

The Evergreen State College

Olympia, WA

<http://www.evergreen.edu/prevention/hmfr.htm>

For more information about TESC resources, contact:

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SEXUAL ASSAULT

The Evergreen State College will not tolerate sexual misconduct, including rape, sexual harassment or sexual assault. Sexual misconduct can include any form of actual or attempted sexual activity perpetrated upon a person without that person's consent. This includes both sexual behavior coerced through physical or verbal threats, force or other forms of manipulation and sexual behavior when one person cannot give consent due to incapacitation. Such activities are against the law and are a direct violation of the College's Student Conduct Code, specifically the sections related to harassment/physical harm and/or the Sexual Harassment Policy. When violations are believed to have occurred, disciplinary action can be pursued.

IF YOU THINK YOU OR SOMEONE YOU KNOW HAS BEEN RAPED

The following information offers suggestions and options if you or someone you know has been sexually assaulted. Rape will be referred to as sexual assault throughout this document.

1. SAFETY

Get to a place where you will feel safe. If you are in immediate danger, call 911; if you are on campus, call the campus police at extension 6140.

2. MEDICAL OPTIONS

It is important to be checked for physical injuries, sexually transmitted diseases, HIV and pregnancy. In spite of a strong and natural desire to clean up, it is best if you do not bathe, douche or change clothes until after the physical examination. If you have to change your clothes, put the clothes you were wearing in a brown paper bag and take them with you to the hospital. (Avoid using a plastic bag as it can destroy chemical composition needed for testing). For accurate testing results, **it is important to get a rape exam within 72 hours; the sooner the better.** If you think you have been drugged with any date rape drug, you will need to ask the hospital to test for those specific drugs.

Local hospitals providing legal rape exams are St. Peter (413 Lilly Road 493-7289) and Group Health (700 Lilly Road, 456-1700 - members only). See Resource List for other area hospitals that provide legal rape exams. St. Peter Hospital will call a Safeplace advocate and a Sexual Assault Nurse Examiner for you. Rape exams at St. Peter Hospital are paid for through Crime Victims Compensation regardless of whether you file a police report or not.

If you decide to file a police report later and have not had a rape exam to collect evidence, it may be very difficult to convict your assailant. If you are 18 or older, the results of your rape exam will not be released to the police without your written consent. If you are under 18, the hospital is required by law

to report that a rape has occurred. It is your choice whether or not you answer the questions the police ask you. However, without your cooperation, it is highly unlikely that the case will be prosecuted.

While the College Health Center (Seminar 2110, 867-6200) is not equipped to conduct legal rape exams, the staff can treat many injuries and test for pregnancy as well as sexually transmitted diseases and free, anonymous HIV. The Morning-After treatment is also available.

3. LEGAL AND COLLEGE REPORTING OPTIONS

If you would like to report a sexual assault, contact the police or sheriff's department for the jurisdiction where the assault occurred.

A) Campus Police Services - Seminar 2150, 867-6140. An officer taking a report will thoroughly investigate the allegations and depending on the outcome will make an arrest and/or forward the information to the Thurston County Prosecutor. The officer will notify the Sexual Assault Prevention Coordinator as soon as possible. The coordinator will ask if you wish to have a trained student or Safeplace advocate present during evidentiary questioning and for on-going support. If the accused is identified, a report will be filed with the Thurston County Sheriff's office. When a campus police report is filed, the Grievance Officer is notified and will meet with you to discuss your grievance options.

B) Sexual Assault Prevention Coordinator - 867-5221. Even if you don't want to contact the police or are unsure what you want to do, call to discuss your options. Advocacy, referrals and resources are available.

The coordinator will provide support and assistance with making choices and seeking help.

C) The Grievance Officer - 867-5052 will meet with you to decide if the college will file a grievance. The Grievance Officer always conducts a thorough and unbiased investigation before reaching a conclusion about whether a violation of the Student Conduct Code has occurred. The college encourages all parties to have a friend or advocate with them during the parts of the grievance process that are not closed to observers. Sexual Misconduct/Assault allegations are covered under Harm/Harassment in the Student Conduct Code.

4. EMOTIONAL SUPPORT OPTIONS

A) Get support from a friend, faculty, family member, peer advocate, Sexual Assault Prevention Coordinator, Safeplace advocate, Housing Resident Assistant (RA), Housing Resident Director (RD), advisor from First People's Advising Services or anyone you trust for immediate and/or long term support.

B) Counseling Center - Seminar 4126, 867-6800. Licensed counselors are available during the academic calendar year. Conversations with a licensed counselor are confidential and free. Drop-in hours vary from quarter to quarter but can be obtained by calling.

C) Safeplace Rape Relief/Women's Shelter Services - 754-6300. Safeplace Crisis Line workers and advocates are available 24 hours a day and are specially trained to help survivors through all phases of recovery, including medical treatment and the legal system. Safeplace can also provide you with confidential shelter for women and children. Male advocates are available upon request.

D) Crisis Clinic - 24 hours, 586-2800. Note: the TESC Counseling Center is not available after hours or on weekends.



This publication was developed by the offices of the Dean of Student and Academic Support Services and Sexual Assault Prevention, January 2002.

Sexual Assault Awareness Month

Sponsored by The Evergreen State College Coalition Against Sexual Violence

All events are free and open to the public, some events require advance sign-up. Please contact the Coalition Against Sexual Violence if you need any special accommodations or assistance to attend an event. For more information or advance sign-up contact the Coalition Against Sexual Violence at 867-6749 or casv2001_2002@yahoo.com.

April 8-12, 10am-4pm, The Clothesline Project, 2nd floor Library Lobby

A display of T-shirts bearing the stories of people whose lives were touched by sexual violence. There will be supplies available for people to decorate a T-shirt to add.

April 8, 5pm, Home Alive Self Defense Workshop, CAB 108

A mental and physical self-defense training.

April 9, 7pm, Sex, Drugs, and Rock'n Roll, the Edge in A dorm

Jason Kilmer, Counseling Center, and Chandra Lindeman, Office of Sexual Assault Prevention Coordinator, will facilitate a workshop on the connections between drugs, alcohol and sexual assault.

April 10, 1-3pm, Community Safety Forum, CAB 108

This facilitated discussion will be a space for the community to discuss what is being done and to address new concerns around violence in our community.

April 11, 7pm, Where I End and You Begin: Communication and Healthy Partnership, CAB 108

Leslie Johnson, MSW, Counseling Center, will facilitate a workshop about healthy relationships. Sign up in advance through the Coalition Against Sexual Violence.

April 12, 6pm, Take Back the Night Rally, Library Lobby 2nd Floor

6pm, music with Reva, 7-8pm Community Speakers, Dance Experiment performance, 8pm march followed by an open mic. An event dedicated to ending violence against women. Child care is available call 867-5221.

April 13, 2pm, Trans Film Series, location TBA, sponsored by the Evergreen Queer Alliance

April 14, 5pm, Tough Guise film and discussion, the Edge in A dorm

5pm potluck, 6pm film and discussion. A documentary about men, violence and media images.

April 15, 12-1pm, Clothesline Project discussion and debriefing, CAB 315

2pm, Book discussion: *Cunt*, by Inga Muscio, Women's Resource Center

6pm, Men Talking About Change and Violence, CAB 108

Joshua Aaron-Eberle will facilitate a workshop about men and violence prevention.

April 16, 5:30pm, Heartsparkle Players: Empowerment, Picking up the Pieces, 1st floor Library Lobby

3:30pm, Todd Deny and the Men's Violence Prevention Music Project, Lecture Hall 2

April 17, 6:30pm, Mindscreen: *The Accused*, Lecture Hall 1

A film inspired by the notorious barroom rape that occurred in New Bedford, Massachusetts in 1983. The film is centered around the court cases that follow the assault.

April 18, 7pm, Speaker Inga Muscio, author of *Cunt: A Declaration of Independence*, Longhouse

Local author, activist and speaker will discuss sexual assault, followed by a book signing.

April 19, 12-3pm, The Medical and Transgendered Communities, CAB 108

A workshop discussing how the medical community can better meet the needs of trans patients, in particular survivors of sexual assault. Advance sign up through Coalition Against Sexual Violence.

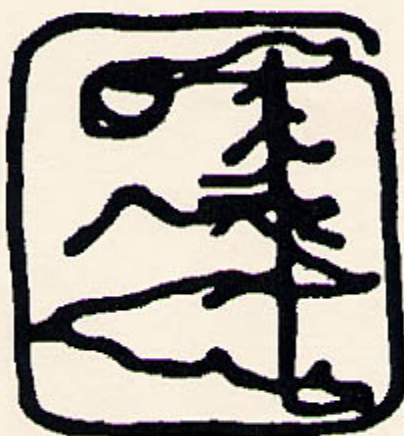
April 25, 6pm, *Jaded*, the Edge in A dorm, sponsored by the Evergreen Queer Alliance

Unusual drama about a young woman who gets raped by a couple of women she meets.

April 30, 4pm, This is My Body, sponsored by the Evergreen Queer Alliance

Workshop for sexual assault survivors. Advance sign up through Office of Sexual Assault Prevention 867-5221.

Rights and Responsibilities



Yours and Ours

The Evergreen State College
Olympia, WA 98505

**The Evergreen State College
Office of the Vice President for Student Affairs
Library 3236
Olympia, Washington 98505
Telephone (360) 867-6296**

September 2001

Student Members of The Evergreen State College Community:

Congratulations! You have become a member of our community and now share with all of us the right to, and responsibility for, maintaining the conditions under which learning can flourish. Let me tell you more about what this means.

While at Evergreen, you have all the rights afforded to you by the state of Washington, including right to due process if charged with a violation of one of our campus regulations. You also have the right to seek redress should you be negatively affected by the behavior of others. In addition, you must abide by the laws of the state of Washington, and the special regulations that apply to behavior on our campus.

This booklet, "Rights and Responsibilities-Yours and Ours," explains many of Evergreen's special goals and regulations. The place to start learning about these is the Social Contract, our unique statement of conditions necessary for positive educational relationships (see pages 5-7 of this booklet). Some of the values set forth in the Social Contract exist as ideals which cannot and should not be formulated as regulations, but over the years the College has created a wide range of specific policies and processes that flow from the Social Contract.

If you have not read the Social Contract, I encourage you to do so and to strive to live by its principles. If difficulties arise in academic programs, in housing, in your relationships with other students, in parking, in athletics, or in other areas, the other more detailed grievance and appeals procedures may well apply to you (see pages 8-15 of this booklet).

What an institution views as important is often embodied in its policies and procedures. In reading this booklet, you will understand what we value as a community. Grievance policies require adherence to procedures and deadlines. If you become involved in a grievance, your knowledge of the specific content of this document could be critical. Should you have any questions about the content of this publication, please call me at 867-6296.

Sincerely,

Art Costantino
Vice President for Student Affairs

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HOW TO USE THIS BOOKLET

Introduction

This booklet contains a collection of policies and guidelines likely to be useful to students. The information in this booklet is especially important to students who find themselves in conflict with another person at the college or with a college policy. This introduction describes some important general principles underlying the policies in this booklet, provides some help in deciding which policies to refer to in specific cases, and describes some additional resources and sources of help.

General principles

Direct communication

Many of Evergreen's core values and aspirations are described in the Social Contract, which is found on page 5 of this booklet. The authors of the Social Contract described a college that protects the right of individuals to express unpopular and controversial points of view and that values intellectual freedom and honesty. In such an environment, conflicts inevitably arise. The Social Contract says that "All must share alike in prizing academic and interpersonal honesty, in responsibly obtaining and providing full and accurate information, and in resolving their differences through due process and with a strong will to collaboration." This means that, as a general rule, most conflicts should be addressed through direct and honest communication among the people involved. Like most general rules, this one requires some qualification (for instance, in cases involving discrimination, including sexual harassment).

Mediation

Sometimes people in conflict may need the assistance of a third person to communicate directly with each other. The Center for Mediation Services provides a group of trained volunteers with the skills to help parties in conflict examine their individual needs, identify common interests, and begin to craft a mutually beneficial agreement. The Center's clients sign agreements stating that information discussed in a mediation session will be confidential and not discussed outside that session. The Center for Mediation Services can be contacted at ext. 6656.

Safety

Direct communication would not be wise if it would compromise personal safety. Students who believe that their personal safety or the safety of the community is at risk should contact the Police Services office (ext. 6140). The office is open 24 hours a day, seven days a week. In addition to receiving the training necessary to become commissioned police officers, Evergreen's police officers receive additional training in areas such as conflict resolution, assisting survivors of sexual assault, and other topics that will better enable them to serve the college community. Police Services is located at Seminar 2150.

Sexual assault

Trained advocates are available to survivors of sexual assault. Police Services Officers (ext. 6140), the Campus Grievance Officer (ext. 5052), or the Sexual Assault Prevention Coordinator (ext. 5221) can help students get in touch with advocates. The section on Sexual Assault beginning on page 16 provides additional information for survivors of sexual assault.

Discrimination and Sexual Harassment

Evergreen is committed to creating a discrimination-free environment and has developed policies and practices for addressing allegations of discrimination, including sexual harassment. Students who believe they may have been victims of discrimination or sexual harassment may also use state and federal systems for pursuing their complaints. The section titled "Equal Opportunity and Non-Discrimination" beginning on page 27 provides some additional information about these options. The President's Special Assistant

for Civil Rights is available to assist students in understanding the options available and can be contacted at ext. 6386 (Library 3103).

Which Policy Applies?

The policies and guidelines published in this booklet describe several additional processes for addressing grievances and resolving conflicts. When the general principles described above do not address or resolve a conflict, one of the processes listed below may be appropriate. This section is intended to help students determine which processes may be useful to them in specific situations. In some situations, a student may find that none of the processes in this booklet seem to apply or that more than one process seems appropriate. The office of the Dean of Student and Academic Support Services (ext. 6034) and the office of the Vice President for Student Affairs (ext. 6296) can assist students in understanding their options.

Other students

If a student has a grievance against another student and the general guidelines described above do not apply, it is likely that one of the following two processes might be used to address the grievance:

- If both students live in the residence halls and the conflict is centered in Housing, the Housing dispute resolution process may be appropriate. The process is described in the *Housing Handbook*. Residence Assistants can answer questions about the Housing process. Contact Housing at ext. 6132.
- In most other cases, grievances against students are pursued through the process described in the Student Conduct Code, printed on page 8. A student wishing to pursue a complaint through the Student Conduct Code would contact the Campus Grievance Officer (ext. 5052). The Grievance Officer might decide to seek a resolution by following the process in the Student Conduct Code or might refer the complaint to another dispute resolution process.

Complaints involving discrimination, including sexual harassment, may be directly referred to the President's Special Assistant for Civil Rights (ext. 6386).

Members of the faculty

The "Academic Programs" section of this booklet may be helpful to a student having a dispute with a member of the faculty (pages 22-24). The section outlines the specific process for resolving a dispute over academic credit or the content of student evaluations. Other disputes with faculty that are not addressed by the general principles described above can be referred to the Academic Deans' office (ext. 6870).

Student Employment

The "Student Employment" section of this booklet (on page 41) describes the process for resolving conflicts related to student employment. The Student Employment Office (L1115, ext. 5520) can assist students and employers with their questions about the grievance process. The office serves as a neutral contact for students with disputes related to their employment at the college.

Other conflicts

Many areas of the college have processes for resolving conflicts specific to those areas. Several of these processes are included in this booklet. For instance, the Parking Policy section beginning on page 31 describes the process for appealing parking fines to an infraction review board composed of students, faculty, and staff. If none of the processes described above or included in this booklet seem to apply, the office of the Dean of Student and Academic Support Services (ext. 6034) and the office of the Vice President for Student Affairs (ext. 6296) can provide additional assistance.

Important resources

Below are some important resources and situations in which they might be used. For additional help, students can contact the office of the Dean of Student and Academic Support Services (ext. 6034, Library 1414) or the office of the Vice. President for Student, Affairs (ext. 6296, Library 3236).

Resources

Places to Go - People to See

On Campus:

1. Faculty
2. Academic Deans, ext. 6870
3. President's Asst. for Civil Rights and Legal Affairs, ext. 6386
4. On-campus Mediation Center, ext. 6656
5. Housing Staff, ext. 6132
6. Financial Aid, ext. 6205
7. Counseling Center, ext. 6800
(hours: 8 a.m. 7 p.m. M-Th, 8 am.-noon, F)
8. TESC Health Center - ext. 6200
9. Sexual Assault Prevention Coordinator, ext. 5221
10. Campus Grievance Officer, ext: 5052
11. Ombudspersons-see campus phone book under "Sexual Harassment Ombudspersons," page A12 (in the back section).
12. Core Connector - call Academic Advising, ext. 6312
13. Academic Advising, ext. 6312
14. First Peoples' Advising (advocacy for Persons of Color), ext. 6467
15. Evergreen Police Services, ext. 6140 (call also for Housing or Counseling issues after office hours)
16. Access Services for Students with disabilities, ext: 6348

Off Campus:

17. Dispute. Resolution Center of Thurston County (DRC), 956-1155
18. Legal Aid (Thurston County Volunteer Legal Clinic Foundation), 705-8194
19. SafePlace, 754-6300 (24 hours)
20. Crisis Clinic of Thurston County, 586-2800:(24 hrs.)
21. Domestic Violence Hotline, (800) 562-6025
22. Planned Parenthood, 754-5522
23. Health Dept., 786-5581 or 786-5583
24. Thurston Co. Sheriff, 911 or 786-5500
25. Olympia Police Dept., 911 or 753-8300

Some Example Situations with Suggested Resources

Below are some common situations that a student might bring to you.. The numbers after each refer to the Resources list on the previous page.

Academic Issues:

- Evaluation or academic program conflict with faculty -1 first, then 2, 13
- Seminar conflict with fellow students –fellow students first, then 1, 4
- Accommodation for disabilities -16

Social Issues:

- Roommate conflicts- Fellow roommate(s) first, then 5, 4, 7
- Sexual harassment (repeated unwanted gestures, comments, acts that do not cease upon request) - 3, 9, 11
- Discrimination (non-sexual harassment)-3,14
- Homelessness-13 (some info available), 20
- Domestic relationship issues-7, 18, 21

Medical and/or Health issues:

- HIV testing - 8 or 23
- Pregnancy testing.- 8 or 22
- Drug and Alcohol evaluations - 8

Legal Issues:

- Rape - Hospital (St. Peter's is only local hospital with rape kit), 7, 3, 19, 5 (if resident), 15
- Domestic violence-15, 7
- Landlord/tenant conflict-18, 17
- Non-college legal issues - e.g., Protection orders, arrest, DWI, etc. -18, 24, 25
- Financial problems - 6, 18

THE SOCIAL CONTRACT - COLLEGE PHILOSOPHY

(WAC 174-121-010)

(1) GENERAL:

Evergreen is an institution and a community that continues to organize itself so that it can clear away obstacles to learning. In order that both creative and routine work can be focused on education, and so that the mutual and reciprocal roles of campus community members can best reflect the goals and purposes of the college, a system of governance and decision-making consonant with these goals and purposes is required.

(2) PURPOSE:

- (a) Evergreen can thrive only if members respect the rights of others while enjoying their own rights. Students, faculty, administrators, and staff members may differ widely in their specific interests, in the degree and kinds of experiences they bring to Evergreen, and in the functions which they have agreed to perform. All must share alike in prizing academic and interpersonal honesty, in responsibly obtaining and in providing full and accurate information, and in resolving their differences through due process and with a strong will to collaboration.
- (b) The Evergreen community should support experimentation with new and better ways to achieve Evergreen's goals. Specifically, it must attempt to emphasize the sense of community and require members of the campus community to play multiple, reciprocal, and reinforcing roles in both the teaching/learning process and in the governance process.

(3) FREEDOM AND CIVILITY:

The individual members of the Evergreen community are responsible for protecting each other and visitors on campus from physical harm, from personal threats, and from uncivil abuse. Civility is not just a word; it must be present in all our interactions. Similarly, the institution is obligated, both by principle and by the general law, to protect its property from damage and unauthorized use and its operating processes from interruption. Members of the community must exercise the rights accorded them to voice their opinions with respect to basic matters of policy and other issues. The Evergreen community will support the right of its members, individually or in groups, to express ideas, judgments, and opinions in speech or writing. The members of the community, however, are obligated to make statements in their own names and not as expressions on behalf of the college. The board of trustees or the president speaks on behalf of the college and may at times share or delegate the responsibility to others within the college. Among the basic rights of individuals are freedom of speech, freedom of peaceful assembly and association, freedom of belief, and freedom from intimidation, violence, and abuse.

(4) INDIVIDUAL AND INSTITUTIONAL RIGHTS:

Each member of the community must protect:

- (a) The fundamental rights of others in the community as citizens;
- (b) The right of each member in the community to pursue different learning objectives within the limits defined by Evergreen's curriculum or resources of people, materials, equipment, and money;
- (c) The rights and obligations of Evergreen as an institution established by the state of Washington; and
- (d) Individual rights to fair and equitable procedures when the institution acts to protect the safety of its members.

(5) SOCIETY AND THE COLLEGE:

- (a) Members of the Evergreen community recognize that the college is part of the larger society as represented by the state of Washington, which funds it, and by the community of greater Olympia, in which it is located. Because the Evergreen community is part of the larger society, the campus is not a sanctuary from the general law or invulnerable to general public opinion.

- (b) All members of the Evergreen community should strive to prevent the financial, political, or other exploitation of the campus by any individual or group.
- (c) Evergreen has the right to prohibit individuals and groups from using its name, its financial or other resources, and its facilities for commercial or political activities.

(6) PROHIBITION AGAINST DISCRIMINATION:

There may be no discrimination at Evergreen with respect to race, sex, age, handicap, sexual orientation, religious or political belief, or national origin in considering individuals' admission, employment, or promotion. To this end the college has adopted an affirmative action policy approved by the state human rights commission and the higher education personnel board. Affirmative action complaints shall be handled in accordance with state law, as amended (e.g., chapter 49.74 RCW; RCW 2813.16.100; chapter 251-23 WAC).

(7) RIGHT TO PRIVACY:

- (a) All members of the college community have the right to organize their personal lives and conduct according to their own values and preferences, with an appropriate respect for the rights of others to organize their lives differently.
- (b) All members of the Evergreen community are entitled to privacy in the college's offices, facilities devoted to educational programs, and housing. The same right of privacy extends to personal papers, confidential records, and personal effects, whether maintained by the individual or by the institution.
- (c) Evergreen does not stand *in loco parentis* for its members.

(8) INTELLECTUAL FREEDOM AND HONESTY:

- (a) Evergreen's members live under a special set of rights and responsibilities, foremost among which is that of enjoying the freedom to explore ideas and to discuss their explorations in both speech and print. Both institutional and individual censorship are at variance with this basic freedom. Research or other intellectual efforts, the results of which must be kept secret or may be used only for the benefit of a special interest group, violate the principle of free inquiry.
- (b) An essential condition for learning is the freedom and right on the part of an individual or group to express minority, unpopular, or controversial points of view. Only if minority and unpopular points of view are listened to and are given opportunity for expression will Evergreen provide bona fide opportunities for significant learning.
- (c) Honesty is an essential condition of learning, teaching, or working. It includes the presentation of one's own work in one's own name, the necessity to claim only those honors earned, and the recognition of one's own biases and prejudices.

(9) OPEN FORUM AND ACCESS TO INFORMATION:

- (a) All members of the Evergreen community enjoy the right to hold and to participate in public meetings, to post notices on the campus, and to engage in peaceful demonstrations. Reasonable and impartially applied rules may be set with respect to time, place, and use of Evergreen facilities in these activities.
- (b) As an institution, Evergreen has the obligation to provide open forum for the members of its community to present and to debate public issues, to consider the problems of the college, and to serve as a mechanism of widespread involvement in the life of the larger community.
- (c) The governance system must rest on open and ready access to information by all members of the community as well as on the effective keeping of necessary records.
- (d) In the Evergreen community, individuals shall not be intimidated or be subject to reprisal for voicing their concerns or for participating in governance or policy making.
- (e) Decision making processes must provide equal opportunity to initiate and participate in policy making, and Evergreen policies apply equally regardless of job description, status, or role in the

community. However, college policies and rules shall not conflict with state law or statutory, regulatory and/or contractual commitments to college employees.

(10) POLITICAL ACTIVITIES:

The college is obligated not to take a position, as an institution, in electoral politics or on public issues except for those matters which directly affect its integrity, the freedom of the members *of* its community, its financial support, and its educational programs. At the same time, Evergreen has the obligation to recognize and support its community's members' rights to engage, as citizens of the larger society, in political affairs, in any way that they may elect within the provision of the general law.

[Revised by Board of Trustees Resolution 88-25 dated 8-17-88; 87-30 dated 10-19-87; 83-32 dated 7-14-83; 78-50 dated 10-19-78; 71-15 dated 11-18-71]

(Previously part of WAC Chapter 120) Renumbered/Approved by Board of Trustees, October 11, 1989.

STUDENT CONDUCT CODE

PURPOSE: Students at The Evergreen State College enjoy the basic rights of all members of society. At the same time, students have an obligation to fulfill the responsibilities incumbent upon all citizens as well as the responsibilities of their particular roles within the academic community. Students may be accountable to civil and criminal authorities and to the college for acts occurring on or off campus which constitute violations of law. Students may be accountable to civil and criminal authorities and to the college for acts occurring on college premises and at college sponsored events. (WAC 174-120-015)

SPECIFIC EXAMPLES OF STUDENT CONDUCT CODE VIOLATIONS

(WAC 174-120-035)

- (1) **Academic dishonesty:** Cheating, facilitating academic dishonesty and plagiarism are violations of the academic honesty policy and if persistent or severe may be treated as violations of the student conduct code.
- (2) **Destroying or damaging property:** Intentionally, recklessly and/or persistently destroying or damaging college property or the property of others on college premises or at college-sponsored events.
- (3) **Disrupting college functions:** Intentionally, recklessly and/or persistently interfering with normal college or college-sponsored activities, including but not limited to studying, teaching, research, college administration, fire, police, emergency services, or public safety.
- (4) **Drugs:** Using, possessing, or distributing of any controlled substance or illegal drug on college premises or at college-sponsored activities (as defined in the Uniform Controlled Substances Act chapter 69.50 RCW, as amended). Public appearance on campus or at any college-sponsored event while under the influence of illegal drugs will be considered a violation.
- (5) **False accusations:** Intentionally making false charges against another member of the college community to harass, harm, defame and/or intimidate that individual.
- (6) **False alarms:** Intentionally causing a false police or fire alarm that involves college property or a college-sponsored event.
- (7) **False information:** Intentionally providing false information to the college for the purpose of gaining admission or employment or to avoid determination of facts in accordance with any college investigation or hearing.
- (8) **Harm/harassment:** Discriminating against, sexually harassing, and threatening or intimidating against another person by word or gesture, or physically molesting or assaulting another person which substantially harms or causes reasonable apprehension of such harm to that person or which is intended to harm him or her. This includes, but is not limited to, physical, psychological or sexual harm/harassment or harassment based on religion, nationality, ability/disability, gender, sexual orientation, racial or ethnic origin, cultural identity or political affiliation. This provision in the codes is intended to protect members of the college community against damage or threat of damage to property and injury or threat of injury to physical person or psychological well-being.

WHO CAN FILE A GRIEVANCE: Currently enrolled students (see definition), faculty and staff may initiate the student conduct code grievance process. If the person wishing to file a grievance against a student is not an enrolled student, staff or faculty but is here at the invitation of the college, they may contact the campus grievance officer, who will decide whether or not to take on the case on behalf of the college.

See page 16 for resource information regarding "What to do in case of sexual assault."

Student Conduct Code

- (9) **Hazing:** According to chapter 2813.10 RCW hazing is defined as any method of initiation into a student organization or living group, or any pastime or amusement engaged in with respect to such an organization or living group that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm.
- (10) **Housing contract violations:** Violation of residence hall contracts.
- (11) **Interfering with the adjudicative process:** Harassment of students, faculty or staff involved in the adjudicative process. Violation of any agreement made during the adjudicative process, including but not limited to no-contact orders. Perjury or retaliatory or disruptive behavior will also be grounds for further disciplinary action.
- (12) **Liquor:** Use, possession, or distribution of liquor on college property. This is not intended to apply to use by students of legal age in a residence or at a college-sponsored event provided the event has an approved alcoholic beverage banquet permit (chapter 174-157 WAC, as amended). However, public appearance on campus or at any college-sponsored event while intoxicated, as defined by state law, will be considered a violation.
- (13) **Refusal to desist from prohibited conduct:** Refusal of students to desist from conduct prohibited by these rules.
- (14) **Smoking:** Smoking in an area not designated as a smoking area as defined by college rules. (WAC 174-136-160 to 174-136-170, as amended.)
- (15) **Theft or conversion:** Deprivation of another's property, including college property or services, without that individual's or the college's authorization.
- (16) **Violation of published campus policies:** Violation of published campus policies including, but not limited to, the academic honesty policy, the habitation policy, the sexual harassment policy, the discrimination policy, the hazing policy and the pet policy.
- (17) **Weapons, firearms, explosives and dangerous chemicals:** Firearms and weapons, as defined by state law, are prohibited on campus. Unauthorized use, possession or storage of any explosives, dangerous chemicals, substances or instruments which may be used to inflict bodily harm on another individual or damage upon college premises or at a college-sponsored event are prohibited.

These examples of student conduct code violations are not designed to define violations in exhaustive terms. The student conduct code does not supplant other existing policies.

LEVELS OF RESOLUTION (WAC 174-120-045)

(A) **Voluntary Mediation:** Community members who come into conflict with one another should make a determined effort to resolve problems peacefully and constructively between themselves. To facilitate this objective, the college encourages voluntary mediation through mediators (see definition). The mediators will assist the two parties to reach resolution. If successful, the parties will sign an agreement stating that resolution has been reached. If unsuccessful, both parties may agree to binding arbitration (see definitions) or either party may file a grievance with the Campus grievance officer (see definitions). If voluntary mediation is not agreed to and the matter is referred to the campus grievance officer, the case becomes a disciplinary matter between the accused and the college. The complainant serves as a witness during the college's presentation of evidence, if a hearing occurs.

(B) Campus Grievance Officer Review Process: (WAC 174-120-045 & 174-120-055)

- (1) **The basic role of the campus grievance officer** is to seek justice and educate the students about their rights and responsibilities. The campus grievance officer is responsible for determining if violations of the student conduct code have occurred, handling investigations in a thorough and timely manner, proposing corrective action on behalf of the college if warranted and for keeping all records specified in these grievance procedures.

Rights and Responsibilities

Exceptions:

- (a) Students presenting imminent danger to others, college property, and/or the educational process may be immediately suspended from the college by the president, Vice President for student affairs, or their designee(s).
- (b) In cases involving violations of the housing contract, the director of housing or his/her designee shall act as the campus grievance officer.

(2) Outline of the Campus Grievance Officer Review Process

- (a) **Reaching a Settlement Agreement:** If the campus grievance officer decides to pursue a case in the name of the college, the student may accept or deny responsibility for the violation. If the student accepts responsibility, she or he may propose a sanction in writing to resolve the case. The campus grievance officer may also propose a sanction. If agreement on responsibility and sanction(s) are reached, the settlement agreement (see below) shall be made in writing and signed by the student and the campus grievance officer. The student may withdraw the settlement by submitting a written statement of withdrawal which is received by the office of the Vice President for student affairs within twenty-four hours after being signed by the student.
- (b) **Settlement Agreement:** An agreement on responsibility and sanctions, if appropriate, shall be written and contain:
 - 1. A description of the violation for which responsibility is accepted;
 - 2. The agreed sanction, if any;
 - 3. Signatures of the student and the campus grievance officer.
- (c) **Temporary No-Contact Order:** The campus grievance officer may impose a temporary order to restrict contact between parties or access to facilities for the duration of the student conduct code grievance and appeals process.
- (d) **Failure to Respond to the Campus Grievance Officer's Request for a Meeting:** Failure to respond to a request for a meeting will result in an adjudicator hold (see definitions) on a student's registration file and could result in more serious sanctions.
- (e) **Decision by Campus Grievance Officer of No Cause Finding:** If the campus grievance officer determines, based on the evidence collected, that the accused has not violated the student conduct code, the accuser may request in writing within twenty calendar days that the Vice President for student affairs review the process and evidence collected by the campus grievance officer. No further review will be allowed if the Vice President for student affairs agrees that the process followed by the campus grievance officer was appropriate and that the act did not constitute a violation of the student conduct code.
- (f) **Failure to Reach a Settlement Agreement:** If the Campus grievance officer is satisfied that sufficient evidence exists to substantiate a violation and if a settlement has not been reached, he/she shall send to the student a notice of the formal charges, recommended corrective action, and the right to a hearing. If a student is not charged with a violation potentially punishable by emergency suspension (see corrective action, item 1), he/she must petition the Vice President for student affairs for a formal hearing within twenty calendar days after receipt of the campus grievance officer's charges. If the student fails to petition the Vice President for student affairs for a formal hearing, the recommended disciplinary action shall go into effect (unless emergency suspension has already occurred).

- (3) Except in cases of emergency suspension, the student's status at the college shall not be altered until the final opportunity for appeal has passed.

(C) Formal Hearing Notice, Process and Rights (WAC 174-120-065)**(1) Formal hearings will be subject to the following:**

- (a) Students have a right to a fair and impartial hearing on any charge of prohibited conduct and the right to confer with a representative present during the hearing.
- (b) Pursuant to state law, the college president authorizes the Vice President for student affairs to determine the trier of fact.
- (c) Unless the Vice President for student affairs determines otherwise, the trier of fact conducting a formal hearing shall be a hearing board.
- (d) Any such hearing shall be conducted pursuant to state law, RCW 34.05.410 through 34.05.494, as amended or superseded.
- (e) Hearings will be closed to the public and shall be deemed confidential
- (f) The student may request the presence of his/her representative.
- (g) An open hearing may be held, at the discretion of the trier of fact with the consent of the student.
- (h) In cases of emergency suspension, the process will be modified as set forth in WAC174-120-075 (student conduct code-- examples of corrective action).

Outline of What a Hearing Might Look Like

- a) Opening remarks by Trier of Fact/Chair of Hearing board
- b) Opportunity for parties to Challenge Trier(s) of Fact
- c) Opening Statement by Campus grievance officer
- d) Opening Statement by student appealing Campus grievance officer's decision
- e) Presentation of Campus grievance officer's findings (includes questioning of witnesses by all parties)
- f) Presentation of student appealing Campus grievance officer's decision's case (includes questioning witnesses by all parties)
- g) Closing statement by Campus grievance officer
- h) Closing statement by student appealing Campus grievance officer's decision
- i) Close hearing

(2) Default judgment process:

The failure of the appealing party to appear may result in a default

judgment. In cases of default judgment,

the student has a minimum of seven calendar days in which to file a written motion requesting that the order be set aside and stating the grounds for this request. The trier of fact must respond to this request in writing within seven calendar days. The student or campus grievance officer may appeal the trier of fact's response to the reviewing officer as set forth in WAC 174-120-080 (6) and (7).

(3) Formal Hearing Process: Notice of the hearing, including a statement of the particular rules

involved and matters asserted, shall be provided at least ten calendar days before any hearing. The appealing student and campus grievance officer shall inform each other of witnesses and, if applicable, representatives (through the office of the Vice President for student affairs) at least 3 calendar days before the hearing. Failure to provide a list of witnesses and/or the name(s) of their representatives at least three calendar days before the hearing will most likely result in disqualification of those witnesses and/or representatives. Both parties may submit brief written position statements to the designated Trier of Fact. Both parties have the right to:

- (a) Question witnesses and have a representative advise them throughout the process. The parties shall inform each other of their witnesses (with a maximum of one character witness) and representatives at least three calendar days before the hearing. Representatives may not appear in lieu of the student charged.
- (b) Have subpoena(s) issued by the Vice President for student affairs and/or trier of fact, subject to a convincing showing of the general relevance and reasonable scope of the evidence sought.
- (c) Petition for disqualification of a member of the hearing board.

Rights and Responsibilities

- (d) Challenge any hearing board member based on cause, such as personal bias. The unchallenged hearing board members shall hear the challenge for cause and make a finding. If cause is found, the Vice President for student affairs shall fill the vacancy forthwith. If the hearing board has an advisor, he/she may also challenge a hearing board committee member. Except for petitions for disqualification, hearing board members may be disqualified upon majority vote of the remaining board members.

(4) Other Rules that Govern the Formal Hearing Process:

- (a) The trier(s) of fact should not discuss the case outside of the hearing, and shall base their decision upon the evidence presented at the hearing.
- (b) The burden of proof shall be on the college which must establish, by a preponderance of the evidence (see definitions), that the student is responsible for a violation of the social contract and/or the student conduct code.
- (c) Formal judicial rules of evidence shall not be applicable, nor shall harmless procedural errors necessarily invalidate a decision or proceeding, unless significant prejudice to the rights of the student or the college would result. The trier of fact shall recognize rules of confidentiality and privilege, but shall otherwise admit all matters into evidence which reasonable persons would accept as having probative value in the conduct of their affairs.

Formal Grievance and Appeals Process Outline - In Brief**I. Campus grievance officer renders proposed corrective action.**

- A. If accused agrees, no further action.

-or-

- B. If accused disagrees, has 20 calendar days from receipt of proposed corrective action to petition Vice President for student affairs for formal hearing.

II. Vice President for student affairs Receives Petition for Formal Hearing

- A. Hearing shall take place within 90 calendar days.
- B. Notice of hearing will go out at least 10 calendar days before the hearing.
- C. Appealing student and campus grievance officer shall inform each other of witnesses and, if applicable, representatives (through office of the Vice President for student affairs) at least 3 calendar days before the hearing.

III. Hearing Date Arrives

- A. If party appealing appears:

- 1. Hearing takes place.
- 2. Within 15 calendar days of close of Hearing (or 30 calendar days of receipt of petition, whichever is longer), Trier of Fact shall reach decision.
- 3. Within 10 calendar days of receipt of decision, student may file appeal with Reviewing Officer.
- 4. Within 15 calendar days of receipt of appeal, Reviewing Officer renders final written order.
- 5. No further agency appeal.

-or-

- B. If party appealing Campus grievance officer's proposed corrective action fails to appear:

- 1. Trier of Fact will serve a default judgment (see definitions) or decide to hear the witnesses and take action.
- 2. Within 7 calendar days, the student/Campus grievance officer may file written motion requesting order be set aside.
- 3. Within 7 calendar days, the Trier of Fact must respond.
- 4. Within 10 calendar days, appeal must be filed with Reviewing Officer.
- 5. Within 15 calendar days, Reviewing Officer renders final written order.
- 6. No further agency appeal.

- (d) Undue repetitious or irrelevant evidence may be excluded.
- (e) Illegally obtained evidence cannot be used.
- (f) The Trier of Fact shall reach a final decision within thirty calendar days of receipt of the petition or within fifteen calendar days of the close of the hearing, whichever is greater. Decisions of the trier of fact shall be by majority vote of the members present and voting. The trier of fact's written findings and conclusions shall be delivered to the accused student by hand or certified mail to his/her last known address. (WAC 174-120-065)

(D) Procedural Appeal Process (WAC 174-120-085)

Within ten calendar days of receipt of the trier of fact's findings and conclusions, either the campus grievance officer or the student may submit to the president (L3109, ext. 6100) a written appeal. The president will appoint a reviewing officer who will conduct a procedural review. The reviewing officer will review the written and audio taped record. Within fifteen calendar days of the filing of the appeal, the reviewing officer must render a final written order. No further agency appeal is required or provided.

If the accuser is a victim of conduct which is considered violent, she/he is entitled, according to the Federal Education Rights to Privacy Act, to receive the results of the process, upon request, after the final opportunity for appeal has passed.

EXAMPLES OF CORRECTIVE ACTION (WAC 174-120-075)

The primary purpose for imposing corrective measures is to educate, deter and protect. Notification of corrective action shall be in writing, and shall indicate the terms of any suspension or termination and any special conditions which must be met before readmission. Students who have been sanctioned are expected to fulfill their sanctions as prescribed. A student who has been sanctioned for violating the student conduct code will be required to complete the sanctions prior to the award of the degree by the board of trustees. Factors to be considered in mitigation shall be the present demeanor and past disciplinary record of the student, as well as the nature of the offense and the severity of any damage, injury, or harm resulting from it. Repeated or aggravated violations of any rule may result in greater corrective measures, such as expulsion or suspension, as may be appropriate. A student's off-campus criminal conduct may also be considered in determining what discipline is warranted for similar on-campus conduct.

1. **EMERGENCY SUSPENSION:** Students presenting imminent danger to others, college property, and/or the educational process may be immediately suspended from the college by the President, Vice President for student affairs, or their designee(s). A hearing will be scheduled within twenty days unless otherwise waived by the student. At the hearing, the trier of fact will determine whether or not the summary suspension shall remain in effect throughout the duration of the grievance and appeals process. At the time of the suspension, the student shall be notified in writing if possible, and otherwise orally, of the basis for the emergency suspension and of his/her right to a formal hearing. If oral notification is given at the time of the emergency suspension, written notification shall be personally delivered or sent to the student's last known address within twenty-four hours. At least three days before the hearing, the grievance officer shall notify the student of her/his findings, proposed sanctions, witnesses to be called at the hearing and, if intended, representative. Except as noted here, the process will be followed as set forth in 174-120-065 (Student Conduct Code -- Formal Hearing Notice, Process and Rights).
2. **EXPULSION:** Permanent separation from the college and termination of community membership. The student may also be barred from college premises and/or college-sponsored events.

3. **PROBATION:** A trial period during which the student's conduct is monitored. Any additional violations of the Student conduct code during this period may be subject to exceptional disciplinary action.
4. **REPRIMAND:** Warning(s) that further misconduct may result in more severe sanctions.
5. **RESTITUTION:** Payment may be made to the college or to other persons, groups, or organizations for damages incurred as a result of prohibited conduct.
6. **SUSPENSION:** Temporary dismissal from the college and temporary termination of community membership for a stated period of time, but no longer than one year. The student shall not participate in any college-sponsored activity and may be barred from college premises. Suspension implies that the student may eventually return if evidence or other assurances are presented that convincingly ensure that prohibited conduct will not be repeated.
7. **TEMPORARY EJECTION FROM THE PREMISES:** Students on college property who willfully refuse to obey an order of the president, the president's designees, or law enforcement officers to desist from conduct prohibited by the college's rules and regulations may be ejected from the premises for a specified period of time not to exceed forty-eight hours. After a temporary ejection takes place, the campus grievance officer will conduct an investigation to determine if a violation of the student conduct code has occurred and, if so, what additional corrective action should be proposed. Refusal to obey the temporary ejection order will subject the student to arrest under the state criminal trespass laws, in addition to such other sanctions as may be applicable.
8. **OTHER SANCTIONS AND CONDITIONS FOR ENROLLMENT:** Other sanctions or conditions may be imposed if related to the violation. Sanctions could include, but are not limited to: Limiting extracurricular activities, restricting registration of motor vehicles, assigning community service. Students may also be removed from college housing for contract violations. Conditions for enrollment could include, but are not limited to: a psychological assessment and/or counseling.

DEFINITIONS (WAC 174-120-025)

For the purposes of the student conduct code, the following terms have the meanings indicated:

- (1) **"Adjudicative hold"** means a notification by the campus grievance officer or Vice President for student affairs that a student will not be allowed to register for classes until he/she gets a clearance from the grievance officer.
- (2) **"Binding arbitration"** means a process in which parties in conflict submit their differences to the judgment of an impartial third party appointed by the campus mediator with the consent of both parties.
- (3) **"Calendar day"** means all days of the month not just working days. In cases where a specified due date falls on a weekend or holiday, the working day closest to the date due will be used (i.e., if the tenth day deadline falls on Saturday, the document will be done on Friday).
- (4) **"Campus grievance officer"** means a faculty or staff person who shall be appointed by and accountable to the vice-president for student affairs. The grievance officer is responsible for determining if violations of this policy have occurred, for investigating and initiating formal disciplinary action on behalf of the college, and for keeping all records specified in these hearings procedures.
- (5) **"College facilities/premises"** means property owned, leased, operated, controlled, or supervised by the college:
- (6) **"College-sponsored event or activity"** means activities or events involving planning or funding or other approved or authorized participation by the college.
- (7) **"Default judgment"** means a decision made by the trier of fact that, due to the appealing student's failure to appear, the proposed sanctions of the campus grievance officer will be adopted by the trier of fact.

- (8) **"Evergreen community"** means currently enrolled students and currently employed faculty and staff members.
- (9) **"Exception to trier of fact's findings"** means a written request by either the campus grievance officer or the student requesting a review of the findings by the reviewing officer.
- (10) **"Hearing board"** means five community members appointed by and from the different sectors of the college community, which includes one faculty; one classified or exempt staff; and three students; to hear appeals of the campus grievance officer's findings. The Vice President for student affairs shall be responsible for ensuring that hearing board members and their alternates are appointed. The Vice President for student affairs will appoint the chair of the hearing board, who, with technical and clerical assistance of the Vice President for student affairs' office, will write and issue the board's finding. An assistant attorney general, an administrative law judge, or any qualified community member may serve as a nonvoting advisor to the hearing board on the hearing process.
- (11) **"Housing grievance officer"** means the director of housing or his/her designee. The housing grievance officer is responsible for determining if violations of the housing policy have occurred, for investigating and initiating formal disciplinary action on behalf of the college, and for keeping all records specified in the procedures.
- (12) **"Mediator"** means an impartial, neutral third party who helps disputants reach their own mutually agreeable settlement. Trained volunteer mediators are available through the campus center for mediation services, which also provides telephone conciliation and resource referral. In addition, the dean of student and academic support service is the campus mediator and has been appointed by the Vice President for student affairs. Any third party may serve as a mediator if mutually agreed upon by the parties in conflict.
- (13) **"Preponderance of the evidence"** means the greater weight of evidence or evidence more convincing to the mind than not.
- (14) **"Reviewing officer"** means an individual designated by the president to provide a review of the trier of fact's findings, conclusions, and sanctions, if any.
- (15) **"Student"** means a person enrolled for any amount of credit at the college. On-leave students, i.e., those admitted but not currently enrolled, may have their enrollment eligibility withdrawn if they do not abide by the student conduct code while on campus and are accountable to civil and criminal authorities.
- (16) **"Trier of fact"** means the hearing board, administrative law judge, or any other individual(s) designated by the vice-president for student affairs and responsible for hearing appeals of the campus grievance officer's findings and proposed corrective action.

SEXUAL ASSAULT

The Evergreen State College will not tolerate sexual misconduct, including rape, sexual harassment or sexual assault. Sexual misconduct can include any form of actual or attempted sexual activity perpetrated upon a person without that person's consent. This includes both sexual behavior coerced through physical or verbal threats, force or other forms of manipulation and sexual behavior when one person cannot give consent due to incapacitation. Such activities are against the law and are a direct violation of the College's Student Conduct Code, specifically the sections related to harassment/physical harm and/or the Sexual Harassment Policy. When violations are believed to have occurred, disciplinary action can be pursued.

IF YOU THINK YOU OR SOMEONE YOU KNOW HAS BEEN RAPED

The following information offers suggestions and options if you or someone you know has been sexually assaulted. Rape will be referred to as sexual assault throughout this document.

1. SAFETY

Get to a place where you will feel safe. If you are in immediate danger, call 911; if you are on campus, call the campus police at extension 6140.

2. MEDICAL OPTIONS

It is important to be checked for physical injuries, sexually transmitted infections, HIV and pregnancy. In spite of a strong and natural desire to clean up, it is best if you do not bathe, take a shower, douche or change clothes until after the physical examination. If you have to change your clothes, put the clothes you were wearing in a brown paper bag and take them with you to the hospital. (Avoid using a plastic bag as it can destroy chemical composition needed for testing). For accurate testing results, **it is important to get a rape exam within 72 hours; the sooner the better.** If you think you have been drugged with any date rape drug, you will need to ask the hospital to test for those specific drugs.

Local hospitals providing legal rape exams are St. Peter(413 Lilly Road 493-7289)and Group Health (700 Lilly Road, 923-7000 - members only). See Resource List for other area hospitals that provide legal rape exams. St. Peter Hospital will call a Safeplace advocate and a Sexual Assault Nurse Examiner for you. Rape exams at St. Peter Hospital are paid for through Crime Victims Compensation regardless of whether you file a police report or not.

If you decide to file a police report later and have not had a rape exam to collect evidence, it may be very difficult to convict your assailant. If you are 18 or older, the results of your rape exam will not be released to the police without your written consent. If you are under 18, the hospital is required by law to report that a rape has occurred. It is your choice whether or not you answer the questions the police ask you. However, without your cooperation, it is highly unlikely that the case will be prosecuted.

While the College Health Center (Seminar 2110, 867-6200) is not equipped to conduct legal rape exams, the staff can treat many injuries, test for pregnancy and sexually transmitted infections, provide free and anonymous HIV testing, and supply The Morning-After treatment.

3. LEGAL AND COLLEGE REPORTING OPTIONS

If you would like to report a sexual assault, contact the police or sheriff's department for the jurisdiction where the assault occurred.

- A) Campus Police Services - Seminar 2150 867-6140 An officer taking a report will thoroughly investigate the allegations and depending on the outcome will make an arrest and/or will forward the information to the Thurston County Prosecutor. The officer will notify the Sexual Assault Prevention

Coordinator as soon as possible. The coordinator will ask if you wish to have a trained student or Safeplace advocate present during evidentiary questioning and for on-going support. If the accused is identified, a report will be filed with the Thurston County Sheriff's office. When a campus police report is filed, the Grievance Officer is notified and will meet with you to discuss your grievance options.

- B) Thurston County Sheriff - Courthouse Complex Building 3: Call 911 or 786-5500 if the assault happens off-campus within the county.
- C) Lacey Police Department, 420 College SE: Call 911 or 459-4333
- D) Olympia Police Department, 900 Plum Street SE: Call 911 or 753-8300 if the assault happens offcampus in the city.
- E) Tumwater Police Department, 555 Israel Rd SE: Call 911 or 754-4200,
- F) Sexual Assault Prevention Coordinator - 867-5221 M-F between 5am and 5pm and Police Services (867-6140) after hours Even if you decide that you don't want to contact the police or are unsure what you want to do, call to discuss your options. The coordinator will provide support and assistance with making choices and seeking help.
- G) The Grievance Officer - 867-5052 will meet with you to decide if the college will file a grievance. The Grievance Officer always conducts a thorough and unbiased investigation before reaching a conclusion about whether a violation of the Student Conduct Code has occurred. The college encourages all parties to have a friend or advocate with them during the parts of the grievance process that are not closed to observers. Sexual Misconduct/Assault allegations are covered under Harm/Harassment in the Student Conduct Code.
- H) Special Assistant to the President for Civil Rights and Legal Affairs - Library 3103 867-6386 is tasked with the responsibility to enforce the colleges commitment to promote, maintain and encourage a learning and work environment free from all forms of discrimination, including sexual harassment. Sexual assault is considered a form of sexual harassment. Please contact the Civil Rights office for more details about the sexual harassment policy and procedures.

4. EMOTIONAL SUPPORT OPTIONS

- A) Get support from a friend, faculty, family member, peer advocate, Sexual Assault Prevention Coordinator, Safeplace advocate, Housing Resident Assistant (RA), Housing Resident Director (RD), advisor from First People's Advising Services or anyone you trust for immediate and/or long term support.
- B) Counseling Center - Seminar 4126 867-6800 Licensed therapists are available during the academic calendar year. Conversations with a licensed counselor are confidential and free. Drop-in hours vary from quarter to quarter but can be obtained by calling.
- C) Safeplace Rape Relief/Women's Shelter Services - 754-6300 TDD 754-6300 Safeplace Crisis Line workers and advocates are available 24 hours a day and are specially trained to help survivors through all phases of recovery, including medical treatment and the legal system. Safeplace can also provide you with confidential shelter for women and children. Male advocates are available upon request.
- D) Crisis Clinic - 586-2800, TDD 754-2818 The Crisis Clinic is available to provide referrals to counseling, emergency housing, medical needs and legal support.

Additional Campus Options

You are encouraged and welcome to contact any of the following offices:

1. Housing staff - (See Resource List for telephone #s): can provide support and work with you to develop a plan to assure your safety and support. The Director of Housing may require either party to move to a different room temporarily or permanently.

2. **Campus Temporary No Contact Order:** The Campus Grievance Officer can impose a Temporary No Contact Order on any and all parties involved in a harassment/assault complaint during an investigation.
3. **The Vice President for Student Affairs - Library 3236 867-6296:** can impose an emergency suspension that results in an immediate eviction from housing and a temporary ban from campus. The Vice President for Student Affairs, or his/her designee, will determine if an all-campus bulletin is appropriate and, whenever possible, will consult with the survivor about content and composition of the bulletin.
4. **Academic Needs:** If you and your assailant are in the same academic program, you may have the option of changing programs, or arranging an alternative study plan with your faculty.

CAMPUS PROCESSES

Survivors of sexual assault are strongly encouraged to use both the campus grievance process, sexual harassment complaint process, and the criminal justice system in pursuing action against the alleged assailant.

The Evergreen State College is committed to providing its students with an environment conducive to the pursuit of knowledge. Admission to the College carries with it the presumption that students will conduct themselves as responsible members of the community and refrain from actions that would endanger the health, welfare or safety of others.

Conduct constituting a sexual offense, such as rape, sexual or physical assault, or sexual harassment, will not be tolerated.

Students who commit sexual offenses of any form can be prosecuted under Washington State Criminal Code (RCW Chapter 9A) and/or disciplined under the College's Student Conduct Code (WAC174-120) and/or Sexual Harassment policy.

If the alleged assailant is a student, the survivor is encouraged to meet with the Campus Grievance Officer and/or Civil Rights Officer to file a written complaint. A written complaint allows the Grievance Officer and/or Civil Rights Officer to initiate an investigation.

The Grievance Officer and/or Civil Rights Officer will treat such a complaint with high priority and will conduct a fair and impartial investigation. Both parties will have the opportunity to tell their side of the event.

LEGAL POINTS AND OPTIONS

Regardless of whether or not the alleged assailant is a student, the survivor is encouraged to explore legal avenues for criminal action. Sexual assault, like other serious criminal offenses, is considered a crime against the State. Therefore, the prosecutor acts on behalf of the State and not directly on the survivor's behalf. The survivor becomes a major witness for the prosecution. Usually the prosecutor will want to interview the survivor to verify the accuracy of the police report, obtain additional information, and explain the judicial process. There is a Crime Victim Witness Coordinator in the Prosecutor's Office (360/786-5540) who can assist with paperwork, explain what could occur and offer emotional support while using the legal system, inform the survivor of available financial and emotional support options and make referrals. If the State decides not to prosecute, the survivor has the right to a complete explanation of how and why this decision is made.

The Washington State Justice System is the only legal recourse students have if the assault happens off campus unless the assault occurred during a college sponsored activity and/or on-going, connected problems occur on campus or at college sponsored events off campus. The Criminal Justice System is punitive, whereas the Campus system is education focused. Safeplace can provide you with advocates who are specially trained to help rape survivors make informed decisions while going through the legal system. Campus advocates are also available through the Sexual Assault Prevention Coordinator (ext. 5221). There is a Crime Victim Witness Coordinator at the Thurston County Prosecutor's office who can also provide you with assistance. This office will determine whether or not they will pursue your case based on the amount of evidence present and chances of conviction. The College's counseling and medical support systems are available to students throughout the school year.

RESOURCES

Seeking help or confiding in someone about being sexually violated can be difficult, particularly if the perpetrator was someone you knew and trusted. There are many resources on campus and in the community who want to help you.

On-Campus Resources

THE EVERGREEN STATE COLLEGE	866-6000
	Extension
Access Services Students with Disabilities	6348 - TTYO 866-6834
Counseling Center	6800
Emergency Contact through Police Services	6140
Dean of Student and Academic Support Services	6034
First Peoples Advising	6467
Grievance Officer	5052 or 6296
Health Center	6200
Housing	6132 - TTY 866-6694
During non-business hours, contact Police Services to contact an on-duty Resident Director	
Police Services -24 Hours	6140 - TTY 866-6696
Sexual Assault Prevention Coordinator	5221
Special Assistant for Civil Rights (Sexual Harassment Complaints)	6386
Tacoma Campus	6602
(Contact the Tacoma Police Department to report a sexual assault)	
Tribal Based Program	6020
Vice President for Student Affairs	6296

Most offices are open during regular business hours unless otherwise indicated.

Student Groups

Evergreen Queer Alliance	6544
Mens Center	6092
Peer Health Advocacy Team (PHAT)	6098
Coalition Against Sexual Violence	6749
Women of Color Coalition	6006
Women's Resource Center	6162

*Additional student groups are listed in campus directory.

Off-Campus Resources

Capital Medical Center (No Legal Rape Exam)	956-2590 - TTY 956-2570
Centralia Providence Hospital	(360) 736-2803
Crisis Clinic (24 Hour Crisis Line)	586-2800
Grays Harbor Comm Hospital (Aberdeen)(360)	532-8330 - TTY 800-833-6388
Group Health - Members Only	923-7000

Mason General Hospital (Shelton)	(360) 426-1611
St. Joseph Medical Center (Tacoma)	(253) 627-4101
St. Peter Hospital (Sexual Assault Nurse Examiners)	493-7766 - TTY 800-833-6388
Safeplace Rape Relief (24 Hour Crisis Line and Advocacy)	754-6300 - TTY 754-6300
Tacoma General Hospital	(253) 552-1000
Thurston County Prosecutor	786-5540
Washington Coalition of Sexual Assault Programs	754-7583

Unless otherwise stated, the listed hospitals provide legal rape exams and advocacy.

LIST OF TERMS

Acquaintance/Date Rape: Acquaintance/Date rape is non-consensual sex between adults who know each other. Studies show that 8 out of 10 victims know their attackers by at least a first name. Acquaintance/date relationships include platonic, dating, marital, professional, academic or familial; it is the most common and most likely form of sexual assault to occur on college campuses. *Rape by an acquaintance or date is every bit as traumatic as rape by a stranger.*

Advocate: A man or woman chosen by a survivor of sexual assault for support in a crisis to:

- respect their right to confidentiality
- listen sympathetically and supportively to their story
- share knowledge of medical and legal proceedings
- present options and choices
- help with safety planning
- make referrals or act as a liaison
- support and listen to feelings, values and beliefs
- assist in dealing with the College and State Legal systems should they choose to use one or both of them

Coercion: is defined as force or the power to use force. Intimidation, threats and peer relationship pressure are common behaviors used to coerce unwanted sexual contact or activity.

Consent: Both parties must agree, or gain consent, to any sexual activity before initiation. Consent is the act of willingly and verbally agreeing to engage in specific sexual contact or conduct. Obtaining consent is an on-going process in any sexual interaction. The request of consent must be specific to each act and should be obtained with each new level of physical and/or sexual contact/conduct in any given interaction, regardless of who initiates it. **Don't ever make any assumptions about consent,** do not take silence as consent; it isn't. Consent must be clear and verbal.

The person with whom sexual contact/conduct is initiated is responsible to express verbally and/or physically her/his willingness or lack of willingness when reasonably possible. If someone has initially consented but then stops consenting during a sexual interaction she/he should communicate withdrawal verbally and/or through physical resistance. The other individual(s) must stop immediately.

Controlled and illegal substances: Alcohol, marijuana and other controlled substances are present in most sexual assaults; the use or abuse of any of these does not excuse sexual misconduct of any kind. A person under the influence of alcohol or drugs is legally incapacitated, and therefore incapable of giving consent to sexual activity. Knowing or setting your own personal boundaries, or respecting other people's boundaries, may be harder if alcohol or drugs are involved.

GHB aka Home Brew: Also known as a date rape drug, GHB is a potentially lethal substance that is odorless, colorless and sometimes tasteless and undetectable when dissolved in a beverage. It has most of the symptoms of rohypnol.

Roofies aka Rohypnol: Also known as a date rape drug, Roofies are an illegal drug that is a potent and fast-acting sedative. The physical effects of the drug may be noticeable within 20-30 minutes after ingestion. It causes partial amnesia, drowsiness, confusion, impaired motor skills, dizziness, disinhibition, impaired judgment, and reduced levels of consciousness. It is especially dangerous when it is mixed with alcohol and/or other drugs.

Court orders: May be obtained at the Thurston County Courthouse:

- Protection Order - against a family or household member
- No Contact Order - against a roommate
- No Harassment Order - against the harasser
- No Stalking Order - against the stalker
- Restraining Order - against a spouse or person with whom you have a child in common

Incapacitation: A person can never give consent to sexual activity if they are physically or mentally incapacitated or if they are a minor under the age of 18. A person who is unconscious or under the influence of alcohol, illegal substances or/and prescribed medication is incapacitated.

Legal Rape Exam Kit: Sexual Assault Evidence Collection Kit Physicians report, diagnostic impressions and description of trauma and injuries, pelvic exam, collect samples of pubic hair, vaginal, oral, rectal exam, fingernail scrapings, saliva, clothing, secretions, check for injuries, blood typing, (swabs, slides, syringes) foreign materials, alcohol/toxology samples.

Rape: is defined by the Washington State Criminal Code as engaging in sexual intercourse with another person under any of the following circumstances:

- **1st degree:** Forcible compulsion including the use, or threatened use of a weapon, or what appears to be a weapon; kidnapping the victim; inflicting serious physical injury; feloniously entering into a building or vehicle where the victim is located.
- **2nd degree:** Forcible compulsion when the victim is incapable of giving consent because he or she is physically helpless or mentally incapacitated for any reason, including being under the influence of any drugs or alcohol.
- **3rd degree:** The victim does not consent to sexual intercourse with the perpetrator and such lack of consent is expressed by the victim's words or conduct.

Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or academic advancement;
- Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting an individual's employment or academic standing;
- Such conduct has the purpose or effect of unreasonably interfering with a person's work or academic performance or creating and intimidating, hostile or offensive work, learning or social environment.

ACADEMICS

Program Covenants

If you are a member of an academic program at Evergreen, (as opposed to taking an individual contract, or a single course), your program will probably have a covenant. Commonly, the covenant explains program expectations, and describes who is responsible for different aspects of program management. The covenant is also likely to explain the procedures to be followed if disputes arise among members of the program, and the grounds and procedures for the expulsion of students from the program.

If you are not aware whether your academic work is governed by a covenant, check with the faculty, or check to see whether a covenant has been filed in the Academic Deans' office.

Academic Honesty Policy

Academic honesty is a necessity in a learning community. It makes coherent discourse possible, and is a condition for all sharing, dialogue and evaluation. All forms of academic dishonesty, including cheating, fabrication, facilitating academic dishonesty and plagiarism are violations of the Social Contract and may be violations of the Student Conduct Code. Academic dishonesty may result in penalties as severe as expulsion from your academic program or even from the college.

Amending Student Evaluations

- (1) **PURPOSE:** The Family Educational Rights and Privacy Act (FERPA) is intended to protect the accuracy of a student's educational records. Federal law provides students with a right to a hearing to address *only* factual errors, misleading statements of a factual nature, or statements which violate individual privacy or other rights as related to FERPA. The FERPA process is not intended to interfere with assessments or decisions of a substantive and evaluative nature made by faculty or other professional staff.
- (2) **Process for Amending Faculty Evaluations of Students.**
 - (a) Every quarter faculty write evaluations of students. The evaluation is a statement of the quality and quantity of student work as perceived by the faculty member based on her/his professional judgment. **A student does not have a right to a hearing with an academic dean regarding a disagreement with the faculty member's professional academic judgment about the quality of work or award of credit.**
 - (b) In matters related to faculty evaluations of students, **students are expected to first talk with, or write to, the faculty member who signed the evaluation within 30 calendar days from the date the final evaluation was received by the student.** (The exception to this time limit is when an evaluation is received at the end of spring quarter and either the student or faculty member will be absent from the institution during the summer, in which case the student needs to contact the faculty member within 30 calendar days from the date classes begin the subsequent fall quarter.) The *only* exception to the requirement to contact the faculty member directly is when the case may involve issues of discrimination. In such cases, while students are still strongly encouraged to talk directly with the faculty member involved, they are not required to do so. Students should consult the Special Assistant to the President for Civil Rights in any case

which may involve illegal discrimination, including sexual harassment, as defined by state and federal statutes.

- (c) If resolution cannot be reached with the faculty member responsible for the evaluation, then, in cases of a team-taught program, the student is expected to talk with, or write to, the faculty team for the program. The faculty team must respond to the student within 20 calendar days. **If the faculty team decides not to amend the evaluation as requested by the student, the team shall inform the student in writing of their decision and the student has 30 calendar days to request a hearing from an academic dean.** The team or the academic deans office shall provide the student with a form to be used to request a hearing.

- (d) **When an academic dean receives a request for hearing, s/he will then determine if the case is appropriate for a hearing.** This will require the dean to determine: 1) that the student's request is not based merely on a disagreement with a faculty member's professional judgment; 2) that the student's basis for requesting an amendment addresses factual errors, misleading statements of a factual nature, or statements which violate individual privacy or other rights as related to FERPA; and, 3) that the request is being made on a timely basis (within 30 calendar days from the date the faculty member or the faculty team sent the student notice of their decision).

If the dean determines that the case is not appropriate for review, s/he will notify the involved parties in writing, stating the specific reasons for the determination, within 20 calendar days. Since the record would remain unchanged and no hearing would occur in this case, the student would retain the right to place a statement in his/her self-evaluation commenting on the contested information and/or stating why the student disagrees with the final decision.

- (f) **If the dean determines that the case is appropriate for review, a hearing will be scheduled within a reasonable time, not to exceed 45 calendar days.**

The dean will serve as the hearings officer.

The dean will give the student and faculty member notice of the date, time, and place, reasonably in advance of the hearing.

Minimally, the hearing will include:

- 1) an opportunity for the student to present her/his case, including the submittal of any supporting evidence; and,
- 2) an opportunity for the faculty member to submit evidence to support his/her decision.

The student may, at his/her own expense, be assisted or represented by one or more individuals of his/her own choice, including an attorney, at the hearing. Either party to the contested record must give advance notice if it is their intent to be represented by counsel at the hearing. In cases where the student exercises this option, the college will also have an attorney present.

- (g) **The dean will make a timely decision based solely on the evidence presented at the hearing.**

This decision will include appropriate action to be taken with the evaluation, which may include amending the evaluation. The dean must write a summary of the evidence and the reasons (based solely on evidence presented at the hearing), for the final decision to the involved parties. If the faculty member responsible for the evaluation still disagrees to amending the evaluation, the dean will write and sign the amended evaluation of the student.

- (h) **If the dean does not find the information in the faculty evaluation of the student to be factually inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student as related to FERPA, and the record of the student remains unchanged, the student has the right to place a statement in his/her self-evaluation commenting on the contested information and/or stating why the student disagrees with the final decision.**

(3) Sample Student Hearing Request Letter

I hereby request a hearing to challenge the content of the student record referenced above. (Please attach a copy of the record you want amended to this form and indicate the specific language you object to in the record and why this language is factually inaccurate, a misleading

Rights and Responsibilities

statement(s) of a factual nature or otherwise in violation of your privacy or other rights as related to FERPA.) The following is the basis for my request:

Academic Standing Policy

The academic standing of each Evergreen student is carefully monitored to ensure the full development of his or her academic potential. Any student not making satisfactory academic progress, as defined below, is informed of his or her standing in the college and is advised accordingly.

Evaluation by faculty of student achievement formally occurs at the conclusion of programs, contracts, courses and internships. In addition, any student in danger of receiving less than full credit is so notified in writing at mid-quarter by his or her sponsor. A student making unsatisfactory academic progress will receive an academic warning and may be required to take a leave of absence.

1. Academic warning. A student who earns fewer than three-fourths the number of registered credits in two successive quarters will receive an academic warning, issued by the dean of enrollment services. A student registered-for six (6) quarter-hours or more who receives no credit in any quarter will also receive an academic warning. Such warning will urge the student to seek academic advice or personal counseling from a member of the faculty or through appropriate offices in student development. A student will be removed from academic warning status upon receiving at least three-fourths of the credit for which s/he is registered in two successive quarters.
2. Required leave of absence. A student who has received an academic warning and who, at the next evaluation period, receives either an incomplete or less than three-fourths of the credit for which s/he is registered will be required to take a leave of absence, normally for one full year. A waiver of required leave can be granted only by the academic dean whose desk assignments include academic standing upon the student's presentation of evidence of extenuating circumstances. A student returning from required leave will re-enter on academic warning and will be expected to make satisfactory progress toward a bachelors degree. Failure to earn at least three-fourths credit at the first evaluation period will result in dismissal from the college.

Dismissal Policy: A student who is dismissed from the college for academic reasons will not be allowed to register for any academic program or course at the college during any subsequent quarter. A student who has been so dismissed may only be readmitted to the college through a successful petition to the academic deans. The petition must convince the deans that there are compelling reasons to believe that the conditions which previously prevented the student from making satisfactory academic progress at Evergreen have changed.

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

The Family Educational Rights and Privacy Act of 1974 (FERPA) concerns the right of students to access certain records and documents. The college's FERPA rules can be found in the Washington Administrative Code (WAC 174-280). These rules are also posted on the College's website at http://www.evergreen.edu/user/pol_proc/WAC280.htm.

COMPUTER SERVICES

Note: For the most current and complete computer services policies, please refer to the policies available on the Evergreen web site or in the college computer center or computer center web site (www.evergreen.edu/user/computing/academic/center/center.html).

TESC COMPUTER CENTER USER POLICIES

- **Appropriate Accounts Usage:** Users of computer services are expected to use its resources in a responsible manner and with regard for other user rights. Users are responsible for their own actions, account holdings, and resources
- **Avoiding Abuse of Computer Resources:** Computer services relies on peer pressure, individual responsibility, Evergreen rules and policies, acceptable use policies of the K-20 network, and the general body of law (local, state, and federal) to prevent abuse of the college's computing resources.
- **Disciplinary Action:** Disciplinary action against an individual shall be according to college grievance and disciplinary procedures and policies. An attempt will be made to resolve differences at the lowest departmental or divisional level.

K-20 NETWORK ACCEPTABLE USE POLICIES

The Evergreen State College is connected to the internet through Washington's K-20 network (www.wa.gov/K20/topc/aup.htm). The following is extracted from the K-20 Appropriate Use Policy.

1. Use of the network is restricted to educational purposes, i.e., activities consistent with the educational missions of the institutions and sectors. The determination of what is an "educational purpose" rests with each institution or sector. The term is intended to be defined broadly, and may include activities that directly or indirectly support the delivery of educational services. However, the following are presumed not to be educational uses:
 - Organized political or religious advocacy.
 - Resale or lease of K-20 shared bandwidth, electronics, or other equipment to private entities for commercial purposes. However, non-educational entities may utilize K-20 services under certain conditions set forth in paragraphs (2) and (3) below. For purposes of this document, resale or lease does not include educational institutions' arrangements with private entities for the transmission of (1) digital content developed by the educational entities as part of university-sponsored research; or (2) course materials, library resources, or ancillary materials, the dissemination of which is consistent with the institution's educational purpose.
 - The transmission of obscene material.
2. For the use of K-20 resources for videoconferencing services, priority shall be given to educational activities at K-20 Board-approved sites on a first-come, first-served basis. An institution may permit public sector non-educational entities to use its own (non-shared) videoconferencing facilities provided the following conditions are met:
 - The use involves facilities that would otherwise go unused.
 - The use involves only the on-site facilities and related equipment, and does not utilize K-20 transport or MCU capacity.
3. Where a shared component of a K-20 satellite uplink/downlink facility is underutilized, the trustee institution may find that the lease of the facility for non-educational commercial purposes is appropriate for limited periods to help offset the operational costs of the facility. Such lease arrangements are authorized provided the following conditions are met:

- The lease involves air time or equipment that would otherwise go unused.
 - The lease involves only the uplink/downlink facility and related equipment, and does- not utilize K-20 transport or other shared equipment.
 - The institution agrees to account to the K-20 Board for all monies obtained as a result of the lease.
4. The participants authorized by statute to use the K-20 network may only do so for activities which they are legally allowed to conduct and which do not conflict with state or federal law or policy which governs their endeavors. The network may not be used for illegal purposes. Entities have primary responsibility for enforcing the provisions of this document. While it is understood that enforcement here cannot be done through technology, it will instead be achieved at the end-sites and via the normal legal or policy channels relevant to appropriate investigation and adjudication.
 5. Where an entity is alleged to have violated one or more provisions of this document other than Section 1(3), the K-20 Board shall take appropriate remedial action, which may include suspension of an entity's network connection, only after providing the entity with notice of the specific allegations against it and an opportunity to respond to those allegations in writing or, at the entity's option, in public hearing. The K-20 Board shall set forth in writing the basis for any remedial action. Any entity whose connection to the network has been suspended by the K-20 Board may request reconnection to the network upon a showing that it has taken appropriate steps to correct the matter or matters that are the basis for the action.
 6. Nothing in this document is intended to preclude an entity from developing or enforcing its own acceptable use policies to supplement Section 2 of this document, provided its policies are not inconsistent with those set forth above. Where an entity proposes a policy that is inconsistent; it may at any time petition the K-20 Board for a waiver of one or more specific provisions. A petition for waiver shall set forth the provision or provisions for which waiver is sought; the grounds for such a waiver; the impact of a waiver, if any, on the technical operation of the network; and the fiscal impact, if any, on the network. The decision to grant or deny a waiver shall rest solely with the K-20 Board.

EQUAL OPPORTUNITY AND NON-DISCRIMINATION

From Evergreen's Affirmative Action and Equal Opportunity Policy

Evergreen maintains a policy of non-discrimination with regard to race, color, national origin, gender, age, marital status, sexual orientation/practice, religion, or disability.

Evergreen's Policy is in compliance with Title VI and VII of the Civil Rights Act of 1964 as amended, Title IX of the Federal Education Amendment of 1972, RC W Chapter 2813, RCW Chapter 49.60 as well as other applicable federal and state law and statutes.

A copy of the full text of Evergreen's Affirmative Action and Equal Opportunity Policy can be obtained by contacting the Special Assistant to the President for Equal Opportunity: (360) 8676368, or on the College's website under Policies & Procedures (www.evergreen.edu).

From Evergreen's Policy and Procedures on Sexual Harassment

A member of the Evergreen community will be judged to have committed an act of Sexual Harassment in either of the following circumstances:

- when the person uses authority or power to coerce another person into unwanted sexual relations or punishes another person for his or her refusal to engage in such relations.
- when that person through verbal, written, or physical conduct of asexual nature, adversely affects another person's ability to work or learn, by creating a hostile, intimidating or offensive environment.

Unwelcome sexual advances, requests for sexual favors, and other verbal, written or physical conduct of a sexual nature constitute sexual harassment when:

- a person threatens (explicitly or implicitly) another individual's employment or education as a consequence of that individual not submitting to such sexual conduct;
- a person makes decisions regarding an individual's employment or education based on that individual's submission to or rejection of a request for sexual favors;
- such sexual conduct interferes unreasonably with an individual's work or academic performance, or when such sexual conduct creates an intimidating, hostile or offensive environment.

Sexual harassment is a form of discrimination and is illegal. The College's policy on sexual harassment addresses violations of RCW Chapter 49.60, Title VII of the 1964 Civil Rights Act as amended, Title IX of the federal education amendment of 1972 as well as other applicable federal and state laws and statutes.

A copy of the full text of Evergreen's Policy and Procedures on Sexual Harassment can be obtained by contacting the Special Assistant to the President for Civil Rights: (360) 867-6386, or on the College's website under Policies & Procedures (www.evergreen.edu).

From Evergreen's Policy for Students with Disabilities

The College is obliged to provide reasonable accommodation to a qualified student with a known disability. The College determines which accommodations are appropriate for on a case-by-case basis consistent with the College's policy.

No student shall, on the basis of his or her disability, be excluded from participation in, be denied the benefits of, or otherwise be subject to discrimination under any college program or activity.

Equal opportunity will be provided to students in compliance with the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, RCW 2813.10.910 through .914, RCW 49.60, as well as other applicable federal state laws and statutes.

A copy of the full text of The Evergreen State College Students with Disabilities Policy can be obtained by contacting Access Services for Students with Disabilities: (360) 867-6348.

From RCW chapter 28B.110

The Evergreen State College is committed to following the provision of Gender Equity law of Washington State found in RCW chapter 28B.110.

The gender equity law requires that institutions of higher education eliminate possible gender discrimination towards students, including sexual harassment in the areas of student employment (to include pay scales, duties assigned, opportunities for advancement, conditions of employment) admissions standards, counseling and guidance services, academic programs, recreational activities including club sports and intercollegiate athletics, financial aid, benefits and services as well as other areas impacting the learning environment.

A copy of the full text of RCW chapter 28B.110 can be obtained by contacting the Special Assistant to the President for Civil Rights: (360) 867-6368.

Discrimination Grievance Procedures

The following information is intended as a guide to assist you in understanding your options for resolving complaints under Evergreen's non-discrimination grievance procedures. For a complete understanding of the complaint process please refer to the applicable policies.

Policies covering Equal Opportunity, Sexual Harassment and Students with Disabilities accommodation seek to protect students from discriminatory acts within the Evergreen Community because of race, color, national origin, gender, age, marital status, sexual orientation/preference, religion, or disability. Students who feel they have been discriminated against based on these factors are urged to utilize the grievance procedure provided through the President's staff office (Equal Opportunity and Civil Rights).

Policies covering discrimination also seek to protect complaining parties from any retaliation which might result from the filing of a complaint. Although the College's procedure for taking

action when probable cause exists varies depending on a person's membership in the campus community, the procedures leading to the action are the same. Members of the Evergreen community who come into conflict on issues of discrimination are encouraged to make an effort to resolve problems between themselves in a constructive and mutually agreeable manner. If the situation remains unresolved, a complainant (the person making the complaint) or a respondent (the person complained about) may contact the Special Assistant to the President for Civil Rights for the purposes of policy clarification, advice, assistance or mediation.

The Evergreen policy allows formal complaints to be filed within 300 days of the alleged act of discrimination, however, any formal complaint should be filed by the complainant as soon as possible. The complainant should be aware that facts are harder to substantiate and the investigation becomes more difficult as time passes. Records of formal complaints and their determination will be kept by the Special Assistant to the President for Civil Rights.

The college reserves the right to initiate an investigation conducted by the Special Assistant for Civil Rights, or appropriate designee, of an employee, student, or faculty member where there is substantial evidence that discrimination has occurred, regardless of whether a written complaint is filed.

Disclosure of names in complaints is required only in verbal notification, mediation and formal complaint cases. In preliminary reviews of a complaint, every effort should be made by all parties to protect the privacy of the complainant and the respondent. Confidentiality cannot be assured if information is requested by those having legal authority to review such materials, or if the facts of the case as presented are such that the person receiving the information would have a legal obligation to officially report the information (such as a case of sexual abuse, rape or an action involving violence).

The Special Assistant for Civil Rights maintains documentation and records with names only when complaints are processed and resolved by mediation or formal procedures. Disciplinary actions, including sanctions, may become part of an employee or faculty member's official personnel record or a student's educational record.

The following resolution processes identify a range of options from seeking clarification, to mediation, to filing a formal complaint with the Special Assistance for Civil Rights. A complainant may choose to pursue any of these options. These are not steps that need to be pursued sequentially. Rather, they are a range of types and degrees of action.

- 1. Advice from Special Assistant for Civil Rights.** Individuals may obtain information without filing a complaint. In cases of sexual harassment, in addition to the Special Assistant for Civil Rights, a second person of a gender opposite that of the Special Assistant will be designated and trained to help facilitate individuals (complainant and respondent) through the complaint resolution process. The Special Assistant for Civil Rights maintains a neutral position and should in no way be considered an advocate for either party. The Special Assistant for Civil Rights provides clarification and information to all individuals involved. Records will be kept regarding date and time of the inquiry, constituency of person making

the inquiry and of the accused, and nature of advice given. No names or specific characteristics of the situation will be kept. This ensures a minimal form of institutional record keeping without identifying individuals, while allowing the college to track generally the type and number of concerns. All participants are encouraged to exercise considerable discretion to assure confidentiality to the extent possible.

2. **Direct Resolution.** An individual may resolve the matter directly with the other party. This requires no intervention by the Special Assistant for Civil Rights.
3. **Verbal Notification.** People may seek the assistance of the Special Assistant for Civil Rights to notify an individual that a concern has been brought to the Special Assistant's attention. In this capacity the Special Assistant for Civil Rights does not mediate but merely informs the individual of perceived discriminatory action. The verbal complaint must be distinct and clear. The Special Assistant for Civil Rights must reveal the name of the person who has brought the concern forward. Records will be kept by the Special Assistant for Civil Rights regarding the date and time of the complaint, constituency of both parties, and resulting action taken or not taken. No names or specific characteristics of the situation will be kept. This ensures a minimal form of institutional record keeping without identifying individuals.
4. **Mediation.** An individual may seek the assistance from the Special Assistant for Civil Rights to locate a qualified mediator(s). Mediators work with both parties and provide assistance in reaching a mutually acceptable solution. Records of the mediation itself will not be kept by the mediators, except for documents signed by both parties agreeing to mediate in good faith and the final resolution document. Mediators may not become witnesses in any subsequent proceedings. (This is consistent with other mediation models which have been legally tested in court.) Information regarding the request for mediation and any specifics that parties voluntarily share with the Special Assistant for Civil Rights regarding the situation will be kept by the college as required by law. It is not required at this stage of the process that the names of other parties involved be revealed to the Special Assistant for Civil Rights, but if they are, the Special Assistant for Civil Rights may include that information in his/her files.
5. **Informal Resolution.** This applies only in cases brought under the Affirmative Action and Equal Opportunity policy. If the situation remains unresolved, either party may seek the assistance of the Special Assistant for Civil Rights. The purpose shall be to identify, clarify, discuss, and seek informal resolution of the concern with the appropriate parties. The parties are encouraged to attend and make a good faith effort to seek consensus and resolution.
6. **Formal Complaint.** Any person may begin formal grievance procedures concerning discrimination, to include sexual harassment or retaliation by any person or unit of the college, by filing a written description of alleged violation of this policy with the college's Special Assistant for Civil Rights. The Special Assistant for Civil Rights will provide forms for this purpose. Statements should be detailed, accurate and truthful, and must include a suggested resolution.

The respondent will be notified within three business days by the Special Assistant for Civil Rights that a formal complaint has been filed. The Special Assistant for Civil Rights will provide a copy of the complaint to the respondent. The respondent is encouraged to provide the

Special Assistant for Civil Rights a written response to the complaint within seven business days from date of the receipt. If the respondent fails to, or chooses not to answer a charge or participate in an investigation, this will not prevent the process from proceeding by his or her silence or absence. Failure to respond may result in the investigation proceeding solely on the basis of the complainant's testimony and evidence.

After a complaint is filed a resolution conference will be held to discuss the complainant response, clarify the issues and attempt a resolution. If not resolution is reached the following steps will occur:

An investigation is conducted by Special Assistant to the President for Civil Rights. If a finding of probable cause is made, the respondent could be subject to a range of sanctions from public acknowledgment and/or apology to termination of employment/dismissal from the college.

Respondents should refer to the Policy on Affirmative Action and Equal Opportunity and/or the Policy and Procedures on Sexual harassment for appeal rights.

The College considers the intentional of a false complaint of discrimination, including sexual harassment, to be serious misconduct. Sanctions for such an offense might include dismissal from the college or termination of employment.

The College prohibits retaliation against a complaint or anyone who assists the College in gathering evidence or being a witness.

A person who believes he or she has been the subject of discrimination/sexual harassment may choose to file with the following agencies:

Washington State Human Rights Commission
711 S Capitol Way, #402
Olympia, WA 98504-2490
(360) 753-6770
(800) 300-7525 (TTY)

Office for Civil Rights, Region X
U.S. Department of Education
915 Second Avenue, Room 3310
Seattle, WA 98174-1099
(206) 220-7900
(206) 220-7907 (TTY)

U.S. Equal Employment Opportunity Commission
Seattle District Office
Federal Office Building
909 First Avenue, Suite 400
Seattle, WA 98104-1061
(206) 220-6883
(206) 220-6882 (TTY)

PARKING REGULATIONS

Purpose.

- (1) To expedite college business, protect state property, provide maximum safety and convenience for all.
- (2) To assure access at all times for emergency vehicles and personnel.
- (3) To provide funds to obtain and maintain suitable campus parking facilities.
- (4) To protect and control vehicular traffic.
- (5) To protect the environment by encouraging parking and transportation alternatives that minimize the need for additional parking lots.

Drivers and owners of vehicles on the property of The Evergreen State College are responsible for safe and lawful operation of those vehicles. Individuals operating or parking vehicles on college-owned property must at all times comply with the campus regulations, ordinances of Thurston County and laws of the state of Washington.

Enforcement. Whenever an unattended vehicle is observed in violation of the regulations, the parking or public safety department shall take the registration number and other identifiable information and shall fix to the vehicle a parking infraction in a conspicuous visible location.

Responsibility for illegal parking.

- (1) The registered owner or permit holder is responsible for all parking violations involving the vehicle on which the permit is displayed.
- (2) In any review, appeal or hearing alleging the violation of any parking regulation, proof that the particular vehicle described was stopped, standing or parked in violation of such regulation together with proof that the person named in the complaint or infraction at the time of such violation was the registered owner or permit holder of such vehicle constitutes evidence that the registered owner or permit holder was the person who parked or placed the vehicle in the location the violation occurred.

Parking--Prohibited places.

- (1) No vehicle shall stop, stand or park so as to obstruct traffic along or upon any street or sidewalk or in any parking lot.
- (2) No vehicle shall park, stop or stand in a location likely to interfere with traffic flow except momentarily to pick up or discharge passengers.
- (3) No vehicle shall be parked on any lawn or grass areas except as required for maintenance or construction authorized by the director of facilities.
- (4) No vehicle shall be parked so as to occupy any portion of more than one parking space or stall as designated within the parking area. The fact that other vehicles may have been so parked as to require the violator to occupy a portion of more than one space or stall shall not constitute an excuse for a violation of this section.

Impounding of vehicles.

- (1) No disabled or inoperative vehicle shall be parked on the campus for a period in excess of seventytwo hours. Vehicles which have been parked for periods in excess of seventy-two hours and which appear to be disabled or inoperative may be impounded and stored at the expense of the registered owner. Neither the college nor its employees shall be liable for loss or damage of any kind resulting from impounding and/or storage services provided by a private vendor. Notice of intent to impound will be posted on the vehicle twenty-four hours prior to impound. In any case, the owner or operator of a disabled vehicle should notify the public safety or parking office of the vehicle's location and estimated time of removal or repair.

- (2) Any vehicle parked upon property of The Evergreen State College in violation of these regulations, including the motor vehicle and other traffic laws of the state of Washington, may be impounded and removed to such place for storage as the director of public safety selects. The expense of such impounding and storage shall rest solely on the owner or operator of the vehicle. Vehicles in violation of campus regulations or state traffic laws may also be impounded in place. Release from in-place impounds is contingent on payment of all outstanding fines and charges prior to release of the impounded/immobilized vehicle. The college and its employees shall not be liable for loss or damage of any kind resulting from such impounding and/or storage services provided by a private vendor.

Fines. (1) Payment.

- (a) Persons cited for violation of these regulations are required to pay a fine within ten days of the date of notice of infraction.
- (b) All fines are payable at the parking office. Fines may be paid in person during normal business hours or by mail. The notice of infraction must accompany any fine payment.

(2) Unpaid fines.

If any fine remains unpaid after ninety days from the date of the notice of infraction, the account may be referred to the controller's office for collection and the following actions may be taken:

- (a) All services on campus may be withheld including academic registration for the following academic period.
- (b) Transcripts may be withheld for any persons having outstanding unpaid fines.
- (c) The college has authority to contract with collection agencies in order to collect public debts according to RCW 19.16.500.
- (d) A vehicle accumulating three or more unpaid citations with one or more being ninety days delinquent in payment, may be impounded in-place until the outstanding fines are paid.

Deciding whether to pay or contest a notice of infraction. The notice of infraction issued pursuant to these regulations shall direct the alleged violator that he/she may elect either to pay the fine applicable to the violation charged or to request a review with the infraction review committee within ten calendar days of the date of the infraction.

- (1) If the alleged violator chooses to contest, a written request for a review will be filed with the chairperson of the infraction review committee, through the parking office. Requests for review forms are available at the parking office and at the parking booth. Requests for a review may be submitted without posting of the fine within ten calendar days after date of infraction.
- (2) The infraction review committee will review the written request for review and notify the appellant by mail of its decision.

Appeal/hearing procedure.

- (1) If the decision of the infraction review committee is not supportive of the alleged violator's request, the alleged violator may request one hearing before the review committee to present his/her case in person. The infraction review committee will meet a minimum of once a month to hear such appeals.
- (2) Persons requesting a hearing before the infraction review committee must make such requests to the chairperson of the committee in writing within ten calendar days of notification of the initial review decision.
- (3) The appellant will be notified by the chairperson of the infraction review committee of the time and date of such hearing. Decisions rendered by the infraction review committee on appeals heard shall be binding.

Appeal/hearing procedure--Rules of evidence. The rules of evidence applicable to courts of law do not apply. Any oral or documentary evidence may be received. The chairperson of the infraction review committee may exclude evidence as is irrelevant, immaterial or repetitious.

Appeal/hearing--Procedure--Review decision. Upon conclusion of the review and/or appeal, the chairperson of the infraction review committee shall render the decision of the review committee as to appropriateness of the assessed fines. The decision shall be recorded in the records maintained by the parking office and the secretary of the infraction review committee shall endorse his/her signature therein, certifying the record to be correct.

Appeal/hearing--Mitigation and suspension of fines. Upon the showing of good cause or mitigating circumstances, the infraction review committee may impose any lesser fine than those established in WAC 174-116-260 of these regulations or may dismiss the fine. The chairperson may grant an extension of time within which to comply with the review and/or appeal decision. A person charged with a parking infraction who deems himself or herself aggrieved by the final decision in an internal adjudication may, within ten calendar days after written notice of the final decision, appeal further by filing a written notice with the parking office indicating their intention to pursue the infraction through the civil courts. Documents relating to the appeal shall be maintained for such court process.

WACs 174-116-010 Purpose. and 174-116-011 Regulations. and 174-116-020 Authority. and 174-116-030 Enforcement. and 174-116-040 Parking permits--General information. and 174-116-041 Parking permits--Special exceptions. and 174-116-042 Parking permits--Special permits. and 174-116-043 Parking permits--Issuance and display. and 174-116-044 Parking permits--Validity periods. and 174-116-046 Parking permits--Revocations. and 174-116-050 Responsibility and presumption in reference to illegal parking. and 174-116-060 Designated and assigned parking areas. and 174-116-071 Parking--Prohibited places and fines. and 174-116-072 Impounding of vehicles. and 174-116-080 Access. and 174-116-091 Special parking and traffic regulations and restrictions authorized. and 174-116-092 Parking of motorcycles. and 174-116-119 Fines. and 174-116-121 infraction. and 174-116-122 Appeal/hearing procedure. and 174-116-123 Establishment of infraction review committee. and 174-116-124 committee. and 174-116-125 Appeal/hearing procedure--Rules of evidence. and 174-116-126 Appeal/hearing--Procedure-Review decision. and 174-116-127 Appeal/hearing--Mitigation and suspension of fines.

Election to pay or contest a notice of

Jurisdiction of the infraction review

RESPONSIBILITIES DRIVING ON CAMPUS: QUESTIONS AND ANSWERS

Where may I park? In any marked stall in a designated parking lot. If you hold a permit for B, C and F lots, you may NOT park in the MODS lot without a clearance from the Parking Office or (after Parking Office hours) Police Services. MODS lot permit holders may park in any lot. All other areas are prohibited to parking.

Are there time restrictions? The parking in all areas other than B, C, or F lot is time restricted and signed as such. Some stalls in B lot are restricted to one-hour parking and are marked as such; a one-hour pass from the Parking Booth is required to park in these stalls.

If I need to park in a restricted area, what do I do? Phone the Parking Office, ext. 6352, to request a clearance. Be prepared to give car make, model, color, location and license plate number. If the request is granted, you must vacate the spot by the time agreed upon. Otherwise: unless you are cleared, you are liable to being cited. Don't assume you are cleared by leaving a message at the office. When the Parking Office is closed, call Police Services, ext. 6140.

I received a parking ticket and want to contest it. What do I do? You must file an appeal within ten days of receiving the citation (as stated on the back of the citation). Appeals are read by the Infraction Review Committee, which represents the campus community: two students, one faculty, one classified staff and one exempt employee compose the committee. Appeal forms are available at the Parking Booth and the Parking Office.

Can't the Office just tear a ticket up? Sorry, no. Being licensed to issue citations by the Attorney General means that we may only cancel tickets which are in obvious error or which are one of a few well defined special cases. Mitigating/extenuating circumstances must be heard through the appeal process.

Why not build more parking lots closer to classrooms and make parking free? Evergreen has a long history of environmental activism. We try to be as responsible as possible about our impact on the ecosystem surround the College. Parking lots have serious consequences for storm water runoff and habitat for salmon and other species. We need to be aware of the costs of parking-both financial and ecological-while working toward more sustainable transportation alternatives.

Why do Evergreen police patrol the Parkway? Although the Parkway is used by many nonEvergreeners, it runs through college property and falls under the jurisdiction of the College's Police Services. Over the years, there have been a number of serious accidents on the Parkway that have led to many requests from community members for increased traffic enforcement.

PET POLICY

Pet policy - purpose. The intent of this policy is that pets and other animals must at all times be treated with due care and consideration for their well being.

Pet policy - animal control. All persons bringing animals onto college property shall be subject to Thurston county code 9.10.050 et seq., as amended, relating to the keeping and control of pet animals. Pets and other animals will not be allowed in campus buildings except for: guide animals accompanying disabled persons, shows or other similar approved events, or research or other study of animals sponsored as part of the instructional program. Pets and other animals may be on campus only when under the physical control of their owners or keepers. No animal shall be permitted to run at large; animals left tied up in the absence of the owner shall not be considered under direct control but, rather, to be running at large. Any pet animal found in a college building, or on campus not under direct physical control, is subject to impounding according to provisions of the Thurston county code, as amended, attached to and made a part of this policy.

Pet policy - enforcement. Any pet or other animal in a college building, or on the campus, not under the direct physical control of its owner or keeper, is subject to impounding by campus police. Owners or keepers may be subject to disciplinary action. Although principal responsibility rests with campus police, community support is urged in reminding pet owners of their obligation if a violation is observed by a community member. Impounded animals may be turned over to Thurston county animal control if left unclaimed, and fines may be imposed by county animal control.

Pet policy - definitions.

Pets and other animals means any animal other than:

- a human being;
- a caged bird;
- a fish in an aquarium.

Physical control means: control by means of a leash, cage, bridle, bowl, or other restraining device held by the owner/keeper and leading to the pet or animal. Voice control or indirect control by tying a leash to a railing, for example, **shall not** constitute physical control.

Owner or keeper means: the person the pet or other animal is accompanying.

HABITATING IN UNAUTHORIZED PLACES

Purpose. In the interest of health and safety, and to preserve campus ecosystems, The Evergreen State College expressly prohibits overnight habitation by any person in any place on the campus, including its buildings.

This prohibition does not apply to: The facilities provided for such specific purpose by the college housing operation; The permanent domiciles located on the college's "organic farm," on the extension of Indian Rock Road; Individuals for whom the prohibition is waived by a Vice President or his or her designee for fixed temporal periods and at fixed locations.

Penalties for violation. Any person who violates the above section may be referred to civil authorities for appropriate prosecution, including prosecution for violation of the law of criminal trespass. Students may be subject to the Student Conduct Code for repeated violations of this policy. (WAC 174-136-040 and WAC 174-136-042 36)

RECREATION AND ATHLETICS

THIS DIVISION SUPPORTS CRC BUILDING USERS, RECREATIONAL ACTIVITIES AND ATHLETICS, BOTH INTERCOLLEGIATE AND CLUB.

Each program has its own mission, codes and covenants, of which examples can be found below. Students in any of these programs may also be held accountable for violations of the Student Conduct Code.

THE WILDERNESS RESOURCE CENTER

A. MISSION

The Wilderness Resource Center (WRC) exists to act as a resource for individuals who have interest in wilderness activities such as hiking, climbing, cross-country skiing, bird watching, bicycling, and rafting. The WRC's goal is to enhance each individual's experiences in the outdoors, as well as to increase his or her awareness and responsibility for the areas they venture into. The privilege of sharing the wilderness entails a responsibility to understand its character and its vulnerability.

B. SAMPLE ADVENTURE TRAVEL COVENANT

Major decisions shall be made by consensus if possible; however, that failing, a majority vote shall rule with the minority opinion recorded. In the event of a tie the trip leader(s) will make the decision. We agree to abide by the final decision. In decisions regarding participant safety, a conservative opinion of the trip leader will prevail.

While important where ever we are, sanitary habits become critical when traveling as a group in the back country of a less developed country. We agree to take extra care to protect ourselves individually and as group members by adhering to the sanitation guidelines provided.

All recommended immunizations and other recommended health precaution practices will be satisfied unless they represent undue risks to one of us; in which case he/she will substantiate that with medical documentation.

Physical stamina and mental discipline will be essential on at least parts of any Evergreen Adventure trip. We will do our best to satisfy the minimum requirements.

We will insure that we equip ourselves with all of the recommended gear, and will agree to a pre-trip inspection of equipment.

We will not place ourselves or the group in jeopardy by using physical or mind altering drugs during Adventure Travel trips.

RECREATION CLUB SPORTS**A.MISSION**

To actively program recreational opportunities that promote fitness, reduce stress, enhance self-esteem, and provide relaxation for individuals involved. Encourage participation and sense of belonging . by appealing to diverse cross-sections of the Evergreen community.

Philosophy- Clubs are formed by students to provide students, faculty, staff, and community members the opportunity to become involved in an organized sport or activity; assist in operating, the club; and compete constructively through extramural competition.

This allows an environment that promotes social interaction, peer bonding, and inclusion on campus.

B. CONDUCT CODE

Upon confirmation of acceptance as a trial or continuing Sport Club, that club will be permitted to use the name of The Evergreen State College affiliation with the respective club title. In using the name of the College, the club officially 'represents both The Evergreen State College and the Division of Recreation and Athletics. The club is required to conduct activities in accordance with the rules and regulations of The Evergreen State College, Division of Recreation and Athletics, and the state of Washington. Club members are expected to conduct themselves in accordance with the student conduct code, policies of the Division of Recreation and Athletics and the state of Washington, and act in a mature and responsible manner both on and off campus. This applies to all club members whether or not they are currently enrolled students of The Evergreen State College.

Failure of any club (or club member) to abide by the rules and regulations contained in the documents listed above and/or failure to follow the policies of the Division of Recreation and Athletics and/or engage in unbecoming conduct that is detrimental to the College and/or the Division of Recreation and Athletics, will be subject to disciplinary action. The disciplinary action taken will depend on the offense and the history of the club (or club member) and may include: probation, loss of club recognition, restitution, suspension of club and/or club member(s), loss of financial support or other appropriate action(s) determined by the Recreation Programs Manager. Examples of illegal actions, violations of the student conduct code or policy of the Division of Recreation and Athletics:

1. Use alcoholic beverages in an inappropriate manner (e.g. public drunkenness, inability to participate due to alcohol misuse, consumption and/or distribution of alcohol on campus without a valid banquet permit, consumption of alcoholic beverages by minors).
2. Possess, consume or sell alcoholic beverages at College athletic events. This applies to everyone at on and off campus events and to varsity, intramural or club sports. This applies to students, faculty, staff and guests or others in attendance at the event (RCW 66.04.010 (2;) and 66.44.100).
3. There shall be no form of "drinking contests" in either promotion for the event or in the event itself.
4. Alcohol shall not be used as an inducement to participate in a campus event.
5. Promotional materials shall not make reference to the availability or the amount of alcoholic beverages.
6. Use controlled substances (drugs) including marijuana.
7. Misuse vehicles (e.g. use vehicles for private concerns, transport alcohol or drugs, exceed posted speed limits, and/or interior or exterior vehicle uncleanliness).
8. Damage to personal or public property, buildings, belongings and so forth. This applies on and off campus.

9. Public use of profanity and/or profane gestures.
10. Violations of criminal or civil law.
11. Failure to comply with the non-discrimination policy and the, social contract of The Evergreen .State College.

NAIA AND TESL INTERCOLLEGIATE RULES

NAIA STATEMENTS CONCERNING ELIGIBILITY

To be eligible to represent a member institution in any manner (scrimmages, intercollegiate):

- **YOU MUST**, if an entering freshman*, meet two of three entry level requirements:
*An entering freshman is defined as a student who, upon becoming identified with an NAIA institution, has not been previously identified with an institution of higher learning for two semesters or three quarters (or equivalent).
 - a. Achieve a minimum score of 18 on the ACT or 860 on the SAT. Tests must be taken on a national testing date (residual tests are not acceptable). Scores must be achieved on a single test. The ACT/SAT test must be taken on a national testing date and certified to the institution prior to the beginning of the term in which the student initially participates.
 - b. Achieve a minimum overall high school grade point average of 2.000 on a 4.000 scale.
 - c. Graduate in the top half of your high school graduating class.
- **YOU MUST** be enrolled in a minimum of 12 institutionally-approved or required credit hours at the time of participation. Should participation take place between terms, you must have been identified with the institution the term immediately preceding the date of participation.
- **YOU MUST** have accumulated a minimum total of twenty-four (24) institutional or required credit hours the two immediately previous terms of attendance. Up to 12 institutional credit hours earned during the summer and/or non-term may be applied to meet the 24-hour rule, provided such credit is earned **AFTER** one of the two immediately previous terms of attendance.
- **YOU MUST**, if a transfer student having ever participated in intercollegiate athletics at a four-year institution, reside for 16 consecutive calendar weeks (112 calendar days), not including summer sessions, at the transferred institution before becoming eligible for intercollegiate competition in any sport in which you participated while attending the previous four-year institution.
- **YOU MUST** be within your first 10 semesters, 12 trimesters, or 15 quarters of attendance as a regularly enrolled student. A term of attendance is any semester, trimester or quarter in which you enroll for nine or more institutional credit hours and attend any class. (Summer sessions are not included, but night school, extension or correspondence courses are applicable to this ruling.)
- **YOU MUST**, to participate in the second season of a sport, have accumulated at least 36 quarter institutional credit hours.
- **YOU MUST**, to participate in the third season of a sport, have accumulated at least 72 quarter institutional credit hours.
- **YOU MUST**, participate in the fourth season of a sport, have accumulated at least 108 quarter institutional credit hours.
- **YOU MAY NOT** participate for more than four seasons in any one sport. A season of competition is defined as participation in one or more intercollegiate contests, whether as a freshman, junior varsity or varsity participant, or in any other athletic competition in which the institution, as such, is represented during a sport season.

SAMPLE TEAM COVENANT

The following covenant, or agreement, was negotiated on by those whose signatures appear below. Each of the covenant articles listed is understood in spirit and intent by each of the signatories.

WE will attend practices regularly and will abide by procedure stipulated by our team mates, team captain, and coaches.

WE will schedule our academic work as top priority and schedule study time in such a way as to allow us to participate in soccer.

WE will abide by the common law, especially as it pertains to illegal drugs and weapons.

WE will abide by state, school, and team regulations governing the use of alcoholic beverages and illegal drugs.

WE will represent our team and school in sportsmanlike manner both on and off the field. WE will communicate grievances to our team captain and/or coach directly.

ATHLETES AND ILLEGAL DRUG USE

This College maintains a sanction that applies to all students participating in the different programs.

DRUGS: Immediate Suspension: Student Athletes found to have violated Chapter 69.41 RCW, legend drugs -- prescription drugs shall, upon conviction, be immediately suspended from participation in school sponsored athletic events by the director of athletics. The period of loss of eligibility to participate will be determined by the director at the conclusion of a brief adjudicative hearing, to be commenced within twenty days of the suspension.

CRC BUILDING USERS

The users of this building are obliged to abide by the equipment use, safety rules, fees and conduct standards set up by Recreation and Athletics for each of the facilities.

STUDENT EMPLOYMENT

These policies apply to students whose employment at Evergreen is based on a work-study award, and to "institutional" student employees who have not been awarded work-study through Financial Aid.

DISCIPLINARY ACTION AND TERMINATION

Fair practices relating to disciplinary action and termination of student employees.

Employers must advertise student jobs with accurate job descriptions, stating the eligibility requirements and full job description. Employers will provide a copy of these requirements to employees, discuss their job expectations with them, and provide training and orientation where necessary. Consideration of terminating student employees should be based upon the assumption that job orientation and training has occurred. All student positions will terminate at the end of the fiscal year unless otherwise agreed at the time of hiring.

An evaluation of work performance is required on a student employee's monthly time report. This evaluation should be thoughtfully done by the supervisor. An unsatisfactory evaluation signals the need for discussion with the student concerning his or her job performance. Written documentation of such discussion is advisable.

An employer must advise a student employee in writing of unsatisfactory performance at least once before termination. A written warning should precede actual termination by two weeks; however, this two week warning may be waived for incidents involving gross misconduct. A copy of written warning or termination must be maintained within the office of origin.

Reasons for terminating a student employee may include, but not be limited to, completion or elimination of job, loss of funding, failure to carry out work assignments, lack of cooperation with coworkers or supervisor, repeated tardiness or absence from work, unsatisfactory work, or gross misconduct. In the event a student employee feels unjustly treated with regard to pay rate, termination, or other employment related circumstances, that student shall first seek recourse with his or her employer. If satisfaction is not obtained, the employee may then request a review by the financial aid office. The financial aid office, in turn, will attempt to seek a solution that is mutually agreeable to the student and the employer.

STUDENT EMPLOYEE GRIEVANCE PROCEDURE

PURPOSE.

It is the intent of The Evergreen State College to assure that student employees are accorded the same rights and access to processes that other employees enjoy. This policy is intended to provide a grievance process that student employees can use to resolve conflicts related to employment that are not covered by other institutional policies.

INFORMAL RESOLUTION.

In the event a student employee feels unjustly treated with regard to pay rate, termination or other employment related circumstances, that student is strongly encouraged to first seek recourse with his/her employer. Student employees and the employer may decide together to make use of the mediation process through the Center for Mediation Services. In the absence of a satisfactory resolution, the student should seek intervention by the Director of Student Employment located in the Student Employment Office.

REFERRAL TO OTHER APPROPRIATE COLLEGE PROCESSES.

In cases involving violations of college policy regarding discrimination, sexual harassment or sexual assault, or in cases of violation of state or federal law, the Director. will refer the student to the appropriate office.

DIRECTOR OF STUDENT EMPLOYMENT.

One role of the Director of Student Employment is to facilitate a resolution that is agreeable to the student and the employer. The Director of Student Employment does not decide in favor of one party or the other.

GRIEVANCE PROCESS

Before action can be taken by the Director of Student Employment, a grievance should be put in writing. The grievance must be filed within 30 days of the action being contested. The written grievance should include the specific nature of the concern, dates and times of action being challenged and copies of relevant written materials and requested remedy.

The Director of Student Employment will collect any necessary and pertinent information relevant to the employment grievance and provide a copy of the student's grievance to the employer.

If necessary, the Director of Student Employment will arrange a joint meeting between the employer and the student employee.

If a joint meeting is scheduled, the Director of Student Employment will also request a written response from the employer.

If a meeting with the employer and the student employee is scheduled, either person may invite a support person to be present. Students may obtain the names of support persons from the Student Workers Organization or the Office of the Vice President for Student. Affairs. If either party invites a support person, the Director of Student Employment should be notified at least three days before the meeting so that the other party in the dispute can be informed and secure a support person if he or she wishes.

FAILURE TO REACH RESOLUTION BY DIRECTOR OF STUDENT EMPLOYMENT PROCESS. If a resolution is not reached, the student employee may seek a decision by the Vice President responsible for the student's area of work or a designee appointed by the Vice President. It is expected that the Vice President or his or her designee will request the written materials prepared for the Director of Student Employment and may collect other necessary information related to the complaint. The decision of the Vice President or his or her designee is the final appeal in the internal grievance process.

Who to see...

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RELATED DOCUMENTS

Many of these documents are also available from the Evergreen home page:

<http://www.evergreen.edu>.

Student Advising Handbook, Available from Academic Advising, L1401.

Housing Handbook, Available from the Housing Office, Dorm A, Room 322.

Enrollment Services Regulations, Available in Enrollment Services, L1221.

Family Educational Rights and Privacy Act (FERPA) rules,

http://www.evergreen.edu/user/pol_proc/WAC280.htm.

Sexual Harassment Policy, Available in the President's Office, L3109, x6100.

Affirmative Action Policy, Available in the President's Office, L3109, x6100.

Annual Crime Statistics Report, Available from the Police Services Office, SE 2150 x6140.

Pet Policy, Available from the Police Services Office, SE 2150 x6140 or the Office of the Vice President for Student Affairs, L3236 x6296.

Habitation Policy, Available from the Police Services Office, SE 2150 x6140 or the Office of the Vice President for Student Affairs, L3236 x6296.

Policy and Procedures on Sexual Assault, Available from the Vice President for Student Affairs, L3236

Substance Abuse and Prevention brochure, Available from the Vice President for Student Affairs, L3236

Recreation and Athletics Users' Covenants and Policies, Available in the CRC office.

Student Athlete Handbook, Available in the CRC office, or at www.evergreen.edu/CRC.