



## Sexual Offenses, Domestic Violence, Dating Violence and Stalking Policy

**IMPORTANT NOTICE:** In compliance with the U.S. Department of Education's Title IX Final Rule, effective August 14, 2020, Seattle University implemented a new policy, the [Policy for Complying with the Title IX Regulations-Title IX Final Rule](#), which impacts the application of the Sexual Offenses, Domestic Violence, Dating Violence and Stalking Policy. Please see the [policy](#) and the Office of Institutional Equity's [web page](#) for additional information.

Seattle University affirms respect, responsibility, and care between all persons. Conduct constituting domestic violence, dating violence, stalking or a sexual offense whether forcible or non-forcible such as non-consensual sexual intercourse, non-consensual sexual contact, sexual exploitation or sexual assault, will not be tolerated. Behavior of this nature is inconsistent with Seattle University values, and is a violation of the Code of Student Conduct and this Sexual Offenses, Domestic Violence, Dating Violence and Stalking Policy ("Policy"). Students committing a sexual offense in any form can be prosecuted under the Washington State Criminal Code (RCW 9A) and/or disciplined under the [Code of Student Conduct](#).

### Definitions

"Sexual offense" is a broad term that encompasses a range of behaviors including sexual assault, as well as other forms of misconduct or violence of a sexual nature, including, without limitation, dating violence, domestic violence and stalking. A sexual offense can occur between individuals who know each other, have an established relationship, have previously engaged in consensual sexual activity, and between individuals who do not know each other. A sexual offense can be committed by persons of any sex, sexual orientation and/or gender identity or expression.

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

"Domestic Violence" is violence committed (a) by a current or former spouse or intimate partner of the victim; (b) by a person with whom the victim shares a child in common; (c) by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (d) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or (e) by any other person against an adult or youth victim who is protected from that person's acts under the domestic or



family violence laws of the jurisdiction in which the crime of violence occurred.

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

“Sexual Assault” is any sexual penetration or sexual contact with another individual without consent.

### **What is Consent?**

Consent is knowing, voluntary, and clear permission, through word or action, to engage in mutually agreed upon sexual activity or contact. Silence or lack of resistance alone does not constitute consent. Consent must be ongoing, and it may be withdrawn at any time. Consent to one form of sexual activity or contact does not imply consent to others, nor does past consent imply present or future consent. Consent to engage in sexual activity or contact with one person does not imply consent to engage in sexual activity or contact with another person.

Consent cannot result from the use of coercion, intimidation, force, or threats. Consent cannot be obtained from an individual who is incapable of giving consent because the person:

- Is under the legal age to give consent (16 years of age in Washington); or
- Has a mental, intellectual, or physical disability that renders them incapable of giving consent; or
- Is otherwise incapacitated (as defined below), including through the consumption of alcohol or drugs.

Incapacitation is a state in which an individual is unable to make informed, rational decisions because they lack the capacity to understand the “who, what, when, where, why or how” of a situation or interaction. Individuals cannot give consent if they cannot understand what is happening, or if they are disoriented, helpless, asleep, or unconscious for any reason. That applies even if alcohol or drugs were voluntarily consumed.

Individuals who engage in sexual activity or contact who know or should have known that the other party is incapacitated are engaging in sexual misconduct. Physical indicators of incapacitation may include slurred speech, unsteady gait or stumbling, impaired coordination, unfocused or bloodshot eyes, vomiting, unresponsiveness, or, outrageous or unusual behavior.

[Under Washington law, consent means that at the time of sexual intercourse or sexual contact there are actual words or conduct indicating freely given agreement to have sexual intercourse



or sexual contact. RCW 9A.44.010(7). For purposes of determining whether a violation of the Policy occurred, the University's definition of consent will be used, not the state law definition.]

### **Where Can I File A Report?**

Anyone who has experienced dating violence, domestic violence, stalking or a sexual offense is strongly urged to report it to University officials, local law enforcement or both. Reports to University officials may be directed to:

Jill Moffitt  
Interim Assistant Vice President for Institutional Equity |  
Title IX Coordinator | ADA/504 Coordinator  
[jmoffitt@seattleu.edu](mailto:jmoffitt@seattleu.edu)  
206.220.8515

Dr. James Willette  
Associate Vice President/Dean of Students  
Student Center 140  
(206) 296-6060  
[willettj@seattleu.edu](mailto:willettj@seattleu.edu)

Department of Public Safety  
1313 E. Columbia St. (Columbia Building)  
Lower Level (Room 002)  
Seattle, WA 98122

### **What Happens If I Report?**

When you report a sexual offense, an incident of dating violence or domestic violence, or stalking, University officials will inform you in writing of your rights, options and the resources available to you. You will receive an explanation of how to file a complaint with local law enforcement if you choose and how Public Safety can assist you with that process; the University policy and procedures for sexual offense complaints; interim actions and measures that may be available to you; and information about the importance of preserving evidence for proof of criminal sexual offenses or for obtaining a protective order.

If you report to Public Safety, Public Safety will notify University officials who have a need to know, they will collect information in an impartial manner and will help to preserve relevant evidence. The steps Public Safety takes may vary depending on the circumstances and your needs.



### **What Are Possible Interim Actions And Measures?**

Appropriate interim actions and measures are determined on a case-by-case basis, and may include, but are not limited to the following: issuing a no-contact order, changing classes, assigning an individual to a different lab or other clinical setting, and reorganizing housing assignments.

### **Will My Report Be Confidential?**

The University will treat information it receives as part of University reporting procedures as confidential to the extent permitted. That means that only those within the University with a legitimate need to know will have knowledge of the victim's name and what occurred. If requested by the victim and to the extent possible, the name of the individual who experienced the sexual offense, dating violence, domestic violence or stalking will not be disclosed. Any warnings required to alert the campus community to security and safety threats will not include the victim's name. If the University decides its obligation to provide a safe and nondiscriminatory environment for all students requires it to proceed in a way that may allow the victim's identity to be known, the University will inform any student who has requested their personally identifiable information not be revealed that it cannot ensure confidentiality.

### **What If I'm Afraid of Retaliation?**

Retaliation because a person has filed a good faith complaint alleging a sexual offense, dating violence, domestic violence or stalking or participated in an investigation or other related procedure related to such a complaint is strictly prohibited. The University will respond promptly to investigate any claims of retaliation.

Examples of retaliation include, but are not limited to: harassment or bullying by the accused student or the accused student's friends or peer group; pressure on the complaining student to drop the complaint; making a negative education decision against a person who has filed a complaint; or threatening a person with physical harm or legal action. Anyone who engages in the above conduct may be found responsible for retaliation and sanctions imposed.

Any person who believes he or she has been the target of retaliation may file a complaint with:

Dr. James Willette  
Associate Vice President/Dean of Students  
Student Center 140  
(206) 296-6060  
[willettj@seattleu.edu](mailto:willettj@seattleu.edu)



Jill Moffitt  
Interim Assistant Vice President for Institutional Equity |  
Title IX Coordinator | ADA/504 Coordinator  
[jmoffitt@seattleu.edu](mailto:jmoffitt@seattleu.edu)  
206.220.8515

## Overview of the Student Conduct Process for Sexual Offenses, Dating Violence, Domestic Violence, and Stalking

*Note: For information about the university's student conduct process for all other types of incidents, see the [Code of Student Conduct](#).*

Seattle University's Integrity Formation conduct process for sexual offense, dating violence, domestic violence and stalking complaints will be prompt and equitable. Informal Resolution is not appropriate for sexual offense, dating violence, domestic violence or stalking cases. The University will investigate and resolve all complaints of sexual offense, dating violence, domestic violence and stalking in a prompt, fair, and impartial manner.

The University will provide both the Complainant and the Respondent an explanation of the procedures to be followed during the course of the conduct process. The procedures will follow those that are set forth in the Redhawk Commitment and Code of Conduct, but to the extent that anything set out in those sections is inconsistent with this Policy, the procedures set out in the Policy shall apply. These procedures include:

### I. Investigation and Conduct Process

For complaints against students under the Policy, the Assistant Vice President for Institutional Equity and Dean of Students, in consultation with appropriate University officials, will review the complaint and appoint an internal or external investigator or investigative team (the "Investigator") to conduct a prompt and fair investigation of the complaint.

#### a. Investigation

The Investigator will conduct the investigation based upon the facts and circumstances reported to the University and developed through the course of the investigation. The investigation will include one or more interviews with the Complainant, Respondent and witnesses. The investigation will also include the gathering and review of any physical, documentary, or other relevant and available evidence.



As part of the investigation, the Investigator will provide an opportunity for all parties to present written statements, identify witnesses and submit evidence. Prior to the conclusion of the investigation, the Complainant and Respondent will be given the opportunity to respond to a summary of the information developed through the investigation.

b. Standard of Proof

The determination as to whether the Respondent is responsible for violating the Policy will be made using the preponderance of the evidence standard. This standard requires that the information supporting a determination of responsibility be more convincing than the information in opposition to it. Under this standard, determinations of responsibility are based upon what is more likely than not to have occurred.

c. Investigation Findings and Outcome Notification

At the conclusion of an investigation, the Investigator will submit a written investigation report, including a summary of the investigation, the Investigator's findings of fact, and a summary of the Investigator's rationale in support of the findings of fact, to the Dean of Students or designee, and Assistant Vice President for Institutional Equity or designee. Upon the approval of the investigation report and findings of fact, the Dean of Students or designee, in consultation with appropriate University officials, will determine responsibility for violations of the Policy and the appropriate sanctions if there is a determination of responsibility. Both parties will be notified in writing of the outcome of the investigation, any sanctions and how to file an appeal.

d. Time Frame

The University will resolve all complaints and reports under the Policy in a prompt manner, endeavoring to do so within one hundred twenty (120) business days of the initial report.

Extenuating circumstances may arise that require an extension beyond 120 business days. Extenuating circumstances may include, but are not limited to, the complexity and scope of the allegations and investigation, the number of witnesses involved, the availability of the parties or witnesses, the effect of a current criminal investigation, any intervening University break or holiday, or other unforeseen circumstances.

In the event that the process departs the 120-business day time frame, the University will notify the Complainant and Respondent of the reason(s) for the departure and the expected adjustment in the time frame.



e. Coordination with Law Enforcement

The University's conduct process and the legal system work independently from one another. The University will proceed with responding to and investigating complaints under the Policy regardless of action or inaction by law enforcement agencies. If a law enforcement agency initiates an investigation, the University may temporarily delay its investigation and conduct process at the request of the agency in order to facilitate its initial evidence gathering. In the event that there is a delay in the investigation and conduct process, the University will notify the Complainant and Respondent.

Decisions made or sanctions imposed under the Policy and Grievance Procedures are not subject to change because of the outcome of any criminal or civil case arising from the same conduct.

f. Advisors

The Complainant and Respondent are both permitted to be accompanied by one advisor of their choice at any meeting during the investigation and conduct process. The advisor may not actively participate in the investigation or conduct process. The advisor may not submit documents, nor speak or ask questions, either directly or indirectly, on a party's behalf at any stage of the process.

If the Investigator determines that the advisor is disruptive, the University may dismiss the advisor for the meeting. In addition, in keeping with the University's commitment to resolve all complaints and reports under the Policy in a prompt manner, the University reserves the right to proceed with the process regardless of the availability of a party's chosen advisor.

## II. Sanctions

If a Respondent is found to have violated this Policy, the University will determine appropriate sanctions. Sanctions will be designed to end the conduct, prevent its recurrence, and remedy its effects on the Complainant and the University community.

Not all violations of the Policy will be deemed equally serious offenses and the University may impose different sanctions depending on the facts and circumstances. Possible sanctions include, but are not limited to, the following: educational activities; loss of privileges; disciplinary warning; disciplinary probation; residence hall suspension; suspension; dismissal from the University; revocation of a degree; and withholding a degree.

## III. Appeals

Both the Complainant and Respondent have a limited right to appeal the determination of whether or not a Policy violation occurred and any sanctions imposed. A written appeal must be



submitted to the trained University official identified in the notification of outcome to hear the appeal (the “Appeals Officer”) within five (5) calendar days of receiving the written notice of the outcome of the investigation. The appeals should consist of a plain, concise and complete written statement outlining the grounds for the appeal.

a. Grounds for Appeal

Appeals will only be accepted on one or more of the following grounds:

- Significant Procedural Error: A procedural error occurred that significantly impacted the determination. A description of the error and its impact on the determination must be included in the written appeal; or
- New Information: New information has been discovered that was not available or known to the appealing party during the investigation and the new information could substantially impact the determination; or
- Substantially Disproportionate Sanctions: The sanctions imposed were substantially disproportionate to the violation; or
- Abuse of Discretion: There was a clear abuse of discretion on the part of the Investigator.

Dissatisfaction with a determination is not grounds for appeal. Non-participation in the investigation and conduct process is not considered new information and grounds for appeal.

b. Review of Appeals

Upon receipt of an appeal, the Appeals Officer will provide the other party an opportunity to respond in writing to the appeal. Any response to the appeal must be submitted to the Appeals Officer within five (5) calendar days from receipt of the appeal.

The Appeals Officer will conduct an impartial review of the appeal. The determination and sanction are presumed to have been decided reasonably and appropriately. The appeal is not a new review of the underlying case. The Appeals Officer will consider the merits of an appeal only the basis of the three (3) grounds for appeal. The Appeal Officers will review the appeal statement, the other party’s response, the investigation report, findings, evidence, determination and sanctions. The Appeals Officer may also discuss the case with the Investigator and other individuals involved in the investigation and grievance process.

Upon conclusion of the review of the appeal, the Appeals Officer will uphold the original determination, alter the determination, send the case back to the Investigator with instructions, affirm the sanctions imposed and/or alter the sanctions. The Appeals Officer will communicate





the outcome of the appeal to both parties simultaneously in writing within fifteen (15) calendar days from the date of submission of all appeal documents by both parties. Extenuating circumstances may arise that require an extension beyond 15 days. In the event that the process departs this time frame, the Appeal Officer will notify both parties of the reason(s) for the departure and the expected adjustment in the time frame.

### **What other actions will the University take to prevent sexual offenses, dating violence, domestic violence and stalking?**

The University will have education programs for incoming students and new employees plus ongoing campaigns for student and faculty designed to promote awareness and prevention of dating violence, domestic violence, sexual offenses and stalking. Those programs will provide information about the following: the University's prohibition of sexual offenses, dating violence, domestic violence and stalking; how to file criminal complaints; relevant definitions used in the criminal process, including the definition of consent; safe and positive options for bystander intervention whenever there is a risk that a sexual offense, dating violence, domestic violence or stalking will occur; risk reduction and strategies to avoid potential attacks; and warning signs of abusive behavior.

The University will also provide information about the following: disciplinary procedures and sanctions, including protective measures it may impose; procedures for survivors to follow; how the University will protect a survivor's confidentiality including when a crime might be reported if a victim is unwilling or unable to make a report; services available both on and off campus for survivors; and options and assistance in providing accommodations to survivors, regardless of whether a report is filed with campus or local law enforcement.

## **Resources for Survivors and Students Accused**

### **On-Campus Resources**

#### [Seattle University Department of Public Safety](#)

1313 E. Columbia St. (Columbia Building)  
Lower Level (Room 002)  
Seattle, WA 98122  
206-296-5911 (24 hr. emergency)  
206-296-5990 (24 hr. non-emergency)  
206-296-5992 (business)

Department of Public Safety personnel are available to provide support services to all survivors of a sexual offense, incidents of relationship violence, and stalking. The department has trained



staff available 24 hours a day 7 days a week to provide resource information (on and off-campus), reporting options available both through the University Conduct System and local law enforcement, medical care options, basic safety planning and information on current civil orders for protection.

### [Counseling and Psychological Services \(CAPS\)](#)

**Student Center Pavilion 120**

206-296-6090

*Office Hours (By Appointment)*

Mon. - Fri. 8am - 12pm & 1pm – 4:30pm

CAPS counselors provide supportive counseling and consultation for individuals coping with the impact of sexual assault, stalking, and relationship violence as well as students accused of sexual misconduct. Counseling sessions are a safe, accepting and confidential place for survivors to work through any stage of the healing process. Counselors can also assist survivors and students accused of sexual misconduct with identifying on-campus and off-campus resources.

### [Student Health Center](#)

**Bellarmino Hall 107**

206-296-6300

*Academic Year Hours*

Mon. – Fri. 7am – 5pm

*Summer Hours*

Mon. –Thu. 8:30am - 4:30pm

Fri. 8:30am - 3pm

Closed daily 12:30pm - 1:15pm for lunch

The Student Health Center is a confidential medical clinic available to all Seattle University students. An appointment is required, and communicating the need for urgency in the event of sexual misconduct will allow for the soonest possible appointment. The Student Health Center can provide a medical examination as well as STD and pregnancy testing.

### [Wellness and Health Promotion](#)

**Student Center 380**

206-296-2593



Wellness and Health Promotion provides sexual misconduct prevention education on campus and staff members are familiar with information and resources. Additionally, the office is home to certified peer health educators known as the Health and Wellness Crew (HAWC) who serve as a great resource for a student looking to speak with another student about a sexual misconduct.

#### [Campus Ministry](#)

**Student Center 120**

206-296-6075

Campus Ministry is a place where students can confidentially talk to a priest, member of the clergy, or campus minister who is serving as a pastoral counselor. **People of all faith traditions and spiritual practices are welcome.**

#### [Office of the Dean of Students: Integrity Formation](#)

**Student Center 320**

206-296-6060

Integrity Formation, located in the Office of the Dean of Students, manages alleged violations of the Redhawk Commitment and Code of Student Conduct. Students who become aware of a sexual offense, incident of dating violence or domestic violence, or stalking, or may have been involved in a sexual offense, incident of dating violence or domestic violence, or stalking can come to this office to receive information about the campus student conduct process as well as immediate resources such as course changes, no-contact orders, or housing relocation.

#### [Housing and Residence Life](#)

**Campion 100**

206-296-6305

Housing and Residence Life offers 24-hour/day assistance to students. Area Coordinators and Assistant Area Coordinators are available during posted office hours as well as serving in an on-call capacity outside of the University's normal hours of operation. If a student is unable to locate their building's RD or ARD, a quick call to the main office will quickly reach another support person. Late at night, the on-call professional staff member may be reached by calling Public Safety. Housing and Residence Life's main goal is to provide support, safety, and appropriate resources.

### **Off Campus Resources**

#### [Seattle Police](#)

Call 911



### [Harborview Center for Sexual Assault & Traumatic Stress](#)

401 Broadway, Seattle, WA 98104  
(206) 744-1600

The Center for Sexual Assault & Traumatic Stress provides the highest quality, evidenced based services to help persons impacted by sexual assault and other traumatic events. In addition to direct services, the Center also provides education and consultation for health, mental health, and legal professionals; conducts research and evaluation; promotes prevention and works with communities to promote social change.

### Local Emergency Rooms

#### [Swedish Medical Center-Cherry Hill](#)

500 17th Avenue (between Cherry and Jefferson)  
(206) 320-2000

#### [Swedish Medical Center-First Hill](#)

700 Minor Ave (between Cherry and Marion)  
(206) 386-6000

#### [Harborview Medical Center](#)

325 9th Avenue (at Jefferson)  
(206) 744-300

### Hotlines

#### [King County Sexual Assault Resource Center](#)

1-888-99-VOICE (24 hr.)

KCSARC is a victim-advocacy organization that provides critical support, tools, and direct services to children, teens, women and men who are victims of sexual assault. KCSARC works with clients of all ages and from all backgrounds.

#### [National Sexual Assault Hotline](#)

1-800-656-HOPE (24 hr.)



### [Online Hotline](#)

In partnership with 1,100 rape crisis centers across the nation this hotline, provides free, confidential advice 24/7.

### [National Domestic Abuse Hotline](#)

800-799-SAFE (24 hr.)

The Hotline is free, confidential, and anonymous. It operates in more than 170 different languages through interpreter services, with a TTY line available for the Deaf, Deaf-Blind and Hard of Hearing.

### [Crisis Connections](#)

1-866-4CRISIS (24 hr.)

The 24-Hour Crisis Line provides immediate help to individuals, families and friends of people in emotional crisis. We can help you determine if you or your loved one needs professional consultation and we can link you to the appropriate services.