

# CWUP 2-35

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### CWUP 2-35-010 Equal Opportunity and Affirmative Action Policy Statement (Interim Policy)

1. Central Washington University (CWU) is an equal opportunity employer that values an inclusive campus and welcomes a diversity of ideas and people. In keeping with its commitment to nondiscrimination, the university:

**1.1** Recruits, hires, trains, and promotes persons in all job titles, without regard to age, color, creed, disability, gender identity and gender expression, genetic information, marital status, national origin, pregnancy or related conditions, race, religion, sex, sex characteristics, sexual orientation, sex stereotypes, status as a protected veteran or any other protected characteristics under applicable local, state, or federal law.

**1.2** Ensures that all personnel actions such as compensation, benefits, transfers, terminations, layoffs, return from layoff, reduction in force (RIF), university-sponsored training, education, tuition assistance, and social and recreation programs, will be administered without regard to age, color, creed, disability, gender identity and gender expression, genetic information, marital status, national origin, pregnancy or related conditions, race, religion, sex, sex

characteristics, sexual orientation, sex stereotypes, status as a protected veteran or any other protected characteristics under applicable local, state, or federal law.

2. University employees will not engage in harassment of others based on their age, color, creed, disability, gender identity and gender expression, genetic information, marital status, national origin, pregnancy or related conditions, race, religion, sex, sex characteristics, sexual orientation, sex stereotypes, status as a protected veteran or any other protected characteristics under applicable local, state, or federal law. Behavior rises to the level of harassment when it is unwelcome and creates an intimidating, hostile, or offensive work environment.

3. CWU maintains formal and informal grievance procedures for individuals who believe they have been harassed or otherwise discriminated against in their capacity as employees or applicants. Individuals who file complaints or otherwise participate in the grievance process will not be retaliated against.

4. Central Washington University is also committed to affirmative action for Asians/Pacific Islanders, Blacks, Hispanics, American Indians/Alaskan Natives, women, persons forty years of age or older, persons of disability, and protected veterans. This commitment is expressed through the university's efforts to eliminate barriers to equal employment opportunity and to improve employment opportunities encountered by these affected groups.

5. The Director, Civil Rights Compliance & Title IX Coordinator has the responsibility for CWU's Affirmative action program and can be contacted at:

Office: Barge 204

Phone: 509-963-2050

E-mail: [crc@cwu.edu](mailto:crc@cwu.edu) (<mailto:crc@cwu.edu>)

*[Responsibility: Office of the President/Title IX; Authority: Cabinet/UPAC; Reviewed/Endorsed by: Cabinet/UPAC; Review/Effective Date: 06/06/2012; 06/03/2015; 01/22/2019; 07/29/2024; Approved by: A. James Wohlpart, President]*

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## **CWUP 2-35-015 Title IX: Discrimination on the Basis of Sex and Sexual Misconduct (Interim Policy)**

1. Central Washington University is committed to providing a learning, working, and living environment that promotes personal integrity, civility, and mutual respect in an environment free of sex discrimination, which includes sexual misconduct, and retaliation. The term "sex" as applicable in this policy includes sex assigned at birth, sex stereotypes, sex characteristics, gender identity, sexual orientation, and current, potential, or past pregnancy or related conditions.

**2.** Pursuant to Title IX of the Educational Amendments of 1972, CWU does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, including in admission and employment.

**3.** CWU prohibits members of its community from adopting or implementing any policy, practice, or procedure concerning any applicant for admission, student, applicant for employment, or employee's current, potential, or past parental, family, or marital status that treats them differently on the basis of sex.

**4.** To ensure compliance with Title IX and other federal and state civil rights laws, CWU has developed policies and procedures that prohibit sex discrimination in all its forms, including but not limited to: sexual harassment, sexual assault, and sexual violence by employees, students, and third parties.

**5.** The supporting resources and policies are:

CWU Title IX website (</about/offices/civil-rights-compliance/addressing-preventing-sexual-misconduct/title-ix-administrators.php>)

CWUP 8-40-050 Student Sexual Assault Response Policy (</about/policies-procedures/policies-manual/8-0-student-success/cwup-8-40.php#CWUP-8-40-050>)

CWUP 2-35-050 Sexual Harassment Policy

CWUP 2-35-070 Discrimination Complaint and Resolution Policy

**6.** The Title IX Coordinator is the official designated by CWU to ensure oversight of compliance with Title IX and enforcing the Title IX policy and procedures.

Title IX Coordinator

John MacArthur

Office: Barge 204

Phone: 509-963-2050

E-mail: [crc@cwu.edu](mailto:crc@cwu.edu) (<mailto:crc@cwu.edu>)

**7.** Central Washington University encourages those who have experienced any form of sex discrimination to report the incident promptly, to seek all available assistance. The university takes complaints very seriously and will work with victims to ensure their safety and to remedy the situation.

*[Reviewed/Endorsed by: Cabinet: 04/24/2013; UPAC 05/01/2013; Responsibility: Office of the President/Title IX; Authority: Cabinet/UPAC; UPAC Review/Effective Date: 06/04/2014, 01/22/2019; 07/24/2024; Approved by: A. James Wohlpart, President]*

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# CWUP 2-35-030 Nondiscrimination Policies and Programs Pertaining to Students (Interim Policy)

This policy is required by Title VI of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the American with Disabilities Act of 1990 and amendments, Chapter 49.60.030 RCW (<http://app.leg.wa.gov/RCW/default.aspx?cite=49.60.030>) (freedom from discrimination--declaration of civil rights) and Chapter 49.60.222 RCW (<http://app.leg.wa.gov/RCW/default.aspx?cite=49.60.222>) (unfair practices with respect to real estate transactions, facilities, or services).

The following will be available to all students and/or prospective students without regard to race, color, creed, religion, national origin, sex, sexual orientation, gender identity and gender expression, sex stereotypes, sex characteristics, pregnancy or related conditions, age, marital status, disability, or status as a protected veteran:

1. Recruitment policies and practices.
2. Student admissions and enrollment policies and practices.
3. Courses, programs, and activities sponsored by the university including, but not limited to, academic programs, student employment, counseling and guidance services, financial aid, recreational activities and intercollegiate athletics unless otherwise exempted under Title IX.
4. Athletic opportunities for all students who participate in interscholastic, intercollegiate, club, or intramural activities.
5. All university-owned and sponsored housing intended for students. The university may provide separate housing on the basis of sex, provided that, as a whole, it is comparable in both quantity and quality to that provided to students of the other sex. Comparable, convenient, and accessible housing for students with disabilities will be provided at the same cost as to others.
6. All auxiliary facilities which are supported by the university. Further, the university ensures that all institutional or institution-supported services, facilities, activities, and programs for students are available to all students.
7. Awarding of scholarships and other financial aid. Financial assistance includes both public and private scholarships, fellowships, student loans, traineeship stipends, and employment obtained by the institution for the student as part of an assistance program (e.g., teaching assistantships and work study programs.) Student financial aid programs based on race or national origin will be consistent with Title VI if the purpose of such aid is to overcome the effects of past discrimination. The institution may administer certain sex-restricted forms of financial assistance in accordance with the provisions of Title IX provided that the overall effect of such assistance does not discriminate on the basis of sex. Likewise, the institution may administer certain forms of financial assistance to students with disabilities if the overall effect of the award of such assistance is not discriminatory on the basis of disability.

8. Where the university donates, leases, or otherwise makes available university-owned facilities or land for student use or activities which are a part of its overall program, or where the university provides funds or other financial assistance to acquire or operate facilities for such activities.

9. Students will not be referred to training facilities which discriminate in their policies or programs. This includes such programs as student teaching in schools, clinical training, internship experiences, cooperative education, etc.

*[4/2010; Responsibility: Office of the President/Title IX; Reviewed/Endorsed by: Cabinet/UPAC; Review/Effective Date: 11/07/2012, 01/22/2019; 07/29/2024; Approved by: A. James Wohlpart, President]*

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## CWUP 2-35-040 Reasonable Accommodation of Persons with Disabilities

It is the policy of Central Washington University that discrimination on the basis of disability is prohibited. The university provides equal employment opportunities, physical access and reasonable accommodation for qualified individuals with disabilities, and academic adjustments for qualified students with disabilities.

This policy regarding discrimination on the basis of disability has been developed in keeping with federal and state laws. The federal laws include: Americans with Disabilities Act of 1990, ADA Amendments Act of 2008, Regulations to Implement the Equal Employment Provisions of the ADA, and Section 504 of the Federal Rehabilitation Act of 1973. The Washington State laws are described in the *Revised Code of Washington* (Washington State Law Against Discrimination, Washington State Core Services Bill) and the *Washington Administrative Code* (WAC 162-22, WAC 357-26).

Policy applies to:

applicants or employees who, with or without reasonable accommodations, can perform the essential functions of a position,

qualified students, prospective students, and,

individuals who wish to participate in university-sponsored events which are open to the public.

### Definitions

Person with a disability means:

1. Federal definition: a person with a physical or mental impairment that substantially limits one or more major life activities; and/or
2. Washington State definition: the presence of a sensory, mental or physical impairment (temporary or permanent) that is:
  - Medically cognizable or diagnosable, or
  - exists as a record or history; or

- know or shown through an interactive process to exist in fact, and has a substantially limiting effect upon the individual's ability to perform his or her job, the individual's ability to apply or be considered for a job or the individual's access to equal benefits, privileges, or terms or conditions of employment; or the individual's ability to perform and complete the essential elements of the course, program or activity.
- Substantially limits means the individual is unable to perform a major life activity that the average person in the general population can perform or significantly restricted as to the condition, manner or duration under which a person can perform a particular major life activity as compared to the condition, manner, or duration under which the average person in the general population can perform that same major life activity.

Essential functions means the fundamental job duties of the position that the individual with the disability holds or desires. The term "essential functions" does not include the marginal functions of the positions.

Qualified employee with a disability means an individual who meets the skills, experience, education, and other job-related requirements of the position held or applied for, and who, with or without reasonable accommodation, can perform the essential functions of the job.

Qualified student with a disability means a prospective or enrolled student with a documented disability who meets the admission requirements and technical standards of the academic program, activity, or services.

Reasonable accommodation means a modification or adjustment to a job, work or academic environment, policies, practices, or procedures that enables a qualified individual with a disability to enjoy equal employment or academic opportunity.

Undue hardship means an excessively costly, extensive, substantial, or disruptive modification, or one that would fundamentally alter the nature or operation of the event, program or university. Written justification, signed by the president of the university, must be provided for any decision not to provide a reasonable accommodation because of undue hardship.

#### The University Provides Reasonable Accommodations

The university provides reasonable accommodation to the known physical or mental limitations of otherwise qualified individuals except where such accommodation would impose undue hardship on the institution. HR/Disability Services and the ADA compliance officer, through departmental procedures, informs the campus and public of the ability to request accommodation. The administrator for equal opportunity and professional development is the university's ADA/504 compliance officer. The administrator provides compliance oversight, advice and consultation regarding the ADA.

Disability services will ensure an interactive and effective accommodation process in a timely manner for qualified applicants, employees with disabilities, prospective and enrolled students, and members of the public. Qualified people with disabilities who require an accommodation should refer to guidance on the

human resources web page. See [https://www.cwu.edu/student-life/student-support/disability-services \(/student-life/student-support/disability-services/index.php\)](https://www.cwu.edu/student-life/student-support/disability-services (/student-life/student-support/disability-services/index.php)).

### The University Provides a Discrimination Complaint Procedure

The university has internal complaint procedures for addressing complaints about the conduct of university employees, including allegations of discrimination based on disability. See CWUR 1-30-010 discrimination complaint and resolution for a description of the available complaint procedures.

*[BOT: 5902, 6/28/85; WAC 106-72; Rev. 12/91; PAC: 6/93; Pres. Cab.: 02/96; Pres. Cab.: 3/96; Pres. Cab.: 5/99; BOT: Motion 99-33, 6/99; PAC: 7/04; PAC: 09/04; BOT: Motion 05-13, 3/05; PAC: 4/06; PAC 2/07; PAC: 08/07; BOT: Motion 07-61, 12/07; Responsibility: Office of the President/Title IX; Authority: Cabinet/UPAC, Review/Endorsed by: Cabinet/UPAC; Review/Effective Date: 3/6/2013; Approved by: A. James Wohlpart, President]*

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## CWUP 2-35-045 Accessible Technology

Central Washington University provides equal opportunity to its educational and administrative services, programs, and activities in accordance with federal and state law. This policy extends to the university's electronic and information technologies and applies to their procurement, development, implementation and ongoing maintenance.

Ensuring equal and effective electronic and information technology access is the responsibility of all university administrators, faculty, and staff.

This is in accordance with federal and state laws including the Americans with Disabilities Act of 1990 (ADA), and the Amendments Act of 2008, and Section 504 of the Rehabilitation Act of 1973, Section 508 of the 1973 Rehabilitation Act as amended, and Title 18, Chapter 5, Part 603, and the State of Washington OCIO policy 188.

*Responsibility: Office of the President/Title IX; Authority: Cabinet/UPAC; Reviewed/Endorsed by: Cabinet/UPAC; Review/Effective Date: 02/20/2019; Approved by: A. James Wohlpart President]*

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## CWUP 2-35-050 Sexual Harassment

It is the policy of Central Washington University to maintain a work and academic community which is free from sexual harassment. Sexual harassment is a form of prohibited sex discrimination which violates state and federal law, including Title IX, Title VII of the Civil Rights Act of 1964 and RCW 49.60

(<https://apps.leg.wa.gov/rcw/default.aspx?cite=49.60>) that will not be tolerated by the university. An individual found in violation of this policy will be subject to corrective action up to and including termination.

(1) Students who have been sexually assaulted by their peers should refer to the university's student sexual assault response policy, CWUP 8-40-050 (</about/policies-procedures/policies-manual/8-0-student-success/cwup-8->

40.php#CWUP-8-40-050). The policy provides guidance to students in reporting sexual assaults and securing support services.

## (2) Definitions

(A) For the purposes of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or career advancement;
2. submission to or rejection of such conduct by an individual is used as a basis for employment decisions or academic decisions affecting such individual; or
3. such conduct has the purpose or effect of unreasonably interfering with an individual's work or creating an intimidating, hostile or offensive work or academic environment.

(B) This definition is in keeping with the equal employment opportunity commission's regulations on sexual harassment.

(C) Based on the definition provided above, examples of sexual harassment prohibited by this policy include, but are not limited to: physical assault; direct propositions of a sexual nature, subtle pressure for sexual activity. In addition, behaviors which constitute a pattern of conduct that discomforts or humiliates the recipient are prohibited. Such behaviors may include: comments of a sexual nature, sexually explicit statements, questions, jokes, or anecdotes; unnecessary touching, patting, hugging, or kissing; remarks of a sexual nature about a person's clothing or body; or remarks about sexual activity or speculations about previous sexual experience; and persistent, unwanted attempts to change a professional relationship to an amorous one.

(D) Retaliation against individuals covered by this policy who report allegations of sexual harassment, or who participate in an investigation is prohibited and will not be tolerated. The university will hold individuals who retaliate accountable for their actions, up to and including dismissal.

(E) Any employee found to have retaliated against individuals covered by the policy who report allegations of sexual harassment or who participate in an investigation will be subject to corrective action and/or disciplinary action, up to and including dismissal. Individuals who are alleged to have retaliated may be suspended from employment while an investigation occurs.

(F) Waivers, nondisclosure agreements, or any other document, that would prevent employees and other individuals from disclosing sexual harassment and assault in the workplace and/or workplace events by or through the employer are strictly prohibited.

*[11/02/2011; Responsibility: President's Office; Authority: Cabinet/UPAC; Reviewed/Endorsed by: Cabinet/PAC; Review/Effective Date: 6/06/2012; 2/20/2019; Approved by: James L. Gaudino, President; 12/28/22; Approved by A. James Wohlpart, President]*

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## CWUP 2-35-060 Gender Equity

Central Washington University complies with provisions of chapter 28B.110 RCW (gender equity in higher education). University policies and procedures have been developed to eliminate possible discrimination to students based on gender, gender identity and gender expression, including sexual harassment (CWUP 2-35-050). These policies and procedures address academic programs, student employment, counseling and guidance services, financial aid, recreational activities including club sports, and intercollegiate athletics.

The person responsible for coordinating and monitoring compliance with the gender equity law is the executive director, human resources, Mitchell Hall 101, (509) 963-1202, [hr@cwu.edu](mailto:hr@cwu.edu) (<mailto:hr@cwu.edu>).

Students with gender discrimination complaints are encouraged to utilize the procedures noted in CWUR 3-45-010 Student Discrimination Complaint (</about/policies-procedures/procedures-manual/3-0-finance-administration/cwur-3-45.php#CWUR-3-45-010>).

*[Responsibility: CFO/BFA; Authority: Cabinet/UPAC; Reviewed/Endorsed by: Cabinet/PAC; Review/Effective Date: 01/02/2013, 01/22/2019; Approved by: James L. Gaudino, President]*

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## CWUP 2-35-070 Discrimination Complaint and Resolution Policy

Central Washington University is committed to the investigation and resolution of complaints against employees by students, faculty, staff, applicants, and the public alleging discriminatory behavior and/or violations of the university's nondiscrimination policy. (See CWUP 2-35-030 Policies and Programs Pertaining to Students.)

(1) Any employee of Central Washington University, including student employees, who believe he or she has been subjected to a violation of the university's nondiscrimination policies may file a complaint utilizing the discrimination complaint procedure. Students, visitors or guests of the university may contact Equal Opportunity (EO) for guidance in filing a complaint.

(A) Informal review and consultative processes are highly desirable means of resolving problems at the lowest possible level within the university. Formal complaint procedures are also available.

(B) Individuals who believe that they have been subjected to discriminatory behavior by staff or faculty at Central Washington University are encouraged to attempt to resolve the matter at the lowest possible level within the university. Supervisors, department chairs, unit heads, and others in management/leadership are charged with the responsibility for ensuring nondiscrimination in the employment and academic environment and for bringing issues forward to EO when they become aware of such behavior. Therefore, individuals are encouraged to bring their concerns to such leaders for resolution. Normally, resolution at this level does not involve a factual investigation or a finding that the policy was or was not violated. Rather, it involves an opportunity for communications regarding areas of dispute in hopes of resolution.

(C) The director of EO has overall responsibility for assuring university compliance with nondiscrimination laws and regulations, and receives informal and formal discrimination complaints against staff and faculty. The director also receives requests for clarification on what constitutes discriminatory behavior.

(D) Complaints should be brought forward as soon as possible after the alleged act of discrimination.

(2) EO will be informed of all allegations of discrimination that involve staff or faculty and will act as the repository for information about all allegations of discrimination, institution-wide, regardless of origin. Upon receipt of an allegation or complaint, OEO will notify appropriate supervisory personnel and university departments. See CWUP 2-35-015 Title IX Policy for related information.

(A) Any person may contact EO directly for informal discussion, advice, and assistance at any time. EO staff will provide the reporting party with advice about available options, including the formal complaint and resolution process and external agencies, civil rights legislation and the university's nondiscrimination policies. If the behavior does not fall under the civil rights legislation or the university's nondiscrimination policy, the reporting party will be referred to the appropriate department(s) and/or unit(s). Contact information for external agencies including U.S. Department of Education Office for Civil Rights, U.S. Equal Employment Opportunity Commission, and the Washington State Human Rights Commission are available at EO.

(B) Discussions involving EO will be kept confidential to the extent provided by law.

(C) A reporting party electing to complain about discriminatory behavior will be treated courteously and the problem handled as quickly as possible. No individual shall be penalized or retaliated against in any way by the university community for his or her participation in a discrimination complaint process.

(3) The type of process used to investigate allegations of discriminatory behavior, and the university's response to complaints, depends on the nature and extent of the alleged incident(s) and the context in which the alleged incident(s) occurred. The university reserves the right to initiate an investigation where a complaint has not been received, but information exists that a violation of the university's nondiscrimination policy, or discriminatory behavior, may have occurred. Coordination of allegations of discrimination made at various university departments and offices is the responsibility of the director of EO. The university does not wait for the conclusion of a criminal investigation or criminal proceeding to begin an investigation of allegations or concerns regarding discrimination.

See CWUR 3-45-010 ([/about/policies-procedures/procedures-manual/3-0-finance-administration/cwur-3-45.php#CWUR-3-45-010](#)) Student Discrimination Complaint Procedures and CWUR 3-45-050 ([/about/policies-procedures/procedures-manual/3-0-finance-administration/cwur-3-45.php#CWUR-3-45-050](#)) Discrimination Complaint and Resolution Procedure - Employees for more information.

[Reviewed 12/11/18]

*[PAC/Pres.: 01/06/10; BOT: 02/10, Res.10/10; 10/05/2011; Responsibility: Office of the President/Title IX; Authority: Cabinet/UPAC; Reviewed/Endorsed by: Cabinet/UPAC; Review/Effective Date: 05/02/2012; 12/11/2018; Approved by: A. James Wohlpart, President]*

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## **CWUP 2-35-075 Required Employee Reporting and Resources (Interim Policy)**

*Temporarily replaces CWUP 2-35-075 version originally approved 6-17-2020.*

**Effective: July 24, 2024**

**Expiration Date: January 19, 2025**

**Policy Executive:** Senior Vice President for Finance and Administration

**Responsible Office/Unit:** Human Resources

Central Washington University (CWU) is committed to promoting an inclusive university environment of integrity, civility, and safety that adheres to all applicable federal, state, and local laws, rules, and regulations. CWU strongly believes that all members of the university community are integral in supporting that goal.

Faculty, staff, and students are encouraged to report behaviors of concern, complaints, potential policy violations, and/or requests for support through official internal reporting channels so that they may be responded to in a consistent manner and at the appropriate level (See 5. Form Reporting Options below). If a CWU community member receives a disclosure or complaint, they are encouraged to make the reporting party aware of their reporting options and resources.

CWU employees have specific reporting and notification responsibilities as outlined below. The reporter is not entitled to receive a notice of outcome unless they are the alleged victim or respondent. While all university employees are expected not to disclose information outside of the official reporting methods and keep information private, CWU does not have the ability to guarantee confidentiality beyond those staff listed as confidential below.

Contents:

Chapter 1 – Title IX Required Employee Reporting and Notification

Chapter 2 – Hazing Prevention and Reduction – Required Reporting

Chapter 3 – Campus Security Authority (CSA)

Chapter 4 – Confidential Resources

Chapter 5 – Formal Reporting Options

**Chapter 1 - Title IX Required Employee Reporting and Notification**

## **1.1 Sex-Based Discrimination and Harassment – Responsible Employee Reporting**

Pursuant to Title IX, a responsible employee is a university employee who has the authority to take action to redress sex-based discrimination and harassment, including but not limited to sexual misconduct; who has been given the duty of reporting incidents of sex-based discrimination and harassment to the Title IX Coordinator or other appropriate designee; or who a student reasonably believes has this authority or duty.

All professional (permanent) staff and faculty members, as well as designated student employees (e.g. resident assistants and SURC student building managers) of CWU are responsible employees, unless they are designated as a confidential resource (see below). Responsible employees have a duty to promptly report incidents of sex-based harassment and discrimination, including sexual assault, sexual harassment, dating and domestic violence, and stalking. Reports will be made directly to the Title IX Coordinator or Deputy Title IX Coordinator, or through the online Concern and Support (Reporting) Form, so that the university may take appropriate action to end the misconduct or hostile environment.

## **1.2 Sex-Based Discrimination and Harassment – Required Notification**

When made aware of potential sex-based discrimination and harassment, including sexual misconduct, all temporary, non-permanent, and student employees (not designated as Responsible Employees) of CWU, must provide the following information to the reporting or impacted party:

1. Contact information for the Title IX Coordinator.
2. Information about how to make a complaint.

When made aware of potential sex-based discrimination and harassment, including sexual misconduct, all confidential employee members of CWU (See Below), must provide the following information to the reporting or impacted party:

1. Contact information for the Title IX Coordinator.
2. Information about how to make a complaint.
3. Title IX Coordinator's ability to coordinate supportive measures and initiate an informal or formal resolution process.

## **1.3 Pregnancy and Related Conditions – Required Notification**

When made aware of a student's pregnancy or related condition, all CWU employees must provide the following information to the student:

1. Contact information for the Title IX Coordinator.
2. Title IX Coordinator's ability to assist the student to ensure equal access to CWU and prevent discrimination.

## **1.4 Title IX Training**

CWU requires all staff and faculty to take training related to the reporting and notification requirements under Title IX. Details, including title and frequency, can be found in CWUP 2-30-260 (<https://www.cwu.edu/about/policies->

## **Chapter 2 - Hazing Prevention and Reduction – Required Reporting**

### **2.1 State of Washington HB 1751**

Pursuant to the Legislature of the State of Washington HB 1751, all university volunteers and employees, including student employees, with knowledge of potential hazing are required to report such information to the Office of Student Rights and Responsibilities. This requirement does not include confidential employees, unless the employee has a supervisory role or position of authority over students. Reports may be made directly to the Office of Student Rights and Responsibilities or through the Concern and Support (Reporting) Form, so that the university may take appropriate action to stop, remedy, and prevent the misconduct.

### **2.2 Hazing Training**

CWU requires all staff and faculty to take training related to the reporting and notification requirements under HB 1751. Details, including title and frequency, can be found in CWUP 2-30-260 (<https://www.cwu.edu/about/policies-procedures/policies-manual/2-0-general-policies/cwup-2-30.php#CWUP-2-30-260>) Training and Development.

## **Chapter 3 - Campus Security Authority (CSA)**

### **3.1 Campus Security Authority Definition**

Per the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act (i.e, Clery Act), a Campus Security Authority (CSA) is one of the following individuals or organizations at CWU:

- 1.** Members of CWU Police Services.
- 2.** Any individual who has responsibility for university security, including those who provide security at university parking lots or facilities, act as event security, or escort students around campus after dark.
- 3.** Any other individual to which students and employees report criminal offenses. These include resident assistants, academic advisors, Office of Health Promotion staff, etc.
- 4.** CWU employees who have significant responsibility for student and university activities, including but not limited to Athletic Department staff and coaches, Title IX Coordinator and Deputies, University Housing and Residence Life staff, staff in the Office of the Vice President of Student Engagement and Success, directors and/or department chairs/heads, Study Abroad faculty and staff, University Center staff, etc.

### **3.2 CSA Training**

All CSAs receive annual notice of and training on their roles and responsibilities through CWU Police Services.

### **3.3 Notification to Campus**

CWU has a responsibility to notify the university community about any crimes which pose a current, ongoing threat. CSAs are obligated by law to promptly report crimes to CWU Police. CSAs must not further investigate on their own after reporting. Incidents can be reported to CSAs by anyone, including a witness, victim, or a third party. It is the responsibility of a CSA to then report the information to CWU Police.

## **Chapter 4 - Confidential Resources**

### **4.1 Confidentiality**

Under Federal and State Law some university resources and staff may maintain confidentiality, thereby offering options and advice without any obligation to inform an outside agency or university official unless a reporting party has requested information be shared further or officially reported. Confidential campus resources and staff will maintain confidentiality except when legally mandated to share information.

### **4.2 Confidential Persons at CWU**

If a reporting party would like the details of an incident kept confidential, the reporting party may speak with on-campus or off-campus licensed professional counselors and medical providers, as well as victim advocates. Students may utilize the on-campus licensed professional counselors and staff in Student Counseling Services, on-campus health service providers and staff in Student Health Services, or on-campus victim advocate staff in Prevention, Advocacy, Training, and Healing (P.A.T.H.) within the Office of Health Promotion.

### **4.3 Exceptions**

The Confidential status of the above-listed employees is only with respect to information received while the employee is functioning within the scope of their duties to which the confidentiality applies.

## **Chapter 5 - Formal Reporting Options**

### **5.1 CWU Police**

All university personnel are encouraged to contact CWU Police Services for immediate response and assistance, especially in instances of immediate threat or danger. CWU Police Services can be contacted through Kittcom non-emergency line at 509-925-8534 or through 9-1-1 for emergency response.

### **5.2 Concern and Support (Reporting) Form**

CWU's official reporting mechanism is the Concern and Support (Reporting) Form. All university staff, faculty, and students are encouraged to report behaviors of concern, complaints, potential policy violation, and/or requests for support through this form. The Concern and Support Form can be accessed through their MyCWU portal under "Main Menu." The Concern and Support Form is administered by professional staff in Student Engagement and Success in coordination with other university partners, including Civil Rights Compliance, Human Resources and CWU Police Services. The Office of Student Engagement and Success can be contacted directly at 509-963-1515 for further questions or support.

### 5.3 Title IX Coordinator Contact Information

The CWU Director of Civil Rights Compliance and Title IX/ADA Coordinator can be contacted regarding incidents of potential discrimination, harassment, and retaliation, including sexual misconduct. Civil Rights Compliance staff can be contacted at [CRC@cwu.edu](mailto:CRC@cwu.edu) (<mailto:CRC@cwu.edu>) or 509-963-2050.

*[Responsibility: BFA Division; Authority: Cabinet/UPAC; Reviewed/Endorsed by: Cabinet/UPAC; Review/Effective Date: 06/17/2020; 07/24/2024; Approved by: A. James Wohlpart, President]*

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## CWUP 2-35-080 Service and Emotional Support Animals as Reasonable Accommodation

### (1) Purpose

Central Washington University recognizes the importance of, and supports, the work that trained service animals and emotional support animals provide to individuals with disabilities. The purpose of this policy is to provide guidance on the presence of service animals in university facilities. Emotional support animals are only allowed in University housing as an exception to standard policy. This policy complies with the Americans with Disabilities Act (ADA) of 1990 as amended; Section 504 of the Rehabilitation Act of 1973 (P.L. 93-11) and 45 CFR Part 84; Fair Housing Act of 1968 42 U.S.C. 3601 et seq.; Chapter 49.60 RCW (<https://apps.leg.wa.gov/rcw/default.aspx?cite=49.60>); and WAC 106-124-801 (<https://apps.leg.wa.gov/WAC/default.aspx?cite=106-124-801>).

### (2) Definitions

(A) Owner: A person with a disability that requires a service or emotional support animal.

(B) Service Animal: A dog that is individually trained to do work or perform tasks for a person with a disability. The work or task a dog has been trained to provide must be directly related to the person's disability. (28 USC 36.104 (<https://www.govinfo.gov/app/details/CFR-2017-title28-vol1/CFR-2017-title28-vol1-sec36-104>), RCW 49.60.040 (<https://app.leg.wa.gov/RCW/default.aspx?cite=49.60.040>)) Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals. See section 4.D for information about miniature horses as serving as service animals.

(C) Emotional Support Animal: Animals that provides comfort to their owners, but are not trained to perform a specific task. An emotional support animal is defined as an animal:

1. that alleviates one or more of the identified symptoms or effects of an individual's disability;

2. that is necessary to afford an individual with a disability an equal opportunity to use and enjoy a dwelling; and

3. for which there is an identifiable relationship between the disability and the assistance the animal provides. [Federal Housing Act 42USC3601; Department of Housing and Urban Development Regulations, 24 CFR 5].

Emotional support animals are also commonly referred to as assistance or comfort animals. Emotional support animals are not considered service animals and are only allowed in University Housing as an exception to standard policy.

(D) Disability Services Provider: A representative from the CWU Department of Disability Services, which exists to ensure the reasonable accommodation of needs of students with disabilities, and to ensure students with disabilities have an equal opportunity to fully participate in the educational process and university experience.

### (3) Assessing Service Animal Status

(A) CWU employees must permit service animal access to an event or activity with its owner when it is readily apparent the animal is trained to do work or perform tasks for its owner (e.g., a dog guiding an individual who is blind, pulling an individual's wheelchair, or providing assistance with stability or balance). In this case, CWU employees may ask no questions of the owner.

(B) When it is not obvious what service an animal provides, only limited inquiries are allowed. CWU employees are permitted to ask only the following two questions to determine if an animal is a service animal:

1. Is the animal required because of a disability?
2. What work or task is the animal trained to perform?

(C) CWU employees may not:

1. Ask about the individual's disability;
2. Ask an individual with a service animal about the nature or extent of their disability;
3. Require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal; or
4. Require the animal to perform a task it has been trained to perform.

(D) If the owner states the animal is required because of a disability and the animal has been trained to do work or perform tasks for the owner, the service animal must be admitted. If there is any doubt that an animal is a service animal, CWU employees should admit the animal and then consult with the Disability Services Provider regarding future access.

### (E) Miniature Horses as Service Animals

1. Miniature horses generally range in height from 24 inches to 34 inches measured to the shoulders and generally weigh between 70 and 100 pounds.

2. A miniature horse will be considered a service animal provided it can be accommodated in a CWU facility if the following conditions are met:

- a. the miniature horse is housebroken;
- b. the miniature horse is under the owner's control;



- c. the facility can accommodate the miniature horse's type, size, and weight; and
- d. the miniature horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility.

Assessment of these factors will be conducted during the interaction process when possible.

#### (4) Service Animals

##### (A) Employees:

1. An employee who requires a service animal in the workplace will contact HR, which may require disability documentation

##### (B) Students:

1. Optimally, an owner will inform the faculty member, prior to the first day of class, about their need for a service animal as an accommodation, especially when class is held in a laboratory, workshops, and research facilities.
2. The owner, faculty member, lab technician/instructor, and Disability Services Provider will engage in an interactive process to discuss class content, syllabus, safety concerns and schedule.
3. There may be some situations where certain activities, chemicals, and/or spaces may warrant additional precautions regarding the service animal. When foreseeable, these potential situations will be discussed during the interactive process. Assessments will be done on a case-by-case basis.
  - a. The faculty member and/or lab technician/instructor will talk with the owner about the possible exposure of the service animal to hazardous chemicals, equipment and procedures.
  - b. Once notified of the potential risk to the service animal, the owner accepts the risk on behalf of their service animal. Laboratories, workshops, and research facilities that require personal protective equipment for humans, will require similar equipment for service animals. A faculty and/or laboratory technicians/instructors may recommend reasonable safety precautions such as booties, goggles, and/or a lab coat for service animals in particular areas
  - c. If the decision is made that the risk is too great, by the owner for the service animal or by faculty member for others in the environment, efforts will be made to reasonably accommodate the student with a disability in coordination with Disability Services Provider.

#### (5) Restrictions on Access for Service Animals

(A) A service animal may be restricted from specific areas of the university when consistent with other university policies, state, and/or federal laws/regulations. Examples of these areas may include:

1. Food preparation areas;
2. Animal research facilities and grounds;
3. Medically sensitive patient and clinic areas; and

#### 4. Biologically sensitive or hazardous research sites.

(B) If a service animal is restricted from certain areas, the Disability Services Provider will work with the faculty member and owner to identify reasonable accommodations.

#### (6) Request for Removal of a Service Animal

(A) CWU employees may not ask an owner to remove their service animal from a university facility unless:

1. The animal is out of control and the owner does not take effective action to control it;
2. The animal is not housebroken;
3. The animal is in a prohibited area as identified through the interactive process; or
4. The animal injures or attempts to injure a person or property.

(B) In the event an animal is removed from a facility, the faculty member and Disability Services Provider will make efforts to reasonably accommodate the student with a disability without the animal.

(C) A student with a disability who uses a service animal cannot be isolated from other students, treated less favorably than other students, or charged fees that are not charged to other students without service animals.

#### (7) Emotional Support Animals

(A) In accordance with federal law (Fair Housing Amendments Act), CWU considers requests for exceptions to the housing "no pets" policy to allow students experiencing significant mental health problems to keep an Emotional Support Animal.

(B) Residents wishing to request that their service animal or emotional support animal be allowed to reside in University housing must follow the procedures for requesting a service animal or emotional support animal accommodation through Disability Services. For more information, see the CWU's Emotional Support Animal Request Procedure.

#### (8) Owner's Responsibilities

(A) The care and supervision of a service animal is the responsibility of the owner. Service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the owner's disability prevents use of these devices. In that case, the owner must maintain control of the animal through voice, signal, or use of other effective controls. (Americans with Disabilities Act (ADA) (42 USC 12101 et seq.))

(B) The owner must comply with local animal control or public health requirements, including licensing, vaccinations and immunizations. The owner is solely responsible for immediate clean up after the animal and proper disposal of the animal's waste or other debris.

(C) Owners are responsible for any damage or injuries caused by their service animals and must take appropriate precautions to prevent property damage or injury. The cost of care, arrangements and responsibilities for the well-being of a service animal are the sole responsibility of the owner. Additionally, owners are responsible for the safety of their service animal.

(D) Owners intending to reside in university housing with a trained service animal should notify Housing and Residence Life.

#### (9) Complaint Processes

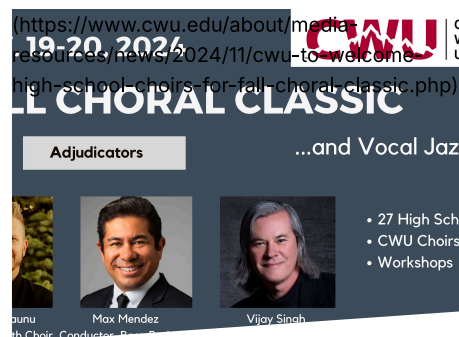
(A) An individual with a disability may file a complaint of discrimination based on their disability with Human Resources (HR). HR reviews the complaints in accordance with CWUP 2-35-070 Discrimination Complaint and Resolution Policy and CWUR 3-45-050 (/about/policies-procedures/procedures-manual/3-0-finance-administration/cwur-3-45.php#CWUR-3-45-050) Discrimination Complaint and Resolution - Employees. Contact HR at HR@cwu.edu (mailto:HR@cwu.edu) or 509-963-1202.

(B) HR also maintains a list of Washington State and federal agencies (and contact information) where allegations of discrimination may be filed. Contact HR at HR@cwu.edu (mailto:HR@cwu.edu) or 509-963-1202.

*[Responsibility: Business & Financial Affairs Division; Authority: Cabinet/UPAC; Reviewed/Endorsed by: Cabinet/UPAC; Review/Effective Date: 02/19/2020; Approved by: James L. Gaudino, President]*

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