



University of Western States (UWS) maintains a safe learning environment where healthy, respectful, and consensual conduct represents the campus cultural norm. UWS prohibits sexual and gender-based harassment, sexual assault, sexual exploitation, relationship and interpersonal violence, and stalking (together, "Prohibited Conduct"). UWS prohibits retaliation against an individual for (a) making a report of conduct prohibited under this policy, or (b) for participating in an investigation of an alleged violation of this policy.

This policy is in compliance with applicable legal requirements including Title IX of the Education Amendments of 1972, relevant provisions of the Violence Against Women Reauthorization Act of 2013, and other applicable federal laws.

I. To Whom this Policy Applies

This policy applies broadly to the entire UWS community, including:

1. All university students, both online and on-campus, in all aspects of their participation in the university's educational programs and activities ("students")
2. All university employees in all aspects of their employment relationship with the university ("employees").
3. All members of the Board of Trustees ("trustees").
4. All contractors in all aspects of their relationship with the university ("third parties").
5. All university visitors or guests including invited speakers, participants, alumni and presenters, prospective students, and prospective employees ("invitees").
6. All patients in UWS health centers ("patients").

These groups individually or collectively are known as "covered persons."

This policy pertains to acts of Prohibited Conduct committed by or against covered persons when:

1. The conduct occurs on UWS premises; and/or
2. The conduct occurs in the context of a UWS employment, education, or research activity, including but not limited to UWS-sponsored internships, preceptorships, practicums, or other affiliated programs or premises; and/or
3. The conduct occurs outside the context of a UWS employment, education, or research activity, but (a) has continuing adverse effects on the UWS premises or in any UWS employment, education, or research activity, or (b) occurs in close proximity to the UWS premises and is connected to hostile conduct on the UWS premises.

II. Prohibited Conduct Under This Policy

Conduct under this policy is prohibited regardless of the sexual orientation, gender, gender identity, or gender expression of the complainant or respondent.



A. Sexual or Gender-Based Harassment

Sexual harassment is any unwelcome sexual advance, request for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, non-verbal, graphic, physical, electronic, or otherwise, when one or more of the following conditions are present:

1. Submission to or rejection of such conduct is either an explicit or implicit term or condition of, or is used as the basis for decisions affecting, an individual's employment or advancement in employment, evaluation of academic work or advancement in an academic program, or basis for participation in any aspect of a UWS program or activity (quid pro quo); and/or
2. Such conduct is sufficiently severe, pervasive, and objectively offensive that it denies a person equal access to education (hostile environment).

Gender-based harassment includes harassment based on sex or gender, sexual orientation, gender identity, or gender expression, which may include acts of intimidation or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature.

In evaluating whether a hostile environment exists, UWS considers the totality of known circumstances, including, but not limited to:

1. The frequency, nature, and severity of the conduct;
2. Whether the conduct was physically threatening;
3. The effect of the conduct on the complainant's mental or emotional state;
4. Whether the conduct was directed at more than one person;
5. Whether the conduct arose in the context of other discriminatory conduct;
6. Whether the conduct unreasonably interfered with the complainant's educational or work performance and/or UWS programs or activities; and
7. Whether the conduct implicates concerns related to academic freedom or protected speech.

Examples of conduct that may constitute Sexual or Gender-Based Harassment under the quid pro quo or hostile environment analysis include, but are not limited to:

1. Inappropriate physical conduct, including unwelcome touching or sexual advances within the working, living, or learning environment;
2. Persistent and inappropriate personal attention from one colleague to another in the face of repeated rejection;
3. Inappropriate verbal conduct, including lewd or sexually suggestive comments, jokes, or innuendoes, or unwelcome comments about an individual's sexual orientation, gender, gender identity, or gender expression; or
4. Inappropriate written conduct, including letters, notes, or electronic communications, containing comments, words, jokes, or images that are lewd or sexually suggestive or relate in an unwelcome manner to an individual's sexual orientation, gender, gender identity, or gender expression.

In evaluating allegations of sexual harassment, the allegations are evaluated from both a subjective and objective perspective considering the totality of the circumstances.



B. Sexual Assault

Sexual assault is having or attempting to have sexual contact with another individual without consent. Sexual contact includes:

1. Sexual intercourse (anal, oral, or vaginal), including penetration with a body part (e.g., penis, finger, hand, or tongue) or an object, or requiring another to penetrate himself or herself with a body part or an object, however slight; or
2. Sexual touching, including, but not limited to, intentional contact with the breasts, buttocks, groin, genitals, or other intimate part of an individual's body.

C. Sexual Exploitation

Sexual exploitation is purposefully taking sexual advantage of another person without consent. It may involve use of one's own or another individual's nudity or sexuality.

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

- Voyeurism (such as watching or taking pictures, videos, or audio recordings of another person in a state of undress or of another person engaging in a sexual act without the consent of all parties);
- Disseminating, streaming, or posting pictures or video of another individual in a state of undress or of a sexual nature without the person's consent;
- Exposing one's genitals to another person without consent; or
- Prostituting another individual.

D. Relationship and Interpersonal Violence

Relationship and interpersonal violence includes any act of violence or threatened act of violence against a person who is or has been involved in a sexual, dating, domestic, or other intimate relationship with that person, or against a person with whom the respondent has sought to have such a relationship.

E. Stalking

Stalking occurs when a person engages in a course of conduct toward another person under circumstances that would cause a person to fear bodily injury or experience substantial emotional distress.

Course of conduct means two or more instances including, but not limited to, unwelcome acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Substantial emotional distress means significant mental suffering or anguish.

Stalking includes the concept of cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used.



F. Retaliation

Retaliation means any adverse action or threat taken or made against an individual, including through third parties and/or legal counsel, for making a report of Prohibited Conduct or participating in any investigation or proceeding related to this policy. Retaliation includes threatening, intimidating, harassing, or any other conduct that would discourage a reasonable person from engaging in activity protected under this policy, such as seeking services, receiving protective measures and accommodations, and/or reporting Prohibited Conduct. Retaliation includes maliciously and purposefully interfering with, threatening, or damaging the academic and/or professional career of another individual before, during or after the investigation and resolution of a report of Prohibited Conduct under this policy in response to and/or on account of the report of the Prohibited Conduct. This provision applies to reports made or information provided in good faith, even if the facts alleged in the report are determined not to be accurate.

III. Related Definitions Under This Policy: Consent, Coercion or Force, and Incapacitation

A. Consent

Consent is an affirmative and willing agreement to engage in specific forms of sexual contact with another person. Consent requires an outward demonstration, through mutually understandable words or actions, indicating that an individual has freely chosen to engage in sexual contact. Consent cannot be obtained through: (a) the use of coercion or force, or (b) by taking advantage of the incapacitation of another individual.

Silence, passivity, or the absence of resistance does not imply consent. It is important not to make assumptions; if confusion or ambiguity arises during a sexual interaction, it is essential that each participant stops and clarifies the other's willingness to continue.

Consent can be withdrawn at any time. When consent is withdrawn, sexual activity must cease. Prior consent does not imply current or future consent; even in the context of an ongoing relationship, consent must be sought and freely given for each instance of sexual contact.

An essential element of consent is that it be freely given. Freely given consent might not be present, or may not even be possible, in relationships of a sexual or intimate nature between individuals where one individual has power, supervision or authority over another.

In evaluating whether consent was given, consideration will be given to the totality of the facts and circumstances, including but not limited to the extent to which a complainant affirmatively uses words or actions indicating a willingness to engage in sexual contact, free from intimidation, fear, or coercion; whether a reasonable person in the respondent's position would have understood such person's words and acts as an expression of consent; and whether there are any circumstances, known or reasonably apparent to the respondent, demonstrating incapacitation or fear.



B. Coercion or Force

Coercion is verbal and/or physical conduct, including manipulation, intimidation, unwanted contact, and express or implied threats of physical, emotional, or other harm, that would reasonably place an individual in fear of immediate or future harm and that is employed to compel someone to engage in sexual contact.

Force is the use or threat of physical violence or intimidation to overcome an individual's freedom of will to choose whether or not to participate in sexual contact.

C. Incapacitation

An individual who is incapacitated lacks the ability to make informed judgments and cannot consent to sexual contact. Incapacitation is the inability, temporarily or permanently, to give consent because an individual is mentally and/or physically helpless, asleep, unconscious, or unaware that sexual activity is occurring. Mentally helpless means a person is rendered temporarily incapable of appraising or controlling one's own conduct. Physically helpless means a person is physically unable to verbally or otherwise communicate consent or unwillingness to an act.

Where alcohol or other drugs are involved, incapacitation is a state beyond impairment or intoxication. Where alcohol or other drugs are involved, evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects a person's: decision-making ability; awareness of consequences; ability to make informed, rational judgments; capacity to appreciate the nature and quality of the act; or level of consciousness. The assessment is based on objectively and reasonably apparent indications of incapacitation when viewed from the perspective of a sober, reasonable person.

IV. Complainant and Respondent Designations

Under this policy, the "Complainant" is the individual who brings forward the complaint about an alleged violation of the policy. The "Respondent" is the individual who is the alleged perpetrator as identified by the complainant.

V. Prohibited Sexual or Intimate Relationships

Relationships of a sexual or intimate nature between individuals where one individual has power, supervision, or authority over another are prohibited by UWS. In the academic context, Prohibited Conduct under this policy often involves the inappropriate personal attention by an individual who is in a position to exercise professional power over another individual.

Any member of the UWS community with questions, concerns or doubts about the appropriateness of an actual, anticipated or suspected relationship should consult with the director of human resources and/or the Title IX coordinator.



A. Prohibited Sexual or Intimate Relationships with Students

Trustees and employees in a position of power (e.g., president, vice presidents, associate vice presidents, deans, associate deans, directors, etc.) may not request or accept sexual favors from or engage in a romantic, sexual, or intimate relationship with any UWS student.

Teaching staff (e.g., faculty member, instructor, teaching assistant, assessor, fellow, preceptor, intern supervisor, etc.) may not request or accept sexual favors from or engage in a romantic, sexual or intimate relationship with any student who is enrolled in a course taught by that individual or otherwise subject to that individual’s academic supervision. Academic supervision includes teaching, advising, supervising research, clinical supervision, serving on a dissertation or practicum committee, grading, mentoring, overseeing or having influence upon funding and/or academic progress, and/or otherwise occupying a position of influence or power over a student’s academic program.

VI. Reporting a Complaint

A. Designated Reporting Options

UWS recognizes that deciding whether to make a report of Prohibited Conduct and/or choosing how to proceed are personal decisions. An individual who believes that they have been subjected to Prohibited Conduct under this policy should immediately report the matter via one or more of the designated reporting options listed below.

- Filing an electronic report using the online [TIPS reporting tool](#).
- Filing a written or verbal report with one or more of the following individuals:

Student Affairs	<p>Jenna Geracitano Director of Student Services, On-Campus Students 503-847-2584 jgeracitano@uws.edu</p> <p>Rachel Hasse Director of Student Services, Online Students 503-251-5738 rhasse@uws.edu</p>
Title IX	<p>Elena Howells Associate Vice President of Student and University Affairs/ Title IX Coordinator 503-847-2599 ehowells@uws.edu</p>
Human Resources	<p>Kathleen Cannon Director of Human Resources 503-847-2557 kcannon@uws.edu</p>



Campus Safety and Security	Sean Spellacy Executive Director of Emergency Management, Safety, Security, and Campus Operations 503-251-5727 sspelley@uws.edu
Executive Administration	Rosalia Messina Executive Vice President 503-847-2555 rmessina@uws.edu

Making a report does not require an individual to decide whether to request a specific course of action. Deciding how to proceed is a process that unfolds over time with support and assistance. The persons listed above are familiar with this policy and may be contacted to address questions or concerns related to this policy.

B. Time Frame for Reporting

There is no time limit on reporting or filing complaints of violations of this policy, although UWS's ability to respond fully may be limited with the passage of time. If the respondent is no longer affiliated with UWS (e.g., a report is made after a student has left or graduated or an employee no longer works for UWS), university representatives provide reasonably available supportive measures, assist the complainant in identifying external reporting options, and may take other action as appropriate.

C. Assessment Upon Receipt of a Report

Upon receipt of a report or a complaint, an initial assessment is conducted to gain a basic understanding of the nature and circumstances of the report. The potential complainant is provided with information about resources, procedural options, and supportive measures. The initial assessment includes a determination whether a timely warning pursuant to the Clery Act is necessary to protect the safety of the complainant, any other individuals, or the campus community.

D. Determination of Undertaking a Title IX Investigation

If after assessing a report or complaint, the Title IX Coordinator determines there is sufficient basis to initiate a Title IX investigation, the Title IX Coordinator or designee meets with the complainant to: (a) provide information about a Title IX investigation, and (b) request consent from the complainant to proceed to an investigation. An investigation may proceed even if the complainant declines to consent if the Title IX Coordinator determines that it is not clearly unreasonable to do so in light of known circumstances.

In some instances, the Title IX Coordinator may refer the matter to another process (such as the conduct investigation process) or to a university administrator to manage a concern on behalf of the Title IX Coordinator and in lieu of an investigation under this Policy.

Policy 1016 Sexual or Gender-Based Harassment, Sexual Violence, Relationship and Interpersonal Violence and Stalking

Established: 08/14/2020

Revision History:



E. Purposes of an Investigation

Title IX investigations are conducted in accordance with the university Title IX investigation and decision-making process. The purposes of a Title IX investigation are to determine:

1. Whether Prohibited Conduct has occurred;
2. Whether there is an ongoing risk of harm for further Prohibited Conduct (and if so, what steps should be taken to prevent its recurrence);
3. Whether accommodations for the complainant need to be put in place to redress the effects of Prohibited Conduct;
4. Whether accommodations or safety measures need to be put in place to make the UWS community safe; and
5. Whether university-wide changes to policies, practices, or training need be considered and implemented.

F. Standard of Evidence used in Investigations

In all stages of the Title IX investigation and decision-making process, UWS applies the preponderance of the evidence standard (more likely than not) when determining whether this policy and/or other university policies have been violated.

G. Remedial and Protective Measures

UWS takes and/or makes available reasonable and appropriate measures to protect the complainant and the complainant's access to UWS employment or education programs and activities regardless of whether they choose to file a Complaint. These measures may be both supportive (designed to address a complainant's safety and well-being and continued access to educational opportunities) or protective (involving action against a respondent). Supportive and protective measures, which may be temporary or permanent, may include counseling and emotional support, no contact and communication directives, academic schedule modification, academic accommodations or assistance, escorts, voluntary leave of absence, interim suspension, administrative leave, restrictions on campus activities, work schedule modifications, and other measures as reasonable and appropriate.

UWS provides similar measures and accommodations for respondents where reasonable and appropriate under the circumstances. The Title IX Coordinator retains the discretion to ensure the appropriateness of any necessary measure.

H. Failure to Cooperate

Failure to cooperate in an investigation of a formal complaint may be considered a breach of responsibility and/or conduct. Furthermore, a respondent's silence or lack of cooperation will not prevent a complaint from going forward.

I. Confidentiality

Situations involving alleged actions or behaviors of Prohibited Conduct demand special attention to issues of confidentiality. Confidentiality is maintained in informal and formal proceedings to the extent that it is legally and practically possible to do so.



J. Protection Against Retaliation

Restraints, interference, coercion, or reprisal against an individual who seeks information about this policy or who files a complaint against another member of the university community are prohibited. University officials advise the complainant and the respondent of their rights in this matter, and, where warranted, investigate any complaint of alleged retaliation.

VII. Title IX Officer

The Title IX Officer serves as the university's Title IX Coordinator and is charged with monitoring compliance with Title IX; providing education and training; tracking and reporting on all incidents in violation of this policy; and coordinating UWS's investigation, response, and resolution of all reports under this policy.

Elena Howells

Associate Vice President of Student and University Affairs/Title IX Coordinator

503-847-2599

Office: 248

ehowells@uws.edu

Concerns about UWS's application of this policy may also be addressed to:

Office for Civil Rights, Seattle Office

U.S. Department of Education

915 Second Avenue, Room 3310

Seattle, WA 98174-1099

Telephone: 206-607-1600

[Email: OCR.Seattle@ed.gov](mailto:OCR.Seattle@ed.gov)

IIIX. Prevention and Awareness Programs

The university offers education and primary prevention, risk reduction, and awareness programs for students and employees concerning the Prohibited Conduct outlined in this policy.

Related Policies: [Policy 1003 Accident, Injury, Incidence Response and Reporting](#)
[Policy 1004 Nondiscrimination and Anti-Harassment](#)
[Policy 1239 Continuous Enrollment, Approved Leave, Involuntary Leave, Withdrawal, Dismissal and Expulsion](#)
[Policy 3019 Timely Warning Notification](#)
[Policy 3412 Employee Complaint](#)
[Policy 3414 \(B\) Whistleblower Protection](#)
[Policy 9001 Student Conduct](#)
[Policy 9009 Student Complaint and Grievance](#)

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