

# Annual Security Report & Annual Fire Safety Report

October 1, 2025

Dear Campus Community,

On behalf of the Whitman College Campus Security team, I would like to take this opportunity to extend a warm welcome to each of you. Our foremost commitment is to the safety and well-being of our students, faculty, staff and visitors. We pride ourselves on having a dedicated team of professionals who work diligently to ensure a safe environment for all community members, 24/7 throughout the year. Through their regular patrols, they build relationships within the campus community and work collaboratively with local law enforcement agencies to uphold safety standards. The details of our initiatives are outlined in the Annual Security Report.

Whitman College is dedicated to fulfilling its obligations under the Jeanne Clery Disclosure of Campus Security and Crime Statistics Act. To achieve this, we gather relevant data from campus security, various college offices, including Residential Life, the Dean of Students Office, and other security authorities, and information from local law enforcement that serves the area surrounding our campus.

Our Annual Security Report serves to provide vital information on educational programs, safety protocols, crime statistics, and policies related to the reporting of emergencies and campus crime rates. The report encompasses the years 2022, 2023 and 2024 and focuses on incidents that have occurred on the Whitman campus, public property immediately adjacent to the campus, and certain off-campus buildings or properties owned or controlled by Whitman College.

Should you have any questions regarding the report, please feel free to contact Campus Security. We appreciate your cooperation and continued support in fostering a safe and welcoming campus environment.

Thank you,

Greg Powell

Assistant Dean of Students | Director of Campus Security

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# Introduction

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. The college is also committed to accurately reporting criminal activity in our vicinity for the awareness of our students and employees, as well as prospective students and employees.

At the direction of the Vice President of Student Affairs and Dean of Students, the Director of Security, Title IX Coordinator and the Environmental Health and Safety Manager prepare this report in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (“the Clery Act”), a federal law that requires colleges and universities to disclose information about crime on and around their campuses.

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 the Walla Walla Police Department, Campus Security, and other school officials who have “significant responsibility for student and campus activities” such as the Student Conduct Administrator. This report is prepared in cooperation with local law enforcement, Campus Security, Residence Life and Housing, the Council on Student Affairs, Business Office, other college areas and the YWCA Sexual Assault Victim Advocate. Each entity provides updated information on their educational efforts and programs to comply with the Clery Act.

The report also includes institutional policies concerning campus security such as alcohol, drugs, sexual misconduct and other matters.

The annual security report must be published and distributed to current students and employees by October 1 of each year. An email will be sent to current students and employees prior to October 1 that announces the report’s availability, a brief description of the information contained in the report and where to access the report ([www.whitman.edu/security/annual-security-report](http://www.whitman.edu/security/annual-security-report)). 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 availability, a description of its content and the opportunity to request a copy will also be provided to prospective students and prospective employees.

## Clery Geography and Map

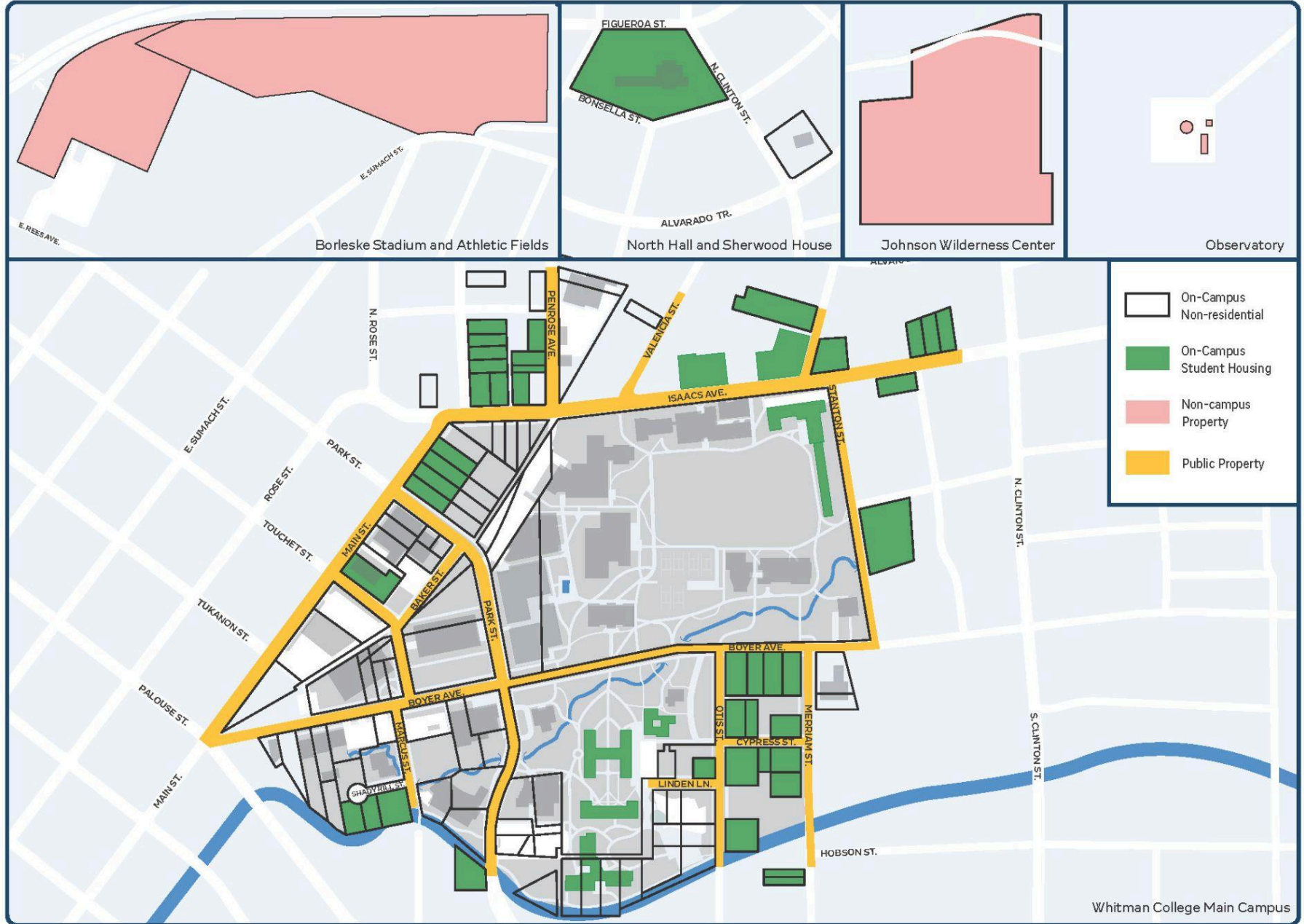
The Clery Act requires colleges and universities to report criminal activity that takes place in the following four geographic areas:

- **On-campus property:** Any building or property owned or controlled by an institution and within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls.
- **On-Campus Residential Housing:** Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.
- **Non-campus buildings or property:** Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.
- **Public property:** All public property, including thoroughfares, streets, sidewalks and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

The map on the following page shows Whitman's designated Clery geography.

# WHITMAN COLLEGE

# GEOGRAPHICAL AREA COVERED IN THE 2025 ANNUAL SECURITY REPORT



## Other reports on campus security and climate

The Annual Security Report covers the specific criminal acts required by the Clery Act. Additional information on campus safety and other incidents that impact the community is available from a variety of sources:

- The annual Title IX report on sexual harassment, discrimination and sexual misconduct.
- Bias incidents are reported semi-annually in [Whitman Today](#).
- Results of NACCC faculty and staff climate surveys are available from the Division of Diversity and Inclusion.
- The Daily Crime Log covers activities reported to or discovered by Campus Security.

## Annual Statistics: Clery Act

*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.*

Every college and university receiving Title IV funds must disclose specific crime statistics for the campus, public areas immediately adjacent to or running through the campus, and certain non-campus facilities including sorority and fraternity housing and remote classrooms. The statistics must be gathered from local law enforcement, campus security, and other school officials who have “significant responsibility for student and campus activities” such as a Student Conduct Administrator. Whitman College does not have a written policy that requires psychological and pastoral counselors to inform their clients of the procedures to report crimes to Security Officers and/or local law enforcement. However, medical and mental health practitioners and ecclesiastical leaders excluded from reporting can contribute to anonymous, aggregate data collection.

The statistics are broken down by criminal activity as well as geography. Listed on the pages following are the Whitman College crime statistics for the most recent three-year period covering 2024, 2023 and 2022. *Note: Incidents that take place in on-campus student residential housing are included both in the on-campus category and the on-campus housing category.*

# Criminal Offense Definitions

## **Murder/Non-Negligent Manslaughter**

Murder and Non-negligent Manslaughter is defined as the willful (non-negligent) killing of one human being by another.

## **Negligent Manslaughter**

Manslaughter by Negligence is defined as the killing of another person through gross negligence.

## **Rape**

Rape is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of any person, regardless of gender.

## **Fondling**

Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental incapacity. Fondling is recognized as an element of the other sex offenses. Therefore, count Fondling only if it is the only sex offense.

## **Incest**

Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

## **Statutory Rape**

Statutory Rape is sexual intercourse with a person who is under the statutory age of consent. The age of consent in Washington state is 16 years old.

## **Robbery**

Robbery is the taking or attempting to take anything of value from the care, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

## **Aggravated Assault**

Aggravated Assault is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

## **Burglary**

Burglary is the unlawful entry of a structure to commit a felony or a theft.

## **Motor Vehicle Theft**

Motor Vehicle Theft is the theft or attempted theft of a motor vehicle.

## **Arson**

Arson is any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

	2024				2023				2022			
	On Campus	On Campus Housing	Non-Campus	Public Property	On Campus	On Campus Housing	Non-Campus	Public Property	On Campus	On Campus Housing	Non-Campus	Public Property
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
Rape	1	1	0	0	3	3	0	0	3	3	0	0
Fondling	3	3	0	0	6	5	0	0	2	2	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	1	1	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	2	2	1	0	2	2	0	0	2	0	0	0
Motor Vehicle Theft	2	0	0	0	0	0	0	0	1	0	0	0
Arson	0	0	1	0	0	0	0	0	0	0	0	0

**Hate Crimes**

A Hate Crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim. There are eight categories of bias reported under the Clery Act: Race, Religion, Sexual Orientation, Gender, Gender Identity, Ethnicity, National Origin and Disability. For Clery Act purposes, Hate Crimes include all the previously listed Criminal Offenses as

well as Larceny-Theft, Simple Assault, Intimidation and Destruction/Damage/Vandalism of Property.

**2024: 0**

**2023: 0**

**2022: 0**

## Violence Against Women Act (VAWA) Offenses

Colleges and universities are also required to report the following Violence Against Women Act (VAWA) crimes including dating violence, domestic violence and stalking.

### **Domestic Violence**

Domestic Violence is defined as a felony or misdemeanor crime of violence committed:

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
- or
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

### **Dating Violence**

Dating Violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition:

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

## Stalking

Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for the person’s safety or the safety of others; or
- Suffer substantial emotional distress.

	2024				2023				2022			
	On-Campus	On-Campus Housing	Non-Campus	Public Property	On-Campus	On-Campus Housing	Non-Campus	Public Property	On-Campus	On-Campus Housing	Non-Campus	Public Property
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	3	3	0	0	1	1	0	0
Stalking	0	0	0	0	1	0	0	0	1	1	0	0

## Arrests and Conduct Referrals

Colleges and universities are further required to report 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.

Arrest is defined as persons processed by arrest, citation or summons.

Referral for disciplinary action is defined as the referral of any person to any official who initiates a disciplinary action of which a record is established and which may result in the imposition of a sanction.

### Weapons

Weapons: Carrying, Possessing, Etc., is defined as the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons.

### Drug Abuse Violations

Drug Abuse Violations are defined as the violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation,

manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

**Alcohol Violations**

Alcohol Violations are defined as the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

	2024				2023				2022			
	On-Campus	On-Campus Housing	Non-Campus	Public Property	On-Campus	On-Campus Housing	Non-Campus	Public Property	On-Campus	On-Campus Housing	Non-Campus	Public Property
Weapons: Arrests	0	0	0	0	0	0	0	0	0	0	0	0
Weapons: Referrals	1	1	0	0	1	1	0	0	0	0	0	0
Drugs: Arrests	0	0	0	0	0	0	0	0	0	0	0	0
Drugs: Referrals	26	25	0	0	4	4	0	0	9	5	0	0
Alcohol: Arrests	0	0	0	0	0	0	0	0	0	0	0	0
Alcohol: Referrals	78	78	1	0	192	192	0	0	92	89	0	0

**Unfounded Crimes**

To count a crime as unfounded for Clery Act purposes, the reported crime must have been

- Clery Act crime;
- Reported to have occurred on Clery Act geography;
- Thoroughly investigated by sworn or commissioned law enforcement personnel; and

- Found through investigation to be false or baseless, meaning that the crime did not occur and was never attempted.

YEAR	
2024	0
2023	0
2022	0

## Campus Security

### The Office of Campus Security

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 persons 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, which has jurisdiction on the campus.

### Daily Crime Log

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 emailed to campus officials for review. Crimes that 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 [whit.mn/dcl](http://whit.mn/dcl) and an incident in the college's conduct database, Advocate. The daily crime log includes the nature of the crime, the date/time the crime occurred, the date/time the 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.

### Working with Local Agencies

The Security Officers maintain a working relationship with the Walla Walla Police Department. At this time, the Security Officers have little ongoing contact with the Washington State Police, the Sheriff's Department or the State Liquor and Cannabis Board. If needed or requested, a 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.

## **Monitoring of Criminal Activity at Non-Campus or Off-Campus Locations**

When a Whitman student is involved in an off-campus offense, local law enforcement will respond to the incident. Security Officers may assist in responding to and investigating an incident at an off-campus location 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 2023 new student orientation, new students attended a campus safety program hosted by college staff from the Security Office and the Environmental Health and Safety Office. The Residence Life staff also informs students on ways to maintain personal safety and residence hall security.

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.

## **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 and all residence halls. Other college facilities are locked unless a college event is being hosted in the facility; examples include Cordiner Hall and Bratton Tennis Center. Other college facilities have individual hours, which may vary at different times of the year; examples include the Baker Center, Penrose Library, Reid Campus Center and Sherwood 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. Overextended 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 without approval. Security Officers check 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 Students' Office, the Chief Financial Officer's Office and Facilities, who respond to reported safety/security issues.

### Partial Reopening (March 2020 through March 2022)

All buildings were closed to non-campus constituents and only accessible by swipe access or a valid key.

Exterior residence hall doors are locked 24 hours a day and accessible only by a valid ID card, key code combination or a key. Overextended 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 without approval. 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.

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### Post-COVID-19 Reopening (March 2022 to present)

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 and all residence halls. Other college facilities are locked unless a college event is being hosted in the facility; examples include Cordiner Hall and Bratton Tennis Center. Other college facilities have individual hours, which may vary at different times of the year; examples include the Baker Center, Penrose Library, Reid Campus Center and Sherwood 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 without approval. 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 Students' Office, the Chief Financial Officer's Office and Facilities, who respond to reported safety/security issues.

## **Crime Reporting & Resources**

### **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 509-527-5777 (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 509-527-5777. 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, which are routinely tested by Security:

- Phi Delta Theta, 715 Estrella—In front yard
- Maxey Hall—S.E. corner
- Music Building—S.E. corner

- Prentiss Hall—Near bridge in front of Prentiss Hall
- North Hall—In yard in front of North Hall
- Harper Joy—N.W. side next to sidewalk
- Ankeny Field—North of Maxey West building

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. 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. We also strongly encourage all students with mobile phones to place the Whitman Security telephone number, 509-527-5777, and the Walla Walla Police Department non-emergency number, 509-527-1960, in their lists of contacts.

## 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.

Campus Security	509-527-5777	416 E. Main St.
Vice President for Student Affairs/Dean of Students	509-526-3018	Memorial 325
Student Conduct Administrator	509-522-4403	Memorial 326
Title IX Coordinator ( <a href="mailto:titleix@whitman.edu">titleix@whitman.edu</a> )	509-522-4314	Memorial 301
Director: Residence Life	509-527-5297	Memorial 130

## Campus Security Authorities

Campus Security Authorities (CSAs) are campus security officers or other campus officials with significant responsibility for campus and student activities. All CSAs have responsibility under Clery to report information for timely warnings and crime statistics. All CSAs are notified on a yearly basis of this designation and responsibility. At Whitman, CSAs fall into one of four categories, which include:

1. Campus security officers.
2. Staff or students other than campus security officers, who have responsibility for campus security including individuals who monitor access into a campus facility, act as event security or escort students around campus after dark.
  - a. Intercultural Center Interns
  - b. Reid Campus Center Building Managers

- c. Resident Assistants
  - d. Security Escorts
3. Individuals or officers specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
    - a. Vice President of Student Affairs/Dean of Students Office
    - b. Residence Life and Housing Office
    - c. Student Conduct Administrator
    - d. Title IX Coordinator
  4. An official of an institution who has significant responsibility for student and campus activities. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.
    - a. ASWC Club/Organization Advisers
    - b. Athletics Director
    - c. Coaches, Varsity & Club Sports
    - d. Debate Coaches
    - e. Greek Adviser
    - f. Intercultural Center Staff
    - g. Outdoor Program Staff
    - h. Student Activities Office Staff
    - i. Career and Community Engagement Office Staff

## Voluntary Confidential Reporting

Faculty, staff and students at Whitman, as well as community members, may submit a confidential care report using our online reporting portal: Advocate. The [Advocate public reporting form](https://whitman.edu/assist) ([whitman.edu/assist](https://whitman.edu/assist)) allows a person to submit a confidential report in five areas:

- Issues of general care/concern (eating disorders, substance abuse, mental health issues, etc.)
- Campus policy violations (inappropriate access, academic dishonesty, etc.);
- Campus incident (bias incident, hate crime, theft, etc.)
- Academic or campus life concern (issues with a faculty member, concerns about an office or department, etc.)
- Sexual misconduct (inappropriate contact, sexual assault, dating and domestic violence, stalking)\*

\*Faculty, staff and some student leaders are responsible employees under Title IX. If they are reporting a sexual misconduct incident, they may not do so anonymously, unless they are reporting their own sexual misconduct incident.

## Mental Health Professional and Pastoral Counseling Disclosure

Mental Health professionals 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. Medical and mental health practitioners and ecclesiastical leaders excluded from reporting can contribute to anonymous, aggregate data collection.

## Emergency Notifications and Procedures

### Timely Warnings

When a crime is reported by a campus security authority to Security Officers or another of the campus reporting options, the Vice President of Student Affairs/Dean of Students, a designee from the Dean of Students Office or the Director of Security will determine if a timely warning should be issued in conjunction with the Office of Communications. 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 it constitutes an ongoing or continuing threat in the judgment of the Vice President of Student Affairs/Dean of Students, a designee from the Dean of Students Office or the Director of Security. This warning will be issued by the Vice President of Student Affairs/Dean of Students Office in conjunction with the Office of Communications via an email alert. If there is an imminent threat or danger, the Timely Warning will be issued through the college mass notification system to students and employees.

Depending on the particular circumstances of the situation, especially those that could pose an ongoing, continuing threat to the community and individuals, the Security Office will work with the Office of Communications to create and distribute flyers to each residence hall through the Resident Directors, each administrative office, the Academic Division Offices, the Fraternities through the Associate Director of Students Activities, and other campus facilities. 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 509-527-5777 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.

## 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 the College President, who will determine whether the plan is to be activated and oversee implementation of the plan. In the absence of the President, the Provost/Dean of Faculty will assume the role, followed by any available member of the President's Cabinet.

When appropriate, the President or designee 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.

### **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 a mass notification system, which allows us to send messages using phones, text devices and email. 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 emergency web page \(emergency.whitman.edu\)](http://emergency.whitman.edu). The content of any notifications will be the responsibility of the Public Information Officer or their designee in conjunction with the college President or their designee.

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 in 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." Evacuation drills will be conducted at least four times per year in residence halls and twice a year in academic 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 Environmental Health and Safety Department in cooperation with the Emergency Plan Leadership Team conducted at least one emergency exercise prior to campus shutting down due to COVID-19.

### **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 living in on-campus housing 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, 416 E. Main St. WCTS Building, 509-527-5777
- Director-Residence Life, Memorial Hall 130, 509-527-5297
- Vice President of Student Affairs/Dean of Students, Memorial Hall 325, 509-526-3018

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 Vice President of Student Affairs/Dean of Students, Director for Residence Life, Director of Security, and law enforcement officers in accordance with a missing person's 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 the 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, they will immediately contact a security officer, the Vice President of Student Affairs/Dean of Students, or the Director of Residence 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 (RAs and RDs) will be contacted to determine if the student's whereabouts are known. The Vice President of Student Affairs/Dean of Students may also seek to determine the student's whereabouts. If these steps do not locate the student, the Vice President of Student Affairs/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 his/her whereabouts, in the event that the contact person knows the location of the student. If the student is still missing after this notification, the Vice President of Student Affairs/Dean of Students may notify campus staff and faculty of the missing student through the campus email 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 Vice President of Student Affairs/Dean of Students, will convene a formal 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 Vice President of Student Affairs/Dean of Students, the Director of Security may also notify local law enforcement of the missing student in accordance with the investigation.

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

## **Drug & Alcohol Policies and Programs**

These policies can be found in the [Whitman College Student Handbook \(www.whitman.edu/dean-of-students/student-handbook/student-rights-and-responsibilities\)](http://www.whitman.edu/dean-of-students/student-handbook/student-rights-and-responsibilities).

### **Alcohol**

Alcohol use continues to be an issue of concern on college campuses all across the country. Its abuse by Whitman students is strongly discouraged because such

behavior is 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 on alcoholic beverages are:

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

## Regulations Concerning Alcohol

- Drinking alcoholic beverages and open containers of alcoholic beverages are prohibited 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:
  - The use of alcoholic beverages will be in full compliance with the Washington State Law.
  - The event is sponsored by a college-affiliated organization or an organization that has reserved the facility according to college procedures.
  - A college faculty or staff member assumes responsibility for the event and agrees to be present for its duration.
  - 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.
- No ASWC fees or residence hall fees may be used for the purchase of alcoholic beverages.
- Students and student groups must avoid the direct or indirect sale of alcoholic beverages.
- 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.
- All students should be familiar with the Washington state law that governs the use and purchase of alcohol (see below). Further, students who are of legal

age should pay careful attention to laws regarding supplying alcohol to those under the age of 21.

## 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 any person to sell, give, or otherwise supply liquor to any person under the age of 21 years or permit any person under that age to consume liquor on his or her premises or on any premises under his or her control. It is unlawful for any person under the age of 21 years to possess, consume, or otherwise acquire any liquor except that given to them by their parents or guardian, used in connection with religious services, or administered by their physician or dentist for medicinal purposes. The supply of alcohol to, or the use of alcohol by, any person under the age of 21 years is a gross misdemeanor punishable by a fine of up to \$5,000 or imprisonment. A person under the age of 21 years, acting in good faith who seeks medical assistance for him or herself or someone else experiencing alcohol poisoning, shall not be charged or prosecuted if the evidence for the charge was obtained as a result of the person seeking medical assistance.*

## Drugs and Other Dangerous Substances

The possession, use or distribution of illegal drugs or other controlled substances is a violation of the law. The college has chosen to take a strong stand against the use of controlled substances because of the significant risks that are present when deciding to use them. Many of these substances are physically or psychologically addicting; the composition or potential for lethality of “street” drugs can never be determined by the user and is often dangerous; strictly enforced laws and policies can lead to serious consequences for even the experimentation or occasional user. For example, the courts may impose jail sentences and/or fines and such actions and consequences may jeopardize one’s status with the college, as well as future employment opportunities. The college strongly believes that any use of controlled substances is antithetical to the growth and development of students and contrary to the mission of Whitman College.

Substance use and abuse can cause serious problems for students, and the college will intervene when appropriate. Information, personal assistance, counseling and referral to community resources is available through the [Welly Health and Counseling Center](#).

## Regulations Concerning Drugs

Use, possession, sale or distribution of any illegal drug or controlled substance, or illegal use or distribution of a legal drug, including cannabis, is a violation of college policy. Any student violating this policy, or the laws of the State of Washington, should be prepared to accept the consequences of their decision. The college reserves the right to pursue legal and/or its own disciplinary action should students violate the law or this policy. Whitman College may apply disciplinary procedures to students who abuse drugs or substances that are not illegal but may cause harm if misused. The college may apply disciplinary action to students who abuse these substances.

Cannabis, while legal in small amounts for those 21 and over in the state of Washington (in *private spaces*), *is a violation of the Drug Free Schools Act, and will not be allowed, in any form, on campus.*

## 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 Cascade Centers to provide an employee assistance program. As part of this employee assistance program, Cascade Centers 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 plans are provided with a chemical dependency treatment benefit (including both alcohol and drugs).

The Assistant Vice President for: Health and Wellness 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
- Vice President of Student Affairs/Dean of Students
- Health Services
- Institutional Research
- The Council on Student Affairs
- Residence Life and Housing
- Security Office

To review Whitman College's Annual Drug-Free Schools and Communities Act information, please go to [www.whitman.edu/dean-of-students/drug-free-schools-and-community-act](http://www.whitman.edu/dean-of-students/drug-free-schools-and-community-act).

## **Sexual Misconduct and Harassment Reporting, Policies and Procedures**

*[Note: If you've had an experience that makes you feel uncomfortable, please go to [whitman.edu/titleix](http://whitman.edu/titleix)]*

### **Prohibited Sexual Misconduct**

Whitman College prohibits sexual misconduct in any form, including (but not limited to) dating violence, domestic violence, sexual assault and stalking as defined for Clery reporting purposes. 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 means conduct on the basis of sex that satisfies one or more of the following:

- An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity.

*[Note: While the above behaviors are prohibited by the college, not all of the above behaviors are crimes and as such may not be reflected in the college's Clery statistics.]*

### **Educational Programs and Campaigns**

During New Student Orientation, students attend a session about Title IX, Consent and Bystander Intervention. Vector Solutions virtual compliance training covers issues of stalking, partner violence and sexual assault and ways to safely intervene in unsafe situations as well as a program on consent that 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. All students participate in

this training, with new students completing the initial session and all students receiving booster sessions later on. New faculty and staff attend a session that addresses Title IX and the Campus SaVE Act, focusing on issues of stalking, partner violence and sexual assault.

## Procedures Survivors Can Follow in the Case of Alleged Dating Violence, Domestic Violence, Sexual Assault or Stalking

If you have experienced an incident of sexual misconduct, or something that makes you feel uncomfortable, you are encouraged to take the following actions:

1. Seek immediate supportive measures by reporting to:
  - a. Title IX Coordinator—509-522-4314
  - b. Vice President of Student Affairs/Dean of Students—509-526-3018
2. Seek confidential emotional support and/or advocacy.
  - a. Welty Health and Counseling Center—509-527-5281
  - b. Karen Angel (SAVA)—509-876-7075 and [sava@ywcaww.org](mailto:sava@ywcaww.org).
  - c. YWCA—509-529-9922 (24 hour/7 days a week)
3. Seek medical attention as soon as possible.
  - a. Welty Health and Counseling Center—509-527-5281
  - b. Planned Parenthood—509-529-3570
  - c. St. Mary Medical Center—509-525-3203.
  - d. Walla Walla Police (emergency)—911
  - e. Emergency Services—911
4. Seek legal response and consultation.
  - a. Walla Walla Police (non-emergency)—509-527-1960
  - b. Domestic Violence/ Sexual Assault Services Coordinator— 509-524-4400

Whitman College provides students and employees with supportive measures, which may include counseling, medical referrals, assistance with safety planning (such as adjustments to class and work schedules or safe housing), and information about their rights.

Students and employees who have experienced an incident of sex- or gender-based harassment, discrimination or violence may seek confidential victim's advocacy support through the YWCA's on-campus advocate (Hunter 406, 509-526-3032/509-876-7075, [sava@ywcaww.org](mailto:sava@ywcaww.org)).

Students can also seek confidential support through the Welty Health and Counseling Center, 509-527-5281, or Interfaith Chaplain, 509-522-4449.

Additional confidential disclosure resources for both students and employees are accessible off campus at the YWCA at 213 First Street, 509-525-2570 or 509-529-9922 (24-hour hotline number).

Students can access resources and support through the Dean of Students Office (Memorial 325); employees can access resources and support through the Human Resources Office (Memorial 105).

If you report an incident of sexual assault to the college, the Title IX Coordinator will meet with you to discuss your options. If you wish to report the incident to the Walla Walla Police Department, someone from the college 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.

Additional confidential reporting sources for both students and employees are accessible off campus at the YWCA at 213 First St., 509 525-2570 or 509-529-9922 (24-hour hotline number).

Students can access resources and support through the Dean of Students Office (Memorial 325); employees can access resources and support through the Human Resources Office (Memorial 105).

The Domestic Violence/ Sexual Assault Services Coordinator at the Walla Walla Police Department is available to talk to you if you are not sure whether you want to make a report to the police department. This person is available from 8 a.m. to 3 p.m. 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 survivors as well as the protocol for a police investigation.

## Preservation of Evidence

Providence/St. Mary Medical Center offers 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. Seeking medical attention and/or choosing to complete a forensic exam does not

automatically result in a police report. An advocate will be made available to you in the hospital to accompany you through the exam process if you wish to have one present.

## Protection Orders

If an individual experiences unwelcome sex-based conduct, they may seek a modification to their academic and/or living situation, if those changes are reasonably available and do not create a fundamental alteration. Individuals who have experienced unwelcome conduct have the right to obtain an order of protection, a 'no contact' order, a restraining order, or similar lawful order issued by a civil court by filing at the Walla Walla County Courthouse, or a campus no contact order issued by Whitman College through the Title IX reporting process. Violations of no contact orders will be referred to appropriate student or employee conduct processes or law enforcement, depending upon the authorizing agency.

## Procedures the College will Follow in the Case of Alleged Dating Violence, Domestic Violence, Sexual Assault or Stalking

### Privacy

In addition, the Title IX Coordinator will keep confidential the complaint, report, witness statements, and any other information provided by the complainant, respondent, or witnesses and will disclose this information only to the complainant, respondent, or witnesses, as necessary to give fair notice of the allegations and to conduct the investigation; to law enforcement consistent with state and federal law; to other college officials as necessary for coordinating interim measures or for health, welfare, and safety reasons, and to government agencies who review the college's compliance with federal law. The investigation report will be disclosed only to the complainant, respondent, Title IX Coordinator, disciplinary authority as necessary, and college officials as necessary to prepare for subsequent proceedings (e.g., college president and college legal counsel).

The college reserves the right to determine which college officials have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

The college may contact parents/guardians to inform them only in situations in which there is a significant and articulable health and/or safety risk but will usually consult with the student first before doing so.

In addition, Title IX Coordinator will keep confidential the complaint, report, witness statements, and any other information provided by the complainant, respondent, or witnesses and will disclose this information only to the complainant, respondent, or witnesses, as necessary to give fair notice of the allegations and to conduct the investigation; to law enforcement consistent with state and federal law; to other college officials as necessary for coordinating interim measures or for health, welfare, and safety reasons, and to government agencies who review the college's compliance with federal law. The investigation report will be disclosed only to the complainant, respondent, Title IX Coordinator, disciplinary authority as necessary, and college officials as necessary to prepare for subsequent proceedings (e.g., college president and college legal counsel).

Information about complaints and reports, absent personally identifiable information, may be reported to college officials and external entities for statistical and analysis purposes pursuant to federal and state law and college policy.

## Supportive Measures

The college will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged sexual harassment and/or retaliation. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to the college's education program or activity, including measures designed to protect the safety of all parties or the college's educational environment, and/or deter sexual harassment and/or retaliation.

The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice or a complaint. At the time that supportive measures are offered, the college will inform the complainant, in writing, that they may file a formal complaint with the college either at that time or in the future, if they have not done so already. In certain circumstances involving patterned behavior, violence, or when the complainant requests, the Title IX Coordinator may initiate the formal complaint. In those circumstances, the complainant retains all the rights of notice and participation.

The Title IX Coordinator works with the complainant to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented.

The college will maintain the privacy of the supportive measures, provided that privacy does not impair the college's ability to provide the supportive measures. The

college will act to ensure as minimal an academic or occupational impact on the parties as possible.

The college will implement measures in a way that does not unreasonably burden the other party.

Supportive measures may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to the Employee Assistance Program
- Referral to community-based service providers
- Student financial aid counseling
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Implementing contact limitations (no contact orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Timely warnings
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator

## Disciplinary Process

Whitman's Title IX Sexual Harassment and Sex Discrimination, Policy applies to faculty, staff and students. In compliance with Title IX federal regulations, reported conduct must be addressed under the 2020 regulations. As such, this report includes sections of the Title IX policy established under the 2020 regulations that are relevant to the Clery Act. The policy is available online in the Title IX section of our website. [How to File a Complaint of Dating Violence, Domestic Violence, Sexual Assault or Stalking](#)

- Direct Outreach to the Title IX Coordinator
  - Lori Makin-Byrd, Interim Title IX Coordinator  
[titleix@whitman.edu](mailto:titleix@whitman.edu)
- Contact the Deputy Title IX Coordinator:
  - Cara Setchell, Assistant Director of Human Resources  
Memorial Building 105  
509-527-5970  
[setchecl@whitman.edu](mailto:setchecl@whitman.edu)

- Submit a Report Online: Information on a potential Title IX violation also may be submitted using the [online reporting form](#).

## 2020 Regulation Compliance

### **Notice/Formal Complaint**

Upon receipt of a formal complaint to the Title IX Coordinator of an alleged violation of the policy, the Title IX Coordinator initiates a prompt initial assessment to determine the next steps the college needs to take.

The Title IX Coordinator will initiate one of two responses:

- An informal resolution (upon submission of a formal complaint); and/or
- A formal grievance process, including an investigation and a hearing (upon submission of a formal complaint).

The college uses the formal grievance process to determine whether the policy has been violated. If so, the college will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to sexual harassment or retaliation, their potential recurrence, or their effects.

### **Initial Assessment**

Following receipt of a formal complaint of an alleged violation of this policy, the Title IX Coordinator or designee engages in an initial assessment. The steps in an initial assessment can include:

- If a formal complaint is made (requiring the signature of the complainant), the Title IX Coordinator assesses its sufficiency and works with the complainant to make sure it is correctly completed.
- If an informal resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution, and may seek to determine if the respondent is also willing to engage in informal resolution.
- If a formal grievance process is preferred, the Title IX Coordinator determines if the misconduct alleged falls within the scope of Title IX. If it does, the Title IX Coordinator will initiate the formal investigation and grievance process.
- Once the decision to commence a formal investigation is made, the Title IX Coordinator appoints trained individuals to conduct the investigation, usually within two business days of determining that an investigation should proceed.

## **TITLE IX REGULATORY DISMISSAL STANDARDS**

Under 34 CFR §106.45 (B)(3) the college must dismiss the formal complaints if they do not meet the following standards:

1. If the conduct does not constitute sexual harassment as defined above (34 CFR §106.30).
2. If the college does not have control over the harasser.
3. If the incident did not occur in a program or activity of the college.
4. If the incident did not occur in the United States.
5. If the complainant is not a member or seeking to become a member of the college community

**Dismissal does not mean to disregard the complaint, typically the dismissal is to resolve the allegations under a separate policy not governed by the Title IX regulatory standards.**

### **Discretionary Dismissal**

The college may dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing:

- A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; or
- The respondent is no longer enrolled in or employed by the college; or
- Specific circumstances prevent the college from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon any dismissal, the college will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties.

This dismissal decision is appealable by any party.

### **Counterclaims**

The college is obligated to ensure that the grievance process is not abused for retaliatory purposes. The college permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims by a respondent may be made in good faith, but are, on occasion, also made for purposes of retaliation. Counterclaims made with retaliatory intent will not be permitted.

Counterclaims determined to have been reported in good faith will be processed using the grievance procedures below. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur.

Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy.

## **Resolution Processes**

### Informal Resolution

Informal resolution can include three different approaches:

- When the Title IX Coordinator can resolve the matter informally by providing supportive measures (only) to remedy the situation.
- When the parties agree to resolve the matter through an alternate resolution mechanism, usually before a formal investigation takes place.
- When the respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process

To initiate informal resolution, a complainant needs to submit a formal complaint, as defined above. A respondent who wishes to initiate informal resolution should contact the Title IX Coordinator.

It is not necessary to pursue informal resolution first in order to pursue a formal grievance process, and any party participating in informal resolution can stop the process at any time and begin or resume the formal grievance process.

Prior to implementing informal resolution, the college will provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by the college.

The college will obtain voluntary, written confirmation that all parties wish to resolve the matter through informal resolution before proceeding, and will not pressure the parties to participate in informal resolution.

### Formal Grievance Resolution Process

The Title IX Coordinator will provide written notice of the investigation and allegations (the "NOIA") to the respondent upon commencement of the formal grievance process. This facilitates the respondent's ability to prepare for the interview and to identify and choose an advisor to accompany them. The NOIA is also copied to the complainant, who is to be given advance notice of when the NOIA will be delivered to the respondent.

The NOIA will include:

- A meaningful summary of all the allegations,
- The identity of the involved parties (if known),
- The precise misconduct being alleged,
- The date and location of the alleged incident(s) (if known),
- The specific policies implicated,
- A description of the applicable procedures,
- A statement of the potential sanctions/responsive actions that could result,
- A statement that the college presumes the respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,
- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period,
- A statement about the college's policy on retaliation,
- Information about the privacy of the process,
- Information on the need for each party to have an advisor of their choosing and suggestions for ways to identify an advisor,
- A statement informing the parties that the college's policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process,
- Detail on how the party may request disability accommodations during the interview process,
- [A link to the college's VAWA Brochure](#),
- The name(s) of the investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the investigator(s) may have, and
- An instruction to preserve any evidence that is directly related to the allegations.

Notice will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official college records or emailed to the parties' college-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

#### Right to an Advisor

The parties may each have an advisor of their choice present with them for all meetings, interviews, and hearings within the resolution process, if they so choose. The parties may select whoever they wish to serve as their advisor.

Choosing an advisor who is also a witness in the process creates potential for bias and conflict-of-interest. A party who chooses an advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing decision-maker(s).

Parties may be accompanied by different advisors throughout the process, but may only have a single appointed advisor for the hearing. Parties may also request to be accompanied by the support person upon special request to the Title IX Coordinator. The decision to grant this request is at the sole discretion of the Title IX Coordinator and will be granted equitably to all parties.

The advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose advisors from inside or outside the college community. The Title IX Coordinator will also assign an advisor for any party if the party requests. All parties must be accompanied by an advisor to conduct cross-examination in the hearing. The Title IX Coordinator will assign an advisor if the party requests.

#### Advisor's Role in Meetings and Hearings

The parties may be accompanied by their advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith. They may not, however, be an active participant in the interviewing process during the investigation.

The college cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other party does not or cannot afford an attorney, the college is not obligated to provide an attorney.

Under U.S. Department of Education regulations under Title IX, cross-examination is required during the hearing, but must be conducted by the parties' advisors. The parties are not permitted to directly question each other or any witnesses. If a party does not have an advisor for a hearing, the college will appoint an advisor for the limited purpose of conducting any questioning of the other party and witnesses.

A party may reject this appointment and choose their own advisor, but they may not proceed without an advisor. If the party's advisor will not conduct questioning, the college will appoint an advisor who will do so thoroughly, regardless of the participation or non-participation of the advised party in the hearing itself.

A party may elect to change advisors during the process and is not obligated to use the same advisor throughout. The parties are expected to inform the investigator(s) of the identity of their advisor at least two (2) business days before the date of their first meeting with investigators (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Title IX Coordinator if they change advisors at any time. It is assumed that if a party changes advisors, consent to share information with the previous advisor is terminated, and a release for the new advisor must be secured. Parties are expected to inform the Title IX Coordinator of the identity of their hearing advisor at least two (2) business days before the hearing.

All advisors are subject to the same college policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisee's without disrupting proceedings. The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the advisor generally may not speak on behalf of their advisee, the advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their advisors should ask for breaks to allow for private consultation.

Any advisor who oversteps their role as defined by this policy will be warned only once. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine how to address the advisor's non-compliance and future role.

#### Investigation Process

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

Throughout the investigation process, the Title IX Coordinator ensures that all parties have a full and fair opportunity to suggest witnesses, propose questions, present evidence and expert witnesses, and thoroughly review and respond to all evidence in the record during the first ten-day review period.

The investigator(s) typically take(s) the following steps, if not already completed (not necessarily in this order:

- Determine the identity and contact information of the complainant.
- In coordination with campus partners (e.g., the Title IX Coordinator), initiate or assist with any necessary supportive measures.
- Identify all policies implicated by the alleged misconduct and notify the complainant and respondent of all the specific policies implicated.
- Assist the Title IX Coordinator with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation.
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all witnesses and the parties.
- Meet with the complainant to finalize their interview/statement, if necessary.
- Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance, when possible.
- When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose.
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary.
- Allow each party the opportunity to suggest witnesses and questions they wish the investigator(s) to ask of the other party and witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions.
- Complete the investigation promptly and without unreasonable deviation from the intended timeline.
- Provide regular status updates to the parties throughout the investigation.
- Prior to the conclusion of the investigation, provide the parties and their respective advisors (if so desired by the parties) with a list of witnesses whose information will be used to render a finding.
- Provide each interviewed party and witness an opportunity to review and verify the investigator's summary notes (or transcript) of the relevant evidence/testimony from their respective interviews and meetings.
- The investigator(s) gather, assess, and synthesize evidence, but make no conclusions, engage in no policy analysis, and render no recommendations as part of their report.
- Prior to the conclusion of the investigation, provide the parties and their respective advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the college does not intend to rely in reaching a determination, for a ten (10) business day review and comment period so that each party may

meaningfully respond to the evidence. The parties may elect to waive the full ten days. Each copy of the materials shared will be watermarked on each page with the role of the person receiving it (e.g., complainant, respondent, complainant's advisor, respondent's advisor). The parties may not share the preliminary report with other individuals.

- The investigator(s) may elect to respond in writing in the investigation report to the parties' submitted responses and/or to share the responses between the parties for additional responses.
- The investigator(s) will incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The investigator(s) should document all rationales for any changes made after the review and comment period.
- The investigator shares the report with the Title IX Coordinator for feedback.
- The investigator will incorporate any relevant feedback, and the final report is then shared with all parties and their advisors through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing. The parties are also provided with a file of any directly related evidence that was not included in the report.
- Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included.

#### Role of Witnesses in the Investigation

Witnesses (as distinguished from the parties) may be students, employees or others identified by the investigator or by the parties. Student witnesses are strongly encouraged to participate in good faith with the investigation process. Witnesses who are employees of the college are expected to cooperate with and participate in the college's investigation and resolution process. Failure of employee witnesses to cooperate with and/or participate in the investigation or resolution process constitutes a violation of policy and may warrant discipline.

Although in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Skype, Zoom, FaceTime, WebEx, or similar technologies may be used for interviews if the investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing. The college will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

## Resolution Timeline

The college will make a good faith effort to complete the resolution process within a 60–90 business day time period, including appeal, which can be extended as necessary for appropriate cause by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

## Notice of Hearing

Notice will be made in writing and may be delivered by one or more of the following methods: in person, or emailed to the parties' college-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

No less than ten (10) business days prior to the hearing, the Title IX Coordinator or the chair will send notice of the hearing to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The hearing notice will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
- The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities.
- Any technology that will be used to facilitate the hearing.
- Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the decision-maker(s) and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator at least five (5) business days prior to the hearing.
- A list of all those who will attend the hearing, along with an invitation to object to any decision-maker on the basis of demonstrated bias. This must be raised with the Title IX Coordinator at least two (2) business days prior to the hearing.
- Information on how the hearing will be recorded and on access to the recording for the parties after the hearing.
- If a party or witness does not appear at the hearing and cannot be subject to cross examination, the Hearing Panel will use information provided as a part of the investigation in making a decision. A party or witness will not be penalized in the decision process for not attending a hearing. However, there is a significant benefit to attending the hearing and addressing questions. Respondents who do not attend will be relinquishing due process opportunities inherent in addressing questions during cross examination and

direct examination. For compelling reasons, the chair may reschedule the hearing.

- Notification that the parties may have the assistance of an advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator if they do not have an advisor, and the college will appoint one. Each party must have an advisor present. There are no exceptions.
- A copy of all the materials provided to the decision-maker(s) about the matter, unless they have been provided already.<sup>1</sup>
- An invitation to each party to submit to the chair an impact statement pre-hearing that the decision-maker will review during any sanction determination.
- An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.
- Whether parties can or cannot bring mobile phones/devices into the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the respondent is still subject to this policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by the college and remain within the 60-90 business day goal for resolution.

#### Decision Maker/Hearing Panel

The college will designate a single decision-maker or a three-member panel at the discretion of the Title IX Coordinator. The single decision-maker will also chair the hearing. With a panel, one of the three members will be appointed as chair by the Title IX Coordinator.

The decision-maker(s) will not have had any previous involvement with the investigation.

Those who have served as investigators will be witnesses in the hearing and therefore may not serve as decision-makers. Those who are serving as advisors for any party may not serve as decision-makers in that matter.

The Title IX Coordinator may not serve as a decision-maker or chair in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the

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<sup>1</sup> The final investigation report may be shared using electronic means that preclude downloading, forwarding, or otherwise sharing.

matter do not create a conflict of interest. Otherwise, a designee may fulfill this role. The hearing will convene at a time determined by the chair or designee.

### Hearing Procedures

At the hearing the decision-maker(s) has the authority to hear and make determinations on all allegations of sexual harassment and/or retaliation and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the sexual harassment and/or retaliation, even though those collateral allegations may not specifically fall within the policy.

Participants at the hearing will include the chair, any additional panelists, the investigator(s) who conducted the investigation, the parties (or three (3) organizational representatives when an organization is the respondent), advisors to the parties, any called witnesses (only during the time they are providing testimony), and anyone providing authorized accommodations or assistive services.

The chair will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf. The chair will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the decision-maker(s) and the parties, and will then be excused.<sup>2</sup>

### Recording

Hearings (but not deliberations) are recorded by the college for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted.

The decision-maker(s), the parties, their advisors, and appropriate administrators of the college will be permitted to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

### Deliberation, Decision-Making and Standard of Proof

The decision-maker(s) will deliberate in closed session to determine whether the respondent is responsible or not responsible for the policy violation(s) in question. If a panel is used, a simple majority vote is required to determine the finding. The preponderance of the evidence standard of proof is used.

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<sup>2</sup> A copy of the order of the hearing proceedings is available upon request in the Title IX Coordinator's Office and will be provided to parties upon commencement of a formal investigation leading to a hearing.

When there is a finding of responsibility on one or more of the allegations, the decision-maker(s) may then consider the previously submitted party impact statements in determining appropriate sanction(s). In certain cases, the responsibility for determining sanctions may be referred to another designated body, as outlined by institutional policy.

The chair will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party(ies). The decision-maker(s) may – at their discretion – consider the statements, but they are not binding.

The decision-maker(s) will review the statements and any pertinent conduct history provided by the appropriate administrator, and will determine the appropriate sanction(s) in consultation with other appropriate administrators, as required.

The chair will then prepare a written deliberation statement and deliver it to the Title IX Coordinator, detailing the determination, rationale, the evidence used in support of its determination, the evidence not relied upon in its determination, credibility assessments, and any sanctions or recommendations.

This report must be submitted to the Title IX Coordinator within two (2) business days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.

#### Notice of the Outcome

Using the deliberation statement, the Title IX Coordinator will work with the chair to prepare a Notice of Outcome. The Title IX Coordinator will then share the letter, including the final determination, rationale, and any applicable sanction(s) with the parties and their advisors within seven (7) business days of receiving the decision-maker(s)' deliberation statement.

The Notice of Outcome will be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official college records, or emailed to the parties' college-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Outcome will articulate the specific policy(ies) reported to have been violated, including the relevant policy section, and will contain a description of the procedural steps taken by the college from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with

parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The Notice of Outcome will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent the college is permitted to share such information under state or federal law; any sanctions issued which the college is permitted to share according to state or federal law; and any remedies provided to the complainant designed to ensure access to the college's educational or employment program or activity, to the extent the college is permitted to share such information under state or federal law (this detail is not typically shared with the respondent unless the remedy directly relates to the respondent).

The Notice of Outcome will also include information on when the results are considered by the college to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any available appeal options.

#### Sanctions

Factors considered when determining a sanction/responsive action may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The respondent's disciplinary history
- Previous allegations or allegations involving similar conduct
- The need for sanctions/responsive actions to bring an end to the sexual harassment and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of sexual harassment and/or retaliation
- The need to remedy the effects of the sexual harassment and/or retaliation on the complainant and the community
- The impact on the parties
- Any other information deemed relevant by the decision-maker(s)

The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

Sanctions that may be applied are:

- Dismissal or Expulsion: Permanent termination of student status.
- Suspension: Removal from the college for a definite period of time with reinstatement dependent upon the fulfillment of stipulated conditions.
- Probation: Terms of probation will be set by the decision-maker(s) in consultation with other appropriate administrators.
- Suspended Probation: Probationary status, under the terms of which any further violation by the student involved may result in the immediate application of probation or a more severe penalty.
- Other Official Action: This may include verbal warning, written warning, loss of privileges, prohibition of participation in commencement exercises, withdrawal of permission to re-enroll, or other action appropriate to the offense.

### Appeals

Any party may file a request for appeal ("Request for Appeal"), but it must be submitted in writing to the Title IX Coordinator within seven (7) days of the delivery of the Notice of Outcome.

A three-member appeal panel will be designated by the Title IX Coordinator OR a single appeal decision-maker will chair the appeal. No appeal panelists or decision-maker will have been involved in the process previously, including any dismissal appeal that may have been heard earlier in the process.

The request for appeal will be forwarded to the appeal chair for consideration to determine if the request meets the grounds for appeal (a "Review for Standing").

This review is not a review of the merits of the appeal, but solely a determination whether the request meets the grounds and is timely filed.

### Grounds for Appeal

Appeals are limited to the following grounds:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the specific complainant or respondent that affected the outcome of the matter.

If any of the grounds in the request for appeal do not meet the grounds in this policy, that request will be denied by the appeal chair and the parties and their advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the request for appeal meet the grounds in this policy, then the appeal chair will notify the other party(ies) and their advisors, the Title IX Coordinator, and, when appropriate, the investigators and/or the original decision-maker(s).

The other party(ies) and their advisors, the Title IX Coordinator, and, when appropriate, the investigators and/or the original decision-maker(s) will be mailed, emailed, and/or provided a hard copy of the request with the approved grounds and then be given seven (7) business days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded by the chair to all parties for review and comment.

The non-appealing party (if any) may also choose to raise a new ground for appeal at this time. If so, that will be reviewed to determine if it meets the grounds in this policy by the appeal chair and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the investigator(s) and/or original decision-maker(s), as necessary, who will submit their responses in seven (7) business days, which will be circulated for review and comment by all parties.

Neither party may submit any new requests for appeal after this time period. The appeal chair will collect any additional information needed and all documentation regarding the approved grounds and the subsequent responses will be shared with the appeal panel, or and the chair/panel will render a decision in no more than seven (7) business days, barring exigent circumstances. All decisions are by majority vote and apply the preponderance of the evidence standard.

A Notice of Appeal Outcome will be sent to all parties simultaneously, including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result which the college is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the college is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official institutional records, or emailed to the parties'

college-issued email or otherwise approved account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

Any sanctions imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above

#### Appeal Considerations

- Decisions on appeal are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so.
- Appeals are not intended to provide for a full re-hearing (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
- An appeal is not an opportunity for appeal decision-makers to substitute their judgment for that of the original decision-maker(s) merely because they disagree with the finding and/or sanction(s).
- The appeal chair/decision-maker(s) may consult with the Title IX Coordinator on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.
- Appeals granted based on new evidence should normally be remanded to the original investigator(s) and/or decision-maker(s) for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, decided on appeal.
- Once an appeal is decided, the outcome is final, further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing).
- In rare cases where a procedural error cannot be cured by the original decision-maker(s) (as in cases of bias), the appeal may order a new hearing with a new decision-maker(s).
- The results of a remand to a decision-maker(s) cannot be appealed. The results of a new hearing can be appealed, once, on any of the three available appeal grounds.
- In cases in which the appeal results in reinstatement to the college or resumption of privileges, all reasonable attempts will be made to restore the respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

## **Sex-based Harassment (Applicable under Title IX, Title VII, and the Fair Housing Act)**

Sex-based Harassment is defined as conduct on the basis of sex that meets one or more of the following criteria:

### Quid Pro Quo

A school employee conditions the provision of a school-related aid, benefit, or service on an individual's participation in unwelcome sexual conduct.

### Hostile Environment Harassment

Hostile Environment Harassment refers to unwelcome conduct on the basis of sex that is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the educational program or activity. This applies whether the conduct is from the school staff, students, or others, and whether it happens in person or online.

Whitman College reserves the right to address offensive conduct and/or harassment that (1) does not rise to the level of creating a hostile environment, or (2) that is of a generic nature and not based on a protected characteristic. Addressing such conduct will not result in the imposition of discipline under the Policy, but may be addressed through respectful conversation, remedial actions, education, effective Alternative Resolution, and/or other Informal Resolution mechanisms.

For assistance with Alternative Resolution and other Informal Resolution techniques and approaches, contact the Title IX Coordinator.

### Sexual Assault<sup>3</sup>

Sexual Assault is defined as:

**Rape**, which includes penetration, no matter how slight, of the vagina or anus of the Complainant, with any body part of the Respondent or by Respondent's use of an object, or penetration of the Complainant by a sex organ of the Respondent, without the consent of the Complainant or when the Complainant is unable to provide consent.

**Fondling**, which is defined as the non-consensual touching of clothed or unclothed body parts by an individual, for sexual gratification, degradation, or humiliation, including when the complainant is unable to give consent due to age, mental/physical incapacity, or intoxication.

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<sup>3</sup> This would include having another person touch you sexually, forcibly, and/or without their consent.

**Incest**, which includes sexual intercourse, between persons who are related to each other, within the degrees wherein marriage, is prohibited by Washington state law.

**Statutory Rape**, which includes sexual intercourse with a person who is under the statutory age of consent, 16.<sup>4</sup>

**Dating Violence**, defined as:

- A. violence,
- B. on the basis of sex,
- C. committed by a person, who is in or has been in a social relationship of a romantic or intimate nature, with the Complainant.
  - a. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—
    - i. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
    - ii. Dating violence does not include acts covered under the definition of domestic violence.

**Domestic Violence**,<sup>5</sup> defined as:

- A. Violence,
- B. on the basis of sex,
- C. committed by a current or former spouse or intimate partner of the Complainant,
- D. by a person with whom the Complainant shares a child in common, or
- E. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
- F. by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of WA, or
- G. by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of WA.

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<sup>4</sup> In Washington, the legal age of consent is 16 years old. This allows individuals aged 16 and above to engage in sexual activities with other consenting adults. However, there are specific exceptions to this general rule. For instance, if the older individual holds a position of authority over the minor, such as a teacher or coach, the age of consent is elevated to 18 years old.

<sup>5</sup> To categorize an incident as Domestic Violence under this Policy, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

**Stalking<sup>6</sup>**, defined as:

- A. engaging in a course of conduct,
- B. on the basis of sex,
- C. directed at the Complainant, that
  - a. would cause a reasonable person to fear for the person’s safety, or
  - b. the safety of others; or
  - c. suffer substantial emotional distress.

**Sexual Misconduct**

**Sexual Exploitation:<sup>7</sup>**

- A person taking non-consensual or abusive sexual advantage of another, that does not constitute Sex-based Harassment as defined above,
- for their own benefit or for the benefit of anyone other than the person being exploited.

Examples of Sexual Exploitation include, but are not limited to:

- Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed).
- Invasion of sexual privacy (e.g., doxxing).
- Knowingly making an unwelcome disclosure of (or threatening to disclose) a person’s sexual orientation, gender identity, or gender expression.
- Taking pictures, video, or audio recording of another person in a sexual act, or in any other sexually related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity; or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the

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<sup>6</sup> For the purposes of this definition—

- Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
- Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

<sup>7</sup> This offense is not classified under Title IX as “Sex-based harassment,” but it is included here in this policy as a tool to address a wider range of behaviors.

photographed person's consent), including the making or posting of non-consensual pornography.

- Prostituting another person.
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually transmitted disease (STD) or infection (STI), without informing the other person of the virus, disease, or infection.
- Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity.
- Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections (e.g., spoofing).
- Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity.
- Knowingly soliciting a minor for sexual activity.
- Engaging in sex trafficking.
- Knowingly creating, possessing, or disseminating child sexual abuse images or recordings.
- Creating or disseminating synthetic media, including images, videos, or audio representations of individuals doing or saying sexually-related things that never happened, or placing identifiable real people in fictitious pornographic or nude situations without their consent (i.e., Deepfakes).

## Other Prohibited Conduct

### 1. **Bullying**<sup>8</sup>:

Bullying includes repeated and/or severe aggressive behavior that is likely to intimidate or intentionally hurt, control, or physically or mentally diminish the Complainant that is not speech or conduct that is otherwise protected by the First Amendment.

### 2. **Endangerment**:

Endangerment includes actions that threaten or cause physical harm, extreme verbal, emotional, or psychological abuse, and other conduct which threatens or endangers the health or safety of any person or damages their property.

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<sup>8</sup> For Bullying, Hazing, and Endangerment, these offenses can be addressed under this Policy when the conduct is on the basis of sex.

### 3. Hazing<sup>9</sup>:

Hazing Policy and Federal Compliance:

In alignment with Section 119 of the Stop Campus Hazing Act and the college's commitment to student safety, hazing in any form is strictly prohibited. The federal law requires institutions of higher education to publicly report hazing incidents and include related policy, and disciplinary procedures in the Annual Security Report.

Definition of Hazing:

Whitman College defines hazing in accordance with federal and institutional standards. Any intentional, knowing, or reckless act committed by one or more individuals — on or off campus — against a student that:

- Endangers their physical or mental health or safety,
- Is connected to initiation into, affiliation with, or membership in a student organization,
- Involves coercion, intimidation, humiliation, forced consumption (of alcohol or other substances), physical restraint, or sleep deprivation.

Hazing is not confined to the student group or student organization with which the person subjected to the hazing is associated.

Institutional Policy and Prohibition:

Hazing is in violation of the Student Code of Conduct and will not be tolerated. Participation in hazing activities — whether by act, encouragement, or silence — may result in disciplinary action.

Reporting Hazing:

It is encouraged that all students, faculty, staff, and community members report hazing or suspected hazing through the following resources:

- Whitman College Security Department: 509-527-5777
- Dean of Students Office: 509-527-5158
- Title IX Office: [titleix@whitman.edu](mailto:titleix@whitman.edu)

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<sup>9</sup> For the purposes of this definition:

- It is not necessary that a person's initiation or continued membership is contingent upon participation in the activity, or that the activity was sanctioned or approved by the student group or student organization, for an allegation of hazing to be upheld.
- It shall not constitute an excuse or defense to a hazing allegation that the participants took part voluntarily, gave consent to the conduct, voluntarily assumed the risks or hardship of the activity, or that no injury was suffered or sustained.
- The actions of alumni, active, new, and/or prospective members of a student group or student organization may be considered hazing.

All reports are taken seriously and investigated in accordance with institutional procedures.

Disciplinary Actions:

Students or organizations found responsible for hazing may face up to, but not limited, to the following sanctions:

- Suspension or expulsion from the college,
- Organization suspension, probation, or revocation of campus recognition,
- Referral for criminal prosecution (when warranted).

Disclosure Statement:

In compliance with the Stop Campus Hazing Act, this report includes disclosure of all reported hazing incidents from the past three calendar years.

	2024				2023				2022			
	On-Campus	On-Campus Housing	Non-Campus	Public Property	On-Campus	On-Campus Housing	Non-Campus	Public Property	On-Campus	On-Campus Housing	Non-Campus	Public Property
Hazing	0	0	0	0	1	0	0	0	0	0	0	0

**4. Retaliation:**

Retaliation includes adverse actions, including intimidation, threats, coercion, or discrimination, against any person, by the college, a student, employee, or a person authorized by the college to provide aid, benefit, or service under the college’s education program or activity for the purpose of interfering with any right or privilege secured by law or Policy, or because the person has engaged in protected activity, including reporting information, making a Complaint, testifying, assisting, or participating or refusing to participate in any manner in an investigation or Resolution Process under the Sexual Harassment And Nondiscrimination Policy Procedures, including an Informal Resolution process, or in any other appropriate steps taken by the college to promptly and effectively end any sex discrimination in its education program or activity, prevent its recurrence, and remedy its effects.

The exercise of rights protected under the First Amendment does not constitute retaliation. It is also not retaliation for the college to pursue Policy violations against those who make materially false statements in bad faith in the course of a resolution under the Sexual Harassment and Nondiscrimination Policy. However, the determination of responsibility, by

itself, is not sufficient to conclude that any party has made a materially false statement in bad faith.

If the elements to support a claim under Title IX through a grievance process are met, but the case is determined under a different institutional policy, the institution will be considered to have engaged in retaliatory action.

#### **5. Unauthorized Disclosure<sup>10</sup>:**

Unauthorized Disclosure includes distributing or otherwise publicizing materials created or produced during an investigation or Resolution Process except as required by law or as expressly permitted by college; or publicly disclosing institutional work products that contain personally identifiable information without authorization or consent.

\*This section reflects unauthorized disclosure from the 2024 Title IX Regulations. The 2020 Title IX Regulations do not prohibit re-disclosure.

#### **6. Failure to Comply/Process Interference**

Failure to Comply/Process Interference includes:

- Intentional failure to comply with the reasonable directives of the Title IX Coordinator in the performance of their official duties, including with the terms of a no contact order.
- Intentional failure to comply with emergency removal or interim suspension terms.
- Intentional failure to comply with sanctions.
- Intentional failure to adhere to the terms of an Informal Resolution agreement.
- Intentional failure to comply with mandated reporting duties as defined in this Policy.
- Intentional interference with the Resolution Process, including but not limited to:
  - Destruction of or concealing of evidence.
  - Actual or attempted solicitation of knowingly false testimony or providing false testimony or evidence.
  - Intimidating or bribing a witness or party.

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<sup>10</sup> Nothing in this section restricts the ability of the Parties to: obtain and present evidence, including by speaking to witnesses (as long as it does not constitute retaliation under this Policy), consult with their family members, confidential resources, or Advisors; or otherwise prepare for or participate in the Resolution Process.

## **Online Harassment**

Here at Whitman College, we are fully committed to assisting members of our community by dealing with instances of prohibited behaviors online. We understand that these behaviors can have an impact on our programs and activities, especially when they involve the college's networks, technology or equipment. Our policies are crafted thoughtfully to create a safe and respectful environment for all.

Online harassment can manifest in troubling ways, including the misuse of tracking technology; sharing intimate images without consent on aggregator websites; spreading harmful information by reaching out to people associated with the target; and engaging in harassment on social media platforms. Perpetrators may use available information, deception or even illegal tactics to acquire and distribute this information. It's crucial to underscore that using information for harassment is not acceptable, may be against the law and should never be blamed on the victim.

Although we do not have authority over website and social media content, social media platforms or other channels where harassing communications may occur, we are committed to taking appropriate actions to address and minimize the impact of such communications when they are reported.

We strongly recommend individuals facing harassment to report it, allowing us to offer the needed assistance and take steps to safeguard the security and welfare of our community.

## **Response Procedures**

Upon receipt of notice, the Title IX Coordinator will reach out to the complainant or source of the notice to offer supportive measures and explain the process, and understand how they wish to proceed. If the complainant wishes to file a formal complaint, the Title IX Coordinator will assess jurisdiction and initiate a notice of investigation.

Once the complainant has filed a formal complaint, they may request to engage in an informal resolution of the matter.

## **Collateral Misconduct**

Collateral misconduct is defined to include potential violations of other college policies that are not part of the Title IX policy but occur in conjunction with alleged violations or arise during the investigation. These collateral allegations may be addressed along with potential violations of the Title IX policy to provide a comprehensive resolution for all allegations. In such cases, the Title IX Coordinator may consult with relevant college officials, such as those from human resources,

student affairs, or academic affairs, to seek their input on the appropriate charges. However, the decision to exercise collateral charges under these procedures rests with the Title IX Coordinator. Allegations of misconduct unrelated to incidents covered by the Title IX policy will generally be addressed separately through the procedures outlined in the student, faculty, and staff handbooks.

## **Initial Evaluation**

The Title IX Coordinator conducts an initial evaluation typically within 24 to 48 hours of receiving Notice/Complaint/Knowledge of alleged misconduct.<sup>11</sup> The initial evaluation typically includes:

1. Assessing whether the reported conduct may reasonably constitute a violation of the Policy.
  - a. If the conduct may not reasonably constitute a violation of the Policy, the matter is typically dismissed from this process, consistent with the dismissal provision in these procedures. It may then be referred to another process, if applicable.
2. Determining whether Whitman College has jurisdiction over the reported conduct, as defined in the Policy, that includes:
  - a. That the alleged conduct occurred within the United States,
  - b. That the alleged conduct occurred within a program or activity of Whitman College,
  - c. That the complainant was participating in, or attempting to participate in, the college's programs or activities at the time of the incident or alleged incident,
  - d. That Whitman College has authority to take disciplinary action over the respondent.
3. If the conduct is not within the college's jurisdiction, the matter is typically dismissed from this process, consistent with the dismissal provision in these procedures. If applicable, the conduct will be referred to the appropriate college office for resolution.
4. Offering and coordinating supportive measures for the Complainant.
5. Offering and coordinating supportive measures for the Respondent, as applicable.

## **Helping a Complainant to Understand Resolution Options**

If the Complainant indicates their intention to initiate a formal complaint, the Title IX Coordinator will assist in facilitating the complaint, which will include:

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<sup>11</sup> If circumstances require, the college will designate another person to oversee the Resolution Process should an allegation be made about the Title IX Coordinator or the Title IX Coordinator be otherwise unavailable, unable to fulfill their duties, or have a conflict of interest.

Working with the Complainant to determine whether the Complainant wishes to pursue one of three resolution options:

- Informal Resolution, or
- A hearing with cross-examination.

\*An informal resolution is never an option when it involves an employee and a student.

### **Title IX Coordinator Authority to Initiate a Complaint**

If the Complainant does not wish to file a Complaint, the Title IX Coordinator has the ultimate discretion to decide whether a Complaint is initiated. The Coordinator will offer supportive measures and determine whether to initiate a Complaint themselves. To make this determination, the Title IX Coordinator will evaluate the request to assess whether there is a serious and imminent threat to someone's safety or if the college cannot ensure equal access without initiating a Complaint. The Title IX Coordinator will consider the following non-exhaustive factors to determine whether to file a Complaint:

- The Complainant's request not to initiate a Complaint.
- The Complainant's reasonable safety concerns regarding initiating a Complaint.
- The risk that additional acts of discrimination would occur if a Complaint is not initiated.
- The severity of the alleged discrimination, including whether the discrimination, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence.
- The age and relationship of the Parties, including whether the Respondent is a Whitman College employee.
- The scope of the alleged discrimination, including information suggesting a pattern, ongoing discrimination, or discrimination alleged to have impacted multiple individuals.
- The availability of evidence to assist a Decision-maker in determining whether discrimination occurred.
- Whether the college could end the alleged discrimination and prevent its recurrence without initiating its resolution process.

If deemed necessary, the Title IX Coordinator may consult with appropriate college employees, and/or conduct a violence risk assessment to aid their determination whether to initiate a Complaint.

When the Title IX Coordinator initiates a Complaint, they do not become the Complainant. The Complainant is the person who experienced the alleged conduct that could constitute a violation of this Policy.

## Dismissal

The college must dismiss a Complaint under the following conditions:

Mandatory Dismissal:

The Title IX Coordinator or designee **must** dismiss the complaint at any time prior to a determination, if:

1. The conduct alleged in the Formal Complaint would not constitute sexual harassment as defined in the 2020 Title IX Regulations even if proved, and/or
2. The conduct did not occur in the Recipient's education program or activity, or
  - o No control over the context.
3. The conduct did not occur against a person in the United States, or
4. At the time of filing a Formal Complaint, the Complainant is not P/ATP
  - o **AND** the Title IX Coordinator determines they do not need to sign a Formal Complaint.

Discretionary Dismissal:

The Title IX Coordinator or designee **may** dismiss the complaint (or a portion of it) at any time prior to a determination, if:

1. Complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint or any portion thereof; **or**
2. Recipient no longer employs or enrolls Respondent; **or**
3. Specific circumstances prevent the Recipient from gathering sufficient evidence for a determination.

The college has discretion to dismiss the complaint under following conditions.

Upon any dismissal, the college will promptly send the Complainant written notification of the dismissal and the rationale for doing so. If the dismissal occurs after the Respondent has been made aware of the allegations, the college will also notify the Respondent of the dismissal.

This dismissal decision is appealable by any party.

## Appeal of Dismissal

The Complainant may appeal a dismissal of their Complaint. The Respondent may also appeal the dismissal of the Complaint if dismissal occurs after the Respondent has been made aware of the allegations. All dismissal appeal requests must be filed within three (3) business days of the notification of the dismissal.

The Title IX Coordinator will inform the Parties of any appeal regarding the dismissal. If, however, the Complainant appeals, but the Respondent was not previously notified of the Complaint, the Title IX Coordinator must then provide the Respondent with a Notice of Investigation and Allegation(s) (NOIA) and will notify the Respondent about the Complainant's appeal and give them an opportunity to respond.

Throughout the dismissal appeal process, the college will:

- Implement dismissal appeal procedures equally for the Parties.
- Assign a trained Dismissal Appeal Officer who did not take part in an investigation of the allegations or dismissal of the Complaint.
- Provide the Parties a reasonable and equal opportunity to make a statement in support of, or challenging, the dismissal.
- Notify the Parties of the result of the appeal and the rationale for the result.

The grounds for dismissal appeals are limited to:

1. Procedural irregularity that would change the outcome.
2. New evidence that would change the outcome and that was not reasonably available when the dismissal was decided.
3. The Title IX Coordinator, Investigator, or Decision-maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome.

The appeal should specify at least one of the grounds above and provide any reasons or supporting evidence for why the ground is met. Upon receipt of a written dismissal appeal request from one or more parties, the Title IX Coordinator will share the petition with all other Parties and provide three (3) business days for other Parties and the Title IX Coordinator to respond to the request. At the conclusion of the response period, the Title IX Coordinator will forward the appeal, as well as any response provided by the other Parties and/or the Title IX Coordinator, to the Dismissal Appeal Officer for consideration.

If the Request for Appeal does not provide information that meets the grounds in this Policy, the Dismissal Appeal Officer will deny the request, and the Parties, their

Advisors, and the Title IX Coordinator will be notified in writing of the denial and the rationale.

If any of the asserted grounds in the appeal satisfy the grounds described in this Policy, then the Dismissal Appeal Officer will notify all parties and their Advisors, and the Title IX Coordinator, of their decision and rationale in writing. The effect will be to reinstate the Complaint.

In most circumstances, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. The Dismissal Appeal Officer has seven (7) business days to review and decide on the appeal, though extensions can be granted at the discretion of the Title IX Coordinator, and the Parties will be notified of any extension.

Appeal decisions are deferential to the original determination, making changes only if there is a compelling justification to do so.

The Dismissal Appeal Officer may consult with the Title IX Coordinator on questions of procedure or rationale for clarification, if needed. The Title IX Coordinator will maintain documentation of all such consultation.

### **Counter-complaints**

Whitman College is obligated to ensure that the Resolution Process is not abused for retaliatory purposes. Although the college allows the filing of counter-complaints, the Title IX Coordinator will perform an initial evaluation, as described above, to assess whether the counter-complaint is made in good faith. Counter-complaints that are not made in good faith will not be permitted. They will be considered potentially retaliatory and may constitute a violation of the Policy.

Counter-complaints assessed to have been reported in good faith will be processed using the Resolution Process below. At the Title IX Coordinator's discretion, investigation of such claims may take place concurrently or after resolution of the underlying initial Complaint.

## Resolution Option Overview

### **Informal Resolution Options**

1. **Supportive Resolution.** When the Title IX Coordinator can resolve the matter informally by providing supportive measures (only) designed to remedy the situation.

The Title IX Coordinator will meet with the Complainant to determine reasonable supportive measures to restore or preserve the Complainant's access to Whitman College's education program and activities. These measures can be adjusted as the Complainant's needs change. If the Respondent has received the NOIA (Notice of Investigation and Allegation), the Title IX Coordinator may also provide supportive measures for the Respondent. This option is available when the Complainant does not pursue other resolution options, and the Title IX Coordinator does not initiate a Complaint.

2. **Educational Conversation.** When the Title IX Coordinator can resolve the matter informally by having a conversation with the Respondent to discuss the Complainant's concerns and institutional expectations, or can accompany the Complainant in their desire to confront the conduct.

The Complainant(s) may request that the Title IX Coordinator address their allegations by meeting with the Respondent(s) to discuss concerning behavior and institutional policies. This conversation is non-disciplinary and non-punitive. Respondent(s) are not required to attend or provide information. If the meeting occurs, it will be documented as the Informal Resolution. Regardless of the Respondent's attendance, the Title IX Coordinator may implement remedial actions to clarify policies and minimize the risk of recurrence of any behaviors that may not align with policy.

3. **Accepted Responsibility.** When the Respondent is willing to accept responsibility for violating Policy and is willing to agree to actions that will be enforced similarly to sanctions, and the Complainant(s) and Whitman College are agreeable to the resolution terms.

During the Resolution Process, the Respondent may accept responsibility for any or all alleged Title IX Sexual Harassment and Sex Discrimination Policy. If the Respondent decides to accept responsibility for all violations, the process will pause, and the Title IX Coordinator will determine if Informal Resolution is an option.

If Informal Resolution is available, the Title IX Coordinator will determine if all Parties and Whitman College agree on responsibility, restrictions, sanctions, restorative measures, and/or remedies. If agreed, the Title IX Coordinator implements the accepted findings, restrictions, remedies, and coordinates responses with other administrators as needed. This resolution is not subject to appeal once all Parties agree in writing to the terms. If the Parties cannot agree on all terms, the Resolution Process will resume.

Once a resolution is reached, appropriate sanctions or responsive actions are promptly implemented to stop harassment or discrimination, prevent recurrence, and remedy the effects on the Complainant and the community.

If Informal Resolution is not available or chosen, Whitman College will initiate or continue the investigation and Resolution Process to determine if the Policy has been violated.

## Title IX Grievance Process

### **Notice of Investigation and Allegation(s)**

Prior to an investigation, the Title IX Coordinator will provide the Parties with a detailed written Notice of Investigation and Allegation(s) (NOIA). Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various allegations. For climate/culture investigations that do not have an identifiable Respondent, the NOIA will be sent to the department/office/program head for the area/program being investigated.

The NOIA typically includes:

- A meaningful summary of all allegations.
- The identity of the involved parties (if known).
- The precise misconduct being alleged.
- The date and location of the alleged incident(s) (if known).
- The specific policies/offenses implicated.
- A description of, link to, or copy of the applicable procedures.
- A statement that the Parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence
- The name(s) of the Investigator(s), along with a process to notify the Title IX Coordinator of any conflict of interest that the Investigator(s) may have in advance of the interview process.
- A statement that the college presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination.
- A statement that determinations of responsibility are made at the conclusion of the process and that the Parties will be given an opportunity during the review and comment period to inspect and review all relevant evidence.
- A statement that retaliation is prohibited.
- Information about the confidentiality of the process, including that the Parties and their Advisors (if applicable) may not share the college's work product obtained through the Resolution Process.

- A statement that the Parties may have an Advisor of their choice who may accompany them through all steps of the Resolution Process.
- A statement informing the Parties that college's Policy prohibits knowingly making false statements, including knowingly submitting false information during the Resolution Process.
- Detail on how a party may request disability accommodations or other support assistance during the Resolution Process.
- A link to college's Violence Against Women's Act (VAWA) Brochure.
- An instruction to preserve any evidence that is directly related to the allegations.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address(es) of the Parties as indicated in official Whitman College records, or emailed to the Parties' college-issued email or designated accounts. Once mailed, emailed, and/or received in person, the notification will be presumptively delivered.

## Resolution Timeline

Whitman College will make a good faith effort to complete the Resolution Process within 90 business days, including any appeals, which the Title IX Coordinator can extend as necessary for appropriate cause. The Parties will receive regular updates on the progress of the Resolution Process, as well as notification and a rationale for any extensions or delays, and an estimate of how much additional time will be needed to complete the process.

The college may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include but are not limited to a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of Parties and/or witnesses, and/or health conditions. The college will promptly resume its Resolution Process as soon as feasible. During such a delay, the college will implement and maintain supportive measures for the Parties as deemed appropriate.

If a party or witness chooses not to participate in the Resolution Process or becomes unresponsive, the college reserves the right to continue it without their participation to ensure a prompt resolution. Non-participatory or unresponsive Parties retain the rights outlined in this Policy and the opportunity to participate in the Resolution Process.

College action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

## Ensuring Impartiality

Any individual materially involved in the administration of the Resolution Process, including the Title IX Coordinator, Investigator(s), and Decision-maker(s), must not have, nor demonstrate, any conflict of interest or bias toward any party generally, or toward a specific Complainant or Respondent.

The Title IX Coordinator is responsible for thoroughly vetting the assigned Investigator(s), Decision-maker(s), and Appeal Decision-maker(s) for impartiality, ensuring there are no actual or apparent conflicts of interest or disqualifying biases. At any point during the Resolution Process, the Parties have the right to raise a concern regarding potential bias or conflict of interest. The Title IX Coordinator will carefully assess whether the concern is reasonable and supportable. If it is determined that a conflict or bias exists, another person will be assigned, and any impact of the bias or conflict will be appropriately addressed. Should the source of the conflict of interest or bias be the Title IX Coordinator, concerns should be directed to Sarah Bolton, President of Whitman College.

The Resolution Process is designed to involve an objective evaluation of all available relevant and permissible evidence. This includes evidence supporting that the Respondent engaged in a Policy violation, as well as evidence indicating that the Respondent did not engage in a Policy violation. Credibility determinations must not be based solely on an individual's status or participation as a Complainant, Respondent, or witness. All Parties are ensured a full and fair opportunity throughout the investigation process to suggest witnesses and questions, provide evidence, and receive a written investigation report that accurately summarizes this evidence.

## Investigation

Once an investigation is initiated, the Title IX Coordinator appoints an Investigator(s) to conduct it. The investigators will be a trained Investigator that is internal or external to the college's community.

All investigations are adequate, thorough, reliable, impartial, prompt, and fair. They involve interviewing all relevant Parties and witnesses, obtaining relevant evidence, and identifying sources of expert information, as necessary.

After an interview, Parties and witnesses will be asked to verify the accuracy of the recording, transcript, or summary of their interview. They may submit changes, edits,

or clarifications. If the Parties or witnesses do not respond within the time period designated for verification, objections to the accuracy of the recording, transcript, or summary will be deemed to have been waived, and no changes will be permitted.

Whitman College may consolidate complaints against multiple respondents or by multiple complainants against one or more respondents when the allegations arise from the same facts or circumstances or implicate a pattern, collusion, and/or other shared or similar actions.

The Investigator(s) typically take(s) the following steps, if not already completed and not necessarily in this order:

- Determine the identity and contact information of the Complainant.
- Identify all offenses implicated by the alleged misconduct and notify the Complainant and Respondent of all specific policies implicated.
- Assist the Title IX Coordinator, if needed, with conducting a prompt initial evaluation to determine if the allegations indicate a potential Policy violation.
- Work with the Title IX Coordinator, as necessary, to prepare the initial NOIA. The NOIA may be amended with any additional or dismissed allegations.
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for the Parties and witnesses.
- When participation of a party is expected, provide that party with written notification of the date, time, and location of the meeting, as well as the expected participants and purpose.
- Make good faith efforts to notify each party of any meeting or interview involving another party, in advance, when possible.
- Interview the Complainant and the Respondent, and conduct any necessary follow-up interviews with each.
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary.
- Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or transcript or recording) of the relevant evidence/testimony from their respective interviews and meetings.
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of another party and/or witnesses. Document which questions were asked with a rationale for any changes or omissions in the investigation report.
- Where possible, complete the investigation promptly and without unreasonable deviation from the intended timeline.
- Provide the Parties with regular status updates throughout the investigation.

- Prior to the conclusion of the investigation, provide the Parties and their respective Advisors with a list of witnesses whose information will be used to render a finding.
- Ask the Parties to provide a list of questions they would like asked of the other party or any witnesses. The Investigator will ask those questions deemed relevant, and for any question deemed not relevant, will provide a rationale for not asking the question.
- Write a draft investigation report that gathers, assesses, and synthesizes the evidence, accurately summarizes the investigation, and party and witness interviews, and provides all relevant evidence.
- Provide the Parties and their respective Advisors an electronic copy of the draft investigation report as well as an opportunity to inspect and review all relevant evidence obtained as part of the investigation for a review and comment period of ten (10) business days so that each party may meaningfully respond to the evidence. The Parties may elect to waive all or part of the review period.
- The Investigator may share the investigation report with the Title IX Coordinator for their review and feedback.

## Witness Role and Participation in the Investigation

Employees (not including Complainant and Respondent) are expected to cooperate with and participate in the college's investigation and Resolution Process. Student witnesses and witnesses from outside the Whitman College community cannot be required to participate, but are encouraged to cooperate with the college's investigations and to share what they know about a Complaint.

Interviews may be conducted in person, via online video platforms (e.g., Zoom), or, in limited circumstances, by telephone. The college will take appropriate steps to ensure the security/privacy of remote interviews.

Parties and witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred.

## Interview Recording

It is standard practice for Investigators to create a record of all interviews pertaining to the Resolution Process. The Parties may review copies of their own interviews, upon request. No unauthorized audio or video recording of any kind is permitted during investigation meetings.

Interviews may be recorded, and all involved persons must provide consent to the recording being made. The recording and/or transcript of those meetings will be provided to the Parties for their review, after which the Parties may pose additional questions to each other. Those subsequent meetings or interviews are also recorded and/or transcribed and shared with the Parties.

## Evidentiary Considerations

The Investigator(s) and the Decision-maker(s) will only consider evidence that is both relevant and permissible.

Relevant evidence is information that can help in determining whether the allegation occurred, or whether the behavior constitutes a violation of Policy.

Impermissible evidence is defined as evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless 1) evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct, or 2) is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent.

The fact of prior consensual sexual conduct between the Complainant and Respondent, does not, by itself, demonstrate or imply the Complainant's consent in the current case, nor does it preclude a determination that sex-based harassment occurred.

Previous disciplinary action of any kind involving the Respondent may not be considered unless there is an allegation of a pattern of misconduct. This information may also be considered in determining an appropriate sanction when a determination of responsibility has been established. If there is no pattern allegation, this information is only considered at the sanction stage of the process and is not shared until then.

Within the limitations stated above, the investigation and determination can consider character evidence, if offered, but that evidence is unlikely to be relevant unless it is factual evidence or relates to a pattern of conduct.

## Sanctions

Factors the Decision-maker(s) may consider when determining sanctions and responsive actions include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s).
- The Respondent's disciplinary history.
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation.
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation.
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community.
- The impact on the Parties.
- The Respondent's acceptance of responsibility.
- Any other information deemed relevant by the Decision-maker(s).

The sanctions will be implemented as soon as it is feasible once a determination is final, either after the appeal process is complete or after the window to appeal has expired without an appeal being requested.

The sanctions described in this Policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed, by external authorities.

### **A. Student Sanctions**

The following are the common sanctions that may be imposed upon students singly or in combination:

- *Reprimand*: A formal statement that the conduct was unacceptable and a warning that further violation of any college policy, procedure, or directive will result in more severe sanctions/responsive actions.
- *Required Counseling*: A mandate to meet with and engage in either college-sponsored or external counseling to better comprehend the misconduct and its effects.
- *Restrictions*: A student may be restricted in their activities, including, but not limited to, being restricted from locations, programs, participation in certain activities or extracurriculars, study abroad, or holding leadership roles in student organizations.
- *Probation*: An official sanction for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from extracurricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.

- *Suspension*: Separation from the institution, or one or more of its facilities, for a defined period of time, typically not to exceed two (2) years, after which the student is eligible to return. Eligibility may be contingent upon satisfaction of specific conditions noted at the time of suspension, on successfully applying for readmission, or upon a general condition that the student is eligible to return if the institution determines it is appropriate to re-enroll/readmit the student. The student is typically required to vacate institutional property within 24 hours of notification of the action, though this deadline may be extended at the discretion of the Title IX Coordinator or other appropriate official. During an institution-wide suspension, the student is banned from institutional property, functions, events, and activities unless they receive prior written approval from an appropriate institutional official. This sanction may be enforced with a trespass action, as necessary.
- *Expulsion*: Permanent separation from the institution. The student is banned from institutional property, and the student's presence at any institution-sponsored activity or event is prohibited. This action may be enforced with a trespass action, as necessary.
- *Other Actions*: In addition to, or in place of, the above sanctions, the college may assign any other sanctions as deemed appropriate.

## **B. Student Group and Organization Sanctions**

The following are the common sanctions that may be imposed upon student groups or organizations singly or in combination:

- *Warning*: A formal statement that the conduct was unacceptable and a warning that further violation of any college policy, procedure, or directive will result in more severe sanctions/responsive actions.
- *Probation*: An official sanction for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the group or organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social and event privileges, denial of college funds, ineligibility for honors and awards, restrictions on new member recruitment, no-contact orders, and/or other measures deemed appropriate.
- *Suspension*: Termination of student group or organization recognition and/or institutional support for a defined period of time not to exceed two (2) years and/or until specific criteria are met. During the suspension period, a student group or organization may not conduct

any formal or informal business or participate in college-related activities, whether they occur on- or off-campus. Re-recognition is possible but not guaranteed and will only be considered after the end of the suspension period and based on meeting all re-recognition criteria and obtaining clearance from the college.

- *Expulsion*: Permanent termination of student group organization recognition and revocation of the privilege to congregate and conduct business on campus as an organization for any reason.
- *Loss of Privileges*: Restricted from accessing specific college privileges for a specified period of time.
- *Other Actions*: In addition to or in place of the above sanctions, the college may assign any other sanctions as deemed appropriate.

### **C. Employee Sanctions/Responsive/Corrective Actions**

Responsive actions for an employee who has engaged in discrimination, harassment, and/or retaliation include:

- Verbal or Written Warning.
- Performance Improvement Plan/Management Process.
- Enhanced Supervision, Observation, or Review.
- Required Counseling.
- Required Training or Education.
- Probation.
- Denial of Pay Increase/Pay Grade.
- Loss of Oversight or Supervisory Responsibility.
- Demotion.
- Transfer.
- Shift or schedule adjustments.
- Reassignment.
- Delay of (or referral for delay of) Tenure Track Progress.
- Assignment to a New Supervisor.
- Restriction of Stipends, Research, and/or Professional Development Resources.
- Suspension/Administrative Leave with Pay.
- Suspension/Administrative Leave without Pay.
- Termination.
- Other Actions: In addition to or in place of the above sanctions/responsive actions, the college may assign any other responsive actions as deemed appropriate.

## Notice of Outcome

Within ten (10) business days of the conclusion of the Resolution Process, the Title IX Coordinator provides the Parties with a written outcome notification. The outcome notification will specify the finding for each alleged Policy violation, all applicable sanctions that the college is permitted to share pursuant to state or federal law, and a detailed rationale, written by the Decision-maker(s), supporting the findings to the extent the college is permitted to share under federal or state law.

The notification will also detail the Parties' equal rights to appeal, the grounds for appeal, the steps to request an appeal, and when the determination is considered final if no party appeals.

The Title IX Coordinator will provide the Parties with the outcome notification simultaneously, or without significant time delay between notifications. The written outcome notification may be delivered by one or more of the following methods: in person, mailed to the Parties' local or permanent address as indicated in official college records, or emailed to the Parties' college-issued or designated email account. Once mailed, emailed, and/or received in person, the outcome notification is presumptively delivered.

Sanctions will not be implemented until the final conclusion of the appeal process.

## Withdrawal or Resignation Before Complaint Resolution

### **Students**

In the event that a student Respondent chooses not to participate in the Resolution Process, Whitman College will proceed in their absence to reach a reasonable resolution. Should the student Respondent withdraw from the college, the Resolution Process may continue, or the Title IX Coordinator may use their discretion to dismiss the Complaint. Regardless of the decision, the college is committed to providing reasonable supportive or remedial measures as necessary to ensure safety and address any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

Regardless of whether the Complaint is dismissed or pursued to completion of the Resolution Process, the college will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged discrimination, harassment, and/or retaliation.

When a student withdraws or leaves while the process is pending, the student may not return to the college in any capacity until the Complaint is resolved and any

sanctions imposed are satisfied. If the student indicates they will not return, the Title IX Coordinator has discretion to dismiss the Complaint. The Registrar, Office of Admissions, and HR may be notified, accordingly.

If the student Respondent takes a leave for a specified period of time (e.g., one semester or term), the Resolution Process may continue remotely. If found in violation, that student is not permitted to return to the college unless and until all sanctions, if any, have been satisfied.

## **Employees**

In the event that an employee Respondent chooses not to participate in the Resolution Process, the college will proceed in their absence to reach a reasonable resolution. Should the employee Respondent leave their employment with the college while allegations remain unresolved, the Resolution Process may continue, or the Title IX Coordinator may use their discretion to dismiss the Complaint. Regardless of the decision, the college is committed to providing reasonable supportive or remedial measures as necessary to ensure safety and address any ongoing effects of the alleged discrimination, harassment, and/or retaliation.

When an employee resigns and the Complaint is dismissed, the employee may not return to the college in any capacity. The Registrar, Office of Admissions, and HR will be notified, accordingly. A note will be placed in the employee's file that they resigned with allegations pending and are not eligible for academic admission or rehire with the college. The records retained by the Title IX Coordinator will reflect that status.

## **Appeal of the Determination**

Appeals are limited to the following grounds:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time of the determination that could affect the outcome of the matter
3. Conflict of interest or bias by the Title IX Coordinator, Investigator, and/or Decision-maker that affected the outcome of the matter.

Any party may submit a written request for appeal ("Request for Appeal") to the Title IX Coordinator within five (5) business days of the delivery of the Notice of Outcome.

The Request for Appeal will be forwarded to the Appeal Decision-maker, who will review it to determine if it meets the established grounds for appeal (a Review for Standing). At this stage, the Appeal Decision-maker reviews the appeal to determine if it meets the basic grounds for appeal, if it was submitted within the designated

time frame, and if it is supported by the information provided (i.e., an explanation of evidence supporting the grounds, not merely stating a ground). If these criteria are met, the appeal will proceed.

If the Request for Appeal does not provide information that meets the grounds in this Policy, the request will be denied by the Appeal Decision-maker, and the Parties and their Advisors will be simultaneously notified in writing of the denial and the rationale.

If any of the information in the Request for Appeal meets the grounds in this Policy, then the Appeal Decision-maker will notify all parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigator(s) and/or the original Decision-maker(s).

All other Parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigator(s) and/or the Decision-maker, will be provided with a copy of the Request for Appeal, including the approved grounds. They will then have five (5) business days to submit a response to the approved portion of the appeal that involves them. Upon receiving responses, if any, the Appeal Decision-maker will forward these responses to all parties for review, adhering to the same five (5) business day deadline.

The non-appealing party (if any) may choose to respond to the initiated appeal, or to initiate their own appeal. If so, that Request for Appeal will be reviewed by the Appeal Decision-maker to determine if it meets the grounds in this Policy and will either be approved or denied. If approved, it will be forwarded to the party who initially requested an appeal, the Title IX Coordinator, and the Investigator(s) and/or original Decision-maker(s), as necessary, who will submit their responses, if any, within five (5) business days. Any such responses will be circulated for review by all parties, adhering to the same five (5) business day deadline. If denied, the parties and their Advisors will be notified accordingly, in writing.

No party may submit any new Requests for Appeal after this time period. The Appeal Decision-maker will collect any additional information needed and all documentation regarding the approved appeal grounds, and the subsequent responses will be shared with the Appeal Decision-maker, who will promptly render a decision.

### **A. Appeal Determination Process**

In most cases, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation

regarding the specific appeal grounds. The Appeal Decision-maker will deliberate as soon as is practicable and discuss the merits of the appeal.

Appeal decisions are to be deferential to the original determination, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so. All decisions are made by majority vote and apply the Preponderance of the evidence standard of proof.

An appeal is not an opportunity for the Appeal Decision-makers to substitute their judgment for that of the original Decision-maker merely because they disagree with the finding and/or sanction(s).

The Appeal Decision-maker may consult with the Title IX Coordinator on questions of procedure or rationale, for clarification, if needed. The Title IX Coordinator will maintain documentation of all such consultation.

## **B. Appeal Outcome**

An appeal may be granted or denied. In rare circumstances where an error cannot be cured by the original Investigator(s) and/or Decision-maker or the Title IX Coordinator (as in cases of bias), the Appeal Decision-maker may order a new investigation and/or a new determination with new individuals serving in the Investigator and Decision-maker roles.

A Notice of Appeal Outcome letter ("Appeal Outcome") will be sent to all parties simultaneously, or without significant time delay between notifications. The Appeal Outcome will specify the finding on each appeal ground, any specific instructions for remand or reconsideration, all sanction(s) that may result, and the rationale supporting the essential findings.

Written notification may be delivered by one or more of the following methods: in person, mailed to the Parties' local or permanent address as indicated in official institutional records, or emailed to the Parties' college-issued email or otherwise approved account. Once mailed, emailed, and/or received in person, the Appeal Outcome will be presumptively delivered.

Once an appeal is decided, the outcome is final and constitutes the Final Determination; further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new determination). When appeals result in no change to the finding or sanction, that decision is

final. When an appeal results in a new finding or sanction, that finding or sanction can be appealed one final time on the grounds listed above and in accordance with these procedures.

If a remand results in a new determination that is different from the appealed determination, that new determination can be appealed, once, on any of the five (5) available appeal grounds.

### **C. Sanction Status During the Appeal**

Any sanctions imposed as a result of the determination are stayed (i.e., not implemented) during the appeal process, and supportive measures may be maintained or reinstated until the appeal determination is made.

If any of the sanctions are to be implemented immediately post-determination, but pre-appeal, then the emergency removal procedures (detailed above) for a “show cause” meeting on the justification for doing so must be permitted within two (2) business days of implementation.

### **Long-Term Remedies/Other Actions**

Following the conclusion of the Resolution Process, and in addition to any sanctions implemented or Informal Resolution terms, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the Parties and/or Whitman College community that are intended to stop the discrimination, harassment, and/or retaliation, remedy the effects, and prevent recurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services.
- Referral to the Employee Assistance Program.
- Course and registration adjustments, such as retroactive withdrawals.
- Education to the individual and/or the community.
- Alteration of housing assignments.
- Alteration of work arrangements for employees.
- Provision of campus safety escorts.
- Climate surveys.
- Policy modification and/or training.
- Provision of transportation assistance.
- Implementation of long-term contact limitations between the Parties.
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term supportive measures may also be provided to the parties even if no policy violation is found.

When no Policy violation is found, the Title IX Coordinator will address any remedies the college owes the Respondent to ensure no effective denial of educational access.

Whitman College will maintain the confidentiality of any long-term remedies/actions/measures, provided confidentiality does not impair the college's ability to provide these services.

## Failure to Comply with Sanctions, Responsive Actions, and/or Informal Resolution Terms

All Respondents are expected to comply with the assigned sanctions, responsive actions, corrective actions, and/or Informal Resolution terms within the time frame specified by the final Decision-maker(s), including the Appeal Panel or Decision-maker or the Informal Resolution agreement.

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or for any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from the college.

Supervisors are expected to enforce the completion of sanctions/responsive actions for their employees.

A suspension imposed for non-compliance with sanctions will only be lifted when compliance is achieved to the Title IX Coordinator's satisfaction.

## Record keeping

For a period of at least seven (7) years following the conclusion of the Resolution Process, the college will maintain records of:

1. Each discrimination, harassment, and retaliation resolution process, including any Final Determination regarding responsibility or appeal, and any audio or audiovisual recording or transcript required under federal regulation.
2. Any disciplinary sanctions imposed on the Respondent.
3. Any supportive measures provided to the Parties and any remedies provided to the Complainant or the community designed to restore or preserve equal access to the college's education program or activity.

4. Any appeal and its resulting outcome.
5. Any Informal Resolution and its resulting outcome.
6. All materials used to provide training to the Title IX Coordinator and designees, Investigators, Decision-makers, Appeal Decision-makers, Informal Resolution Facilitators, and any person who is responsible for implementing the college's Resolution Process, or who has the authority to modify or terminate supportive measures. The college will make these training materials available for review upon request.
7. All materials used to train all employees consistent with the requirements in the Title IX Regulations.

The college will also maintain any and all records in accordance with federal and state laws.

## Advising the Campus Community About Sex Offenders

Information about registered sex offenders is available from the Washington Association of Sheriffs and Police Chiefs website, located at [www.waspc.org/sex-offender-information](http://www.waspc.org/sex-offender-information). Under the Public Resources link, is the Sex Offender Information which allows you to search for registered sexual offenders by county, by entering a street address, city, and zip code.

### Definitions According to Local Jurisdictions

These definitions are provided for education and awareness purposes and may be different from the definitions used for Clery Act reporting.

**Dating Violence:** there is no state definition of dating violence. In Washington state, dating violence is covered by the statutes governing domestic violence.

**Domestic Violence:** According to Washington state criminal law, "Domestic violence" means: (a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, sexual assault, or stalking as defined in RCW [9A.46.110](#) of one intimate partner by another intimate partner; or (b) physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, sexual assault, or stalking as defined in RCW [9A.46.110](#) of one family or household member by another family or household member.

**Sexual Assault:** Under Washington State criminal law, there is no definition of "sexual assault." Instead, crimes are classified as "Sexual Offenses." The full list of sexual offenses is available in RCW [9A.44](#).

**Stalking:** Under Washington State criminal law [9A.46.110](#), a person commits the crime of stalking if, without lawful authority and under circumstances not amounting to a felony attempt of another crime:

1. He or she intentionally and repeatedly harasses or repeatedly follows another person; and

2. The person being harassed or followed is placed in fear that the stalker intends to injure the person, another person, or property of the person or of another person. The feeling of fear must be one that a reasonable person in the same situation would experience under all the circumstances; and
3. The stalker, either:
  - a. Intends to frighten, intimidate, or harass the person; or
  - b. Knows or reasonably should know that the person is afraid, intimidated, or harassed even if the stalker did not intend to place the person in fear or intimidate or harass the person.

**Consent:** According to Washington state criminal law, “[consent](#)” means that at the time of the act of sexual intercourse or sexual contact there are actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact. Whitman College defines consent as a freely and affirmatively communicated willingness to participate in sexual activity, expressed by clear, unambiguous words or actions.

## Fire Safety Report

The Higher Education Opportunity Act, enacted on August 14, 2009, 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. Fire Reports with the three most recent years of statistics for on-campus student housing facilities follow.

### 2024:

Building	Total Fires	Fire Number	Fire Cause	Injuries Requiring Treatment	Deaths	Value of Property Damage
Anderson Hall, 334 Boyer Ave.	0	0	n/a	0	0	0
Chinese Language and Culture House, 20 Merriam St.	0	0	n/a	0	0	0
College House, 7 Touchet St.	0	0	n/a	0	0	0

Community Service House, 406 Cypress St.	0	0	n/a	0	0	0
Douglas Hall, 18 Otis St.	0	0	n/a	0	0	0
Environmental House, 424 Boyer Ave.	0	0	n/a	0	0	0
Fine Arts House, 404 Boyer Ave.	0	0	n/a	0	0	0
La Maison Francaise (French House), 418 Boyer Ave.	0	0	n/a	0	0	0
Das Deutsche Haus (German House), 401 Cypress St.	0	0	n/a	0	0	0
Jewett Hall, 960 Isaacs Ave.	0	0	n/a	0	0	0
La Casa Hispana, 412 Boyer Ave.	0	0	n/a	0	0	0
Lyman House, 215 Stanton St.	0	0	n/a	0	0	0
Marcus House, 210 Marcus Rd.	0	0	n/a	0	0	0
Multicultural House, 106 Otis St.	0	0	n/a	0	0	0
Prentiss Hall, 344 Boyer Ave.	0	0	n/a	0	0	0
Spirituality House, 416 Cypress St.						
Stanton Hall, 147 Park St.	0	0	n/a	0	0	0

Tekisuijuku, 528 University Ave.	0	0	n/a	0	0	0
Wellness House, 104 Merriam St.	0	0	n/a	0	0	0
Writing House, 121 Otis St.	0	0	n/a	0	0	0
1041 E Isaacs Ave.	0	0	n/a	0	0	0
1043 E Isaacs Ave.	0	0	n/a	0	0	0
1049 E Isaacs Ave.	0	0	n/a	0	0	0
Lavender House, 108 Merriam St.	0	0	n/a	0	0	0
108 Shady Rill Rd.	0	0	n/a	0	0	0
112 Shady Rill Rd.	0	0	n/a	0	0	0
132 Merriam St.	0	0	n/a	0	0	0
134 Merriam St.	0	0	n/a	0	0	0
172 S Park St.	0	0	n/a	0	0	0
220 1/2 Marcus St.	0	0	n/a	0	0	0
220 Marcus St.	0	0	n/a	0	0	0
221 Fulton St.	0	0	n/a	0	0	0
357 Linden Lane	0	0	n/a	0	0	0
508 E Main St.	0	0	n/a	0	0	0
602 E Main St.	0	0	n/a	0	0	0
606 E Main St.	0	0	n/a	0	0	0
610 E Main St.	0	0	n/a	0	0	0
612 E Main St.	0	0	n/a	0	0	0
615 E Isaacs Ave.	0	0	n/a	0	0	0

622 E Main St.	0	0	n/a	0	0	0
703 E Isaacs Ave.	0	0	n/a	0	0	0
706 N Main St.	0	0	n/a	0	0	0
707 E Isaacs Ave.	0	0	n/a	0	0	0
708 N Main St.	0	0	n/a	0	0	0
710 N Main St.	0	0	n/a	0	0	0
713 E Isaacs Ave.	0	0	n/a	0	0	0
713 Penrose Ave.	0	0	n/a	0	0	0
714 1/2 N Main St.	0	0	n/a	0	0	0
714 N Main St.	0	0	n/a	0	0	0
718 N Main St.	0	0	n/a	0	0	0
720 N Main St.	0	0	n/a	0	0	0
804 N Main St.			Not used for student housing in 2024			
Phi Delta Theta 715 Estrella St.	0	0	n/a	0	0	0
Beta Theta Pi 925 E. Isaacs Ave.	0	0	n/a	0	0	0
Tau Kappa Epsilon 949 E. Isaacs Ave.	0	0	n/a	0	0	0
Sigma Chi 1005 E. Isaacs Ave.	0	0	n/a	0	0	0

**2023:**

Building	Total Fires	Fire Number	Fire Cause	Injuries Requiring Treatment	Deaths	Value of Property Damage
Anderson Hall, 334 Boyer Ave.	0	0	n/a	0	0	0
Asian Studies House, 20 Merriam St.	0	0	n/a	0	0	0
College House, 7 Touchet St.	0	0	n/a	0	0	0
Community Service House, 406 Cypress St.	0	0	n/a	0	0	0
Douglas Hall, 18 Otis St.	0	0	n/a	0	0	0
Environmental House, 424 Boyer Ave.	0	0	n/a	0	0	0
Fine Arts House, 404 Boyer Ave.	0	0	n/a	0	0	0
La Maison Francaise (French House), 418 Boyer Ave.	0	0	n/a	0	0	0
Das Deutsche Haus (German House), 401 Cypress St.	0	0	n/a	0	0	0
Wellness House, 104 Merriam St.	0	0	n/a	0	0	0
Jewett Hall, 960 Isaacs Ave.	0	0	n/a	0	0	0
La Casa Hispana, 412 Boyer Ave.	0	0	n/a	0	0	0

Lyman House, 215 Stanton St.	0	0	n/a	0	0	0
Marcus House, 210 Marcus Rd.	0	0	n/a	0	0	0
Multicultural House, 106 Otis St.	0	0	n/a	0	0	0
Prentiss Hall, 344 Boyer Ave.	0	0	n/a	0	0	0
Stanton Hall, 147 Park St.	0	0	n/a	0	0	0
Tekisuijuku, 528 University Ave.	0	0	n/a	0	0	0
Writing House, 121 Otis St.	0	0	n/a	0	0	0
1041 E Isaacs Ave.	0	0	n/a	0	0	0
1043 E Isaacs Ave.	0	0	n/a	0	0	0
1049 E Isaacs Ave.	0	0	n/a	0	0	0
108 Merriam St.	0	0	n/a	0	0	0
108 Shady Rill Rd.	0	0	n/a	0	0	0
112 Shady Rill Rd.	0	0	n/a	0	0	0
132 Merriam St.	0	0	n/a	0	0	0
134 Merriam St.	0	0	n/a	0	0	0
172 S Park St.	0	0	n/a	0	0	0
220 1/2 Marcus St.	0	0	n/a	0	0	0
220 Marcus St.	0	0	n/a	0	0	0
221 Fulton St.	0	0	n/a	0	0	0
357 Linden Lane	0	0	n/a	0	0	0
508 E Main St.	0	0	n/a	0	0	0

602 E Main St.	0	0	n/a	0	0	0
606 E Main St.	0	0	n/a	0	0	0
610 E Main St.	0	0	n/a	0	0	0
612 E Main St.	0	0	n/a	0	0	0
615 E Isaacs Ave.	0	0	n/a	0	0	0
622 E Main St.	0	0	n/a	0	0	0
703 E Isaacs Ave.	0	0	n/a	0	0	0
706 N Main St.	0	0	n/a	0	0	0
707 E Isaacs Ave.	0	0	n/a	0	0	0
708 N Main St.	0	0	n/a	0	0	0
710 N Main St.	0	0	n/a	0	0	0
713 E Isaacs Ave.	0	0	n/a	0	0	0
713 Penrose Ave.	0	0	n/a	0	0	0
714 1/2 N Main St.	0	0	n/a	0	0	0
714 N Main St.	0	0	n/a	0	0	0
718 N Main St.	0	0	n/a	0	0	0
720 N Main St.	0	0	n/a	0	0	0
804 N. Main St.			Not used for student housing in 2023			
Phi Delta Theta 715 Estrella St.	0	0	n/a	0	0	0
Beta Theta Pi 925 E. Isaacs Ave.	0	0	n/a	0	0	0
Tau Kappa Epsilon 949 E. Isaacs Ave.	0	0	n/a	0	0	0
Sigma Chi 1005 Isaacs Ave.	0	0	n/a	0	0	0

**2022:**

Building	Total Fires	Fire Number	Fire Cause	Injuries Requiring Treatment	Deaths	Value of Property Damage
Anderson Hall, 334 Boyer Ave.	0	0	n/a	0	0	0
Asian Studies House, 20 Merriam St.	1	1	Unattended cooking.	0	0	0
College House, 7 Touchet St.	1	1	Unattended cooking.	0	0	0
Community Service House, 406 Cypress St.	0	0	n/a	0	0	0
Douglas Hall, 18 Otis St.	0	0	n/a	0	0	0
Environmental House, 424 Boyer Ave.	0	0	n/a	0	0	0
Fine Arts House, 404 Boyer Ave.	0	0	n/a	0	0	0
La Maison Francaise (French House), 418 Boyer Ave.	0	0	n/a	0	0	0
Das Deutsche Haus (German House), 401 Cypress St.	0	0	n/a	0	0	0
Global Awareness House, 104 Merriam St.	0	0	n/a	0	0	0
Jewett Hall, 960 Isaacs Ave.	0	0	n/a	0	0	0

La Casa Hispana, 412 Boyer Ave.	0	0	n/a	0	0	0
Lyman House, 215 Stanton St.	0	0	n/a	0	0	0
Marcus House, 210 Marcus Rd.	0	0	n/a	0	0	0
Multicultural House, 106 Otis St.	0	0	n/a	0	0	0
Prentiss Hall, 344 Boyer Ave.	0	0	n/a	0	0	0
Stanton Hall, 147 Park St.	0	0	n/a	0	0	0
Tekisuijuku, 528 University Ave.	0	0	n/a	0	0	0
Writing House, 121 Otis St.	0	0	n/a	0	0	0
1043 E Isaacs	0	0	n/a	0	0	0
108 Merriam St.	0	0	n/a	0	0	0
108 Shady Rill	0	0	n/a	0	0	0
112 Shady Rill	0	0	n/a	0	0	0
172 S Park	0	0	n/a	0	0	0
220 1/2 Marcus	0	0	n/a	0	0	0
220 Marcus	0	0	n/a	0	0	0
221 Fulton	0	0	n/a	0	0	0
357 Linden	0	0	n/a	0	0	0
508 E Main	0	0	n/a	0	0	0
602 E Main	1	1	Dumpster Fire/unknown	0	0	1,127.82
606 E Main	0	0	n/a	0	0	0
610 E Main	0	0	n/a	0	0	0

612 E Main	0	0	n/a	0	0	0
615 E Isaacs	0	0	n/a	0	0	0
622 E Main	0	0	n/a	0	0	0
703 E Isaacs	0	0	n/a	0	0	0
706 N Main	0	0	n/a	0	0	0
707 E Isaacs	0	0	n/a	0	0	0
708 N Main	0	0	n/a	0	0	0
710 N Main	0	0	n/a	0	0	0
713 Penrose	0	0	n/a	0	0	0
714 1/2 N Main	0	0	n/a	0	0	0
714 N Main	0	0	n/a	0	0	0
718 N Main	0	0	n/a	0	0	0
720 N Main	0	0	n/a	0	0	0
721 Penrose	0	0	n/a	0	0	0
721 Valencia	0	0	n/a	0	0	0
804 N. Main St.			Not used for student housing in 2022			
Phi Delta Theta 715 Estrella St.	0	0	n/a	0	0	0
Beta Theta Pi 925 E. Isaacs Ave.	0	0	n/a	0	0	0
Tau Kappa Epsilon 949 E. Isaacs Ave.	0	0	n/a	0	0	0
Sigma Chi 1005 E. Isaacs Ave.	0	0	Unattended cooking	0	0	0

Notes on property changes:

- The MECCA (MultiEthnic Center for Cultural Awareness) interest house was renamed as the Multicultural House in Fall 2022.
- The Asian Studies House was renamed as the Chinese Language and Culture House in 2024.
- The Lavender and Spirituality interest houses opened in Fall 2024.

## How to Report a Fire

If a fire does occur, activate the building alarm if not already sounding and from a safe place call:

- 911 for emergency fire and medical services
- 509-527-1960 for non-emergency dispatch services
- 509-527-5777 for Whitman Security

\*All fires shall be reported to the Office of Residence Life and Housing, the Office of Environmental Health and Safety, and the college Security Department.

## Fire Log

Whitman College Environmental and Health Services maintains a fire log, documenting instances of fire on campus, including in student housing. This log may be viewed in the Environmental Health and Safety office (Whitman College Technology Services Building, Room 129).

## Fire Safety Systems and Emergency Processes

### Fire Safety Education

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.

Description of residence halls (Jewett, Lyman, Marcus, Prentiss, Douglas, Anderson, Stanton, and College House) 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 houserooms are equipped with battery operated smoke detectors.
- All residence halls have hardwired smoke detectors with battery backup, including the hallways and general living areas.
- All residence halls are equipped with fire suppression systems
- Each building is equipped with at least one fire extinguisher per floor.
- Every college residence is equipped with fire extinguishers.

### Description of Interest Houses fire safety systems:

- All residence hall rooms and interest houserooms are equipped with battery operated smoke detectors.
- Each building is equipped with at least one fire extinguisher per floor.
- Every college residence is equipped with fire extinguishers.

### Fire Safety System Improvement Planning

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

### Evacuation Procedures

- Close the door when leaving to prevent fire and smoke from spreading.
- Proceed quietly to your exit route and out of the nearest exit door.
- Walk swiftly. DO NOT RUN OR PUSH.
- After leaving the building, move to the front and away from the building.
- Do not return to the building FOR ANY REASON until the all clear is given by the Fire Department or college staff.

### Supervised Fire Drills

Whitman College performs two supervised fire drills per year in campus residence halls. In 2023, the Security Department conducted two supervised fire drills per hall.

### Prohibited Items

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

- Smoking
- Using lighted candles, incense or other open flamed devices.
- Use of electrical appliances and equipment which is not either UL approved or TuV certified.

- Cooking in unapproved areas (bedrooms) including use of toaster ovens, and other appliances with an open heating element. Microwaves are allowed.
- Possession of space heaters.
- Misuse of extension cords.
- Tampering with or blocking any fire protection equipment.
- Possession or use of fireworks.
- Use of flammable cleaning fluids.
- Storage of any flammable liquids in open or unsound containers.
- Any decorating which involves excessive use of non-fire resistant materials.
- Remaining in the building when the fire alarm sounds.
- Removal of smoke detectors.

Additional information is available on the following websites:

Whitman College Handbook

[www.whitman.edu/academics/academic-resource-center/student-handbook](http://www.whitman.edu/academics/academic-resource-center/student-handbook)

Residence Life and Housing

[www.whitman.edu/residence-life](http://www.whitman.edu/residence-life)

Campus Security Department

[www.whitman.edu/security](http://www.whitman.edu/security)

## Conclusion

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