



BASTYR UNIVERSITY

**SECURITY AND
FIRE SAFETY REPORT**

May 2017

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Bastyr Information on the Web

Bastyr Website Home Page.....	http://bastyr.edu
Annual Security Report	http://bastyr.edu/student-life/current-students/campus-safety
Campus Safety	http://bastyr.edu/student-life/current-students/campus-safety
Title IX.....	http://bastyr.edu/content/title-ix
Bastyr Security Department.....	http://bastyr.edu/student-life/current-students/campus-safety

Bastyr University Campuses and Clinics

Washington:

Bastyr University
 14500 Juanita DR NE
 Kenmore WA
 425-602-3000

Bastyr Clinic of Natural Health
 3670 Stone Way N
 Seattle WA
 206-834-4100

California:

Bastyr University
 4106 Sorrento Valley Blvd.
 San Diego, CA 92121
 959-246-9700

Bastyr University Clinic
 4110 Sorrento Valley Blvd.
 San Diego, CA 92121
 858-246-9719

Dean of Students
 Director of Counseling Services
 Chief HR Officer

GENERAL INFORMATION

About This Publication

The Bastyr University Security Department prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The full text of this report can be located on our web site at <http://bastyr.edu/student-life/current-students/campus-safety>. This report is prepared in cooperation with the local law enforcement agencies surrounding our main campus and alternate sites, Campus Security Authorities. Each entity provides updated information on their educational efforts and programs to comply with the Act.

Bastyr General Information

Bastyr University is a nonprofit, private university offering graduate and undergraduate degrees, with a multidisciplinary curriculum in science-based natural medicine. Recognized globally for its rigorous curriculum and strong research, the University has a primary campus in Kenmore, Washington, the Bastyr Clinic for Natural Health in Seattle, and a second campus and clinic in San Diego, California.

Bastyr's international faculty teaches the natural health sciences with an emphasis on integrating mind, body, spirit and nature. A pioneer in natural medicine since its inception, Bastyr continues to be in the forefront of developing the model for 21st-century medicine.

Bastyr Student Profile

- Fall Enrollment: 1,269 (2015)
- Graduate Enrollment: 908
- Average student age: 30
- Median student age: 28
- Gender: 84% female and 16% male
- International students: 92, representing 34 countries
- Clinical student-faculty ratio: 6:1
- Patient visits to Bastyr Center for Natural Health: approximately 34,000

To REPORT a CRIME or an EMERGENCY

Police Department or Fire Department — Call 911

Kenmore Campus	206-850-1710
Seattle Clinic	206-834-4110
San Diego Campus	858-246-9721
San Diego Clinic	858-246-9721

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

Bastyr has collaborated with Rave Mobile Safety. We can send texts and e-mails within minutes of an emergency occurring to all Bastyr community members at all of our locations. We can also send you timely warning of any ongoing safety issues.

This RAVE system can also deliver messages to your Bastyr and personal email addresses. To receive RAVE Alert text messages go to www.getrave.com/login/Bastyr and use your Bastyr e-mail address. Your initial password is your email.

For evacuation and emergency plans go to: <https://mybu.bastyr.edu/CampusResources/Safety/Security/tabid/643/Default.aspx>

Timely Warning

Bastyr University will, without delay, taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

In the event that a situation arises – either on or off campus – that poses an ongoing or continuing threat to members of the university community, a RAVE ALERT will be issued by the campus administration. A RAVE warning will be sent through the following notification methods: email, text messaging, ALERTUS and other electronic means.

Incident Reports

Please fill out an Incident Report for ANY kind of accident, theft, medical event, crime, threat, or near miss. For the Kenmore Campus (BUK) please turn in the form to the Student Resource Center or Security. For the Seattle Clinic (BCNH) & San Diego Campus (BUC), please forward onto the Facilities Operations Manager. You can download the form from the MYBU website. <https://mybu.bastyr.edu/CampusResources/FacilitiesSafety/tabid/368/Default.aspx>,

Testing the RAVE/ ALERTUS Emergency Notification System

The Bastyr University Security Department tests the RAVE/ALERTUS emergency notification system Twice yearly to ensure that it is working properly. All emergency notification systems are reviewed annually for improvements and modifications to the procedure if necessary.

CAMPUS SAFETY

Security is a group project. We thank you for keeping an eye out for yourself, your classmates and colleagues. Bastyr has a good track record when it comes to security. Much of this is due to our group awareness and ongoing communication. For information about safety and security at Bastyr visit the <http://bastyr.edu/student-life/current-students/campus-safety>

The Bastyr University Security Department maintains a close working relationship with Local Law Enforcement Agencies. The Security Department and local Law Enforcement Agencies communicate regularly on the scene of incidents that occur in and around the campus area. The Bastyr Security Department works closely with the investigative staff from Local Law Enforcement Agencies when incidents arise that require joint investigative efforts, resources, crime related reports and exchanges of information, as deemed necessary. There is no written memorandum of understanding between Bastyr and Local Law Enforcement.

Bastyr University Security Department

Bastyr University Security Department staff has authority to ask persons for identification and to determine whether individuals have lawful business at any Bastyr facility. Bastyr security staff has authority to issue parking tickets.

Security officers do not possess arrest power. Criminal incidents are referred to the local police who have jurisdiction on the campus. The Security Office at Bastyr facilities maintains a highly professional working relationship with the local law enforcement agencies. All crime victims and witnesses are strongly encouraged to immediately report the crime to the campus Security Department and the appropriate police agency. Prompt reporting will assure timely warning notices and timely disclosure of crime statistics.

Bastyr works diligently to keep students and campus members safe. We have been fortunate to have a largely crime-free campus for many years, and we promote safety through the following measures:

Night and weekend officers who oversee the locking of offices and exterior doors, serve as on-call escorts, and monitor the hallways, parking lots and outdoor property. They are also trained in CPR/AED and first aid.

- Outdoor safety phones at each Student Village cottage.
- Outdoor security cameras.
- D-card entry for low-visibility doors after hours.

Personal Safety Escort

Bastyr Security Department provides personal safety escorts to or from any location on the Kenmore Campus. To request a safety escort, call 206-850-1710.

Security Daily Activity Log

Bastyr Security Department maintains a Daily Activity Log that records all crimes, fires, and other serious incidents that occur on campus or within the department's patrol jurisdiction. The Daily Activity Log is available by request at the Security Office.

Registered Sex Offenders

In Kenmore, information regarding registered sex offenders may be obtained through the Kenmore Police Department, in Seattle through the Seattle Police Department, and in San Diego through the San Diego Police Department.

Kenmore Police Department 206-296-3311
Seattle Police Department 206-684-0850
San Diego Police Department 858-523-7000

Student Village Emergency Call Box

The Kenmore Student Village is equipped with emergency call boxes located outside each dorm building. In the event of an emergency or problem, students can contact the Security Department or the Resident Assistant.

Security and Access to Campus Facilities

During business hours, the university (excluding certain housing facilities) is open to all students, employees, contractors, guests, and invitees. During non-business hours, access to campus facilities is by appropriate authorization only.

Training

Bastyr University offers training in the following categories throughout the year to both students and staff:

- First Aid/CPR and AED
- Active Threat
- Fire Suppression and Prevention
- Personal Safety and Crime Prevention Awareness
- Citizen Emergency Response Training (CERT)
- All Hazard Mitigation
- Emergency Preparedness Table Top Drills

Crime Prevention Programs on personal safety and theft prevention are presented by the Security Department in partnership with local Law Enforcement Agencies throughout the year. Security personnel facilitate programs for student and faculty, providing a variety of educational strategies and tips on how to protect themselves from sexual assault, theft and other crimes. The course will cover awareness, prevention, risk reduction and avoidance. (Table Top drills are conducted annually for the administration staff only)

REPORTING CRIMES ON CAMPUS

The Bastyr University Security Department encourages anyone who is the victim of or witness to a crime to promptly report the incident to the Security Department and or the Police Department.

Police Department:	911
Kenmore Campus:	206-850-1710
Seattle Clinic:	206-834-4110
San Diego Campus:	858-246-9721

All reports will be investigated. Bastyr University does not have procedures for voluntary, confidential reporting of crime statistics. Violations of the law will be referred to law enforcement agencies and when appropriate, to the Honor Response Board for review. When a potentially dangerous threat to the University community arises, timely reports or warnings will be issued through e-mail announcements, the posting of flyers at local campuses, in-class announcements, or other appropriate means.

Bastyr University will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the results of any disciplinary hearing conducted by the University against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, Bastyr University will provide the results of the disciplinary hearing to the victim's next of kin, if so requested.

Campus Security Authority

Once a threat or emergency has been reported, the Campus Security Authorities will verify the information by the use of outside agencies or through information gathered from onsite community members. Once the threat or emergency is verified a message will be composed by the Campus Security Authority and sent to all or the appropriate segment(s) of the Bastyr University community.

Kenmore Campus

Security Department Ross Leigh	206-850-1710 rleigh@bastyr.edu
Risk, Safety Security Manager Craig Phillips	425-602-3199 cphillips@bastyr.edu
Director of IT and Security John Gaythorpe	206-602-3039 jgaythorpe@bastyr.edu
Vice President Dean of Student Affairs Susan Weider	425-602-3014 sweider@bastyr.edu

Seattle Clinic

Business Operations Manager Mary Kelley	206-834-4164 mkelly@bastyr.edu
BCNH Facility and Safety Manager Norm Chambers	206-834-4110 nchambers@bastyr.edu
Chief Medical Officer Jamey Wallace	206-834-4141 jwallace@bastyr.edu

San Diego Campus and Clinic

Campus Director Nicole Moreno	858-246-9703 nmopreno@bastyr.edu
Sr. Building Engineer Jonathan Cobak	858-246-9721 jcobak@bastyr.edu
Program Supervisor Raul Martinez	858-246-9711 rmartinez@bastyr.edu

Victims of Sexual Assault

You are urged to seek medical care. Medical care after a sexual assault can be helpful for treating or preventing illness and injury. It is also an important way to preserve evidence. Not all hospitals provide forensic exams/rape kits. If you are interested in evidence collection, as well as medical care, you must go to a hospital with trained

Sexual Assault Nurse Examiners (SANE). SANE nurses are specially trained to work with patients who have been sexually assaulted. Below is a list of important things to know:

- You are not required to make a police report to get a SANE exam.
- There is no charge for a SANE exam.
- You may bring a friend or family member with you.
- Preserving evidence keeps your options open in case you decide to report.

It is recommended to be treated as soon as possible; evidence is best collected within 120 hours (five days) of the assault. Information relating to local hospitals and SANE nurses is available on the Sexual Assault Resources website. Bastyr councilors or the Dean of Student Services can assist you in the reporting process (More information can be obtained under Title IX of the Security and Fire Safety Report.)

CAMPUS CRIME AND FIRE STATISTICS

Campus Security Act Report

The Federal Campus Security Act of 1990 requires all colleges and universities receiving federal funds to provide annual statistics on several categories of crime. A recap of that report follows:

Category	Kenmore Campus & Seattle Clinic					San Diego Campus				
	2016	2015	2014	2013	2012	2016	2015	2014	2013	2012
Murder	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	1	1	7	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0
Drugs Possession/Use	0	0	1	0	0	0	0	0	0	0
Unlawful use/ Alcohol	0	0	0	0	0	0	0	0	0	0
Weapons use	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0
Drug Abuse	0	0	0	0	0	0	0	0	0	0
Weapons Possession	0	0	0	0	0	0	0	0	0	0

2016 Campus Safety and Security Survey

Institution: Eastern University (235547) - Main Campus (901)

User ID: C2355471

Fires - On-campus Student Housing Facilities

Enter the name, address and number of fires for each On-campus Student Housing Facility. After you click "Save," you will see an "Enter Data" button across from each facility that has 1 or more fires. For each of these facilities, click "Enter Data" to complete the fire statistics for that facility. If you see the button below to add a facility, or if you see the "Delete" link to delete a facility, you must return to the Screening Questions to revise the number of On-campus Student Housing Facilities.

Housing Facilities				
Name of Facility	Street Address	2015		
		Number of Fires		Status
1 Hall A	14500 Juanita Dr NE	0	Add	Updated
2 Hall B	14500 Juanita Dr NE	0	Add	Updated
3 Hall C	14500 Juanita Dr NE	0	Add	Updated
4 Jones Hall	14500 Juanita Dr NE	0	Add	Updated
5 Hall E	14500 Juanita Dr NE	0	Add	Updated
6 Hall F	14500 Juanita Dr NE	0	Add	Updated
7 Hall G	14500 Juanita Dr NE	0	Add	Updated
8 Hall H	14500 Juanita Dr NE	0	Add	Updated
9 Hall I	14500 Juanita Dr NE	0	Add	Updated
10 Hall J	14500 Juanita Dr NE	0	Add	Updated
11 Hall K	14500 Juanita Dr NE	0	Add	Updated
12 Main Bldg 1st fl	14500 Juanita Dr NE	0	Add	Updated
Total		0		

Comment:

SAFETY POLICIES FOR STUDENT VILLAGE

The Kenmore Campus Student Village is secured 24 hours a day. All residents have access to their building and their room. If a resident loses his/her room key or key card, report it immediately to the Security Department at 206-850-1710. This will minimize the risk of an unauthorized person gaining entry.

During business hours, the Bastyr facilities (excluding Student Village) will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours access to all Bastyr facilities is by key or access card, if issued, or by admittance via the Security Department.

Residence halls are secured 24 hours a day. Some facilities may have individual hours, which may vary at different times of the year. In these cases, the facilities will be secured according to schedules developed by the department responsible for the facility.

Emergencies may necessitate changes or alterations to any posted schedules.

The Facilities Department and the Security Department monitor areas that are problematic or present other concerns. These issues include, but are not limited to, security issues such as landscaping, locks, alarms, lighting, and communications. Bastyr staff and faculty work together to make the Student Village a very safe and secure community. All students in campus housing ultimately must share in this responsibility.

Missing Student Notification

Each student living in campus housing has the opportunity to identify a designated emergency contact to be notified by the University in the event that student is determined to be missing.

A student may be considered “missing” if an absence occurs contrary to the student’s usual pattern of behavior or where unusual circumstances may have caused the absence. Unusual circumstances include, but are not limited to, a report or suspicion the missing student may be a victim of foul play, expressed suicidal thoughts, is in a life-threatening situation, or involved with persons who may endanger the student’s welfare.

Any individual with information regarding a student living on campus that may be missing should notify the local Police as soon as possible at 911 and contact the Bastyr Security Department

If a student is determined to be missing, the University or local police will make contact with the student’s designated emergency contact within 24 hours, as part of the investigation process. The Security Department will work closely with local and/or state law enforcement authorities to provide any information they may need to launch a missing person report and investigation.

Fire Safety:

If you discover a fire in a campus building:

- Immediately pull the nearest fire alarm as you exit the building.
- Once you are safely away from danger, call Security to report the fire. If you are off-campus, dial 911. Tell the dispatcher the exact location of the fire and any known hazards (e.g., flammable materials) at the location.
- After you have left the building, stand by to direct emergency personnel to the location of the fire.
- Additional information on fire safety – including what to do in the event of a fire – is available on the mybu.bastyr.edu website.

Description of Student Housing Fire System

- Fire Alarm: All facilities have combination automatic detection / manual initiation devices and notification systems covering both student rooms and public areas.
- Fire Sprinkler: All facilities have fire sprinkler systems covering both student rooms and public areas.
- Fire Extinguisher: All facilities have portable suppression devices located in accordance with NFPA 10 standards.
- Testing: All systems are tested in accordance with applicable National Fire Protection Agency (NFPA) codes.

Fire/Evacuation Drills

An evacuation drill is coordinated by Bastyr University each year for all residential facilities on the Kenmore Campus. Students learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. In the Event of a Fire:

- Keep low to the floor to avoid smoke. When escaping through a smoke-filled corridor, move quickly in a crouched position. If possible, place a wet cloth over your face and head.
- Feel the door before opening it. If it's hot, don't open it. If smoke or heat is present, close the door and stay in the room. Seal the cracks around the door with whatever is available to you (a towel, etc.). If the phone works, call 911 and report that you are trapped. Be sure to give them your room number and location. If the phone does not work, hang a sheet, jacket, etc., out of the window to attract attention.
- If the hall is free of smoke or heat, close and lock your door and immediately- exit the building via the closest stairwell. **DO NOT USE AN ELEVATOR!**
- If the nearest exit is blocked, go to another exit. If all exits are blocked, go back to your room. Close the door, hang something out of the window to attract attention and signal for help.
- Once outside the building, move away from the building and watch for vehicle traffic. Do not re-enter the building until you have been given approval to re- enter by police, fire officials, or university staff.

Important: Keep all fire exit and corridor doors closed at all times. These doors are fire rated to keep smoke and heat from entering stairways and adjoining corridors. If at any time you observe these doors propped open, please close them immediately or notify the Campus Security Department.

In keeping with the mission of the University, Bastyr is committed to providing an environment that is safe and fosters excellence in learning for its students and in work performance for all of its employees. Therefore, the misuse and illegal use, possession, transportation, distribution, manufacture, or sale of alcohol and illicit drugs is not permitted on property owned or controlled by the University, or while representing the University on business or in other sponsored activity. The use of alcohol on University owned or controlled property or at events associated with Bastyr programs is restricted to those of legal drinking age. Students and employees may not report to class, clinic or their employment if they are impaired by alcohol or illicit drugs.

Possession and consumption of alcoholic beverages are permitted on campus or clinic grounds, only when a state (WA or CA as appropriate) alcohol permit has been obtained and prior approval has been received from the Dean of Students or Campus Manager.

Alcohol and Illicit Drugs Policy, Health Risks and Sanctions

Students living on campus in Kenmore may consume alcohol in their rooms if they are of legal drinking age. At no time may underage students possess or consume alcohol, and at no time may alcohol be consumed in public areas.

Bastyr University is committed to providing an environment for teaching and learning that is not impeded by the presence of illicit drugs or alcohol. In compliance with the Federal Drug-Free Schools and Communities Act Amendments of 1989, all students and employees of the University are notified of the following:

- The unlawful possession, use and distribution of illicit drugs and alcohol on the University campuses or during University-sponsored events or activities are prohibited.
- Students and employees who are found to be in violation of this prohibition may be subject to arrest and conviction under the applicable criminal laws of local municipalities, the state or the United States. Conviction can result in sanctions including probation, fines and imprisonment.
- Students who are found to be in violation of this stated prohibition are subject to discipline in accordance with the student code of conduct. The University reserves the right to dismiss any student whose substance abuse continues and/or who refuses assessment and/or treatment. Confidentiality will be respected. Other sanctions may include disciplinary probation.

The state of Washington enacted a law in 2012 allowing possession of small amounts of marijuana. The state of California enacted a similar law in 2016. However, marijuana possession and use, of any quantity, continues to be against policy and so not allowed at any Bastyr University campus. As with nearly every other college or university, Bastyr is a recipient of federal funds by way of financial aid, grants, etc. Given this, we are required to enforce federal policy, even if it is at odds with state laws. The specific federal policies involved are the Safe & Drug Free Schools and Communities Act and the Drug-Free Workplace Act. A student found in violation on campus, or ticketed for a DUI/marijuana off campus, will lose their federal financial aid.

Employees who are found to be in violation of this stated prohibition are subject to discipline in accordance with the applicable University employment rules and procedures, up to and including termination. Please refer to the Employee Personnel Handbook.

Health Risks

The National Institutes of Health (NIH) has identified the following potential health risks associated with consumption of alcohol.

Brain - Alcohol interferes with the brain's communication pathways, and can affect the way the brain looks and works. These disruptions can change mood and behavior, and make it harder to think clearly and move with coordination.

Heart - Drinking a lot over a long time or too much on a single occasion can damage the heart, causing problems including:

- Cardiomyopathy – Stretching and drooping of heart muscle
- Arrhythmias – Irregular heart beat
- Stroke
- High blood pressure

Research also shows that drinking moderate amounts of alcohol may protect healthy adults from developing coronary heart disease.

Liver - Heavy drinking takes a toll on the liver, and can lead to a variety of problems and liver inflammations including:

- Steatosis, or fatty liver
- Alcoholic hepatitis
- Fibrosis
- Cirrhosis

Pancreas - Alcohol causes the pancreas to produce toxic substances that can eventually lead to pancreatitis, a dangerous inflammation and swelling of the blood vessels in the pancreas that prevents proper digestion.

Cancer - Drinking too much alcohol can increase your risk of developing certain cancers, including cancers of the:

- Mouth
- Esophagus
- Throat
- Liver
- Breast

Immune System - Drinking too much can weaken your immune system, making your body a much easier target for disease. Chronic drinkers are more liable to contract diseases like pneumonia and tuberculosis than people who do not drink too much. Drinking a lot on a single occasion slows your body's ability to ward off infections – even up to 24 hours after getting drunk.

The following list contains health risk information about the use of illicit drugs. This list is not exhaustive, but you may consult the NIH website for additional or more thorough information.

Cocaine:

- Short-term - Narrowed blood vessels; enlarged pupils; increased body temperature, heart rate, and blood pressure; headache; abdominal pain and nausea; euphoria; increased energy, alertness; insomnia, restlessness; anxiety; erratic and violent behavior, panic attacks, paranoia, psychosis; heart rhythm problems, heart attack; stroke, seizure, coma.
- Long-term - Loss of sense of smell, nosebleeds, nasal damage and trouble swallowing from snorting; infection and death of bowel tissue from decreased blood flow; poor nutrition and weight loss from decreased appetite.

Heroin:

- Short-term - Euphoria; warm flushing of skin; dry mouth; heavy feeling in the hands and feet; clouded thinking; alternate wakeful and drowsy states; itching; nausea; vomiting; slowed breathing and heart rate.
- Long-term - Collapsed veins; abscesses (swollen tissue with pus); infection of the lining and valves in the heart; constipation and stomach cramps; liver or kidney disease; pneumonia.

LSD:

- Short-term - Rapid emotional swings; distortion of a person's ability to recognize reality, think rationally, or communicate with others; raised blood pressure, heart rate, body temperature; dizziness and insomnia; loss of appetite; dry mouth; sweating; numbness; weakness; tremors; enlarged pupils.
- Long-term - Frightening flashbacks (called Hallucinogen Persisting Perception Disorder [HPPD]); ongoing visual disturbances, disorganized thinking, paranoia, and mood swings.

Methamphetamine:

- Short-term – Increased wakefulness and physical activity; decreased appetite; increased breathing, heart rate, blood pressure, temperature; irregular heartbeat.
- Long-term - Anxiety, confusion, insomnia, mood problems, violent behavior, paranoia, hallucinations, delusions, weight loss, severe dental problems (“meth mouth”), intense itching leading to skin sores from scratching.

Synthetic Cathinones (bath salts):

- Short-term – Increased heart rate and blood pressure; euphoria; increased sociability and sex drive; paranoia, agitation, and hallucinations; psychotic and violent behavior; nosebleeds; sweating; nausea, vomiting; insomnia; irritability; dizziness; depression; suicidal thoughts; panic attacks; reduced motor control; cloudy thinking.
- Long-term - Breakdown of skeletal muscle tissue; kidney failure; death.

Bastyr University Sanctions

Students who are found in violation of this policy face the following possible sanctions:

- Warning
- Special project
- Restitution and/or fine
- Probation
- Recommendation of suspension or dismissal

In addition, students living in the Student Village in Kenmore risk eviction.

State and Federal Sanctions

Alcohol – State of Washington

- Persons under the age of 21 may not acquire, possess, or consume alcohol. Nor may other persons furnish alcohol to anyone under 21 or permit underage consumption on premises within their control. Penalty: Maximum \$500 fine, 2 month imprisonment, or both.
- Persons under 21 may not be in a public place or in a vehicle in public while exhibiting the effects of having consumed alcohol. A public place includes city streets and any buildings and grounds used for University purposes. Penalty: Maximum \$500 fine, 2 month imprisonment, or both.
- Persons under 21 may not purchase or attempt to purchase alcohol. Penalty: Maximum \$1,000 fine, 90 days imprisonment or both.
- Alcohol may not be opened or consumed in a public place. Penalty: Maximum \$1,000 fine.

Alcohol – State of California

- Persons under the age of 21 may not acquire, possess, or consume alcohol. Nor may other persons furnish alcohol to anyone under 21 or permit underage consumption on premises within their control. Penalty: \$250 fine, community service, one year suspension of driver’s license.
- Persons under 21 may not be in a public place or in a vehicle in public while exhibiting the effects of having consumed alcohol. A public place includes city streets and any buildings and grounds used for University purposes. Penalty: \$250 fine, community service, one year suspension of driver’s license.
- Persons under 21 may not purchase or attempt to purchase alcohol. Penalty: \$250 fine, community service, one year suspension of driver’s license.
- Alcohol may not be opened or consumed in a public place. Penalty: \$250 fine, community service, one year suspension of driver’s license.

Illicit Drugs – State of Washington

- Controlled substances, as defined by the State of Washington, include all the drugs listed in the health risks section, and also include many other drugs not listed. Conviction for possession, use or sale of

any controlled substances will result in either a class B or class C felony and imprisonment up to ten years and fines of several hundred thousand dollars

Illicit Drugs – State of California

- Controlled substances, as defined by the State of California, include all the drugs listed in the health risks section, and also include many other drugs not listed. Conviction for possession, use or sale of any controlled substances will result in misdemeanor with penalties including up to one year in the county jail.

Illicit Drugs – Federal Government

- The possession, use or distribution of illicit drugs is prohibited by federal law. Strict penalties are provided for drug convictions, including mandatory prison terms for many offenses. Even for a first offense, mandatory penalties can range up to life in prison and a multi-million dollar fine. In addition, a state or federal drug conviction while enrolled and receiving Title IV Financial Aid may result in the loss of federal benefits, including school loans, grants, contracts and licenses.

Where to Get Help

In both Washington and California, students may make an appointment to meet with a licensed counselor at the Counseling Center, either for assistance or referral. In addition, there are many community resources.

Seattle area resources:

- Washington Recovery Help Line – 1-866-789-1511
- Community Resources Online – 1-800-621-4636
- Washington Poison Control Center – 1-800-222-1222
- Directory of Certified Chemical Dependency Services – 1-877-301-4557

San Diego area resources:

- County of San Diego Drug & Alcohol Services – 888-724-7240
- Alcoholics Anonymous – 760-758-2514
- North County Lifeline – 760-757-0118

The Human Resources Department has also established an Employee Assistance Program through ComPsych Guidance Resources, where employees, regardless of location, can receive FREE confidential assistance for substance abuse issues. To access the program 24/7, you can either call 800-311-4327 or go online to www.guidanceresources.com by using the Company ID: **GEN311**.

Biennial Policy Review Process

Committee Members:

Dean of Students
Director of Counseling Services
Chief HR Officer
Chief Safety Officer
California Campus Manager

The biennial review of the Bastyr University Drug and Alcohol Abuse Prevention Policy will occur each spring of odd number years, starting with 2017. The review will proceed as follows:

1. A climate survey will be sent to a representative number of students, faculty and staff during week two of Spring Quarter.

2. The results of the survey will be compiled and given to the Committee by mid-May.
3. The Committee will meet as a group no later than June 1 to review and assess the following:
 - 3.1 The results of the survey will be compared with previous years in order to determine any substantive changes and to inform any updates to policy, procedure or communication.
 - 3.2. The Bastyr Drug and Alcohol Abuse Prevention Program policy will be reviewed in order to update any changes in state or federal laws, to update or expand the “Where to get help” section, or to make any other appropriate changes.
 - 3.3. All incidents of drug and alcohol issues recorded over the previous two years to ensure consistency of reporting and outcome. Any inconsistencies will be noted and retraining or policy updates will occur as needed.
 - 3.4. Effectiveness of delivery of policy to students and employees each year. Appropriate changes will be made as necessary to ensure 100% delivery.
4. Within two weeks of the meeting, a report of the meeting and findings will be submitted to the University President.

TITLE IX

Title IX of the US Education Amendment reads:

“No person in the United States shall, on the basis of sex, be excluded from participating in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.”

In support of this most basic tenant of educational equal and civil rights, Bastyr University has made the following appointments:

Title IX Coordinator
Susan Weider
title9@bastyr.edu

Title IX Deputy Coordinator
Nicole Moreno
title9BUC@bastyr.edu

NON-DISCRIMINATION AND CIVIL RIGHTS POLICIES

Bastyr University Policy on Non-discrimination

Bastyr University does not discriminate against any person in matters of employment, application for employment, student or applicant for admission, or participation in our programs or benefits on the basis of the following protected classes: ancestry, gender, gender identity, or expression, race, creed, color, religion (includes religious dress and grooming practices), sex (includes pregnancy, childbirth, breastfeeding and/or related medical conditions), national origin (includes language use and possession of a driver's license issued to persons unable to prove their presence in the United States is authorized under federal law), age (40 and above), disability (mental and physical, including HIV and AIDS), marital status, genetic information, medical condition (genetic characteristics, cancer or a record or history of cancer), veteran or military status or any other protected category under applicable local, state or federal law.

This policy covers nondiscrimination in access to educational opportunities. Therefore, any member of the campus community who acts to deny, deprive or limit the educational, access, benefits and/or opportunities of any member of the campus community, guest or visitor on the basis of their actual or perceived membership in the protected classes listed above is in violation of the University policy on nondiscrimination. Non-members of the campus community who engage in discriminatory actions within University/College programs or on University/College property are not under the jurisdiction of this policy, but can be subject to actions that limit their access and/or involvement with University programs as the result of their misconduct. All vendors serving the University through third-party contracts are subject by those contracts to the policies and procedures or their employers.

Bastyr University Civil Rights Policies

Accommodation of Disabilities

Bastyr University is committed to full compliance with the Americans With Disabilities Act of 1990 (ADA and ADAAA) and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws pertaining to individuals with disabilities. Under the ADA and its amendments, a person has a disability if they have a physical or mental impairment that substantially limits a major life activity. The ADA also protects individuals who have a record of a substantially limiting impairment or who are regarded as disabled by the institution whether qualified or not. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking or caring for oneself.

Students with Disabilities

Bastyr University is committed to providing qualified students with disabilities with reasonable accommodations and support needed to ensure equal access to the academic programs and activities of the University.

All accommodations are made on a case-by-case basis. A student requesting any accommodation should first contact the Student Access Support (SAS) Coordinator, via the email address studentaccess@bastyr.edu. The SAS Coordinator reviews documentation provided by the student and determines which accommodations are appropriate to the student's particular needs and academic programs.

Pregnant and New Parent Students

It is our policy to ensure the protection and equal treatment of pregnant persons, individuals with pregnancy-related conditions, and new parents. The following procedures are intended to meet this policy to the fullest extent required by law.

Reasonable Accommodation

The benefits and services provided to students affected by pregnancy shall be no less than those provided to students with temporary medical conditions. Students with pregnancy-related disabilities are entitled to reasonable accommodation so they will not be disadvantaged in their courses of study or research. Any student in need of an accommodation is encouraged to contact the Student Access Support Coordinator at studentaccess@bastyr.edu. Reasonable accommodations, such as modification to seating, mobility support and extended deadlines due to pregnancy-related issues must be requested through the Student Access Support (SAS) Coordinator and each request must include documentation of the accommodation need from the students' health care provider.

Breastfeeding students will be granted reasonable time and space to pump breast milk in a location that is private, clean, and reasonably accessible.

Modified Academic Responsibilities

Students with parenting responsibilities who wish to remain engaged in their coursework while adjusting their academic responsibilities because of the birth or adoption of their child or placement of a foster child may request an academic modification period of up to 12 weeks beginning with the day of birth or day of entry of the child into the home. Extensions may be granted where additional time is required due to documented medical necessity.

During the modification period, the student's didactic academic schedule will be adjusted as follows:

Weeks 1-3 – Student/Parents are not required to be in the classroom or engage with the instructor in any way.

Weeks 4 & 5 – Student/Parents return to the classroom, and must either meet with each instructor or actively engage in email correspondence in order to set a schedule for missed work and assignments.

Weeks 6-9 – Student/Parents are attending classes and following the make-up schedule.

Weeks 10-12 – Student/Parents complete all work and finishing any incomplete classes.

During the modification period, the student's clinical schedule will be adjusted as follows:

Student/Parents may miss up to three clinic shifts without failing the entire shift. It is presumed that those missed shifts will occur during the first three weeks, but students must be in communication with the shift supervisor to confirm which shifts will be missed. Students are responsible for finding substitutes for the shifts they will miss while on the modified schedule. Due to the nature of the clinical experience, any student who misses more than three shifts is at risk of failing the shift for the quarter.

In order to qualify for this modified schedule, the student must contact the SAS Coordinator well in advance of their due date, and must also have early and ongoing communication with each individual instructor and/or clinic supervisor about the modified schedule.

Academic Status, Incomplete or Leave of Absence

Student/parents who have received a modified schedule will retain their enrollment status throughout the schedule. If desired, the student/parent may request either an incomplete for a class or a leave of absence through the regular process with the Office of the Registrar. Faculty or staff may not require a student to take either an incomplete or a leave of absence due to pregnancy, birth, or a new child in the home.

HARASSMENT AND SEXUAL MISCONDUCT

Students are entitled to an educational environment free of discriminatory harassment. Bastyr University's harassment policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial or sensitive subject matters protected by academic freedom. The sections below describe the specific forms of legally prohibited harassment that are also prohibited under University policy.

Discriminatory and Bias-Related Harassment

Harassment constitutes a form of discrimination that is prohibited by University policy as well as the law. Bastyr University condemns and will not tolerate discriminatory harassment against any student, visitor or guest on the basis of any status protected by policy or law. When harassment rises to the level of creating a hostile environment, the University may also impose sanctions on the harasser through application of the Equity Resolution Process. Bastyr University's harassment policy explicitly prohibits any form of harassment, defined as unwelcome conduct on the basis of actual or perceived membership in a protected class, by any member or group of the community.

A hostile environment may be created by harassing verbal, written, graphic, or physical conduct that is severe or persistent and objectively offensive such that it interferes with, limits or denies the ability of an individual to participate in or benefit from educational programs, services or activities.

The University 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 not on the basis of a protected status. Addressing such behaviors may not result in the imposition of discipline under University policy, but will be addressed through respectful confrontation, remedial actions, education and/or effective conflict resolution mechanisms. For assistance with conflict resolution techniques, students should contact the Vice President for Student Affairs.

Sexual Harassment

The Department of Education's Office for Civil Rights (OCR) and the States of Washington and California regard sexual harassment as a form of sex/gender discrimination and, therefore, as an unlawful discriminatory practice. Bastyr University has adopted the following definition of sexual harassment, in order to address the special environment of an academic community.

Sexual harassment is:

- unwelcome,
- sexual, sex-based and/or gender-based,
- verbal, written, online and/or physical conduct.

Anyone experiencing sexual harassment in any University program is encouraged to report it immediately to the Title IX Coordinator.

Sexual harassment may be disciplined when it takes the form of quid pro quo harassment, retaliatory harassment and/or creates a hostile environment.

A hostile environment is created when sexual harassment is:

- Sufficiently severe or pervasive, and
- Objectively offensive, such that it unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the University's educational program.

Quid Pro Quo Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a person having power or authority over another constitutes sexual harassment when submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual's educational development or performance.

Sexual Misconduct

State law defines various violent and/or non-consensual sexual acts as crimes. While some of these acts may have parallels in criminal law, Bastyr University has defined categories of sex/gender discrimination as sexual misconduct, as stated below, for which action under this policy may be imposed. Generally speaking, Bastyr University considers Non-Consensual Sexual Intercourse violations to be the most serious of these offenses, and therefore typically imposes the most severe sanctions, including suspension or expulsion. However, the University reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion, for any act of sexual misconduct or other sex/gender-based offenses, including intimate partner (dating and/or domestic) violence, non-consensual sexual contact and/or stalking based on the facts and circumstances of the particular allegation. Acts of sexual misconduct may be committed by any person upon any other person, regardless of the sex, sexual orientation and/or gender identity of those involved.

Violations include:

- Sexual Harassment (as defined above)
- Non-Consensual Sexual Intercourse, defined as:
 - any sexual intercourse
 - however slight
 - with any object
 - by a person upon another person
 - that is without consent and/or by force
- Sexual intercourse includes:
 - Vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation (mouth to genital contact) no matter how slight the penetration or contact.
 - Non-Consensual Sexual Contact, defined as:
 - any intentional sexual touching
 - however slight
 - with any object
 - by a person upon another person
 - that is without consent and/or by force
- Sexual touching includes:
 - Intentional contact with the breasts, groin, or genitals, mouth or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; or
 - Any other bodily contact in a sexual manner.

Sexual Exploitation

Sexual Exploitation refers to a situation in which a person takes non-consensual or abusive sexual advantage of another, and that behavior does not otherwise fall within the definitions of Sexual Harassment, Non-Consensual Sexual Intercourse or Non-Consensual Sexual Contact.

Force and Consent

Force: Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent.

Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

NOTE: Silence or the absence of resistance alone is not consent. There is no requirement on a party to resist the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of consent is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.

Consent: Consent is knowing, voluntary, and clear permission by word or action to engage in mutually agreed upon sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Consent can be withdrawn once given, as long as the withdrawal is clearly communicated.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous dating relationship is not sufficient to constitute consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced.

Incapacitation: A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has violated this policy.

It is not an excuse that the responding party was intoxicated and, therefore, did not realize the incapacity of the reporting party.

Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction). This policy also covers a person whose incapacity results from mental disability, involuntary physical restraint and/or from the taking of incapacitating drugs.

In Washington State, a minor (meaning a person under the age of 16 years) cannot consent to sexual activity. In California, the age of consent is 18. This means that sexual contact by an adult with a person younger than the age of consent may be a crime, and a potential violation of this policy, even if the minor wanted to engage in the act.

Threatening, Intimidation, Bullying, Partner Violence, Stalking

In addition to the forms of sexual misconduct described above, the following behaviors are also prohibited as forms of discrimination.

- Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;
- Discrimination, defined as actions that deprive, limit or deny other members of the community of educational access, benefits or opportunities;

- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
- Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the university community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the Hazing Policy)
- Bullying, defined as
 - Repeated and/or severe
 - Aggressive behavior
 - Likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally
 - That is not speech or conduct otherwise protected by the 1st Amendment.
- Intimate Partner Violence, defined as violence or abuse between those in an intimate relationship to each other.
- Stalking
 - A course of conduct
 - Directed at a specific person
 - On the basis of actual or perceived membership in a protected class
 - That is unwelcome, AND
 - Would cause a reasonable person to feel fear
 - Repetitive and Menacing
 - Pursuit, following, harassing and/or interfering with the peace and/or safety of another

Retaliation

Retaliation is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity. Retaliation against an individual for alleging harassment, supporting a party bringing an allegation or for assisting in providing information relevant to a claim of harassment is a serious violation of University policy and will be treated as another possible instance of harassment or discrimination.

Consensual Relationship Policy

This policy refers to relationships between a student and an employee of the University. While not strictly a Civil Rights policy, Bastyr University recognizes that consensual relationships are a part of the institution's environment. However, there are situations where consensual relationships can cause a conflict of interest, either in appearance or in reality. Consensual relationships that are of concern to the University are those amorous, romantic, or sexual relationships in which both parties appear to have consented, but where one party can exercise power or influence over the other.

If a conflict of interest is perceived or exists, the Human Resources Department, in conjunction with the Vice President will decide, on a case-by-case basis, the appropriate course of action to take to resolve such situations.

Examples of Civil Rights Policy Violations

Examples of Possible Sexual Harassment include:

- A professor insists that a student have sex with him/her in exchange for a good grade. This is harassment regardless of whether the student accedes to the request and irrespective of whether a good grade is promised or a bad grade is threatened.
- A student repeatedly sends sexually oriented jokes around on an email list s/he created, even when asked to stop, causing one recipient to avoid the sender on campus and in the hall in which they both live.
- Explicit sexual pictures are displayed in a professor's office or on the exterior of a residence hall door.
- A professor engages students in her class in discussions about their past sexual experiences, yet the conversation is not in any way germane to the subject matter of the class. She probes for explicit details,

and demands that students answer her, though they are clearly uncomfortable and hesitant.

- An ex-girlfriend widely spreads false stories about her sex life with her former boyfriend to the clear discomfort of the boyfriend, turning him into a social pariah on campus.
- Male students take to calling a particular brunette student “Monica” because of her resemblance to Monica Lewinsky. Soon, everyone adopts this nickname for her, and she is the target of relentless remarks about cigars, the president, “sexual relations” and Weight Watchers.
- A student grabbed another student by the hair, then grabbed her breast and put his mouth on it. While this is sexual harassment, it is also a form of sexual violence.

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

- Sexual voyeurism (such as watching a person undressing, using the bathroom or engaged in sexual acts without the consent of the person observed).
- Invasion of sexual privacy.
- Taking pictures or video or audio recording another in a sexual act, or in any other private 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 photographed person’s consent).
- Prostitution.
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV), a sexually transmitted disease (STD) or infection (STI) without informing the other person of the infection.
- Administering alcohol or drugs (such as “date rape” drugs) to another person without his or her knowledge or consent (assuming the act is not completed).
- Exposing one’s genitals in non-consensual circumstances.
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation.

Examples of Lack of Consent:

Amanda and Bill meet at a party. They spend the evening getting to know each other. Bill convinces Amanda to come up to his apartment. From 11:00pm until 3:00am, Bill uses every line he can think of to convince Amanda to have sex with him, but she adamantly refuses. He keeps at her, and begins to question her religious convictions, and accuses her of being “a prude.” Finally, it seems to Bill that her resolve is weakening, and he convinces her to give him a “hand job” (hand to genital contact). Amanda would never had done it but for Bill’s incessant advances. He feels that he successfully seduced her, and that she wanted to do it all along, but was playing shy and hard to get. Why else would she have come to his apartment? If she really didn’t want it, she could have left. Bill is responsible for violating the university Non-Consensual Sexual Contact policy. It is likely that campus decision-makers would find that the degree and duration of the pressure Bill applied to Amanda are unreasonable. Bill coerced Amanda into performing unwanted sexual touching upon him. Where sexual activity is coerced, it is forced. Consent is not valid when forced. Sex without consent is sexual misconduct.

Kevin and John are at a party. Kevin is not sure how much John has been drinking, but he is pretty sure it’s a lot. After the party, he walks John to his room, and John comes on to Kevin, initiating sexual activity. Kevin asks him if he is really up to this, and John says yes. They undress and end up in John’s bed. Suddenly, John runs for the bathroom. When he returns, his face is pale, and Kevin thinks he may have thrown up. John gets back into bed, and they begin to have sexual intercourse. Kevin is having a good time, though he can’t help but notice that John seems pretty groggy and passive, and he thinks John may have even passed out briefly during the sex, but he does not let that stop him. When Kevin runs into John the next day, he thanks him for the wild night. John remembers nothing, and decides to make a report to the Dean. This is a violation of the Non-Consensual Sexual Intercourse Policy. Kevin should have known that John was incapable of

making a rational, reasonable decision about sex. Even if John seemed to consent, Kevin was well aware that John had consumed a large amount of alcohol, and Kevin thought John was physically ill, and that he passed out during sex. Kevin should be held accountable for taking advantage of John in his condition. This is not the level of respectful conduct the university expects.

Examples of Intimate Partner Violence

- A boyfriend shoves his girlfriend into a wall upon seeing her talking to a male friend. This physical assault based in jealousy is a violation of the Intimate Partner Violence policy.
- An ex-girlfriend shames her female partner, threatening to out her as a lesbian if she doesn't give the ex another chance. Psychological abuse is a form of Intimate Partner Violence.
- A student refuses to wear a condom and forces his girlfriend to take hormonal birth control though it makes her ill, in order to prevent pregnancy.
- Married students are witnessed in the parking garage, with one partner slapping and scratching the other in the midst of an argument.

Examples of Stalking

A student repeatedly shows up at another student's Student Village hall, always notifying whomever opens the door that they are there to see the resident. Upon a call to the resident, the student informs residence hall staff that this visitor is uninvited and continuously attempts to see them, even so far as waiting for them outside of classes and showing up to their on-campus place of employment requesting that they go out on a date together (Stalking 1).

A student working as an on-campus tutor received flowers and gifts. After learning the gifts were from a student they recently tutored, the graduate student thanked the student and stated that it was not necessary and would appreciate if the gift deliveries stop. The student then started leaving notes of love and gratitude on the graduate assistant's car, both on-campus and at home. Asked again to stop, the student stated by email: "You can ask me to stop, but I'm not giving up. We are meant to be together, and I'll do anything necessary to make you have the feelings for me that I have for you." When the tutor did not respond, the student emailed again, "You cannot escape me. We are meant to be together" (Stalking 2).

Examples of Retaliation:

- Student clinician A files an allegation against a supervising doctor for sexual harassment; the doctor subsequently gives the student clinician a failure for the shift without a legitimate justification.
- A student from Organization A participates in a sexual misconduct hearing against the responding individual – also a member of Organization A; the student is subsequently removed as a member of Organization A because he participated in the hearing.

Title IX Staffing

The Vice President for Student Affairs serves as the Title IX Coordinator and oversees implementation of the University's Civil Rights policies. The Title IX Coordinator acts with independence and authority free of conflicts of interest. To raise any concern involving a conflict of interest by the Title IX Coordinator, contact the University President, Dr. Mac Powell.

External Resources

Inquiries about this policy may be made externally to:

Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-1100

Customer Service Hotline #: (800) 421-3481

Facsimile: (202) 453-6012

TDD#: (877) 521-2172

Email: OCR@ed.gov

Web: <http://www.ed.gov/ocr>

Adoption and Revision of Policies

These policies will be reviewed and updated annually by the Title IX Coordinator. The University reserves the right to make changes to this document as necessary and once those changes are posted online, they are in effect. If government regulations change in a way that impacts this document, this document will be construed to comply with government regulations in their most recent form.

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COUNSELING SERVICES

The Counseling Center is available to students from all programs. Counseling is provided for personal concerns, transitional stress, anxiety, past/present trauma or anything else of concern as you progress through your experience at Bastyr.

Appointments can be made by calling:

Cheryln Stover, Director at 425-602-3093 or
Molika Loshi, Staff Counselor at 425-602-3276
or contacting a Student Staff Counselor via BU Email.

The Counseling Center is staffed by two licensed therapists and six Student Staff Counselors.

As a result of the negotiated rulemaking process which followed the signing into law, the 1998 amendments to 20 U.S.C. Section 1092 (f), clarification was given to those considered to be campus security authorities. Campus “Professional Counselors”, when acting as such, are not considered to be a campus security authority and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics.

The rulemaking committee defines Professional Counselors as:

“An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution’s community and who is functioning within the scope of his or her license or certification.”

ACCESS TO SERVICES FOR PERSONS WITH DISABILITIES

It is the policy of Bastyr University to comply with the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act, and state and local requirements regarding students and applicants with disabilities. Under these laws, no qualified individual with a disability shall be denied access to or participation in services, programs and activities of Bastyr University. In carrying out the University’s policy regarding students and applicants with disabilities, we recognize that disabilities include mobility, sensory, health, psychological, and learning disabilities, and we will make efforts to provide appropriate and reasonable accommodations for these disabilities to the extent it is readily achievable to do so.

More information can be located on the MyBU page at: <http://mybu.bastyr.edu/StudentAffairs/DisabilityServices/tabid/563/Default.aspx>

Karen M. DeYoung M.Ed.
Student Access Support Coordinator
Bastyr University
14500 Juanita Drive NE, Room 243
Kenmore, WA 98028

STUDENT HONOR CODE

The student honor code calls upon all members of the University to uphold certain standards of behavior. The Bastyr community embraces a great variety of individuals whose diversity of thought and lifestyle are wellsprings of the intellectual and creative life of the University. And yet, any student wishing to enroll should understand and accept the student honor code as a condition of enrollment.

The Academic Student Honor Code

Academic work is evaluated on the assumption and the expectation that the work presented is the student's own, unless designated otherwise. Anything less is unacceptable and is considered a violation of the academic student honor code. Students suspected of violating the academic honor code may be subject to the Student Academic Issue Resolution Policy, or may be referred to the Honor Resolution Board. Typically, issues around grades, clinic shift failures, assignments, plagiarism and similar situations fall within this section of the honor code.

The Non-Academic Student Honor Code

Students are expected to conduct themselves with honor and respect toward others. Anything less is unacceptable and is considered a violation of the non-academic student honor code. Students suspected of violating the non-academic student honor code are more likely to be subject to an honor board hearing. Typically, issues around student-to-student relations, property, conduct, controlled substances, dependent behavior and similar situations or actions fall within this section of the honor code.

Constructive Action

It is the responsibility of members of the University to take constructive action after committing or observing a violation of the code. The following procedures constitute examples of taking constructive action:

- Students who believe their actions to be in possible conflict with the principles of responsibility and integrity in the student honor code must discuss the matter as soon as possible with the dean of students.
- Students should discourage violations of the student honor code by others. Drawing attention to a suspected violation may stop it. Should a person believe that the actions of a student might be in conflict with the student honor code, the person may discuss the matter as soon as possible with the student concerned. If, after discussion, either person thinks said actions may be in conflict with the code, the student whose actions are in question must bring the matter to the dean of students in a timely manner.
- The observer (student, faculty, or staff) of an apparent violation may report the matter directly to the dean of students without consulting the alleged violator.

BASTYR UNIVERSITY

CIVIL RIGHTS EQUITY RESOLUTION PROCESS

The Civil Rights Equity Resolution Process (ERP) covers all matters of discrimination, harassment, intimidation, retaliation and all other issues covered under Title IX, VAWA, ADA/504, the Bastyr University Policy on Nondiscrimination, and the Bastyr University Civil Rights Policies.

All academically enrolled students at Bastyr University are covered by this policy and its procedures.

Overview of procedures in the event of a suspected violation of the Bastyr Civil Rights Policies

Report the suspected violation in one of the following ways;

- Use the online form
- Send an email to title9@bastyr.edu or title9BUC@bastyr.edu
- Contact the Title IX Coordinator, Susan Weider
- All Student Services staff, including staff at the Student Village, are mandatory reporters. Also, all core faculty, and any employee who is management level or above is required to report any incidents they witness or are told about.

Steps following a report:

1. The Title IX Coordinator will conduct a brief preliminary investigation to determine whether there is reasonable cause to believe the Policy has been violated. Under extreme circumstances, the Title IX Coordinator can institute an emergency suspension prior to the full investigation.
2. If reasonable cause exists, an investigator will be appointed. The investigator will interview all relevant parties, including any witnesses.
3. The investigator will submit a report to the Title IX Coordinator.
4. Under certain circumstances, a Conflict Resolution process or Informal Resolution process may be conducted to resolve the issue.

5. If the investigator finds that a violation has occurred, and neither Conflict Resolution nor an Informal Resolution are appropriate, the Title IX Coordinator will convene a Hearing Panel.
6. The Hearing Panel will schedule a hearing to receive information from the investigator and relevant parties, and will then reach a determination on outcome and sanction recommendations, if appropriate.
7. The Hearing Panel will present its findings to the Title IX Coordinator who then approves or modifies recommended sanctions, informs the relevant parties and enforces the sanctions.
8. An appeal of the decision is permitted under limited circumstances.

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Adoption and Revision Policies and Procedures

How to Report a Suspected Violation

General Information

A possible violation of any of the Bastyr University Civil Rights Policies may be reported in the following ways;

- Title9@bastyr.edu
- Title9BUC@bastyr.edu
- The reporting form available on the website and MyBU

All students and employees aware of a potential violation of University policy are encouraged to promptly contact the Title IX Coordinator, within 24 hours of becoming aware of a report or incident. The following groups of employees are mandatory reporters of any information they receive or acts they witness;

- Core faculty
- Management level and above
- All employees within the division of Student Affairs
- Student Village staff
- Security staff

All initial contacts will be treated with privacy: specific information on any allegations received by any party will be reported to the Title IX Coordinator, but, subject to the University's obligation to redress violations, every effort will be made to maintain the privacy of those initiating an allegation. In all cases, the University will give consideration to the reporting party with respect to how the reported misconduct is pursued, but reserves the right, when necessary to protect the community, to investigate and pursue a resolution even when a reporting party chooses not to initiate or participate in the resolution process.

There is no time limitation on the filing of allegations. However, the ability to investigate, respond and provide remedies may be limited with passage of time. Reports of misconduct or discrimination committed by the Title IX Coordinator should be reported to the University President, Dr. Mac Powell, mpowell@bastyr.edu

Jurisdiction

This policy applies to behaviors that take place on the campuses or clinics, at University-sponsored events and may also apply to off-campus and to actions online when the Title IX Coordinator determines that the off-campus or online conduct affects a substantial University interest. A substantial University interest is defined to include:

- Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state or federal law;

- Any situation where it appears that the responding party may present a danger or threat to the health or safety of self or others;
- Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational interests of the University.

Remedial Action

Upon notice of alleged violation of a Civil Rights policy, the University may implement initial remedial, responsive and/or protective actions.

Federal Timely Warning Obligations

Parties reporting sexual misconduct should be aware that under the Clery Act, University administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. The University will ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

False Allegations

Deliberately false and/or malicious accusations under this policy, as opposed to allegations which, even if erroneous, are made in good faith, are a serious offense and will be subject to appropriate disciplinary action.

Amnesty for Reporting Party and Witnesses

The University community encourages the reporting of misconduct and crimes by reporting parties and witnesses. It is in the best interests of this community that reporting parties choose to report to university officials, and that witnesses come forward to share what they know. To encourage reporting, the University pursues a policy of offering reporting parties and witnesses amnesty from minor policy violations related to the incident. The University makes no guarantee that a reporting party is exempt from criminal or civil action.

Parental Notification (allegations involving students)

The University reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, change in student status or conduct situation, particularly alcohol and other drug violations. Where a student is non-dependent, the University will contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk. The University also reserves the right to designate which university

officials have a need to know about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act.

Federal Statistical Reporting Obligations

Certain campus officials – those deemed Campus Security Authorities - have a duty to report sexual assault, domestic violence, dating violence and stalking for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept confidential, but statistical information must be passed along to [campus law enforcement] regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given) for publication in the Annual Security Report. The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the victim and may be done anonymously.

Confidentiality

On campus, some individuals may maintain confidentiality – meaning they are not required to report actual or suspected discrimination or harassment to appropriate university officials – thereby offering options and advice without any obligation to inform an outside agency or campus official unless a reporting party has requested information to be shared. Other resources exist for reporting parties to report crimes and policy violations and these resources will take action when an incident is reported to them. The following describes the reporting options at Bastyr University:

Confidential Reporting

If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with:

- On-campus licensed professional counselors and staff, not including student counselors or clinicians
- Off-campus (non-employees):
 - Licensed professional counselors
 - Local rape crisis counselors
 - Domestic violence resources
 - Local or state assistance agencies
 - Clergy/Chaplains

All of the above-listed individuals will maintain confidentiality except in extreme cases of immediacy of threat or danger or abuse of a minor. University employees listed above will submit

anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client, patient or parishioner.

Anonymous Report

Anonymous reports can be made by victims and/or third parties using the online reporting form located under the Title IX tab on both the main website and MyBU. Note that these anonymous reports may prompt a need for the institution to investigate. However, the ability of the University to take action may be hampered by lack of information or ability to pursue follow-up information.

Formal Report Options

The mandatory reporters listed above have a duty to report information they receive or actions they observe. Reporting parties may want to consider carefully whether they share personally identifiable details with non-confidential employees, as those details must be shared with the Title IX Coordinator. Mandatory reporters must promptly share all details of the reports they receive. Generally, climate surveys, classroom writing assignments or discussions, human subjects research, or events such as Take Back the Night marches or speak-outs do not provide notice that must be reported to the Coordinator by employees, unless the reporting party clearly indicates that they wish a report to be made.

If a reporting party does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, the reporting party may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and comply with federal law. Note that the University's ability to remedy and respond to a reported incident may be limited if the reporting party does not want the institution to proceed with an investigation and/or the Equity Resolution Process.

In cases indicating pattern, predation, threat, weapons and/or violence, the University will likely be unable to honor a request for confidentiality. In cases where the reporting party requests confidentiality and the circumstances allow the University to honor that request, the University may offer interim supports and remedies to the reporting party and the community, but will not otherwise pursue formal action.

Formal reporting still affords privacy to the reporter, and only a small group of officials who need to know will be told, including but not limited to: the Title IX officer, campus counselor, campus security, University advisor. Information will be shared as necessary with investigators, witnesses and the responding party. The circle of people with this knowledge will be kept as tight as possible to preserve a reporting party's rights and privacy.

Equity Resolution Process (ERP)

The following information describes the Equity Resolution Process. The Title IX Coordinator may, if warranted and with written notice to the relevant parties, make adjustment to the process to ensure equity.

Preliminary Inquiry

Following receipt of notice or a report of misconduct, the Title IX Coordinator¹ engages in a preliminary inquiry to determine if there is reasonable cause to believe the Policy has been violated. This inquiry may also serve to help the Title IX Coordinator to determine if the allegations evidence violence, threat, pattern, predation and/or weapon, in the event that the reporting party has asked for no action to be taken. In any case where violence, threat, pattern, predation, and/or weapon is not evidenced, the Title IX Coordinator may respect a reporting party's request for no action, and will investigate only so far as necessary to determine appropriate remedies. As necessary, the University reserves the right to initiate resolution proceedings without a formal report or participation by the reporting party.

In cases where the reporting party wishes to proceed or the University determines it must proceed, and the preliminary inquiry shows that reasonable cause exists, the Title IX Coordinator will direct a formal investigation to commence and the allegation will be resolved through one of three processes discussed briefly here and in greater detail below:

- Conflict Resolution – typically used for less serious offenses and only when both parties agree to conflict resolution
- Informal Resolution – a resolution without a hearing panel, or
- Formal Resolution – a resolution of contested allegations with a hearing panel.

The specific resolution process to be followed is at the discretion of the Title IX Coordinator.

If a formal investigation is commenced, the Title IX Coordinator will provide written notification of the investigation to the responding party and the reporting party at an appropriate time during the investigation.² The University aims to complete all investigations within a sixty (60) calendar day time period, which can be extended as necessary for appropriate cause by the Title IX Coordinator with notice to the parties as appropriate.

If, during the preliminary inquiry or at any point during the formal investigation, the Title IX Coordinator determines that there is no reasonable cause to believe that policy has been violated, the process will end unless the reporting party requests that the Title IX Coordinator makes an extraordinary determination to re-open the investigation or to forward the matter for a hearing. This decision lies in the sole discretion of the Title IX Coordinator.

If circumstances require, the President or Title IX Coordinator may designate another person to oversee the process below, should an allegation be made against the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties.

²Notification 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 University records; or emailed to the parties' University-issued email account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered. The reporting party is typically copied on such correspondence.

Interim Actions

The Title IX Coordinator may provide interim remedies intended to address the short-term effects of harassment, discrimination and/or retaliation, i.e., to redress harm to the reporting party and the community and to prevent further violations.

These remedies may include, but are not limited to:

- Referral to counseling and health services
- Education to the community
- Altering the housing situation of the responding party (resident student (or the reporting party, if desired))
- Providing campus escorts
- Implementing contact limitations between the parties
- Offering adjustments to academic deadlines, course schedules, etc.

The University may interim suspend a student or organization pending the completion of ERP investigation and procedures, particularly when in the judgment of the Title IX Coordinator the safety or well-being of any member(s) of the campus community may be jeopardized by the presence on-campus of the responding party or the ongoing activity of a student organization whose behavior is in question. In all cases in which an interim suspension is imposed, the student or student organization will be given the option to meet with the Title IX Coordinator prior to such suspension being imposed, or as soon thereafter as reasonably possible, to show cause why the suspension should not be implemented. The Title IX Coordinator has sole discretion to implement or stay an interim suspension and to determine its conditions and duration. Violation of an interim suspension under this policy will be grounds for expulsion or termination.

During an interim suspension or administrative leave, a student may be denied access to University housing and/or the University campus/clinic/off-campus shift sites/facilities/events. As determined by the Title IX Coordinator, this restriction can include classes, shifts and/or all other University activities or privileges for which the student might otherwise be eligible. At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an impact as possible on the responding party.

The institution will maintain as confidential any interim actions or protective measures, provided confidentiality does not impair the institution's ability to provide the interim actions or protective measures.

Investigation

Once the decision is made to commence a formal investigation, the Title IX Coordinator appoint one or two ERP pool members to conduct the investigation, usually within two (2) business days of determining that an investigation should proceed. Investigations are completed expeditiously, though some investigations take weeks, depending on the nature, extent and complexity of the allegations, availability of witnesses, police involvement, etc. All investigations will be completed as quickly as possible, unless lengthy school breaks, significant new information, or other extraordinary event occurs. The Title IX Coordinator may elect to employ an outside investigator in order to ensure a thorough and timely investigation.

The University may undertake a short delay in its investigation (several days to weeks, to allow evidence collection) when criminal charges on the basis of the same behaviors that invoke this process are being investigated. The University will promptly resume its investigation and resolution processes once notified by law enforcement that the initial evidence collection process is complete. University action will not typically be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

All investigations will be thorough, reliable, impartial, prompt and fair. Investigations entail interviews with all parties and witnesses deemed relevant, obtaining available evidence and identifying sources of expert information, as necessary.

An investigation typically pursues the following, not necessarily in order;

- Develop a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the responding party, who may be given notice prior to or at the time of the interview;
- Determine the preliminary allegations [charges];

- Provide written notification to the parties prior to their interviews that they may have the assistance of an advisor of their choosing present for all meetings attended by the advisee;
- Provide reporting party and responding party with a written 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;
- Prior to the conclusion of the investigation, provide the reporting party and the responding party with a list of witnesses whose information will be used to render a finding;
- Allow each party the opportunity to suggest questions they wish the investigators to ask of the other party and witnesses.
- Provide parties with all relevant evidence to be used in rendering a determination and provide each with a full and fair opportunity to address that evidence prior to a finding being rendered;
- Complete the investigation promptly, and without unreasonable deviation from the intended timeline;
- Make a finding, based on a preponderance of the evidence (whether a policy violation is more likely than not);
- The Title IX Coordinator finalizes and presents the findings to the responding party;
- Share the findings and update the reporting party on the status of the investigation without undue delay.

At any point during the investigation, if it is determined there is no reasonable cause to believe that University policy has been violated, the Title IX Coordinator has authority to terminate the investigation and end resolution proceedings.

Witnesses (as distinguished from the parties) are expected to cooperate with and participate in the University's investigation and the Equity Resolution Process. Any witness who declines to participate in or cooperate with an investigation will not be permitted to offer evidence or testimony later in a hearing (if a hearing is held). Failure of a witness to cooperate with and/or participate in the investigation or Equity Resolution Process constitutes a violation of policy and may be subject to discipline. Witnesses may provide written statements in lieu of interviews during the investigation and may be interviewed remotely by phone, Skype (or similar technology), if they cannot be interviewed in person or if the investigators determine that timeliness or efficiency dictate a need for remote interviewing. Parties who elect not to participate in the investigation or to withhold information from the investigation will not have the opportunity to offer evidence during the hearing and/or appeal stages of the process if it could have been offered during the investigation. Failure to offer evidence prior to an appeal does not constitute grounds for appeal on the basis of new evidence.

No unauthorized audio or video recording of any kind is permitted during investigation meetings or other Equity Resolution Process proceedings.

Advisors

Each party is allowed to have an advisor of their choice present with them for all ERP meetings and proceedings, from intake through to final determination. The parties may select whomever they wish to serve as their advisor as long as the advisor is eligible and available, and not otherwise involved in the resolution process, such as serving as a witness. The parties may choose advisors from inside or outside the campus community. If the advisor for either party is from outside the campus community, the party must, via signed letter or university email, identify the advisor and give permission that the advisor hear otherwise confidential information. Notification of the identity of the Advisor must be received by the Title IX Coordinator at least one day prior to any scheduled interview or meeting.

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 their advisees prepare for each meeting, and are expected to advise ethically, with integrity and in good faith. The University 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 University is not obligated to provide one.

All advisors are subject to the same campus rules, whether they are attorneys or not. Advisors may not address campus officials in a meeting or interview unless invited to. The advisor may not make a presentation or represent the reporting party or the responding party during any meeting or proceeding and may not speak on behalf of the advisee to the investigators or hearing panelists. The parties are expected to ask and respond to questions on their own behalf, without representation by their advisor. Advisors may confer quietly with their advisees or in writing as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their advisors should ask for breaks or step out of meetings to allow for private conversation. Advisors will typically be given an opportunity to meet in advance of any interview or meeting with the administrative officials conducting that interview or meeting. This pre-meeting will allow advisors to clarify any questions they may have, and allows the University an opportunity to clarify the role the advisor is expected to take.

Advisors are expected to refrain from interference with the investigation and resolution. Any advisor who steps out of their role will be warned once and only once. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave the meeting. When an advisor is removed from a meeting, that meeting will typically

continue without the advisor present. Subsequently, the Title IX Coordinator will determine whether the advisor may be reinstated, may be replaced by a different advisor, or whether the party will forfeit the right to an advisor for the remainder of the process.

The University expects that the parties will wish to share documentation related to the allegations with their advisors. Parties may share the information directly with their advisor if they wish, but the University will not share, send or give documentation to the advisor. Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with 3rd parties, disclosed publicly, or used for purposes not explicitly authorized by the University. The University may seek to restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by the University's privacy expectations.

The University expects an advisor to adjust their schedule to allow them to attend University meetings when scheduled. The University does not typically change scheduled meetings to accommodate an advisor's inability to attend. The University will, however, make reasonable provisions to allow an advisor who cannot attend in person to attend a meeting by telephone, video and/or virtual meeting technologies as may be convenient and available.

A party may elect to change advisors during the process, and is not locked into using the same advisor throughout.

Conflict Resolution and Informal Resolution

Conflict Resolution

Conflict Resolution is often used for less serious, yet inappropriate, behaviors and is encouraged as an alternative to the formal hearing process to resolve conflicts. The Title IX Coordinator will determine if conflict resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue and the susceptibility of the conduct to conflict resolution. In a conflict resolution meeting, a trained administrator will facilitate a dialogue with the parties to an effective resolution, if possible. Sanctions are not possible as the result of a conflict resolution process, though the parties may agree to appropriate remedies. The Title IX Coordinator will keep records of any resolution that is reached, and failure to abide by the accord can result in appropriate responsive actions.

Informal Resolution: Resolution Without a Hearing Panel

Informal Resolution [or Resolution Without a Hearing Panel] option may be used when:

- A responding party admits responsibility for all or part of the alleged policy violations at any point in the process;

- When the investigation reaches a finding that the parties accept;
- When both parties elect to resolve the allegation using the Informal Resolution process and the Title IX Coordinator assents;

Typically, within ten (10) business days of the close of an investigation which determines that a responding party is in violation of policy, the Title IX Coordinator or the investigator(s) or both will meet with the responding party to explain the finding(s) of the investigation. Once informed, the responding party may choose to admit responsibility for all or part of the alleged policy violations. If the responding party admits responsibility, in whole or in part, the Title IX Coordinator will render a determination that the individual is in violation of University policy for the admitted conduct, and will normally proceed to convene a formal hearing on any remaining disputed violations.

If the responding party admits to the violation(s), the Title IX Coordinator, in consultation as appropriate, will determine an appropriate sanction or responsive action. If the sanction/responsive action is accepted by both the reporting party and responding party, the Title IX Coordinator will implement the finding and sanction, and act promptly and effectively to stop the harassment or discrimination, prevent its recurrence and remedy the effects of the discriminatory conduct. No appeal is permitted.

If either party rejects the sanction/responsive action, a formal hearing will be held on the sanction/responsive action only, according to the Formal Resolution procedures below.

If alleged misconduct is resolved at this stage, the Title IX Coordinator will inform the parties of the final determination within three (3) business days of the resolution, without significant time delay between notifications. 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 University records; or emailed to the parties' University-issued email account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered. The notification of outcome will specify the finding on each alleged policy violation, any sanctions that may result which the University is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the University is permitted to share under state or federal law. The notice will also include information on when the results are considered by the University to be final, any changes that occur prior to finalization, and any appeals options that are available.

At any point during the Informal Resolution process, including at its conclusion, either party may request that the matter be referred to the Formal Resolution Process for presentation before a hearing panel.

Formal Resolution: Resolution with a Hearing Panel

If, at the end of the investigation, both parties agree with the results and sanction(s), those sanctions will be imposed and the matter considered resolved. For all contested allegations that are not resolved through either Conflict Resolution or Informal Resolution, the Title IX Coordinator will initiate a formal hearing panel within ten (10) days of the conclusion of the investigation, barring unusual circumstances.

Formal Hearing Procedure

Hearing Panels

The Title IX Coordinator will select a non-voting Chair from the ERP pool and refer the investigation findings to that person. The Chair will empanel three members from the available pool to the hearing panel, none of whom have been previously involved with the allegation. An alternate may sit in throughout the process at the discretion of the Chair. Those who served as investigators will be witnesses in the hearing of the allegation and therefore may not serve as hearing panel members. The panel will meet at a time determined by the Chair.

Notice of Hearing

At least five (5) business days prior to the hearing, or as far in advance as is reasonably possible if an accelerated hearing is scheduled with the consent of the parties, the Chair will send a letter to the parties with the following information. Once mailed, emailed and/or received in-person, notice will be presumptively delivered. The letter 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. If any party does not appear at the scheduled hearing, the hearing will be held in their absence. 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.

Hearings for possible violations that occur near or after the end of an academic term 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 University and remain within the sixty (60) day goal for resolution.

Hearing Procedures

Hearing panels will usually be convened within ten (10) business days of the completion of the investigation, and will be conducted in private. The panel has the authority to hear all collateral misconduct, meaning that it hears all allegations of discrimination, harassment and retaliation, but also may hear any additional alleged policy violations that have occurred in concert with the discrimination, harassment or retaliation, even though those collateral allegations may not specifically fall within the panel's jurisdiction. Accordingly, investigations should be conducted with as wide a scope as necessary.

Participants will include the non-voting Chair, the three (3) members of the panel, the investigator(s) who conducted the investigation, the reporting party, responding party (or three (3) organizational representatives where an organization is charged), advisors to the parties and any called witnesses.

Pre-Hearing

The Chair will exchange the names of witnesses who will be participating in the hearing, all pertinent documentary evidence and the investigation report between the parties at least two (2) business days prior to the hearing. Any witness scheduled to participate in the hearing must have been interviewed first by investigators (or have proffered a written statement), unless all parties consent to the participation of that witness in the hearing. In addition, the parties will be given a list of the names of each of the hearing panel members at least two (2) business days in advance of the hearing. All objections to any panelist must be raised in writing to the Chair as soon as possible. Hearing panel members will only be unseated if the Chair concludes that their bias precludes an impartial hearing of the allegation. The panelists will be given a list of the names of each parties and witnesses at least two (2) business days in advance of the hearing. Any panelist or Chair who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties and all witnesses in advance of the hearing.

The Chair, in consultation with the parties and investigators, may decide in advance of the hearing that certain witnesses do not need to be physically present if their testimony can be adequately summarized by the investigator(s) in the investigation report or during the hearing. All parties will have ample opportunity to present facts and arguments in full and question all present witnesses during the hearing, though formal cross-examination is not used between the parties. If alternative attendance or questioning mechanisms are desired, such as the reporting party not wanting to be in the same room as the responding party for the hearing (screens, Skype, questions directed through the Chair, etc.), the parties should request them from the Chair at

least two (2) business days prior to the hearing. In the case of documented disabilities for which accommodations in the process are necessary, the University will make reasonable accommodations for the parties when requested in advance.

Investigator Presents the Report

Once the procedures are explained and the participants are introduced, the investigator will present the report of the investigation first, and be subject to questioning by the parties and the panel. The investigator(s) will be present during the entire hearing process, but will only be present during deliberations at the request of the Chair. The findings of the investigation are not binding on the panel, though any undisputed conclusions of the investigation report will not be revisited, except as necessary to determine sanctions/responsive actions. Once the investigator(s) present their report and are questioned, the panel will permit the parties to provide relevant information in turn and permit questioning of and by the parties. The panel will then permit all present witnesses to provide relevant information and the panel and the parties will each be allowed to ask questions of the witnesses. Questions are usually directed to the parties and witnesses through the panel at the discretion of the Chair.

Evidence Presented at the Hearing

Formal rules of evidence do not apply. Any evidence that the panel believes is relevant and credible may be considered, including history and pattern evidence. The Chair will address any evidentiary concerns prior to and/or during the hearing, may exclude irrelevant or immaterial evidence and may ask the panel to disregard evidence lacking in credibility or that is improperly prejudicial. The Chair will determine all questions of procedure and evidence. Anyone appearing at the hearing to provide information will respond to questions on his/her own behalf.

Unless the Chair determines it is appropriate, no one will present information or raise questions concerning: (1) incidents not directly related to the possible violation, unless they show a pattern, (2) the sexual history of the reporting party (though there may be a limited exception made in regards to the sexual history between the parties), (3) or the character of the reporting party. While previous conduct violations by the responding party are not generally admissible as information about the present allegation, the investigators will supply the panel with information about previous good faith allegations and/or findings to consider as evidence of pattern and/or predatory conduct.

There will be no observers in the hearing. The Chair may allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the panel or the parties involved, and then be excused. The panel does not hear from character witnesses, but will accept up to two (2) letters supporting the character of each of the parties.

In hearings involving more than one responding party or in which two (2) or more reporting parties have accused the same individual of substantially similar conduct, the standard procedure will be to hear the allegations jointly; however, the Title IX Coordinator may permit the hearing pertinent to each responding party to be conducted separately. In joint hearings, separate determinations of responsibility will be made for each responding party.

Proceedings are private. All persons present at any time during the hearing are expected to maintain the privacy of the proceedings in accord with University policy.

Hearings (except for deliberations) are recorded for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted. Panel members, the parties, and appropriate administrative officers of the University will be allowed to listen to the recording in a location 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.

Alternative Testimony Options

For sexual misconduct reports, and other reports of a sensitive nature, the reporting party will be offered alternative testimony options, such as placing a privacy screen in the hearing room, or testifying outside the physical presence of the responding party, such as by Skype or phone. While these options are intended to help make the reporting party more comfortable, they are not intended to work to the disadvantage of the responding party.

Deliberation and Decisions

The three (3) members of the hearing panel and the non-voting Chair will deliberate in closed session to determine whether the responding party is responsible or not responsible for the policy violation(s) in question. The panel will base its determination(s) on a preponderance of the evidence (i.e., whether it is more likely than not that the responding party committed each alleged violation). If a responding party or organization is found responsible by a majority of the panel, the panel will recommend appropriate sanctions.

The Chair will prepare a written deliberation report and deliver it to the Title IX Coordinator, detailing the recommended finding, the information cited by the panel in support of its recommendation and any information the hearing panel excluded from its consideration and why. The report should conclude with any recommended sanctions. This report should not exceed two (2) pages in length and 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 of time.

The Title IX Coordinator will finalize the recommendations and will inform the parties of the final determination – both the finding(s) and applicable sanction(s) within three (3) business days of the hearing, without significant time delay between notifications. 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 University records; or emailed to the parties' University-issued email account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered. The notification of outcome will specify the finding on each alleged policy violation and any sanctions that may result which the University is permitted to share according to state or federal law.

The notice will also include information on when the results are considered by the University to be final and any appeals options that are available.

Sanctions

The hearing panel assigned to the resolution will recommend sanctions or responsive actions to the Title IX Coordinator. Factors considered when determining a sanction/responsive action may include:

- The nature, severity of, and circumstances surrounding the violation
- An individual's disciplinary history
- Previous allegations or allegations involving similar conduct
- Any other information deemed relevant by the hearing panel
- 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 reporting party and the community

Student Sanctions

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

- *Warning:* A formal statement that the behavior was unacceptable and a warning that further infractions of any University policy, procedure or directive will result in more severe sanctions/responsive actions.
- *Probation:* A written reprimand for violation of the Civil Rights Policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any University policy, procedure or directive within a specified period of time. Terms of the probation will be specified and may include removal from student

housing, denial of specified social privileges, exclusion from co-curricular activities, non-contact orders and/or other measures deemed appropriate.

- *Suspension*: Termination of student status for a definite period of time not to exceed two years, and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure at the University. This sanction may be noted as a Conduct Suspension on the student's official transcript, at the discretion of the Title IX Coordinator.
- *Expulsion*: Permanent termination of student status, revocation of rights to be on campus for any reason or attend University-sponsored events. This sanction may be noted as a Conduct Expulsion on the student's official transcript.
- *Withholding Diploma*: The University may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has an allegation pending, or as a sanction if the student is found responsible for an alleged violation.
- *Revocation of Degree*: The University reserves the right to revoke a degree awarded from the University for fraud, misrepresentation or other violation of University policies, procedures or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- *Organizational Sanctions*: Deactivation, de-recognition, loss of all privileges (including University registration), for a specified period of time.
- *Other Actions*: In addition to or in place of the above sanctions, the University may assign any other sanctions as deemed appropriate.

Withdrawal or Leave While Charges Pending

The University does not permit a student to withdraw if that student has an allegation pending for violation of the policy on Civil Rights. Should a student decide to leave and/or not participate in the ERP, the process will nonetheless proceed in the student's absence to a reasonable resolution and that student will not be permitted to return to the University unless all sanctions have been satisfied. The student will not have access to an academic transcript until the allegations have been resolved.

Following the conclusion of the Equity Resolution Process and in addition to any sanctions implemented, the Title IX Coordinator may utilize long-term remedies or actions to stop the harassment or discrimination, remedy its effects and prevent their reoccurrence. These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Education to the community

- Permanently altering the housing situation of an the responding party (resident student (or the reporting party, if desired))
- Implementing long-term contact limitations between the parties
- Offering adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, long-term remedies may also be provided even when the responding party is found not responsible.

The institution will maintain as confidential any long-term remedies/actions or protective measures, provided confidentiality does not impair the institution's ability to provide the actions or protective measures.

Failure to Complete Sanctions/Comply with Interim and Long-term Remedies/Responsive Actions

All responding parties are expected to comply with conduct sanctions, responsive actions and corrective actions within the timeframe specified by the Title IX Coordinator. Failure to abide by these conduct sanctions, responsive actions and corrective actions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions/responsive/corrective actions and/or suspension or expulsion from the University and may be noted on a student's official transcript. A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

Records

In implementing this policy, records of all allegations, investigations, resolutions, and hearings will be kept by the Title IX Coordinator indefinitely.

Appeal

Requests for appeal consideration must be submitted in writing to the Title IX Coordinator within three (3) business days of the delivery of the written finding of the hearing panel. Appeals are limited to the following grounds:

- A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.).
- To consider new evidence, unknown or unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.

A three-member appeals panel chosen from the ERP pool will be designated by the Title IX Coordinator from those who have not been involved in the process previously. The appeals

panel will review the appeal request(s). The original finding and sanction/responsive actions will stand if the appeal is not timely or is not based on the grounds listed above, and such a decision is final. The party requesting appeal must show that the grounds for an appeal request have been met.

Where the appeals panel finds that at least one of the grounds is met, additional principles governing the hearing of appeals will include the following:

- Decisions by the appeals panel are to be deferential to the original decision, making changes to the finding only where there is clear error and to the sanction/responsive action only if there is a compelling justification to do so.
- Appeals are not intended to be full re-hearings (de novo) of the allegation. In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal. An appeal is not an opportunity for appeals panelists to substitute their judgment for that of the original hearing panel merely because they disagree with its finding and/or sanctions.
- Appeals granted based on new evidence should normally be remanded to the original hearing panel or investigators for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, heard by the three-member appeals panel.
- Sanctions imposed as the result of the Formal Hearing process are implemented immediately unless the Title IX Coordinator or designee stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
 - Graduation, study abroad, internships/ externships, etc. do NOT in and of themselves constitute exigent circumstances, and students may not be able to participate in those activities during their appeal.
- The Title IX Coordinator will confer with the appeals panel, incorporate the results of any remanded grounds, and render a written decision on the appeal to all parties within three (3) business days from hearing of the appeal or remand.
- All parties should be informed of whether the grounds for an appeal are accepted and the results of the appeal decision or remand.
- Where appeals result in no change to the finding or sanction, that decision is final. Where 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.

- All parties will be informed in writing within three (3) business days of the outcome of the Appeals Panel, without significant time delay between notifications, and in accordance with the standards for notice of outcome as defined above.
- In cases where the appeal results in reinstatement to the University or resumption of privileges, all reasonable attempts will be made to restore the responding party to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

Title IX & ERP Staffing

Title IX Coordinator

The Vice President for Student Affairs serves as the Title IX Coordinator and oversees implementation of the University's Civil Rights Policies and Equity Resolution Process. The Title IX Coordinator acts with independence and authority free of conflicts of interest. To raise any concern involving a conflict of interest by the Title IX Coordinator, contact the University President, Dr. Mac Powell. To raise concerns regarding a potential conflict of interest with any other administrator involved in the ERP, please contact the Title IX Coordinator.

Inquiries about and reports regarding this policy and procedure may be made internally to:

Susan Weider

Title IX Coordinator

(425)602-3014

title9@bastyr.edu

title9BUC@bastyr.edu

Equity Resolution Process Members

Members of the ERP pool are trained in all aspects of the resolution process, and can serve in any of the following roles, at the direction of the Title IX Coordinator:

- To serve in a mediation or restorative justice role in conflict resolution
- To investigate allegations
- To serve on hearing panels for allegations
- To serve on appeal panels for allegations

ERP pool members are usually appointed to three-year terms. The President, in consultation with the Title IX Coordinator, appoints the ERP pool, which reports to the Title IX Coordinator. ERP pool members receive annual training organized by the Title IX Coordinator, including a review of University policies and procedures as well as applicable federal and state laws and regulations so that they are able to appropriately address allegations, provide accurate information to members of the community, protect safety and promote accountability.

External Resources

Inquiries about this policy and procedure may be made externally to:

Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-1100

Customer Service Hotline #: (800) 421-3481

Facsimile: (202) 453-6012

TDD#: (877) 521-2172

Email: OCR@ed.gov

Web: <http://www.ed.gov/ocr>

Reporting parties may wish to contact organizations such as:

- The Victim Rights Law Center (<http://www.victimrights.org>), or the
- The National Center for Victims of Crime (<http://www.victimsofcrime.org>), which maintains the Crime Victim's Bar Association.]

Responding parties may wish to contact organizations such as:

- FACE (<http://www.facecampusequality.org>)
- SAVE (<http://www.saveservices.org>).

Adoption and Revision of Policies and Procedures

These policies and procedures will be reviewed and updated annually by the Title IX Coordinator. The University reserves the right to make changes to this document as necessary and once those changes are posted online, they are in effect. The Title IX Coordinator may make minor modifications to procedure that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules, etc. The Title IX Coordinator may also vary procedures materially with notice (on the institutional web site, with appropriate date of effect identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedure. Policy in effect at the time of the offense will apply even if the policy is changed subsequently but prior to resolution, unless the parties consent to be bound by the current policy. Procedures in effect at the time of the resolution will apply to resolution of incidents, regardless of when the incident occurred. If government regulations change in a way that impacts this document, this document will be construed to comply with government regulations in their most recent form.

This procedure was implemented in 2016

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