



# Annual Security Report - Clery Act

## WSU Tri-Cities Annual Security Report - Clery Act

A full printable version (PDF document) is accessible here: [WSU Tri-Cities Annual Security Report - Clery Act 2017.pdf](#).

A hard copy printout of this report may also be requested by contacting the WSU Tri-Cities Campus Safety & Security Office at (509) 372-7163 or (509) 372-7698.

## WSU Tri-Cities Annual Security Report – Clery Act

Calendar year 2017

### A Guide to Safety at Washington State University Tri-Cities

In 1998, the Federal Government passed the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, formerly the Crime Awareness and Campus Security Act of 1990. This law requires universities and colleges receiving federal funding to disclose reported instances of criminal activities on campuses. In addition to the disclosure of campus crime statistics, the act requires timely warnings of criminal activity to the campus community, as well as the disclosure of various campus policies. For more information on this legislation, please visit the Clery Center for Security on campus at <http://www.clerycenter.org>. The act is intended to provide students and their families, as higher education consumers, with accurate, complete, and timely information about safety on campus so that they can make informed decisions.

### Reporting the Annual Disclosure of Crime Statistics

The WSU Tri-Cities Emergency Management Office, in accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act prepares and distributes statistics annually on all the reported occurrences of the offenses below. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (The Clery Act), [20 U.S.C. 1092\(f\)](#), requires the annual publication of crime statistics for the previous three calendar years.

Campus crime, arrest, and referral statistics include those reported to the WSU Tri-Cities Emergency Management Office, Campus Security Authorities (WSU Officials with significant responsibility for student and campus activities, such as the Vice Chancellor for Finance and Administration and the Vice Chancellor for Enrollment Management and Student Services), and local law enforcement agencies. Counselors provided to students by WSU Tri-Cities inform their clients of the procedures to report crime to the local law enforcement or a Campus Security Authority on a voluntary or confidential basis, should they feel it is in the best interest of their client.

Each year, a message notification (via e-mail) is made to all enrolled students, current staff and faculty providing the web site to access this report. Prospective students and employees receive

similar notification through e-mail. Copies of the report may also be obtained from the WSU Tri-Cities Campus Safety & Security Director located in Floyd 144D, or by calling (509) 372-7163. All prospective employees may obtain a copy from Human Resources, located in the East building or by calling (509) 372-7302.

The crime statistics include reports of arrests for, and disciplinary actions arising from selected crimes. Effective with the 1999 calendar year, the Clery Act requires an expanded reporting that includes crimes and arrests occurring in certain off-campus locations. This is part of WSU Tri-Cities' annual report, which we encourage you to read in full. Other sections of the report include institutional policies concerning campus security, such as policies concerning crime prevention and the reporting of crimes, together with important information concerning WSU Tri-Cities' policies regarding alcohol and drug use, and Washington State University's sexual assault prevention programs.

### **Crisis Communications at WSU Tri-Cities**

Washington State University Tri-Cities has multiple methods to provide warning and notification of emergency situations affecting the campus. The Crisis Communication System (CCS) connects directly to students, faculty, and staff using voice and text messaging and email to provide warning of an emergency and basic directions on what steps people should take in response. Receiving emergency warning on personal cell phones, land line phones, and email requires registration. Registration can be accomplished at [my.wsu.edu](http://my.wsu.edu). In addition to these primary notification methods, Campus Safety & Security also operates a campus-wide Alert e-mail list serve which allows email transmission of warnings and other messages to the campus population. Campus also has an internal public address system which can provide voice announcements giving information on what people should do as an emergency situation develops.

Along with the WSU ALERT website (<http://tricitities.wsu.edu/alerts/>), these methods enhance the University's ability to provide timely warning and notification of any emergency issues that the university community may face.

### **Emergency Notifications**

Upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health and safety of students or employees occurring on the campus, WSU Tri-Cities will determine and employ communication methods appropriate to the situation to notify the affected university community immediately and without delay. Confirmation of significant emergencies will require direct investigation by appropriate University personnel. Taking into account the safety of the community, WSU Tri-Cities will determine the content of the notification and initiate the appropriate elements of the emergency notification system unless the notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

If the Campus Safety & Security Director or any Campus Security Authority (see page 16 for a list of campus security authorities) receives and confirms information that there is a significant emergency or dangerous situation occurring on campus that is determined to pose an immediate threat to the health or safety of WSU Tri-Cities students and employees, an Emergency Warning will be issued without delay. Emergency warnings may be issued to students, staff, and faculty through the college e-mail system, the campus mass notification system (Everbridge); social media

such as Facebook and Twitter; and local media. Announcements may also be issued through campus-wide electronic bulletin on the University home page at <http://tricities.wsu.edu>, and the WSU Tri-Cities Alerts web site at <http://tricities.wsu.edu/alerts/>.

The WSU Tri-Cities Campus Safety & Security Office will be primarily responsible for confirming a significant emergency or dangerous public safety situation on campus through victim, witness, or officer observations. Upon confirmation the following individuals have the primary responsibility to prepare and issue emergency notifications: WSU Tri-Cities Campus Safety & Security Director, Assistant to the Vice Chancellor for Finance and Administration, and the Director of Campus Information Technology.

The decision to issue an emergency warning and initiate the notification system at WSU Tri-Cities shall be made on a case-by-case basis in compliance with the Campus Safety/Clery Act, taking into consideration all available facts surrounding the incident, including the possible risk of compromising law enforcement efforts.

The WSU Tri-Cities Campus Safety & Security Director or other Campus Security Authority will determine, based on the facts and the safety of the community, the appropriate segment or segments of the campus community to receive a notification and the content of that notification. If a determination is made that emergency information should be disseminated to the larger community, the WSU Tri-Cities Campus Safety & Security Director or other Campus Security Authority will contact local law enforcement.

WSU Tri-Cities will test emergency response and evacuation procedures at least once a year. The procedure for WSU Tri-Cities emergency response and evacuation is publicized in conjunction with tests at least once a year.

Tests may be announced or unannounced. Documentation for each test includes a description of the exercise, date and time of the exercise, and whether the test was announced or unannounced. Test documentation is maintained by the WSU Tri-Cities Campus Safety & Security Director.

Anyone with information that might warrant an Emergency Notification Warning should report the circumstances to the Campus Safety & Security Director by phone at (509) 372-7163 or the Campus Safety & Security office at (509) 372-7698. In any case of emergency, 9-1-1 should be called first.

### **Timely Warnings**

Timely warnings are intended to communicate prevention strategies for students and employees when an incident has occurred or a pattern of risk is identified. It is not intended to be an emergency warning and will be issued in a timely manner. In serious situations, a timely warning may serve as a follow-up to an emergency notification.

While the WSU Tri-Cities Alerts web page is the most logical primary site for posting timely warnings, additional communication tools such as email, mass notification, *WSU Today* announcements, and press releases may also be appropriate. WSU Tri-Cities Campus Safety & Security office will be primarily responsible for issuing timely warnings, possibly with assistance

from Richland Police and/or Fire Department, or WSU Tri-Cities Marketing and Communications.

Examples of issues requiring timely warnings could include:

1. Investigations of a series of car thefts in a certain area
2. Unsolved burglaries
3. A pattern of drug dealings or activities that puts students at risk
4. Prevention notices, etc.

Per the Clery Act, timely warnings must be issued for the following crimes, if (1) the crime is reported to campus security authorities, (2) the crime is determined to pose a serious or continuing threat to WSU students and employees, and (3) the crime occurred on campus, in or on non-campus buildings or property owned by WSU, or on public property that is within the campus or immediately adjacent to campus:

- Sex offenses (includes forcible sex offenses and non-forcible sex offenses)
- Robbery
- Aggravated assault
- Burglary
- Arson
- Motor vehicle theft
- Arrests or referrals for disciplinary action for liquor law violations, drug law violations, and illegal weapons possession
- Hate crimes, including the following listed below, if such crime manifests evidence that the victim was intentionally selected because of the victim's actual or perceived race, gender, religion, sexual orientation, gender, gender identity, ethnicity, or disability:
  - Any crime listed above, as defined by the Clery Act,
  - Crimes of larceny-theft, simple assault, intimidation, and destruction/ damage/ vandalism of property, or
  - Any other crime involving bodily injury.

A timely warning may be issued for any other crime or incident as deemed necessary or appropriate.

### **Procedures for Reporting a Crime or Emergency**

Community members, students, faculty, staff and guests are encouraged to report all crimes and public safety related incidents in a timely manner.

For emergency incidents that are occurring NOW, or have just occurred, dial 911. Emergency responders from the City of Richland will be dispatched.

Individuals can choose which office they wish to contact regarding the following concerns. Certain offices may be required to share information on a need-to-know basis with other offices; information about each resource's reporting obligations can be found in the Resources section of this document. Additionally, you can contact any of these agencies for information about their processes and requirements for sharing information.

1. Incidents of racial harassment may be reported to:

Richland Police 509-942-7340  
Student Conduct 509-372-7358  
Office for Equal Opportunity 509-335-8288

2. For hate or bias-related incidents, you may also dial 509-332-BIAS (332-2427).
3. Individuals can report incidents of sexual violence, including sexual assault, intimate partner violence, sexual exploitation, and stalking, to:

Richland Police 509-942-7340  
WSU TC Title IX Liaison 509-372-7104  
WSU Pullman Title IX Coordinator 509-335-8288 or [TitleIX.Coordinator@wsu.edu](mailto:TitleIX.Coordinator@wsu.edu)  
(Within the Office for Equal Opportunity)

For information about confidential resources, visit <http://oeo.wsu.edu/resources/>.

### **Authority and Jurisdiction of Public Safety Department**

The WSU Tri-Cities Campus Safety and Security Office reports to the Vice Chancellor for Finance and Administration. This office serves as the Public Safety Department for campus emergencies that are not potentially life threatening, or capable of causing physical harm (“911 emergencies”). The Safety and Security Office is responsible for a limited range of safety services to the Tri-Cities campus community. Employees are not commissioned officers and do not have authority to arrest individuals. Services include, but are not limited to, bimonthly Safety Committee Meetings to ensure that safety issues on campus are being addressed on a continual basis, enforcement of University policies and procedures, keeping a record of accident reports on campus, and coordinating with the Richland Police Department on any incidents that are of a criminal nature. Campus emergencies that are not “911 emergencies”, such as water leaks, may be reported by calling the campus emergency number of 372-7234 or 2-7234 from a campus phone. This phone line is answered 24 hours a day, 7 days a week. All criminal activity and medical emergencies should be reported by calling 911.

Campus Safety & Security provides security for the WSU Tri-Cities campus Monday through Friday from 6 AM to 10 PM, and Saturday from 8:30AM to 4:00PM. The security guard on duty follows the same instructions above when reporting campus emergencies.

The Richland Police Department has the responsibility to enforce applicable city, county, state and federal criminal laws at WSU Tri-Cities. The RPD Police Officers investigate all reports of criminal activity that occur on WSU Tri-Cities property.

### **Access to Campus Facilities**

Buildings are open to the public when academic classes are in session. After hours, buildings are secured and only persons assigned exterior door keys are allowed to enter or remain. For directions to and a map of the campus, please visit our campus location page at: <http://tricitie.wsu.edu/campusmaps/>.

WSU Tri-Cities leases space in three off-campus facilities. Most buildings are open to the public when academic classes are in session. After hours, buildings are secured and only persons assigned exterior door keys are allowed to enter or remain.

WSU Tri-Cities Facilities personnel conduct periodic checks of the campus grounds and leased academic facilities to ensure they are safely maintained. This includes campus lighting and walkway access.

WSU Tri-Cities takes the safety of students, staff, and community members on the campus seriously. All students, staff, and community members are encouraged to report any safety issues concerning WSU Tri-Cities' campus buildings or grounds to Scott Tomren at e-mail [stomren@wsu.edu](mailto:stomren@wsu.edu) or 372-7163. Safety concerns may also be reported anonymously using the online [EHS Safety Concern Report Form](#)

Building hours are posted at the main entrance of each building (current posted hours are listed below). WSU Tri-Cities reserves the right to modify building hours with regard to security concerns and campus needs. Building hours differ during summer sessions. Buildings remain locked during campus holidays and closures.

All central campus buildings (East, West, BSEL, and CIC):

Monday-Friday: 7:00 AM - 10 PM

Saturday: 08:30 AM - 4 PM

Sunday: Closed

Innovation Center (ICB)

Monday-Friday: 7:00 AM – 7:00 PM

Saturday-Sunday: Closed

Nursing Center

Monday-Friday: 7:00 AM – 4:00 PM

Saturday-Sunday: Closed

Wine Science Center

Monday-Friday: 8:00 AM – 8:00 PM

Saturday-Sunday: Closed

Einstein High Bay

Not open to the public

Subject to the regulations of the Washington Administrative Code and WSU policy, university and non-university groups may use the university's limited public forum areas for those activities protected by the first amendment. Please review WAC 504-33-025 for further information.

### **Unlawful Entry and Trespassing**

Illegal or attempted illegal entry of University-owned, or controlled property is prohibited. Violation of the University's rules for the use of its facilities in WAC 504-33 through WAC 504-35 is also prohibited.

### **WSU Tri-Cities Alcohol and Drug Policies**

WSU Tri-Cities seeks to encourage and sustain an academic environment that both respects individual freedom and promotes the health, safety, and welfare of all members of the community. In keeping with these objectives, the University has established a policy and guidelines governing the distribution and consumption of alcoholic consistent with laws of the state of Washington. Possession and/or consumption of alcoholic beverages are not permitted on property owned or controlled by the University. Intentionally or knowingly selling, or intentionally or knowingly “furnishing” alcoholic beverages to persons under the age of 21, or to persons obviously inebriated, is not permitted on property owned or controlled by the University. Alcohol can be served at public events only to those over the age of 21 and only if in conformity with those requirements of the Washington Liquor and Cannabis Board and the University regarding the serving of alcohol. Arrangements for serving alcohol at public events must be made through the University’s Environmental, Health and Safety Office. Any individual known to be in violation of the University alcohol policy is subject to disciplinary action and possible arrest, imprisonment, or fine according to Washington state or federal law.

The possession, sale, consumption, or furnishing of alcohol is controlled by the Washington State Liquor and Cannabis Board. However, the enforcement of alcohol laws on-campus is the primary responsibility of WSU Tri-Cities Campus Safety & Security and the Richland Police Department.

Counseling Services at WSU Tri-Cities makes available material related to alcohol/substance abuse to our students. Our Counseling Services has registered with College Response, an on-line mental health service that allows the students to go through a confidential self-assessment addressing risky drinking behaviors.

Information regarding WSU’s drug or alcohol prevention education, counseling, treatment, or rehabilitation or reentry programs is available for students at Counseling and Testing Services—ADCAPS (Alcohol & Drug Counseling, Assessment, and Prevention Services, <http://adcaps.wsu.edu/drug-free-schools-campuses-act>) and the Employee Assistance Program for employees (<http://www.eap.wsu.edu/>).

Additional alcohol policies apply to current WSU students and are administered by the Office of Student Conduct and by Counseling Services. Follow this link for more information: <http://conduct.wsu.edu/policies>

### **Illegal Drugs**

WSU Tri-Cities prohibits the possession, use, or distribution of any and all illegal drugs by anyone on campus property. Any individuals known to be possessing, using, or distributing such drugs is subject to disciplinary action and possible arrest, imprisonment, or fine according to Washington state or federal law.

University Counseling Services ADCAPS has more information about the effects of drugs and alcohol:

<http://adcaps.wsu.edu/drug-free-schools-campuses-act>

**Weapons**

For the safety of everyone, all types of weapons are prohibited on campus. This includes but is not restricted to firearms, ammunition, explosives, air guns, BB guns, crossbows, bows and arrows, spring-type guns, slingshots, firecrackers, and fireworks. Anyone possessing or using any of these weapons can and will be subject to disciplinary action and possible arrest, imprisonment, or fine according to Washington state or federal law.

The WSU Standards of Conduct for Students includes the following provision regarding weapons.

**WAC 504-26-213 Firearms and dangerous weapons**

No student may carry, possess, or use any firearm, explosive (including fireworks), dangerous chemical, or any dangerous weapon on university property or in university-approved housing. Airsoft guns and other items that shoot projectiles are not permitted in university-approved housing.

**Discrimination Prohibited**

The kinds of discrimination prohibited by WSU policy are those which occur on the basis of race, sex, sexual orientation, gender identity/expression, religion, age, color, creed, national or ethnic origin, physical, mental or sensory disability, marital status, genetic information, and/or status as a veteran. Decisions affecting an individual cannot be made on the basis of one of these factors. For example, certain actions cannot be taken on account of a person's sex, or because of a person's age, or because of a person's national origin. Decisions should be made on the basis of neutral and objective criteria by which an individual may be evaluated in terms of his/her accomplishments without regard to irrelevant factors such as sex or race. WSU's non-discrimination policy also prohibits discriminatory harassment. The complete policy can be found at: <http://www.wsu.edu/forms2/ALTPDF/EPM/EP15.pdf>

Discrimination also is prohibited by the Standards of Conduct for Students.

**WAC 504-26-220 Discrimination**

Discrimination on the basis of race, color, religion, ancestry, national or ethnic origin, age, gender, marital status, veteran status, sexual orientation, gender identity, or mental, physical, or sensory disability is prohibited in conformity with federal and state laws.

**Sexual Assault/Sex- and Gender-based Violence****Definitions:**

“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.

“Dating relationship” means a social relationship of a romantic nature. Factors that the court may consider in making this determination include: (a) The length of time the relationship has existed; (b) the nature of the relationship; and (c) the frequency of interaction between the parties.

“Domestic violence” means: (a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members; (b) sexual assault of one family or household member by another; or (c) stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member.

“Family or household members” means spouses, domestic partners, former spouses, former domestic partners, persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past, persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, persons sixteen years of age or older with whom a person sixteen years of age or older has or has had a dating relationship, and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.

“Forcible compulsion” means physical force which overcomes resistance, or a threat, express or implied, that places a person in fear of death or physical injury to herself or himself or another person, or in fear that she or he or another person will be kidnapped.

“Mental incapacity” is that condition existing at the time of the offense which prevents a person from understanding the nature or consequences of the act of sexual intercourse whether that condition is produced by illness, defect, the influence of a substance or from some other cause.

“Physically helpless” means a person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act.

“Sexual contact” means any touching of the sexual or other intimate parts of a person done for the purpose of gratifying sexual desire of either party or a third party.

“Sexual intercourse”

Has its ordinary meaning and occurs upon any penetration, however slight, and Also means any penetration of the vagina or anus however slight, by an object, when committed on one person by another, whether such persons are of the same or opposite sex, except when such penetration is accomplished for medically recognized treatment or diagnostic purposes, and Also means any act of sexual contact between persons involving the sex organs of one person and the mouth or anus of another whether such persons are of the same or opposite sex.

## **Crimes**

### **Rape in the first degree (RCW 9A.44.040)**

A person is guilty of rape in the first degree when such person engages in sexual intercourse with another person by forcible compulsion where the perpetrator or an accessory: (a) Uses or threatens to use a deadly weapon or what appears to be a deadly weapon; or (b) Kidnaps the victim; or (c) Inflicts serious physical injury, including but not limited to physical injury which renders the victim unconscious; or (d) Feloniously enters into the building or vehicle where the victim is situated.

**Rape in the second degree (RCW 9A.44.050)**

A person is guilty of rape in the second degree when, under circumstances not constituting rape in the first degree, the person engages in sexual intercourse with another person: (a) By forcible compulsion; (b) When the victim is incapable of consent by reason of being physically helpless or mentally incapacitated; (c) When the victim is a person with a developmental disability and the perpetrator is a person who is not married to the victim and who: (i) Has supervisory authority over the victim; or (ii) Was providing transportation, within the course of his or her employment, to the victim at the time of the offense; (d) When the perpetrator is a health care provider, the victim is a client or patient, and the sexual intercourse occurs during a treatment session, consultation, interview, or examination. It is an affirmative defense that the defendant must prove by a preponderance of the evidence that the client or patient consented to the sexual intercourse with the knowledge that the sexual intercourse was not for the purpose of treatment; (e) When the victim is a resident of a facility for persons with a mental disorder or chemical dependency and the perpetrator is a person who is not married to the victim and has supervisory authority over the victim; or (f) When the victim is a frail elder or vulnerable adult and the perpetrator is a person who is not married to the victim and who: (i) Has a significant relationship with the victim; or (ii) Was providing transportation, within the course of his or her employment, to the victim at the time of the offense.

**Rape in the third degree (RCW 9A.44.060)**

A person is guilty of rape in the third degree when, under circumstances not constituting rape in the first or second degrees, such person engages in sexual intercourse with another person: (a) Where the victim did not consent as defined in RCW 9A.44.010(7), to sexual intercourse with the perpetrator and such lack of consent was clearly expressed by the victim's words or conduct, or (b) Where there is threat of substantial unlawful harm to property rights of the victim.

**Voyeurism (RCW 9A.44.115)**

A person commits the crime of voyeurism if, for the purpose of arousing or gratifying the sexual desire of any person, he or she knowingly views, photographs, or films: (a) Another person without that person's knowledge and consent while the person being viewed, photographed, or filmed is in a place where he or she would have a reasonable expectation of privacy; or (b) The intimate areas of another person without that person's knowledge and consent and under circumstances where the person has a reasonable expectation of privacy, whether in a public or private place.

**Indecent Exposure (RCW 9A.88.010)**

A person is guilty of indecent exposure if he or she intentionally makes any open and obscene exposure of his or her person or the person of another knowing that such conduct is likely to cause reasonable affront or alarm. The act of breastfeeding or expressing breast milk is not indecent exposure.

**Harassment (RCW 9A.46.020)**

A person is guilty of harassment if: (a) Without lawful authority, the person knowingly threatens: (i) To cause bodily injury immediately or in the future to the person threatened or to any other person; or (ii) To cause physical damage to the property of a person other than the actor; or (iii) To subject the person threatened or any other person to physical confinement or restraint; or (iv) Maliciously to do any other act which is intended to substantially harm the person threatened or another with respect to his or her physical or mental health or safety; and (b) The person by words or conduct places the person threatened in reasonable fear that the threat will be carried out. “Words or conduct” includes, in addition to any other form of communication or conduct, the sending of an electronic communication.

**Stalking (RCW 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: (a) He or she intentionally and repeatedly harasses or repeatedly follows another person; and (b) 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 (c) The stalker either: (i) Intends to frighten, intimidate, or harass the person; or (ii) 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.

**WSU Executive Policy 15**

WSU policy prohibits sexual harassment including sexual misconduct and other forms of sex and gender based violence as defined below. WSU will address student allegations of sex and gender based violence regardless of where the conduct occurred.

*Consent*

Consent to any sexual activity must be clear, knowing, and voluntary. Anything less is equivalent to a “no.” Clear, knowing, and voluntary consent to sexual activity requires that, at the time of the act, actual words or conduct demonstrate clear permission regarding willingness to engage in sexual activity and the conditions of such activity. Silence or passivity is not consent. Even if words or conduct alone seem to imply consent, sexual activity is nonconsensual when:

- (a) Force or coercion is threatened or used to procure compliance with the sexual activity.
  - (i) Force is the use of physical violence, physical force, threat, or intimidation to overcome resistance or gain consent to sexual activity.
  - (ii) Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to obtain consent from another. When an individual makes it clear through words or actions that he or she does not want to engage in sexual contact, wants to stop, or does not

want to go past a certain point of sexual interaction, continued pressure beyond that point may be coercive. Other examples of coercion may include using blackmail or extortion to overcome resistance or gain consent to sexual activity.

(b) The person is asleep, unconscious, or physically unable to communicate his or her unwillingness to engage in sexual activity; or

(c) The person lacks the mental capacity at the time of the sexual activity to be able to understand the nature or consequences of the act, whether that incapacity is produced by illness, defect, the influence of alcohol or another substance, or some other cause. When alcohol or drugs are involved, a person is considered incapacitated or unable to give valid consent if she or he cannot fully understand the details of the sexual interaction (i.e., who, what, when, where, why, and how), and/or he or she lacks the capacity to reasonably understand the situation and to make rational, reasonable decisions. ([WAC 504-26-211\(2\)](#))

### *Sexual Misconduct*

Sexual misconduct is an egregious form of sex discrimination/sexual harassment. A number of acts may be regarded as sexual misconduct including, but not limited to, non-consensual sexual contact (including sexual intercourse) and sexual exploitation. Sexual misconduct includes sexual assault and other sexual violence. ([WAC 504-26-221\(1\)](#))

### *Non-consensual Sexual Contact*

Nonconsensual sexual contact is any intentional sexual touching, however slight, with any object or body part, by one person against another person's intimate parts (or clothing covering any of those areas), or by causing another person to touch his or her own or another person's intimate body parts without consent and/or by force. Sexual contact also can include any intentional bodily contact in a sexual manner with another person's non-intimate body parts. It also includes nonconsensual sexual intercourse. ([WAC 504-26-221\(3\)](#))

### *Sexual Exploitation*

Sexual exploitation occurs when a person takes nonconsensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses explained above. Examples of sexual exploitation may include, but are not limited to:

- (a) Causing or attempting to cause the incapacitation of another person to gain sexual advantage over such other person;
- (b) Invading another person's sexual privacy;
- (c) Prostituting another person;
- (d) Engaging in voyeurism. A person commits voyeurism if, for the purpose of arousing or gratifying the sexual desire of any person, he or she knowingly views, photographs, records, or films another person, without that person's knowledge and consent, while the person being viewed, photographed, recorded, or filmed is in a place where he or she has a reasonable expectation of privacy;
- (e) Knowingly or recklessly exposing another person to a significant risk of sexually transmitted disease or infection;
- (f) Exposing one's intimate parts in nonconsensual circumstances;
- (g) Sexually based stalking and/or bullying. ([WAC 504-26-221\(4\)](#))

### *Stalking*

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (a) Fear for his or her safety or the safety of others; or (b) Fear for harm to his or her property or the property of others; or (c) Suffer substantial emotional distress. Stalking includes, but is not limited to, conduct occurring in person, electronically, or through a third party. ([WAC 504-26-223](#))

### *Intimate Partner Violence (also referred to as Dating Violence or Domestic Violence)*

Violence or abusive behavior within an intimate partner relationship. It can be physical, sexual, emotional, verbal, economic, or psychological in nature and can include actions or threats of actions that influence or harm an intimate partner. ([EP15](#))

## **Reporting**

Crimes may be reported to the appropriate law enforcement agency for criminal investigation:

Emergency – 911

[Richland Police Department](#) – 509-628-0333

[Benton County Sheriff's Department](#) – 509-735-6555

Complaints regarding sex & gender based violence may be reported directly to WSU's Title IX Coordinator:

Kimberly Anderson

[WSU Title IX Coordinator](#)

French Ad 225

Pullman, WA 99164

509-335-8288

[TitleIX.Coordinator@wsu.edu](mailto:TitleIX.Coordinator@wsu.edu)

WSU employees are required to report all information relating to allegations of sexual harassment, including sex and gender based violence to the WSU Title IX Coordinator. For more information on this requirement including the limited exceptions to this rule see [oeo.wsu.edu/reporting-requirements-2/](http://oeo.wsu.edu/reporting-requirements-2/)

### *Reporting to Police:*

Complainants have the option to notify law enforcement authorities. OEO can assist complainants in notifying law enforcement authorities if the complainant chooses to do so. Complainants can also decline to notify such authorities (WSU employees are mandated to report suspected child abuse and elder abuse to law enforcement). OEO and law enforcement agencies may also assist a complainant in learning about orders of protection, which may include connecting a complainant with an advocate from local resources (<http://oeo.wsu.edu/resources-tri-cities/>).

### *Confidentiality*

WSU takes confidentiality seriously. Investigative information is shared with others on a need-to-know basis only, including with investigators, witnesses, the accused individual, and relevant WSU officials, or as required or permitted by law. In some cases, the investigation file may be

subject to requests for public records; WSU redacts identifying or other information when legally permissible.

When a complainant requests confidentiality or that WSU not proceed with an investigation, WSU respects that request to the extent possible. WSU's legal obligation to provide a safe and nondiscriminatory environment may require that OEO proceed with an investigation, which may require investigators to share limited identifying information about a complainant. OEO informs a complainant if this occurs. In all cases, OEO works with the complainant to provide resources and support.

#### *Confidential Consulting Protected by Law*

Anyone who has experienced conduct implicated by this policy may choose to consult with a licensed mental health care provider or health care provider. By law, such professionals are able to assist victims confidentially and are exempt from legal obligations to report incidents for investigation, with some exceptions (for example, child abuse, elder abuse, and certain threats of harm).

#### **Investigative and Hearing Procedures**

Individuals who file a complaint with OEO can expect to receive information regarding resources available at WSU and in the community that provide counseling and support. OEO also provides information regarding the investigation process and interim measures that may be available while the investigation is pending.

After an incident is reported to OEO, WSU takes appropriate steps to stop the discriminatory behavior, prevent its recurrence, and remedy its effects. These steps typically include a prompt, effective, and impartial investigation.

Generally within one working day of receiving a complaint, OEO provides written materials to the complainant regarding WSU's policies, procedures, and available resources. These materials include the name of a contact person for questions or comments regarding this policy and OEO's complaint procedures.

#### *OEO Investigation Process*

OEO will determine whether the WSU Policy Prohibiting Discrimination, Sexual Harassment, and Sexual Misconduct is implicated. The Office of Student Affairs (OSA), in consultation with the Office of Student Conduct (OSC) will determine whether or not provisions of the WSU Standards of Conduct for Students are implicated. In most instances, representatives from OEO and OSA/OSC will jointly conduct the investigation. The reporting party may determine the extent to which they will participate in this process. In some situations, the University may be required to proceed with an investigation regardless of whether the reporting party decides to participate in the investigation or disciplinary process.

During an investigation, OEO will interview witnesses and gather any documentary or other evidence. At the conclusion of the investigation, OEO will send an investigative memorandum to OSA/OSC in the case of student respondents, or to supervisors in the case of an employee

respondent. The memorandum will include a summary of the investigation, findings of fact, and a conclusion as to whether or not EP 15 has been violated.

#### *Student Conduct Process*

OSA/OSC will determine whether disciplinary action under the Standards of Conduct for Students is warranted. If disciplinary action is warranted, OSA/OSC may address the matter through an informal one-to-one conduct officer hearing, or refer it to a University Conduct Board for a hearing. The Conduct Board will make a decision on the matter within ten days of the hearing. Both the complainant and respondent will have a right to file an appeal of the Conduct Board's decision.

#### *Support Person or Advisor.*

Complainants and Respondents may have a support person or advisor present during any investigative meetings or disciplinary proceedings.

#### *Standard of Proof.*

WSU uses a “preponderance of the evidence” legal standard to evaluate allegations of violations of this policy, which means it is “more likely than not” that the behavior or incident in the complaint occurred.

#### *Timeframes.*

OEO seeks to complete all investigations promptly after receipt of a complaint. An investigation of sexual assault, sexual misconduct, or domestic violence is typically completed within 60 calendar days unless there is good cause to extend that time frame.

#### *Simultaneous Notification.*

Both the Complainant and the Respondent will receive simultaneous notification from WSU regarding:

1. The result of any disciplinary proceeding that arises from an allegation of sex and gender based violence;
2. The procedures for appealing the results of any such disciplinary proceeding;
3. Any changes to the result; and
4. The date such results become final.

#### *Interim Measures.*

WSU takes appropriate interim steps before a final resolution to support and protect the complainant, as needed. Such steps may be taken regardless of whether complainant wishes to pursue the complaint or notify law enforcement. WSU may impose a “no-contact” order, which typically includes a directive that the parties refrain from having contact with one another. Other interim measures include, but are not limited to, altering the academic, WSU housing, and/or WSU employment arrangements of the parties. When taking such steps, WSU seeks to minimize unnecessary or unreasonable burdens on either party; however, every reasonable effort is made to allow the complainant to continue in his or her academic, WSU housing, and/or WSU employment arrangements. Violations of such protective measures may lead to disciplinary action.

*Employee Training.*

OEO and OSA/OSC staff receive continuous training throughout the year on topics related to dating violence, domestic violence, sexual assault, and stalking, as well as how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

**Disciplinary Actions**

The University vigorously enforces EP 15. Persons determined to have violated this policy are subject to sanctions imposed using the procedures set forth in applicable University policies and handbooks (e.g., the WSU Faculty Manual, the Administrative Professional Handbook, WAC 357-40 (civil service employees), applicable collective bargaining agreements, or the WSU Standards of Conduct for Students, WAC 504-26), including any appeal procedures therein. The chosen sanction is to be adequately and appropriately severe to prevent future offenses. The sanctions that are imposed, or other actions taken, must be reported to OEO by the administrator or supervisor who imposes the sanctions.

## Possible Sanctions:

## Student Conduct –

1. Warning
2. Probation
3. Restitution
4. Fines
5. Education
6. Community service
7. Loss of privileges
8. Loss of recognition
9. Hold on transcript and/or registration
10. No Contact Order
11. Trespass
12. Residence Hall Suspension
13. Residence Hall Expulsion
14. Withholding degree
15. Revocation of admission and/or degree
16. University Suspension
17. University Expulsion

## Employee –

1. Warning
2. Verbal Counseling
3. Required Training
4. Memorandum of Concern
5. Letter of Reprimand
6. Suspension without pay
7. Demotion
8. Termination

In addition, inappropriate and unprofessional behavior by WSU personnel that does not rise to the level of a policy violation (e.g., unwelcome sexual comments that are not sufficiently severe, persistent, or pervasive to constitute sexual harassment), may nonetheless be subject to corrective or disciplinary action in some cases.

### **Help for Victims**

The University provides access to both confidential and other resources. Victims are encouraged to access whichever resource they feel most comfortable with. A current listing of resources for victims can be found on the Office for Equal Opportunity website at <http://oeo.wsu.edu/resources/>.

Victims and survivors are encouraged to seek medical care, even if they are unsure whether they want to make a police report or if they choose not to move forward with a criminal investigation. A healthcare provider can help assess your wellbeing and personal safety, provide any necessary medical treatment and refer you to counseling and other resources. Victims of sexual assault should preserve any evidence that may be necessary to prove a criminal offense. Preservation includes refraining from showering or bathing and saving articles of clothing worn during the assault. Victims have the option to be accompanied by a support person, such as a friend or an advocate, during medical appointments

### **Education and Prevention**

WSU provides Discrimination and Sexual Harassment Prevention training to university employees. The Office for Equal Opportunity regularly provides additional training for staff who work with students, which includes trauma-informed response information. WSU employees, with limited exceptions, are required to share information about possible sexual harassment and sexual misconduct with the WSU Title IX Coordinator and/or a WSU Title IX Liaison, so that they can provide resources and referrals to victims, as well as information regarding the university's policies and procedures to address sexual harassment and sexual misconduct.

All WSU students and employees can access online trainings regarding sex and gender-based violence, which include information about university policies, response processes, and available resources at [oeo.wsu.edu/online-trainings/](http://oeo.wsu.edu/online-trainings/). Additionally, the Office for Equal Opportunity partners with numerous campus and community partners to provide a wide variety of in-person training to students, upon request. Individuals can request in-person trainings at [oeo.wsu.edu/training-requests/](http://oeo.wsu.edu/training-requests/), or by contacting the Office for Equal Opportunity directly at 509-335-8288.

### **Registered Sex Offender Information**

The Campus Sex Crimes Prevention Act of 2000 requires colleges and universities to inform students and employees how to learn the identity of registered sex offenders on campus. This law also requires that sex offenders provide notice to any institution of higher education at which the person is employed or is a student. You can obtain information regarding registered sexual offenders by contacting the Benton County Sheriff's Office at 7122 W. Okanogan Place, Building 2 in Kennewick, Washington, (509)735-6555, ext. 3843. Sex offender information is also available online at [http://www.sheriffalerts.com/cap\\_main.php?office=54457](http://www.sheriffalerts.com/cap_main.php?office=54457)

Using this public information to threaten, intimidate or harass sex/kidnap offenders will not be tolerated by the law enforcement agencies of Benton County. This abuse could potentially terminate our ability to release this important information to the public.

### **Crime Prevention Awareness and Personal Safety Education**

Every year, the WSU Tri-Cities Campus Safety & Security office provides personal safety education via e-mailed university announcements in the fall and spring semesters. WSU Tri-Cities Campus Safety & Security office offers several safety programs and services to the WSU Tri-Cities campus. Among these is the security escort available from 5pm to 10pm Monday through Friday during the academic year.

### **Security Awareness Programs**

During fall and spring semesters, students are informed of services offered by the WSU Tri-Cities Campus Safety & Security office via e-mailed university announcements. In addition, students are told about crime on-campus and in surrounding neighborhoods. Similar information is provided to employees.

A common theme of all awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others. In addition to seminars, information is disseminated to students and employees through crime prevention awareness pamphlets, security alert posters, displays and articles in the student newspaper.

When time is of the essence, information is released to the university community through emergency notifications, timely warnings, and security alerts posted prominently throughout campus and listed communications methods.

### **Collection of Statistics:**

The Office of Student Services and the WSU Tri-Cities Campus Safety & Security Office coordinate the preparation of the annual report, including the gathering of crime statistics. The annual crime statistics are compiled from data provided by: the WSU Tri-Cities Campus Safety & Security office, the Richland Police Department, and Campus Security Authorities (University officials who have significant responsibility for student and campus activities). WSU Tri-Cities has no resident facilities; therefore, no statistics are recorded. If you have questions regarding the statistics published here, please contact the WSU Tri-Cities Campus Safety & Security Office.

### **WSU Tri-Cities Campus Security Authorities:**

- Vice Chancellor for Finance and Administration
- Campus Safety & Security Director
- Campus Security Officers
- Director of Student Life and Services
- Vice Chancellor of Academic Affairs
- Vice Chancellor of Enrollment Management and Student Services

**Crime Definitions (34 CFR 668.46):**

The crime definitions used to collate the statistics in this report conform to the requirements of the implementing regulations of the Clery Act.

- a) The FBI defines forcible sex offenses as: rape and attempted rape, forcible sodomy, sexual assault with an object, and forcible fondling.
- b) The FBI defines non-forcible sex offenses as: incest and statutory rape.
- c) The number of persons referred for disciplinary action does not include persons arrested and reported in the arrest categories above.

Effective from the 1999 calendar year, the Clery Act requires the reporting of crime statistics for an expanded area beyond the WSU Tri-Cities campus. The law and accompanying regulations also require these statistics to be shown in specific geographic categories (or venues) as defined below.

Federal regulations define “On Campus” as any building or property owned or controlled by an institution 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; and any building or property that is within or reasonably contiguous to the said area and is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor). NOTE: WSU Tri-Cities does not have residential facilities or a residential population.

Non-Campus Buildings/Property – includes any building or property owned or controlled by an institution, used in direct support of educational purposes, which is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution. This category includes properties leased by WSU in other parts of Richland.

Non-Campus public property is defined as all public property, including thoroughfares, streets, sidewalks, and parking facilities, that are within the campus, or immediately adjacent to and accessible from the campus.

Hate Crimes: The Clery Act requires the separate reporting, by category of prejudice, of any crime reported in the classifications above; the crimes of larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property; and any other crime involving bodily injury that manifests evidence that the victim was intentionally selected because of the victim’s actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability. No hate crimes were reported in the crime classifications in the below table at WSU Tri-Cities from 2014 to 2016.

The University does not record statistics for crimes involving students or student organizations that occur in other law enforcement jurisdictions as part of the Uniform Crime Report. However, the WSU Tri-Cities Campus Safety & Security office does maintain communication with local law enforcement and tries to monitor incidents involving students that do occur in other jurisdictions.

## **Policies Relating to Campus Housing**

In August 2018, the Brelsford Vineyards apartments opened on the WSU Tri-Cities campus. This facility is owned and operated by DABCO Property Management, and WSU maintains no oversight of the facility. Richland Police and Emergency Services respond to all incidents in the complex. However, for Clery reporting purposes this facility is considered “on-campus housing”, and incidents there are monitored and included in our crime fire statistics.

Since the complex did not operate in calendar year 2017, no statistics related to crime or fire are available, but other policies relating to on-campus housing are addressed below.

### **Annual Fire Safety Report**

In August 2008, the Higher Education Opportunity Act (Public Law 110-315) became law. This act requires all U.S. academic institutions to produce an annual fire safety report outlining fire safety practices, standards, and all fire-related on campus statistics pertaining to on-campus residential buildings. Pursuant to this act, the following is a report detailing the fire safety practices and standards applicable to housing on the WSU Tri-Cities campus. Statistics are not provided at this time, as on-campus housing was not open in 2017.

### **Fire Safety Systems**

Details regarding building fire safety systems have not been received as of the date of publication.

### **Fire Drills**

Details regarding fire drills have not been received as of the date of publication.

### **Policies**

#### *Portable Electric Appliances*

DABCO Property Management places no restrictions on portable electric appliances in the Vineyards apartments.

#### *Smoking*

DABCO Property Management has no non-smoking units, and does not restrict smoking in apartment units. Smoking is prohibited in the commons area, recreation room, fitness room, and indoor community study rooms. Additionally, smoking by an individual tenant – including smoke, odor, ash, and smoking trash such as cigarette butts – must not be allowed to bother other tenants.

#### *Open Flame*

Open-flame grills are prohibited in units, including on decks, patios, and balconies, and may not be used within ten (10) feet of any part of any building.

### **Procedures for Evacuation**

Details regarding building evacuation procedures have not been received as of the date of publication.

**Fire Safety Training & Education**

Details regarding available training and education, or of facility-specific systems and procedures, have not been received as of the date of publication.

**Reporting Fires**

Any fire emergencies occurring in the Brelsford Vineyards (or on any other part of the WSU Tri-Cities campus), must be reported to Richland Fire Department by calling 911.

After any fire emergency, the occurrence of the fire must be reported to Campus Security at 372-7698

**Plans for Future Improvements in Fire Safety**

Details regarding future improvements have not been received as of the date of publication.

**Missing Student Notification Policy**

WSU Tri-Cities takes the well-being of students seriously and has processes that must be followed in the event a student is missing.

If anyone has reason to believe that a WSU student is missing, they should immediately contact the Campus Security office at 372-7698 to report the concern. All WSU staff and faculty must contact Campus Security if they believe a student is missing or is reported by others to be missing.

When any student who resides in on-campus housing is reported missing, Campus Security will make inquiries regarding the student and contact the City of Richland Police if they are unable to locate the student within 24 hours. WSU Police will also be notified, and will provide assistance to Richland Police as needed. Richland Police will make the determination as to whether the student is considered to be missing, will coordinate with other law enforcement agencies, and make entries into state and local crime information databases as they determine necessary. Additionally, if the missing student is under the age of 18 and not emancipated, WSU will notify the student's parent or legal guardian within 24 hours after police have determined the student is missing.

**Policy Regarding Contact Persons**

All students residing in on-campus housing, regardless of age, may identify one or more individuals to be a contact strictly for missing persons purposes. The contact person(s) will be contacted by the university not later than 24 hours after the time that the student is determined to be missing by Richland Police. Students are encouraged to provide contact information on their my.WSU account at incoming mandatory orientation. Students can update the contact(s) by accessing their my.WSU account. The information provided will only be accessible to authorized campus offices and to law enforcement in furtherance of a missing person investigation.

**CRIMINAL OFFENSES 2015 – 2017**

Crimes	On Campus			Non-Campus Buildings/Property			Non-Campus Public Property			Student Disciplinary Referrals/Actions		
	15	16	17	15	16	17	15	16	17	15	16	17
Criminal Homicide	0	0	0	0	0	0	0	0	0	0	0	0
Murder and 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
Sex Offenses	0	0	0	0	0	0	0	0	0	0	0	0
Forcible Sex Offenses	0	0	0	0	0	0	0	0	0	0	0	0
Non-forcible Sex Offenses	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Assault (Aggravated)	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Alcohol Arrests	0	0	0	0	0	0	1	0	0	0	0	0
Drug Arrests	0	0	0	0	0	0	0	0	0	0	0	0
Weapons Arrests	0	0	0	0	0	0	0	0	0	0	0	0
Hate Crimes	0	0	0	0	0	0	0	0	0	0	0	0
Alcohol Referrals	0	0	0	0	0	0	0	0	0	0	0	0
Drug Referrals	0	0	0	0	0	0	0	0	0	0	0	0
Weapons Referrals	0	0	0	0	0	0	0	0	0	0	0	0
Hate Crime Referrals	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	1	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0