

FAQ – Title IX, Sexual Misconduct & Interpersonal Violence

Who is covered under Title IX?

Students, faculty, staff, contractors, volunteers, visitors, program participants, and people seeking to be involved in university programs or activities.

What locations are covered under Title IX?

Title IX applies to incidents occurring on campus or during a university program or activity. Additionally, EWU's policies extend to misconduct that occurs off campus and outside of a university program and activity if it has an impact on the university. Details of this jurisdiction are outlined in the Discrimination & Title IX Violations by Students, WAC 172-125, and EWU Policy 402-01 (Sexual Misconduct, Interpersonal Violence & Title IX Responsibilities).

What is a Title IX Complaint?

A Title IX complaint is a request from an impacted person, whether verbal or in writing, asking EWU to investigate concerns of sexual harassment, sexual assault, domestic or dating violence, stalking, or sexual misconduct.

What standard of proof is used under Title IX complaints?

The standard of proof is "preponderance of evidence" or more likely than not.

What is a Complainant? What are my rights as a Complainant?

"Complainant" refers to anyone that has been subjected to sexual misconduct or interpersonal violence. The rights of the complainant are described here: [Complainant Rights](#)

What is a Respondent? What are my rights as a Respondent?

"Respondent" refers to anyone that has a complaint of sexual misconduct or any other university policy filed against them. The rights of the respondent are described here: [Respondent Rights](#)

Who is required to report Title IX complaints?

Any EWU employees is required to report Title IX complaints to the Title IX Coordinator within 24 hours. This includes EWU Police Officers or any non-confidential resource listed. Employees at [CAPS](#) are the only on campus EWU resource not required to report.

What are supportive measures?

Supportive measures are provided by EWU free of charge and may include, but are not limited to, safety planning with EWU, mutual restrictions on contact between the parties, academic or workplace modifications, leaves of absence, increased security, counseling options on campus or through the Employee Assistance Program, campus housing modifications, and interim restrictions. Supportive measures are available regardless of whether someone wants to file a formal complaint. Requests for supportive measures may be directed to the Student Care Team or Title IX Coordinator. Supportive measures may be in place before a complaint is filed, during the investigation and decision-making process, and/or after the final determination of responsibility. Supportive measures are also available for both complainants and respondents.

Can the information provided to the police be used during the Title IX complaint process?

Information reported to the EWU Police Department will be shared with EWU's Title IX Coordinator and will be used in both the investigative and hearing process. Information reported to any other law enforcement agency (e.g. Cheney Police Department, Spokane Police Department, or Spokane County Sheriff) will be

used if the law enforcement agency agrees to share the information with EWU or if one of the parties provides the information to EWU.

What are my external reporting options for Title IX / Discrimination complaints?

The Department of Education’s Office for Civil Rights (OCR), is designated as an external reporting agency for the educational community and complaints related to Title IX or other forms of discrimination. However, you may also report to the [Equal Employment Opportunity Commission](#), and the [Washington State Human Rights Commission](#).

What if I was under the influence of alcohol / drugs during sex?

Simply being under the influence of alcohol or drugs does not mean you were unable to provide consent. However, if you were “incapacitated” due to alcohol / drugs you would not have been able to give consent. Incapacitation describes a level of intoxication where a person is unable to provide consent. Please refer to the definitions section for a complete definition of incapacitation.

What is a Title IX complaint? Is that different than a sexual misconduct complaint?

The term “Title IX complaint” refers to a specific type of complaint that must follow a process dictated by federal law governing Title IX. EWU takes all complaints of sexual misconduct and interpersonal violence seriously and will investigate such complaints, regardless of whether they fall within the definition of a Title IX complaint. However, the process EWU follows might be different depending on whether or not the complaint falls within that definition.

What is Retaliation?

Any intimidation, threat, coercion, or discrimination against a person for the purpose of interfering with a person’s rights under this policy or because a person has made a report, complaint, testified, assisted, or participated or refused to participate in an investigation, proceeding, or hearing under EWU policy. Such retaliatory acts will be treated as a separate violation of EWU Policy.

FAQ – University Support

What will happen if I report an incident to the university?

By reporting the incident to the university, we can connect you to a number of support options available on campus including help with academic problems, class schedules, financial aid, housing arrangements, transportation, and assistance in receiving health and counseling services. You are NOT required to provide additional information about the incident or participate in a university investigation in order to receive services. Our primary goal is to help, and we will always respect your decision to share, or not share, any aspect of your situation with us.

If you report information to a counselor in [Counseling and Psychological Services \(CAPS\)](#), that employee does **not** have an obligation to report the information to the Title IX Coordinator. To provide accommodation(s) requested by an involved party, confidential employees may need to share limited information with those involved with implementing the accommodation(s).

If you report your situation to an EWU employee outside of CAPS, that employee is required to notify the Title IX Coordinator. The Title IX Coordinator coordinates EWU’s process. A member from the Student Care Team will then reach out to you to discuss reporting options, resources, and available supportive measures. If the person who subjected you to sexual misconduct is not affiliated with Eastern Washington University, the university’s response to the report of an incident will be focused primarily on providing services and accommodations to the Complainant and addressing any potential safety issues on campus.

Is there a way to keep the person who subjected me to sexual misconduct away from me?

Yes. You have several options for keeping this person from contacting you. A “no-contact directive” may be issued, which instructs this person that they can no longer have any form of contact with you. If they choose to violate this letter, they may face sanctions through the university’s conduct system.

In addition, you can receive help from the court. Even without a formal report to law enforcement, you may file for a “no contact order” that can provide a higher level of protection. Obtaining these orders from the court is free, and someone can be assigned to help explain the process and connect you with a legal advocate if you would like that support.

If I tell the university what has happened to me, will my friends, family, co-workers, professors, etc. find out?

As a university, we attempt to keep investigations as confidential as possible. We will need to interview any witnesses identified by the parties. However, we will not provide information about the investigation to people outside of the process, such as your professors. Information will be shared, when necessary, with members of the Title IX team to assist in providing you with support, resources, and addressing your concerns.

We encourage witnesses and the respondent to keep information confidential. However, we cannot prevent others from discussing the situation.

EWU’s records are subject to possible disclosure under the Public Records Act. If EWU receives a public records request for information relating to your report/complaint, the complainant’s and witnesses names and identifying information will be redacted.

What if I live in the same residence hall or apartment as the person involved in the sexual misconduct case?

Housing modifications involve moving an individual from an EWU owned property to another EWU property. EWU does not have the authority to move you from a private residence off campus. Housing modifications are done on a case-by-case basis. Students should contact the Student Care Team or the Title IX Coordinator for assistance.

What if I have classes or work with the person involved in the sexual misconduct complaint?

You have a right to request an academic / workplace modification. **Students** – Academic modifications can involve changing classrooms, instructors, assistance with making up a missed class or schedule changes. Academic modifications are made on a case-by-case basis. Students in need of academic modifications should contact the Student Care Team. **Employees** – Workplace modification can involve changing your work schedule and working environment. Employees in need of a workplace modification should notify the Title IX Coordinator.

Can I receive help through the university without having to report the entire incident?

Yes. You are NOT required to provide additional information about the incident or participate in a university investigation in order to receive services. You would be required to provide minimal information as to what type of conduct occurred so that a brief incident report can document your report. However, you will not be required to provide the complete details if you choose not to.

What if the person who subjected me to sexual misconduct is not affiliated with the university?

If the person is not affiliated with Eastern Washington University, the university’s response to the report of an incident will primarily be on providing services to the Complainant. In rare circumstances, if we become aware that a community member poses a larger threat to the university community, we may pursue additional measures to ensure safety. If the Respondent attends another university, the Title IX Coordinator can assist you with filing a complaint with the Respondent’s university.

If I report to the university, will I be forced to press criminal charges if the conduct involves criminal conduct such as sexual assault?

No. You have the right to decide whether or not you wish to file a report with law enforcement. If the crime occurred on campus, we will notify our police department as it is responsible for providing statistical information about the number of crimes occurring on campus. However, this does not mean the police department will conduct an investigation if you are not interested in pursuing a criminal complaint. You will not be forced to cooperate with any criminal investigation.

Can I report anonymously?

Yes. This option allows you to report information about the incident without identifying yourself. Based solely on an anonymous report, however, neither the university nor the EWU Police Department may be able to pursue action against the person. If you want to file a complaint in the future, you have the option to report the incident to the university or law enforcement at a later date.

If you choose to report anonymously, we want to ensure that you are safe in your situation. Please reach out to a confidential resource on campus or in the community to discuss resources and options.

Are there confidential places where I can receive help?

Yes, [Counseling and Psychological Services \(CAPS\)](#) is a confidential resource on campus for students where you can receive help and support without the university being informed of the incident. They are a great resource to use if you know you would not like to report the incident or if you would like to talk over the options with a trained professional. **Employee Assistance Program (EAP)** is a confidential resource off campus for employees. Refer to the additional confidential resources listed under the services tab.

FAQ – Law Enforcement Response

What will happen if I report to law enforcement?

If you want to report to law enforcement, an officer will come and meet with you and take a report. Based on your wishes, they may start an investigation that could include talking with any witnesses. The police officers can also help plan for your safety and filing a report can help document the situation that can later be used if you decide to press charges. If you report to the EWU Police Department, they will notify and share your report with the Title IX Coordinator and administrators at EWU involved with the student conduct process.

Is there a way to obtain a criminal protection order?

Yes. Even without a formal report to a police officer, you may file for a “no contact order” that can provide a higher level of protection. These orders must be obtained from a court. We can help explain the process and connect you with a legal advocate.

If I report to the police, will the university find out?

It depends. If you report to the Eastern Washington University Police Department, the university will be informed of the incident, and we will reach out to you to provide resources. If you report to the Cheney Police department or another regional jurisdiction, the university may or may not be notified about the incident.

If I provide a statement as a Respondent during an EWU sexual misconduct investigation will that statement be provided to the police?

Your statement will not voluntarily be provided to the police. EWU will only release the information if it receives a subpoena, warrant, court order, or if you ask us to release the record.