

**Office of the
Vice President and
General Counsel**



MEMORANDUM

TO: President M. Roy Wilson,
Board of Governors

FROM: Brandy Banks, Title IX Director

SUBJECT: Title IX Summary Report

DATE: May 27, 2022

The following report provides aggregate data collected by the Title IX Office summarizing the types of reports received, the locations of reported incidents, and the outcomes of all sexual misconduct matters reported to the University's Title IX office between January 1, 2021 and December 31, 2021.

For your reference, the definitions of conduct prohibited by Title IX (34 CFR § 106) and by University policy are included in Appendix A; And, detailed information on the responsive action implemented by the University in order to address reported incidents is provided in Appendix B.

Please note that the information provided herein includes data for *all* reported incidents. This includes incidents having no connection with a University program or activity, incidents which reportedly took place off campus, and incidents involving respondents with no affiliation to WSU. Regardless of such jurisdictional limitations, the Title IX office provides support-centered response for all reported matters and remains committed to providing a fair process for all involved parties.

Cc: Laura Johnston
Amy Lammers

Title IX Reporting Summary

Type, frequency, and location of all incidents reported to the Title IX Office in 2021

Note: Appendix A provides definitions for each type of prohibited conduct.

Type of Misconduct Reported	On-Campus			Off-Campus			Total
	On Campus Excludes Student Housing	Student Housing	Satellite Campus	Clinical / Internship Site	Online / Digital Communication	Other Off-Campus Location	
Domestic / Dating Violence		3			1	5	9
Sexual Assault: Non-Consensual Sexual Contact	1	1				1	3
Sexual Assault: Non-Consensual Sexual Penetration		2				4	6
Stalking	1	1			1	2	5
Sexual Harassment	1	3		6	12	1	23
Unknown/Other/ Insufficient Information	11	2		2	2	2	19
Total	14	12	0	8	16	15	65
	Total Reported On-Campus Incidents			Total Reported Off-Campus Incidents			
	26			39			

Reported incidents that involve more than one type of allegation are categorized on the basis of the most severe allegation (e.g. Non-Consensual Sexual Contact and Sexual Harassment is categorized as Non-Consensual Sexual Contact).

Disclosure Data in this report utilizes definitions of prohibited conduct that are more expansive than the statistical information included in the University's Annual Security Report required under the federal Clery Act. As such, it is important to note that the Annual Security Report does not include all reported incidents of sexual misconduct that may be reported to the Title IX Office.

Resolution Summary

The following chart is a complete log of all contacts with the Title IX Office regarding matters in which the Claimant was a WSU student at the time the reported incident occurred. Many contacts involve concerns that are beyond the investigatory reach of the Title IX Office. However, supportive measures and resource referrals are offered in all matters reported to the Title IX Office.

Note: Appendix B contains additional information regarding incident response.

Type of Misconduct Reported	Report Frequency	Outcome and Resolution
Domestic/Dating Violence	9	5 – Closed After Assessment – Respondent Not Affiliated with WSU 1 – Closed After Assessment – Claimant Did Not Respond to Outreach 2 – Closed After Assessment – Claimant Declined Participation 1 – Referral for Intervention by Appropriate Administrator or Office
Sexual Assault: Non-Consensual Sexual Contact	3	1 – Closed After Assessment – Respondent Not Affiliated with WSU 1 – Closed After Assessment – Claimant Did Not Respond to Outreach 1 – Closed After Assessment – Claimant Declined Participation
Sexual Assault: Non-Consensual Sexual Penetration	6	2 – Closed After Assessment – Respondent Not Affiliated with WSU 1 – Closed After Assessment – University Does Not Have Jurisdiction 1 – Closed After Assessment – Insufficient Information to Fully Investigate 1 – Closed After Assessment – Claimant Declined Participation 1 – Formal Investigation
Stalking	5	2 – Closed After Assessment – Respondent Not Affiliated with WSU 1 – Closed After Assessment – Insufficient Information to Fully Investigate 2 – Closed After Assessment – Claimant Declined Participation
Sexual Harassment	23	3 – Closed After Assessment – Respondent Not Affiliated with WSU 1 – Closed After Assessment – Insufficient Information to Fully Investigate 4 – Closed After Assessment – Claimant Did Not Respond to Outreach 7 – Closed After Assessment – Claimant Declined Participation 4 – Closed After Assessment – Allegations Do Not Constitute Policy Violation 3 – Referral for Intervention by Appropriate Administrator or Office 1 – Formal Investigation
Unknown/Other/ Insufficient Information	19	2 – Closed After Assessment – Respondent Not Affiliated with WSU 3 – Closed After Assessment – Claimant Did Not Respond to Outreach 14 – Closed After Assessment – Allegations Do Not Constitute Policy Violation
Total	65	

The Title IX Director reviews all reported incidents, including those closed after initial assessment, to identify patterns, propose improvements to policies/procedures, and assess the need for additional training and education programs for our campus community.

Appendix A: Definitions of Prohibited Conduct

Dating Violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic Violence includes felony or misdemeanor crimes of violence committed:

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

Sexual Assault as defined in 20 U.S.C. 1092(f)(6)(A)(v), any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

Sexual Assault: Non-Consensual Sexual Contact (or attempts to commit the same) includes intentional contact with the intimate parts of another, causing an individual to touch their own intimate body parts, or disrobing or exposure of another's private parts without permission. Intimate body parts may include the breasts, genitals, buttocks, groin, or any other part of the body that is touched in a sexual manner.

Sexual Assault: Non-consensual Sexual Penetration (or attempts to commit the same) means any penetration, no matter how slight, of a bodily orifice (vagina, anus, or mouth) by any object or body part and/or any non-consensual contact between the mouth of one person and the genitalia or another person.

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.

Sexual Harassment is:

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

Retaliation is any materially adverse action taken by the University or any member of the University community, including, but not necessarily limited to, intimidation, threats, coercion, harassment or discrimination against an individual for engaging in Protected Activity.

Appendix B: Responsive Action Categories

The University takes responsive action to address reported incidents of sexual misconduct, remedy the effects, and ensure that impacted individuals can continue to participate in their education and/or employment. After receiving notice of an incident, the Title IX coordinator conducts an initial assessment, responds to any immediate health/safety concerns, and conducts an informational conference with the claimant. Appropriate supportive measures are implemented (e.g., counseling, course-related adjustments, modifications to work or class schedules, restrictions on contact between the parties, changes in work or housing locations, and departmental training). Upon completion of an initial assessment, and taking into consideration the preference of the claimant for resolution, the University takes one of the following actions:

1. **Formal Investigation:** In cases where a claimant wishes to proceed with a formal complaint and there is reasonable information to suggest that a policy violation may have occurred, the case is addressed through formal resolution. Formal resolution involves an investigation by the University or external investigator resulting in a written investigative report and a formal hearing in which a decision-maker determines whether a policy violation has occurred and, where applicable, disciplinary sanctions are enacted.
2. **Referral for Intervention by Appropriate Administrator or Office:** A referral is utilized when the Sexual Misconduct Policy does not apply to the alleged conduct, such as when a reported incident does not describe Prohibited Conduct but still raises concerns of inappropriate behavior falling outside the Policy's scope. In such instances, the report of possible Prohibited Conduct is directed to another appropriate office or procedure. In some cases, the Title IX Office will work jointly with the other office or process to address the possible Prohibited Conduct (e.g. CARE meeting, adjudication under the Student Code of Conduct, intervention by residence life staff, action by supervisor or program leadership). If other WSU policies may be implicated, the Title IX Office will refer the matter to the appropriate school, college, or unit.
3. **Administrative Closure – Claimant Did Not Respond to Outreach:** If a claimant does not respond to outreach by the Title IX Office, the University's ability to fully investigate and respond to a report of Prohibited Conduct is limited. The University may, however, pursue other steps to limit the effects of the Prohibited Conduct and prevent its recurrence. Even in instances where a claimant chooses not to respond to the outreach efforts by the Title IX Office, the outreach emails from the Title IX Coordinator include information on resources and options for engaging the Title IX Office for assistance in the future.
4. **Administrative Closure – Claimant Declined Participation:** If a claimant requests anonymity or declines to participate in an investigation, the University's ability to fully investigate and respond to a report of Prohibited Conduct is limited. The University may, however, pursue other steps to limit the effects of the Prohibited Conduct and prevent its recurrence.
5. **Administrative Closure – Respondent Not Affiliated with WSU:** The University's ability to investigate and take corrective action is limited in matters in which the respondent has no University affiliation. However, supportive measures and resource assistance are offered to all claimants, and the University takes appropriate steps to report criminal incidents to police.
6. **Administrative Closure – University Does Not Have Locational Jurisdiction:** The University's ability to investigate and take direct action is limited in matters that occurred off campus and in matters that did not occur within the institution's program or activity. However, supportive measures and resource assistance are offered to all claimants, and the University takes appropriate steps to report criminal incidents to police.
7. **Administrative Closure – Insufficient Information to Fully Investigate:** Specific circumstances prevent gathering evidence sufficient to thoroughly investigate and reach a determination. The University's ability to take direct action may be limited, for example, if an incident is reported anonymously, if the identity of the respondent is unknown, or if the claimant does not wish to provide the University with the respondent's identity. Irrespective of this, the University takes steps to provide any known claimant with support and resource assistance, and these incidents are documented by the University in order to identify any patterns that may exist.
8. **Administrative Closure – Allegations Do Not Constitute Policy Violation:** An investigation was not opened because the conduct alleged would not be a violation of the Sexual Misconduct Policy even if the information reported is true and a referral is not appropriate.