of the College community. The College does not censure speech simply because it is offensive. In determining whether an act constitutes discrimination or harassment, the context must be carefully reviewed and full consideration must be given to protection of individual rights, freedom of speech and academic freedom.

2. DEFINITIONS

The following are definitions of terms relating to this policy and the grievance process. They reference conduct prohibited by federal and state laws, conduct prohibited by Whitman College policies, and conduct that may place the learning and working environment at risk. This list is not meant to be all-inclusive.

- 2.1 **Discrimination.** Discrimination is any distinction, preference, advantage for or detriment to an individual compared to others that is based upon an individual’s actual or perceived race, color, sex, gender, religion, age, marital status, national origin, physical disability, veteran’s status, sexual orientation, gender identity or other basis prohibited by state and federal laws. Actions or policies that result in unequal opportunity in education or employment or adversely affect the terms and conditions of a person’s employment or education at the College, which are motivated or based, in whole or part, on the protected categories can be considered discrimination.

2.2 **Discriminatory Harassment.** Discriminatory Harassment is a detrimental action based on an individual's actual or perceived race, color, sex, gender, religion, age, marital status, national origin, physical disability, veteran's status, sexual orientation, gender identity or any other basis prohibited by state or federal laws that is so severe, persistent or pervasive that it unreasonably interferes with or limits a person's ability to work, or participate in or benefit from the College's educational program or activities.

2.3 **Retaliatory Harassment.** Retaliatory Harassment is any intentional action taken by an accused individual or allied third party to seek revenge, reprisal, or injury to an individual or group who has exercised the right to file a grievance or make an oral or written report of prohibited harassment or discrimination, or participate in a related grievance proceeding.

2.4 **Sexual Harassment.** Sexual Harassment is defined as unwelcome verbal or physical conduct of a sexual nature that is sufficiently severe, persistent or pervasive that it unreasonably interferes with, limits or deprives someone of the ability to participate in or benefit from the College's educational program, or employment opportunities. The unwelcome behavior may be based on power differentials (quid pro quo), the creation of a hostile environment, or retaliation. Examples include:

- Unwelcome statements, jokes, gestures, pictures, intentional nonconsensual touching of an intimate body area, gender-based bullying, stereotyping, or other conduct that offends, demeans, harasses, or intimidates
- An attempt to coerce an unwilling person into a sexual relationship; repeatedly subjecting a person to egregious, unwanted, sexual attention
- Conditioning a benefit on submitting to sexual advances (quid pro quo). Examples include:
 - Seeking sexual favors or relationships in return for the promise of a favorable grade or other academic opportunity
 - Basing an employment-related action (hiring, salary increase, performance appraisal rating, promotion, etc.) on a sexual favor or relationship
- Punishing a refusal to comply with sexual advances
- Sexual violence; intimate partner violence
- Stalking

Harassment is particularly damaging when it exploits the educational dependence and trust between students and faculty/staff. When the authority and power inherent in faculty/staff relationships with students is abused in any way, there is potentially great damage to the individual student, to the accused individual, and to the climate of the institution.²

2.5 **Consensual Relationships.** A Consensual Relationship, for the purpose of this policy, is defined as a relationship developed between two individuals within the Whitman community that is consensual, romantic and/or sexual in nature. Such relationships can prove particularly problematic when there is an unequal power relationship, that is, one of the individuals has actual or perceived power, authority, and advantage over the other. Examples:

² NCHERM: *The 2011 NCHERM Campus Title IX Coordinator and Certification and Training Course Materials*. Used with permission

- A faculty member who has the authority to assign grades or award research and other learning opportunities, enters into a consensual relationship with a student
- A staff member who has the authority to control salary decisions, conduct performance appraisals, and promote employment opportunities, enters into a relationship with a subordinate

It should be noted that negative consequences, including claims of conflict of interest, coercion and exploitation, sexual harassment, hostile work environment, and retaliation, may arise from a less than amicable ending of a consensual relationship where there is a power difference between individuals. Moreover, under the law, co-workers may assert claims of harassment when a fellow worker is perceived to be receiving favorable treatment, due to a consensual relationship with a supervisor. (*For the faculty statement on consensual relationships, see Faculty Code, Chapter 2, Article III*)

- 2.6 **Title IX.** Title IX is a federal law that prohibits discrimination based on sex or gender in educational programs in institutions that receive federal financial assistance. The College has an affirmative obligation to investigate and act to resolve complaints of sexual harassment. Therefore, staff and faculty who work directly with students and are aware of instances of sexual harassment or misconduct must report them to the Dean of Students Office in a timely manner. Whitman College has a Title IX Administrator who will oversee an investigation of any allegations of sex discrimination involving students. For more information, contact Clare Carson, Associate Dean of Students, Memorial Building 311, Whitman College, (509) 527-5158, carsonc@whitman.edu.

3. GRIEVANCE PROCEDURE

Whitman College recognizes that problems, complaints, or grievances may arise in the daily relationships between faculty, staff, and students. It is the responsibility of all parties to establish a working and educational climate in which individuals at odds with one another first attempt to resolve their differences between themselves. The following grievance procedure is primarily for cases where this approach has not been successful or is not appropriate.

Faculty, staff, and students should feel free to bring unresolved problems and complaints to the attention of the appropriate College officials outlined below. Some harassment complaints and incidents of interpersonal conflict can be resolved informally and others may need to go through a formal complaint process.

- 3.1 **Where to Start with a Complaint.** Members of the Whitman Community who know about an incident or believe they have been subjected to a civil rights violation such as harassment or discrimination, or who have a grievance concerning a serious interpersonal conflict should meet with individuals in the following offices:
- **Students** who have a complaint or who would like information about the grievance process should come to Dean of Students Office (Memorial 302)
 - **Employees** who have a complaint or would like information about the grievance process should come to the Human Resources Office (Memorial 104)
- 3.2 **Informal Dispute Resolution.** To resolve a dispute informally, a student or employee may first seek advice from the supervisor, department head, or the budget officer. For employees, the Director of

Human Resources and for students, the Dean of Students are also other good sources of advice. An informal resolution can involve a directed conversation, mediation and/or advice about how to resolve the problem. Mediation is clearly inappropriate for certain serious behaviors and incidents, such as sexual assault, sexual misconduct, sexual harassment, and discrimination, where decisive action, including thorough investigation, must be taken immediately by the College when it becomes aware of such complaints. Such allegations should be reported to the appropriate College officials. [See 3.1]

- 3.3 **Transition to a Formal process.** If the informal resolution process proves unsuccessful, or if the complainant is dissatisfied with the informal process, he/she may file a formal complaint with the Director of Human Resources or the Dean of Students as appropriate. Conversely, at any time during the informal or formal resolution processes, the complainant may withdraw the complaint. However, even if the complainant decides to withdraw the complaint, the College reserves the right to investigate and take appropriate measures, if necessary, to protect the interests and safety of the community.

4. FORMAL COMPLAINT AND RESOLUTION

When reasonable efforts to constructively resolve issues with faculty, staff or students in an informal manner are unsuccessful, the complainant may initiate a formal complaint.

- 4.1 **The Formal Complaint Document.** A formal complaint can be made to the Dean of Students (or his or her designee) for student complainants or to the Director of Human Resources (or his or her designee) for employee complainants. The College encourages submission of grievances concerning harassment or discrimination in writing. This grievance statement should describe the alleged incident, where and when it occurred, and include any supporting materials. Unless this is a case where an informal resolution was not appropriate, the grievant will be asked about the details of the informal efforts they have made to resolve the issue(s).

When the College has received actual notice or report of an incident of sexual harassment, misconduct or discrimination involving students, the Title IX Administrator may initiate an investigation without a formal complaint. The investigation report may take the place of or supplement a written complaint document.

- 4.2 **Protection from Retaliation.** This policy prohibits retaliation against anyone who reports or is believed to have reported harassment, discrimination, or other prohibited behavior, or who is a witness or otherwise involved in a related investigatory proceeding. Such retaliation will be considered a serious violation of this policy, regardless of whether an informal or formal complaint is upheld. Encouraging others to retaliate is also prohibited and subject to investigation.
- 4.3 **Prompt Reporting.** Prompt reporting of a complaint is strongly encouraged, as it allows rapid response to and resolution of prohibited or objectionable behavior. The passage of significant time between an incident and an investigation can result in memory lapses, the departure of key witnesses, or other time-sensitive factors that can impair the investigation.
- 4.4 **Privacy.** College officials who are involved in informal or formal complaint resolution procedures or investigation, as a result of being consulted by the complainant, the accused, and/or College officials conducting investigations, are obliged to respect the privacy of the individuals involved. Students are

protected by the Family Educational Rights and Privacy Act (FERPA). College officials may not disclose information from a student grievance complaint to anyone other than those involved in the hearing process or those who have a legitimate education interest.

4.5 **Investigation Procedure.**

- For formal complaints involving students, the Title IX Administrator in the Dean of Students Office will receive grievances and will oversee the investigation and assign the investigator(s). On completion of the Title IX investigation, the report will be given to the appropriate budget officer who may decide to rule on the case or refer it to the appropriate council.
- For formal complaints against employees not involving students, the Director of Human Resources receives grievances, oversees the investigation of civil rights complaints, maintains records of proceedings and represents the College in formal and appeal procedures. The Director of Human Resources and two members of the Employee Relations Council³, one of whom will represent the constituency of the respondent, may be involved in the investigation of grievances against employees.
- A harassment complaint against the President or a member of the Governing Boards will be referred to the Executive Committee of the Board of Trustees for investigation and resolution.

The investigative teams (as mentioned above) will:

- Determine the identities and contact information of the complainant and accused individual.
- Recommend necessary remedial short-term actions and accommodations for the complainant, for example, a change in housing, work shifts, or academic adjustments.
- Conduct an immediate preliminary investigation to determine if there is reasonable cause to charge the accused individual, and what policy violations should be alleged as part of the complaint.
- Close the case if there is insufficient evidence to support reasonable cause.
- Meet with the complainant to finalize the complaint. At this point, the complainant is considered a witness; therefore, the College will initiate an investigation.
- Notify the accused person (respondent) of the charge
- Commence a thorough, reliable and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended time frame, and order of interviews for all witnesses and the accused individual.
- Complete the investigation promptly without unreasonable deviation from the proposed timeline.
- Prepare a report indicating whether or not there is enough evidence to charge the accused person with the violation of this policy (based on the standard of evidence of “preponderance

³ The Employee Relations Council (ERC) consists of two staff members with supervisory authority, two non-supervisory staff members, and three faculty members. The Council shall be of mixed genders. The members of the ERC will be nominated and chosen by the Provost and appropriate Budget Officers in concurrence with the Director of Human Resources. Additional Council members will be trained to investigate and to serve when members have a conflict of interest. Note: this employee Relations Council represents a new entity that combines the duties of the former Employee Relations Council and the former College Council on Interpersonal Relations (CCIR).

of evidence”, or more likely than not.) If there is not enough evidence to charge the accused, the case will proceed no further and both parties will be notified.

4.6 **Grievance Councils.** If the initial investigation team reaches a determination that there is sufficient evidence to charge the accused person with the violation of this policy, an appropriate grievance panel as outlined below, will be convened. Although individuals may consult an attorney, the College’s investigations, hearings and appeal processes are not legal proceedings and attorneys may not be present or participate.

- **Faculty/Staff Respondents.** The Director of Human Resources will chair a grievance panel consisting of the chair and six employees chosen from the Employee Relations Council to determine the validity of the charge and recommend sanctions if necessary. The panel will be gender balanced; at least two members shall be from the constituency of the accused (staff or faculty). The Council will review the report and other supporting documents from the investigation and have a chance to ask questions of the investigator(s). The accused employee (respondent) will have the opportunity to respond to the allegations in the report, and to meet with the council to make a statement in person and answer questions. The standard of proof used by the council to determine responsibility is a preponderance of evidence (more likely than not) and all decisions will be by a two thirds vote of the Council. The Director of Human Resources as Chair of the Council will write a report to include a summary of the hearing and the recommended sanctions to be assessed (If necessary). The report will be given to the Budget Officer in cases involving staff and to the Provost in cases involving faculty. Both the complainant(s) and respondent will be notified of the outcome by the Director of Human Resources-
- **Student Respondents.** The Dean of Students will convene a formal hearing before the Council on Sexual Misconduct if the accusation involves an alleged violation of the sexual harassment or sexual misconduct policies, or convene the Council on Student Affairs for all other offenses. (See the Student Handbook, available as a booklet or online, for complete description of the council and the hearing process for students). The Council will review the evidence in the report, ask questions of the respondent, the investigator(s), the complainant, and other witnesses, and make a final determination of the validity of the charge and the sanction to be assessed (if appropriate). The standard of proof is a preponderance of evidence (more likely than not) and all decisions will be by a two thirds vote of the Council. Both the complainant and respondent will be notified of the outcome by the Dean of Students.
- **Sanctions.**
 - **Students:** Sanctions may include dismissal or expulsion, suspension, conduct probation, suspended conduct probation or other actions including verbal warnings, written warnings, prohibition of participation in commencement activities, or other actions appropriate to the offence. (See current Student Handbook.)
 - **Employees:** Sanctions may include: oral or written reprimand, transfer to a different area or other work restrictions, counseling, required training, probation, suspension, demotion with reduction in pay, termination, or restitution. Note: If

the Grievance council determines that the filed complaint is intentionally dishonest, appropriate disciplinary action will be taken against the complainant.

- **Appeal Process.** The grounds for appeal may only be: new evidence not previously considered that would alter the outcome; evidence that was inappropriately ruled as inadmissible or admissible that would alter the outcome; procedural errors or violations committed that would have altered the outcome. The person to whom the appeal is made will act on the petition in one of three ways: he/she may decide to hear the appeal and then rule; may form a panel to hear the appeal; may reject the appeal.
 - **Students:** Both the complainant and respondent may appeal the decision of the Council on Student Affairs by writing to the Chair of the Faculty within seven days of the hearing
 - **Employees:** Employees may appeal a decision by writing to the Chair of the Faculty within seven working days after being informed of the outcome.

5. RIGHTS OF THE COMPLAINANT AND RESPONDENT

- **Employees** who believe their complaint of harassment or discrimination has not been adequately addressed through the College's grievance process may submit a grievance with the Washington State Department of Labor and Industries, the Federal Office of Civil Rights, or the Equal Employment Opportunity Commission.
- **Students** who believe their complaint of harassment or discrimination has not been adequately addressed through the College's grievance process may contact:
 - The Office of Civil Rights
 - Tim Sell, Attorney, timothy.sell@ed.gov, (206) 607-1639
 - Henry M. Jackson Federal Building, room 3310
 - 915 2nd Avenue
 - Seattle, WA 98174-1099

Whitman College supports the following rights of complainants and respondents:

- Persons involved in a grievance process have the right to a prompt investigation and resolution of the complaint
- Students involved in a hearing have the right to an adviser to help prepare for the hearing The adviser must be a member of the Whitman community (current students, or employees of the College only)
- Individuals have a right to file a complaint with other agencies- the College will help a complainant find appropriate resources if they wish to take legal action off campus.
- Individuals have a right to a safe environment—the College will take whatever measures it deems reasonable and feasible to protect the safety of the campus community
- Persons involved in a grievance process will be treated with dignity, respect and fairness
- The College will treat all complaints seriously and will investigate allegations of misconduct or policy violation
- Employees and students involved in a complaint will have full access to campus services designed to assist in such cases

- The College respects the privacy of complainants and respondents. Information gathered in an investigation will not be disclosed to others who do not have a legitimate need to know
- Individuals may consult an attorney; however, the College's investigations, hearings and appeal processes are not legal proceedings and attorneys may not be present or participate
- The College will not tolerate any form of harassment, retaliation, and/or intimidation of the complainant or the respondent, or of those supporting either party.

Sexual Misconduct:

Whitman College strives to provide a safe environment in which students can pursue their education free from the detrimental effects of sexual misconduct, which includes sexual harassment and sexual assault. Therefore, the College seeks to educate students, faculty and staff about these issues and to provide a means of recourse for those students who believe they have experienced such behavior. The College reserves the right to respond with whatever measures it deems appropriate to prevent sexual misconduct and preserve the safety and well being of students.

Purpose

- To define sexual misconduct involving students, which includes sexual harassment, other forms of non-consensual sexual behavior, and sexual assault
- To identify resources and support for students reporting an incident of sexual misconduct
- To establish procedures for filing complaints of sexual misconduct
- To affirm the College's commitment to preventing sexual misconduct
- To respond appropriately when incidents do occur.

Sexual Misconduct Defined

The College prohibits sexual misconduct in any form. Sexual misconduct is a broad term encompassing any unwelcome behavior of a sexual nature that is committed without consent or by force, intimidation, coercion or manipulation. Sexual misconduct can occur between persons of the same or different genders. Sexual harassment is a form of sexual misconduct. It is gender-based verbal or physical conduct that is so severe, pervasive or objectively offensive that it interferes with a student's ability to benefit from the educational opportunities or activities of the College.

The list of prohibited conduct under this policy includes, but is not limited to, the following:

- Unwelcome sexual advances or propositions that interfere with a student's education or employment opportunities
- Using electronic devices or technology (e.g., cell phone, camera, email, Internet sites or social networks) to record or transmit nudity or sexual acts without a person's knowledge and/or permission
- Intentionally observing nudity or sexual acts of another person without the person's knowledge or permission (voyeurism)
- Unwanted touching of the genitals, buttocks, or breasts that is intentional or other unwanted touching or groping

- Forcing/coercing someone to touch you or someone else in a sexual manner
- Threatening to sexually harm someone
- Initiating sexual activity with a person who is incapacitated and unable to provide consent due to alcohol and/or drug consumption or other condition
- Inducing incapacitation for the purpose of sexual exploitation
- Ignoring a sexual limit that has been communicated
- Coercing or intimidating someone into sexual behavior
- Sexual assault, including unwanted penetration of an orifice (anal, vaginal, oral) with the penis, finger or objects

Consent Defined

The College defines consent as a freely and affirmatively communicated willingness to participate in sexual activity, expressed by clear, unambiguous words or actions. It is the responsibility of the initiator of the sexual activity to ensure that he or she has the other person's consent to engage in sexual activity. Consent must be present throughout the sexual activity by all parties involved. At any time, a participant can communicate that he or she no longer consents to continuing the activity. Consent may never be obtained through the use of force, coercion, or intimidation or if the victim is mentally or physically disabled or incapacitated, including through the use of drugs or alcohol.

Students cannot assume consent because of the existence of a previous dating or sexual relationship. The use of alcohol or drugs does not diminish a student's responsibility to obtain consent for sexual activity.

Filing a Complaint

Any student may file a complaint of sexual misconduct against any other Whitman College student. Students who choose to file a complaint should do so with the Dean of Students Office. The College does not distinguish between incidents that occur on or off campus, including study abroad and Semester in the West.

As part of the Dean of Students Office staff, the Associate Dean of Students for Academic Support serves as the Student Conduct Administrator. The Student Conduct Administrator investigates alleged violations of the Whitman College policies and regulations and may adjudicate some complaints of sexual misconduct in an informal hearing process. The Student Conduct Administrator will help students submitting a complaint of sexual misconduct understand their available options, and inform them about the investigation and adjudication procedures.

The Office of the Dean of Students will investigate all complaints of sexual misconduct and sexual harassment between students. Students who wish to file a complaint of sexual misconduct or sexual harassment involving a staff or faculty member should do so with the Sexual Harassment Officer (Memorial Hall, Room 102, (509) 527- 5970).

Dean of Students Office, Memorial Hall, Room 302, (509) 527-5158

The Dean of Students and the Student Conduct Administrator will coordinate the College's response to reports of sexual misconduct. This includes:

- Making information regarding the Sexual Misconduct Policy and related services available to students in print and via the website
- Assisting complainants and respondents in understanding their rights
- Ensuring that complainants and respondents are provided appropriate support, including facilitating requests for safe housing, negotiating academic accommodations and providing referrals to on and off campus resources
- Assisting students in notifying local law enforcement authorities if the student so requests
- Investigating reports of alleged sexual misconduct involving students
- Issuing no-contact and no-trespass orders
- Initiating interim actions against the accused, such as interim suspension or residence hall suspension
- Overseeing the adjudication process and if necessary the appeal procedures

Students involved in an incident of sexual misconduct have the right to:

1. A safe environment

The College will take whatever measures it deems reasonable and feasible to protect the safety of the campus community, and the well-being and rights of students. Such measures may include but are not limited to, modification of living arrangements, changing an academic or work schedule, or no-contact or no-trespass orders.

2. Respect

All parties involved in an incident of sexual misconduct will be treated with dignity, respect and fairness.

3. Be taken seriously

The College will treat all complaints seriously and will investigate allegations of sexual misconduct.

4. Access to College resources and support

All parties will have full access to campus services designed to assist in such cases, including the Dean of Students' office, the Counseling Center and Health Center.

5. A fair conduct process

The College will inform all parties of their options and about the adjudication procedures.

6. File a complaint with the police

The College will not discourage students from or pressure students into taking legal action off campus

7. Freedom from retaliation

The College will not tolerate any form of harassment, retaliation, and/or intimidation of the complainant or the respondent, or of those supporting either party.

Adjudication Process

After the Dean of Students Office receives a complaint of sexual misconduct, the Student Conduct Administrator will initiate an investigation that could lead to charging a student with violating Whitman's Sexual Misconduct Policy. After the investigation, the case may be referred to the Student Conduct Administrator or the Council on Sexual Misconduct for adjudication and for sanctioning if appropriate. The following are important terms that relate to the judicial process.

1. **Notification: If the Dean of Students or Student Conduct Administrator receives a report alleging a student's violation of the Sexual Misconduct Policy, the student will be notified of the accusation** and apprised of the investigation procedures and the possibility of a hearing.
2. **Scope of the Judicial Process:** The College's judicial process extends to student conduct that occurs on campus or off campus conduct that seriously affects the student's suitability as a member of the Whitman College community.
3. **Investigation of Alleged Sexual Misconduct: The Student Conduct Administrator will interview the student bringing the charge (complainant) as well as the accused (respondent) and any other person who can provide information relevant to the incident.**
4. **Privacy:** The sexual misconduct hearing is closed to the public and no one may disclose information from the hearing to anyone not legitimately involved in the proceedings. The written statements of both parties are educational documents protected by the Family Educational Rights and Privacy Act and therefore, consent from the student who submitted the statement is required before any identifiable information can be disclosed to anyone other than college officials involved in the hearing process or who have a legitimate educational interest.
5. **Retaliation:** Any retaliatory action taken against a complainant or respondent of sexual misconduct or against their friends, acquaintances or other persons cooperating in the investigation of a charge of sexual misconduct is a violation of College policy. This includes any form of intimidation, threats, harassment or knowingly filing a false complaint.
6. **Formal Hearing: A Formal Hearing is held when cases alleging sexual misconduct are referred to the Council on Sexual Misconduct.**
 - o The Council on Sexual Misconduct is an ad hoc committee of the Council on Student Affairs and is the official body delegated to decide responsibility when alleged sexual misconduct is brought to a Formal Hearing. The Dean of Students chairs the Council on Sexual Misconduct but does not vote. The Dean moderates the proceedings and ensures that policy is followed.
 - o The Dean of Students will choose two students and two faculty members from the Council on Student Affairs and two non-entry level staff members at the College. The Council must be gender balanced.
 - o If not enough faculty and/or student members of the Council on Student Affairs are able to serve, the Dean will consult the Council on Student Affairs to choose replacement faculty and the Executive Council of ASWC for replacement student members.
 - o All participants on the Council on Sexual Misconduct must receive training. It is advisable that participants be retrained annually and mandatory that they be retrained every three years
7. **The Informal Hearing process:** In cases where the complaint is adjudicated by the Student Conduct Administrator, an informal hearing process will be followed.
8. **Appeal Board:** An appeal board will be formed in cases where the decision of the Council on Sexual Misconduct is challenged.

Education, Communication, and Training

The College conducts an annual mandatory training for faculty, students, and staff who participate in the adjudication of sexual misconduct cases

Preparing for a Hearing before the Council on Sexual Misconduct

1. Prior to a Formal Hearing, both parties will meet separately with the Dean of Students or Student Conduct Administrator to review their statements and other information relevant to the hearing. The College requires the complainant to provide a written statement. The College recommends, but does not require, the respondent to provide a written statement.
2. The Student Conduct Administrator will assist both the complainant and the respondent through the process of choosing an advisor who will help them prepare for the hearing.
3. Parties may select an advisor from the Whitman community (but not a member of the Counseling Center or Health Center) to provide support and guidance during the hearing. The Student Conduct Administrator will recommend staff members who are qualified to advise the parties involved. Students may choose to have no advisor.
4. During the hearing, the advisor may speak to the student, but may not speak to the Council or take on any role other than advisor. Throughout the process, the advisors may not contact any voting members of the Council, witnesses, the advisor for the other party, or the other party. As soon as a party chooses an advisor, the other party will be informed. The advisor must not have a conflict of interest. The Dean of Students will determine whether a conflict exists.
5. The Student Conduct Administrator, in conjunction with the complainant, the respondent, and the members of the Council on Sexual Misconduct who are hearing the case, will set the date of the Formal Hearing. The Student Conduct Administrator will meet with the respondent and the complainant to set a reasonable schedule for statements, evidence and witness lists, which they must submit before the hearing. If necessary, the Student Conduct Administrator, in conjunction with the Dean of Students, may alter the deadlines for the Formal Hearing procedures. The College will make every effort to proceed promptly while balancing the basic rights of the complainant and respondent.
6. The College will only permit witnesses if they have testimony directly related to the incident. In general, the College will not permit character witnesses or testimony about past sexual history unless the Dean of Student deems such testimony as relevant to the case.
7. Prior to the hearing the Student Conduct Administrator will provide the parties with a statement of the alleged policy violation, an explanation of the students' rights, the students' written statements, evidence, names of witnesses, a notice of the time and place of the Formal Hearing, and a list of names of members of the Council on Sexual Misconduct.
8. The parties may challenge any voting member of the Council on Sexual Misconduct. The complainant or respondent must make challenges as soon as possible and no later than forty-eight hours after receiving the list of members. The Dean of Students will rule on all such challenges. The Dean of Students will use the same process to choose replacements as he or she uses to choose members of the Council on Sexual Misconduct.
9. The College recognizes that the parties may consult with legal counsel concerning their situations. The College does not permit legal counsel to participate in Formal Hearing and Appeal proceedings under the Sexual Misconduct Policy. Respondents may choose not to provide a statement, or testify, or participate in the proceedings, but must realize that the Formal Hearing could proceed and that the Council on Sexual Misconduct could decide based on only the information presented.
10. The College will not permit retaliation of any kind against participants in proceedings under the policy including advisers. Sanctions for retaliation can be as severe as for sexual misconduct.
11. No College employee who has participated in the proceedings in good faith and who acted reasonably in the best interests of the College shall be liable for any loss or damage incurred. The College has a policy to indemnify College employees and students carrying out their duties

as members of a judicial board from any liability or costs incurred because of their job related activities.

The Formal Hearing

1. At the Formal Hearing, the Dean of Students will make introductions, read the alleged policy violation, and explain the procedures. The Student Conduct Administrator will present the case on behalf of the College. At the direction of the Student Conduct Administrator, the respondent and/or the complainant may make opening and closing statements, present evidence, and/or call approved witnesses. Members of the Council, the Student Conduct Administrator, the complainant, and the respondent may question the testimony of parties and/or witnesses. The Dean of Students will only allow questions directly related to the incident; he or she will determine each question's relevance. The complainant and respondent will give their questions to the Dean to present in order to minimize conflict between the parties during the proceeding. The Dean of Students Office will record the proceedings.
2. In cases where either party feels unable to be in the same room with the other, the College will make suitable arrangements to keep the parties separate but allow both parties to hear and respond to all proceedings of the Council prior to deliberations. The College will move the party who makes the request to another location. Following deliberations, the members of the Council will report their decision to the Dean by secret ballot. At least four affirmative votes of the six members of the Council are required to find a student responsible for violating the policy. The Council must consider only the evidence that the Student Conduct Administrator presents at the Formal Hearing. The standard of evidence shall be "preponderance of evidence."
3. If the Council on Sexual Misconduct finds the respondent responsible for violating the Sexual Misconduct Policy, the Council will assign the sanctions, as determined by consensus of the Council. The Council will take into account documentation that the Dean of Students has regarding previous violations of the Sexual Misconduct Policy and/or previous serious violations of other College conduct policies, and an impact statement from the complainant when determining the sanction. In reporting the record, the Dean will not reveal the names of previous complainants.
4. The sanctions may include:
 - o Mandatory participation in special educational programs or other sanctions determined by the Council. Failure to comply will lead to more serious sanctions.
 - o Suspended conduct probation. Under suspended conduct probation, any further violation could result in conduct probation or a more severe penalty.
 - o Conduct probation. Conduct probation may prohibit student participation in campus activities, such as extra-curricular activities, public performances, public office in student organizations, or participation in commencement or other official ceremonies. If the student does not comply with the terms of conduct probation, other sanctions may apply.
 - o Suspension from the College, with reinstatement dependent upon the fulfillment of stipulated conditions
 - o Dismissal from the College

The Dean of Students or Student Conduct Administrator will notify both parties of the outcome of the hearing no later than two class days after the Council's decision. The Dean of Students or Student Conduct Administrator will notify the respondent and the complainant separately.

5. If the Council on Sexual Misconduct finds the respondent in violation of the policy, the letter to the respondent stating the decision and sanctions will become part of the student's permanent record. After graduation, the student may petition to have the letter removed if conditions set by the Council have been met. The Dean of Students, in consultation with the Student Conduct Administrator and the Chair of the Faculty, will consider the petition.
6. The Dean of Students, omitting the parties' names, will report the decisions and sanctions to the Council on Student Affairs.

Appeal

1. Either party may appeal a decision by the Council on Sexual Misconduct only when one or more of the following conditions has been met:
 - There has been a procedural error or errors by the Council
 - Evidence or information offered by a party as part of the process has inappropriately been ruled admissible or inadmissible for the Formal Hearing
 - New evidence relevant to the specific incident has become known during or following the decision by the Council
2. To appeal, the party must submit a petition stating the grounds for appeal to the Chair of the Faculty no more than seven days after receiving notification of the Council's decision.
3. As expeditiously as possible, the Chair of the Faculty will review all written material regarding the complaint, along with the audio recording of the proceedings. The Chair of the Faculty may, but is not required to, interview the Student Conduct Administrator, the Dean of Students, any member of the Council, either party, and/or witnesses. The Sexual Misconduct Appeal Board will consider only the grounds on which the student has based his or her appeal.
4. The Chair of the Faculty will act upon the appeal petition in one of three ways:
 - Remand the appeal petition to the Council on Sexual Misconduct for supplementation of the record or clarification of their decision
 - Notify the appealing party in writing that the College has rejected the appeal and the reasons for that decision
 - Notify both parties in writing that the College has upheld the appeal and send the case to the Sexual Misconduct Appeal Board based on the cited grounds

Appeal Process

1. The College will select members of the Sexual Misconduct Appeal Board using the same criteria it uses to select the members of the Council on Sexual Misconduct. No one who served on the Council may sit on the Sexual Misconduct Appeal Board. The Chair of the Faculty will chair the Sexual Misconduct Appeal Board. He or she does not have a vote on the Board.

2. The Chair of the Faculty will notify the parties and witnesses of the date, time and location of the Appeal Hearing and the names of the members of the Sexual Misconduct Appeal Board. The complainant or respondent must make challenges to its members no later than forty-eight hours after receiving notification. The College will hold the appeal hearing as quickly as possible, but no earlier than seventy-two hours after the parties receive notification. The Chair of the Faculty will decide what evidence and/or witnesses are relevant to the Appeal. If the Chair of the Faculty deems new evidence or previously excluded evidence admissible, each party will have the opportunity to respond in person or in writing to that evidence. The Sexual Misconduct Appeal Board will use the standard of evidence of "preponderance of evidence." Four affirmative votes are necessary to overturn the original decision and/or sanctions and render a new decision and/or sanctions, if applicable. Within four days of the decision, and after consulting with appropriate College officials, the Chair of the Faculty will notify the respondent and the complainant in writing of the decision.

The Informal Hearing

Some cases of sexual misconduct or harassment will be referred to the Student Conduct Administrator for adjudication. In such cases, the following procedure will take place:

- An appointment between the student and the Student Conduct Administrator will be arranged.
- In the meeting with the Student Conduct Administrator, the student will receive a description of the incident including time, date, location, and summary of the evidence. The student will also receive a copy of the Student Handbook, be informed of his/her rights, have the charges explained and options outlined and have the opportunity to make a statement and ask any pertinent questions.
- Students who fail to appear at the appointed time or fail to reschedule the appointment will receive written notice of the charges, with all of the above information included, and the opportunity to appear in person before the Student Conduct Administrator within two class days of receipt of the notice. Failure to respond at this time will result in the student waiving the right to a hearing and being assessed an appropriate sanction by the Student Conduct Administrator based on the evidence available.

The above initial meeting will result in one of four possible outcomes:

- The Student Conduct Administrator may dismiss the charges.
- The student may accept responsibility for the violation and have a sanction imposed by the Student Conduct Administrator. Such a disposition of the case shall be final and there will be no subsequent proceedings or appeals.
- The student and the Student Conduct Administrator may agree to continue the meeting at a future time. At this subsequent meeting the student may make a statement, present witnesses, and have an adviser (who must be a student or college employee) present. Within two class days of this second meeting the Student Conduct Administrator will inform the student of the decision in writing with an imposed sanction if applicable.
- The Student Conduct Administrator may refer the case to the Council on Sexual Misconduct. If the case is referred to the Council on Sexual Misconduct, the Formal Hearing procedures will be in affect.

Appeal Process

- This decision may be appealed to the Dean of Students within five class days of its receipt.

Sexual Misconduct Education and Awareness Programs

During fall and spring orientation, new students are required to attend two sexual violence prevention programs. The first required program is called “Green Dot” which is a bystander mobilization/violence reduction/prevention program. The primary goal of the program is to persuade new students to be active, engaged bystanders in reducing incidents of sexual misconduct and make the campus safer through their active involvement. The second required program is called “Consent” which explains the key issues of our sexual misconduct policy including the definition of sexual misconduct and consent, the role alcohol plays and how students actually ask each other for consent.

We also offer “peer education” training courses for interested students. The first is a six hour Green Dot Bystander training which has a very strong emphasis on skill development and practice. The second peer education program is a two hour “first-responder” training which teaches participants how to appropriately respond should anyone confide in them regarding a sexual misconduct incident. In addition, residence halls, interest houses and Reid Campus Center bathrooms occasionally post a series of “stall stories”—educational posters throughout the academic year, that highlight issues relating to sexual misconduct. Other programs may be presented to the campus community throughout the year.

Sexual Offense Response Procedures:

If you feel you have experienced an incident of sexual misconduct, you are urged to take the following actions:

1. Seek emotional support:

- Sexual Misconduct Prevention Coordinator/Advocate--527-5208
- Counseling Center --527-5195
- YWCA--529-9922 (24 hour/7 days a week)

2. Seek medical attention as soon as possible.

- Health Center--527-5185
- Planned Parenthood--529-3570
- St. Mary Medical Center--525-3320/Walla Walla General Hospital --5250480

3. Report the incident

- Sexual Misconduct Response Coordinator/Advocate--527-5208/529-1082
- Campus Security--527-5777
- Walla Walla Police (emergency)—911

4. Investigate judicial/legal options

- Dean of Students--527-5158

- Title IX Coordinator--527-5158
- Walla Walla Police (non-emergency)--527-1960

Providence/St. Mary Medical Center and General Hospitals offer a forensic exam that will collect evidence of a sexual assault. This exam should be completed within 72 hours of the incident, but preferably as soon as possible. In order to preserve evidence, it is important not to bathe or shower prior to seeking medical attention. It is also critical that any articles that could be used as evidence, such as clothing, sheets, couch cushions, etc, be placed in separate bags and given to the Walla Walla Police Department.

If you report an incident of sexual assault to the College, the Student Conduct Administrator or Dean of Students will meet with you to discuss your options. If you wish to report the incident to the Walla Walla Police Department, College personnel such as the Sexual Misconduct Prevention Coordinator or a Security Officer, will assist you in making this report, if requested. You can either be accompanied to the police station to make a statement or it can be arranged for an officer to take your statement at an on-campus location of your choice.

A domestic violence officer from the Walla Walla Police Department is available to talk to you if you are not sure you want to make a report to the police department. This person is available from 8:00-5:00 Monday-Friday at **(509) 524-4400** or **(509) 527-4434**. If you do choose to make a report to the Walla Walla Police Department, an officer will talk to you and explain your rights as a victim and your right to have an advocate assigned to you. The advocate may be a person of your own choosing or an advocate from the YWCA. The officer will inform you that the local Walla Walla paper, Union-Bulletin, does not publish the names of sexual assault victims as well as the protocol for a police investigation.

Finally, the College will change a victim's academic and/or living situation after an alleged sex offense, if those changes are requested by the victim and are reasonably available.

Sex Offender Registration

The "Campus Sex Crimes Prevention Act" (section 1601 of Public Law 106-386) is a federal law enacted on October 28, 2000 that provides for the tracking of convicted, registered sex offenders enrolled as students at institutions of higher education, or working or volunteering on campus. It was sponsored by U.S. Senator Jon Kyl of Arizona and supported by Security On Campus, Inc.

The Act amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act to require 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, or is a student. Requires that state procedures ensure that this registration information is promptly made available to law enforcement agencies with jurisdiction where the institutions of higher education are located and that it is entered into appropriate State records or data systems. These changes took effect October 28, 2002. These requirements are tied to state eligibility for certain types of federal grant funding and must be implemented through state law.

It also amends the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act to require institutions of higher education to issue a statement, in addition to other disclosures required under that Act, advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. These changes took effect October 28, 2002.

Lastly the Act amends the Family Educational Rights and Privacy Act of 1974 to clarify that nothing in that Act may be construed to prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders; and requires the Secretary of Education to take appropriate steps to notify educational institutions that disclosure of this information is permitted. This amendment took effect on October 28, 2000.

Information about registered sex offenders is available from the Washington State Sex Offender Information Center. The URL for this site is: <http://ml.waspc.org/>. This site allows you to search for registered sexual offenders by county, city, zip code, offender’s last name, or type of conviction. To review a listing of sex offenders registered in the city of Walla Walla, select city from the pull down menu and type in Walla Walla.

2012 Annual Fire Safety Report

The Higher Education Opportunity Act, enacted on August 14, 2008, requires institutions that maintain on-campus student housing facilities to publish an annual fire safety report that contains information about campus fire safety practices and standards of the institution.

2011 statistics for on-campus student housing facilities:

<u>Location</u>	<u>Cause</u>	<u>Injuries</u>	<u>Deaths</u>	<u>Property Damage</u>
Zero (0) fires to report				

All fires shall be reported to the Office of Residence Life and the College Security Department.

Description of on-campus student housing fire safety systems:

- Each building has at least one fire pull station on every floor.
- Every residence hall has a fire evacuation route posted on each floor.
- All residence halls are equipped with emergency exit doors.
- All residence hall rooms and interest house rooms are equipped with battery operated smoke detectors.
- All residence halls have hard wired smoke detectors, with battery back-up, including the hallways and general living areas.
- All residence halls are equipped with fire suppression systems, except for Tamarac House.
- Each building is equipped with at least one fire extinguisher per floor.
- Every college residence is equipped with fire extinguishers.

Fire evacuation procedures when the alarm sounds:

1. Close the door when leaving to prevent fire and smoke from spreading.
2. Proceed quietly to your exit route and out of the nearest exit door.
3. Walk swiftly. **DO NOT RUN OR PUSH.**
4. After leaving the building, move to the front and away from the building.
5. Do not return to the building **FOR ANY REASON** until the all clear is given by the College staff.

Number of regular mandatory supervised fire drills:

Each residence hall has one fire evacuation drill conducted and evaluated by the College Security Department, fall semester. In 2010 the Security Department conducted nine supervised fire drills at various residential facilities.

Policies on portable electronic appliances, smoking, open flames, and other prohibited items.

On-campus housing facilities have prohibitions against the following activities:

1. Smoking
2. Using lighted candles, incense or other open flamed devices.
3. Cooking in unapproved areas (bedrooms) including use of toaster ovens, and other appliances with an open heating element. Microwaves are allowed.
4. Possession of space heaters.
5. Misuse of extension cords.
6. Tampering with or blocking any fire protection equipment.
7. Possession or use of fireworks.
8. Use of flammable cleaning fluids.
9. Storage of any flammable liquids in open or unsound containers.
10. Any decorating which involves excessive use of non-fire resistant materials.
11. Remaining in the building when then fire alarm sounds.
12. Removal of smoke detectors.

Additional information is available on the following web sites, Whitman College Handbook:

http://www.whitman.edu/content/academic_resources/handbooks/student_handbook

Residence Assistant Handbook

http://www.whitman.edu/content/residence_life/staff-resources/ra-handbook

Campus Security Department

<http://www.whitman.edu/content/security/>

Fire safety education and training programs for students, faculty, and staff:

The College Security Department and/or Residence Life provide training to housing staff including Resident Assistants, Student Academic Advisors, and Resident Directors. The training includes information on fire protection features of facilities, fire prevention, emergency procedures, and conducting fire safety education for residents.

Plans for future improvements in fire safety:

Whitman College continually evaluates the fire protection system in residential facilities. Upgrades to the system occur through replacements or building renovations.

Conclusion

If you have questions about any of the information in the annual security report or the annual fire safety report, please contact security at 509-527-5777. Thank you.

