
COMPLIANCE & CIVIL RIGHTS

Annual Report for 2021-2022 Academic Year

July 2023

Washington State University



To the WSU Community

Holly Ashkannejhad, Director | Title IX Coordinator

Welcome to WSU Compliance and Civil Rights' annual report. The purpose of this report is to provide transparency about the activities of Compliance and Civil Rights (CCR), including information about complaints, investigations, outcomes, outreach and compliance activities. We also hope to continue to engage the WSU community in these topics and spark interest and activity related to compliance and investigation. CCR recognizes that addressing discrimination, harassment, and sex and gender-based violence; promoting privacy and security protocols; and identifying gaps and improvements areas in highly regulated areas takes a unified effort, and we thank our community partners for their collaboration.

For more information about CCR, please visit our website at ccr.wsu.edu.

Executive Summary

Compliance & Civil Rights Overview

Compliance and Civil Rights (CCR) is responsible for central compliance support for the WSU system and for providing technical guidance to the university community about equal opportunity, Title IX, Title VII, ADA, Affirmative Action, Clery Act, HIPAA, Uniform Health Care Information Act, and other state and federal civil rights and privacy laws and regulations. CCR also serves as the central resource for complaints under the WSU Policy Prohibiting Discrimination and Harassment, Executive Policy 15 (EP 15), providing investigations, consultations, informal resolutions, and referrals, as appropriate. For more information about CCR, please visit our website: ccr.wsu.edu.

Meet our Team

Director

Holly Ashkannejhad, J.D.

Director – Compliance & Investigation
Title IX Coordinator

Compliance

Kiara Drake, J.D.

Assistant Director – Civil Rights
ADA Coordinator

Sally Makamson

Assistant Director – Health Sciences
WSU Privacy Officer

Monica S. Collins

HR Consultant/Assistant

Kristopher Alina

Program Coordinator

Investigation

Jenna Van Klaveren, J.D.

Assistant Director – Investigations
Deputy Title IX Coordinator

K. Raleigh Hansen

Civil Rights Investigator/Coordinator
WSU Ethics Advisor

Shelley Wieck, J.D.

Civil Rights Investigator/Coordinator

Charlene Scheibe, J.D.

Civil Rights Investigator/Coordinator

Amanda Gernentz

Civil Rights Investigator/Coordinator

Taylor Ellsworth

Case Manager/Coordinator

Campus Partners

The work of building an equitable, diverse, and inclusive institution and addressing discrimination and harassment is system wide. CCR acknowledges and thanks the contribution of our system partners, including President Schulz, system leadership, Student Affairs, law enforcement and campus security, Human Resource Services, the Office of the Provost, Campus Chancellors and leadership teams, the Athletic Department, local victim advocacy agencies, and the support and leadership for CCR from the Chief Compliance and Risk Officer, Sharyl Kammerzell, and the Executive Vice President of Finance and Administration, Leslie Brunelli.

CCR is incredibly grateful for our university partners who continue to support WSU's efforts to combat discrimination and harassment, and to proactively adhere to WSU's compliance requirements.

Discrimination and Harassment Reports to CCR

CCR receives reports of conduct implicating the WSU Policy Prohibiting Discrimination and Harassment, Executive Policy 15 (EP 15). The data provided in this report includes information on reports that were initially made to CCR during the 2021-2022 academic year; this report does not include information about investigations that may have been initiated or completed during the 2021-2022 year, where those investigations were triggered by a report from a prior academic year. The data in this report represents both formal grievance procedures that were initiated by CCR and resulted in a resolution agreement or disciplinary sanctions, as well as reports that did not result in formal grievance procedures. CCR provides participants with a number of response options beyond the formal grievance process including departmental resolutions, educational responses, and supportive measures, with or without filing a formal complaint. Supportive measures can include steps such as no-contact orders, workplace or academic management plans, or safety provisions.

The 2021-2022 academic year resulted in a significant increase of reports to CCR (n= 685) from the 2020-2021 academic year (n= 431), likely because of resumption of on-campus presence and reduced COVID-19 restrictions. The reported cases stemmed from all parts of the WSU system, as follows:

Campus	Number of reports to CCR
Pullman	559
Vancouver	25
Spokane/Yakima	28
Tri-Cities	17
Everett/Bremerton	4
Extension	9
Global	13

Note: Some matters implicated more than one campus location.

For all cases received, CCR documented the concerns and initiated a university response, typically starting by reaching out to the complainant with information about resources and reporting options. Based on information provided to CCR, and, taking into consideration the wishes of the reporting party, CCR initiated 36 investigations into allegations regarding student and/or employee conduct under EP 15 reported to CCR during the 2021-2022 academic year. CCR also resolved 8 matters through the resolution process, an alternative to investigations which resolves grievances through a binding agreement between parties, often including punitive or protective measures. CCR provided 42 consultations and made referrals in 149 matters. In collaboration with numerous campus partners, CCR also facilitated supportive measures for students and employees throughout the year in approximately half of all matters (n=311), including connecting students to support and care resources in Student Affairs, connecting employees to the Employee Assistance Program, facilitating workplace or classroom management solutions, identifying and implementing protective solutions in technology, requesting flexibility for students relevant to their specific needs, facilitating meetings with law enforcement and local victim advocacy agencies, re-arranging work or academic schedules, engaging in educational meetings and outreach, working with supervisors to monitor and address staff behavior, engaging in preliminary information gathering to support a complainant's needs, engaging in safety planning, arranging residence hall room changes, reporting students in need to the Student Care Network, utilizing intermediaries between parties for ongoing work or academic needs, implementing temporary restrictions on location access, and facilitating consultations on financial support, accommodations, and medical leave.

The below table includes a breakdown of the status of reporting and responding parties for the 2021-2022 academic year. Please note, "students" can include WSU students, former WSU students (not alums, but those who are recently not enrolled), prospective WSU students, or students from another institution. "Employees" includes faculty, administrative professionals, civil service, bargaining unit, temporary/hourly, and student employees. Finally, CCR also receives reports which do not fit into these categories (e.g. complaints more appropriately directed to other agencies, complaints with anonymous

responding parties, complaints involving individuals or organizations not affiliated with WSU, and complaints against individuals affiliated with WSU, such as volunteers).

Report involves:	Number of Reports
Student reporting party	469
Employee reporting party	113
Student responding party	250
Employee responding party	155

Note: Some matters involved multiple reporting parties or responding parties, and/or unknown responding parties.

Consistent with past years, the vast majority of complaints to CCR involve allegations based on sex and/or gender, indicating a continued need for Title IX prevention and response training and education. The following table includes the number of reports made for each protected class category identified in Executive Policy 15. There was an increase in the numbers of reports received related to Disability (38%), National or Ethnic Origin (34%), Race (32%), Religion (75%), Sex and/or Gender (53%), and Sexual Orientation (59%).

Protected Class	Count of CCR Reports
Age	6
Color	41
Creed	4
Disability	58
Gender identity or expression	23
Genetic information	3
Immigration or citizenship status	5
Marital status	4
National or ethnic origin	56
Race	102
Religion	24
Sex/gender	427
Sexual orientation	48
Veteran/military status	5

CCR Investigations

CCR conducted 36 investigations/inquiries from matters reported during the 2021-2022 academic year. These investigations looked into alleged conduct from various WSU community members, including:

<u>Primary Respondent Category</u>	<u>Number of investigations</u>
Administrative Professional	7
Bargaining Unit	3
Civil Service	4
Faculty	9
Graduate Student	1
Undergraduate student	10
Former Student (non-Alumni)	1
WSU Department	1
Alumni	1
Student Employee	1

The table in Appendix A includes information on the outcome of CCR investigations from reports that were received in the 2021-2022 academic year. In order for a violation to be noted, it must be supported by a preponderance of the evidence. Please note, where the tables denotes that no violation was found, this does not necessarily mean that the conduct did not occur. It may mean that CCR did not receive sufficient evidence to make a violation finding or the conduct may have not risen to the level of a violation, but may still implement other employment or student conduct code policies.

CCR serves as a neutral investigator. CCR’s investigation reports are provided to the complainant and the respondent, as well as the appropriate sanctioning authority for final determinations under university policy. For student respondents, CCR investigation reports are shared with the Center for Community Standards which may engage in conduct officer or conduct board hearings, depending on the severity of the conduct. Additionally, for student matters, students may share their preferred outcome with the Center for Community Standards, which at times will engage in a resolution agreement process to achieve outcomes based on preferences. For employee respondents, CCR investigation reports are provided to the respondent’s supervisor for review under employment disciplinary policies. For all matters, participants

also retain appeals rights, which can be exercised prior to any final university decision. Finally, for matters involving Title IX Sexual Harassment, as defined in Executive Policy 15, participants had the right to participate in a formal hearing in compliance with the federal Title IX regulations. Appeals are available in all cases.

Finally, it is important to note that even in matters where CCR did not find a violation of Executive Policy 15, the conduct may still be inappropriate, unprofessional, or in violation of other university policies, such as the Workplace Violence and Bullying Policy or the Standards of Conduct for Students. CCR is not authorized to investigate or make recommended findings under any policy but EP 15. Such matters are referred to the appropriate department or supervisor for further action under those policies.

2021-2022 Achievements and Initiatives

In addition to providing consultations, compliance recommendations, and researching civil rights compliance requirements for the campus community on a regular basis, CCR partners with university departments to proactively address and respond to compliance concerns. Below are some highlights from the '21-'22 academic year.

- Completed Security Risk Assessments for health sciences components.
- Regularly provided at request, on-demand, and scheduled trainings for classes, student organizations, community forums, and employees, tailored to meet the needs of the requesting organization, including trainings on Title IX, Discrimination and Harassment Prevention, Clery Act Compliance, HIPAA Compliance, ADA Compliance, and Reporting and Resource Options.
- Published the WSU Pullman Annual Security Report, in partnership with the WSU Police Department and other campus partners.
- Developed yearly Affirmative Action Report and submitted VETS-4212 report to the Office of Federal Contractor Compliance Programs.

-
- Developed comprehensive EEO/AA workforce and recruitment reports for specific areas and distributed them to senior leaders in each area to allow for data-driven planning and recruitment strategies.
 - Created a new Case Manager position and successfully onboarded a Case Manager to provide greater outreach and support to potential complainants
 - Partner with the Athletics Department to develop an attestation and disclosure process as required by the NCAA
 - Provided annual training to system Title IX Deputy Coordinators and to the CCR Appeals Committee
 - Gathered feedback from the CCR Student Feedback Committee on CCR processes and outreach efforts.
 - Developed document management guidelines for healthcare areas
 - Initiated a building security review with health sciences partners
 - Developed new Employee Discrimination and Harassment Prevention Training
 - Developed a HIPAA Quick Start Guide for campus partners
 - Partnered with WSU Police Department, the Office of the Dean of Students, and the Center for Community Standards to provide educational outreach and warnings related to student safety
 - Participated in the WSU Syllabus Committee to support inclusion of language relating to civil rights responsibilities in system syllabi
 - With campus partners, developed and promoted numerous trainings and events to celebrate the 50th anniversary of Title IX
 - Developed an internal case processing manual
 - Formalized a new intake consultation process to provide a low pressure entry point for uncertain complainants
 - Updated website to include detailed information on medical services relating to sexual assault and drugging reports
 - Partnered with the Voiland College of Engineering to develop a resource to ensure students at WSU-Bremerton had access to information and resources on campus safety and violence prevention.

-
- Gathered campus partner feedback regarding compliance needs regarding programs with minors and researched laws, regulations, and best practices to support policy and training development
 - Developed schedule of CCR's Percipio trainings for employees and updated PowerPoints for ease of reading, accessibility, and WSU branding
 - Updated WSU's First Amendment guidance for students and updated the provost office's student speech protocol
 - Developed ADA compliance trainings for faculty and supervisors
 - Provided ADA compliance trainings for New Faculty Orientation, the Associate Deans Council and faculty on the Vancouver, Tri-Cities, and Spokane campuses
 - Requested and compiled descriptions of action-oriented programs colleges and areas enacted to further WSU's DEI goals and affirmative action obligations and added those programs to WSU's 2022 Affirmative Action Plan Narrative
 - Updated WSU's accessibility website to increase navigability and ease of use
 - Created a triannual Workday announcement to explain WSU's need for employee demographic data and urge employees to update their responses as needed
 - Worked with HRS to update the offer letter template and onboarding checklist to explain WSU's need for employee demographic data and urge employees to provide their information
 - Drafted compliance communications regarding service and support animals, reasonable accommodations, and employee demographic information, for annual/biannual release
 - Developed and presented ADA/EP 15 refresher training for access advisors, emphasizing collaboration with students and faculty, risk management, and timely CCR referrals
 - Developed and presented webinar on the intersection of sexual harassment and disability as part of WSU's 50th anniversary of Title IX series
 - Updated the service animal in training waiver process and materials for waiver recipients

-
- Worked with College of Veterinary Medicine to gather documentation and finalize service animal exclusion areas within Veterinary Teaching Hospital
 - Collaborated with system access offices to update faculty notification letters to include best practices for questions and concerns about specific accommodations
 - Collaborated with the Provost's office in the rollout of its faculty compensation review
 - Published Protected Health Care Information Breach Response Policy and Patient Access to Protected Health Information Policy
 - Reviewed all WSU Business Associate Agreements and developed procedure for tracking and auditing in conjunction with the Procurement and Contract Services Office
 - Published updated Notice of Privacy Practices
 - Encrypted email solution guidelines created and published

Appendix A: Investigation Outcomes

Protected Class	Conduct	RP Status	CCR Outcome
Color; Immigration or citizenship status, except as authorized by Federal or State law, regulation, or government practice; National or Ethnic origin; Race; Religion	Comments; Discriminatory Harassment; Disparate Treatment	Faculty	CCR investigation found that the RP did not violate EP 15.
Gender Identity or Expression; Physical, mental, or sensory disability, including the use of a trained service animal	Comments; Violation of Discrimination Law; Disparate Treatment; Discriminatory Harassment	Civil Service	CCR investigation found that the RP did not violate EP 15.
Gender Identity or Expression; Sex and/or gender	Comments; Cyber and/or Telephone Harassment; Suspicious Circumstances	Undergraduate student; Student employee	CCR investigation recommended a finding that the RP violated EP 15.
N/A - Retaliation	Retaliation	Administrative Professional	CCR investigation found that the RP did not violate EP 15.
National or Ethnic origin; Physical, mental, or sensory disability, including the use of a trained service animal; Race	Comments; Discriminatory Harassment; Disparate Treatment	Faculty	CCR investigation found that the RP did not violate EP 15.
National or Ethnic origin; Physical, mental, or sensory disability, including the use of a trained service animal; Race	Comments; Intimidation; Retaliation	Faculty	CCR investigation found that the RP violated EP 15.
Physical, mental, or sensory disability, including the use of a trained service animal	Discriminatory Harassment; Disparate Treatment; Negative Employment Action	Administrative Professional	CCR investigation found that the RP did not violate EP 15.
Physical, mental, or sensory disability, including the use of a trained service animal	Disparate Treatment; Negative Employment Action	Administrative Professional	CCR investigation found insufficient evidence that the RP violated EP 15.
Physical, mental, or sensory disability, including the use of a	Violation of Discrimination Law	Faculty	CCR investigation found that the RP violated EP 15.

trained service animal			
Physical, mental, or sensory disability, including the use of a trained service animal	Discriminatory Harassment; Disparate Treatment	Undergraduate student	CCR investigation recommended a finding that the RP did not violate EP 15.
Physical, mental, or sensory disability, including the use of a trained service animal	Retaliation; Disparate Treatment; Negative Employment Action	Administrative Professional	CCR investigation found that the RP violated EP 15.
Race	Discriminatory Harassment; Comments	Undergraduate student	CCR investigation recommended a finding that the RP did not violate EP 15.
Race; National or Ethnic origin	Comments; Disparate Treatment	Faculty	CCR investigation found that the RP did not violate EP 15.
Race; Sex and/or gender; National or Ethnic origin	Comments	Faculty	CCR investigation found that the RP did not violate EP 15.
Religion; Sex and/or gender	Comments; Intimidation; Suspicious Circumstances; Threats; Bullying or workplace violence; Discriminatory Harassment; Unwanted Physical Contact; Interference	Civil Service	CCR investigation found that the RP violated EP 15.
Sex and/or gender	Cyber and/or Telephone Harassment; Dating Violence	Graduate student	CCR investigation recommended a finding that the RP did not violate EP 15.
Sex and/or gender	Cyber and/or Telephone Harassment	Alumni	CCR investigation recommended a finding that the RP did not violate EP 15.
Sex and/or gender	Comments; Disparate Treatment	Administrative Professional	CCR investigation found that the RP violated EP 15.
Sex and/or gender	Sexual Assault	Undergraduate student	CCR investigation recommended a finding that the RP violated EP 15.
Sex and/or gender	Disparate Treatment	WSU Department	CCR investigation found that the RP did not violate EP 15.

Sex and/or gender	Cyber and/or Telephone Harassment; Discriminatory Harassment; Threats	Former Student (not enrolled, non-Alumni)	CCR investigation recommended a finding that the RP violated EP 15.
Sex and/or gender	Retaliation; Discriminatory Harassment	Civil Service	CCR investigation found that the RP violated EP 15.
Sex and/or gender	Unwanted Physical Contact	Undergraduate student	CCR investigation found that the RP violated EP 15.
Sex and/or gender	Sexual Assault	Undergraduate student	CCR investigation recommended a finding that the RP violated EP 15.
Sex and/or gender	Comments; Disparate Treatment; Suspicious Circumstances	Faculty	CCR investigation found that the RP did not violate EP 15.
Sex and/or gender	Cyber and/or Telephone Harassment; Suspicious Circumstances; Quid Pro Quo Sexual Harassment	Faculty	CCR investigation found that the RP did not violate EP 15.
Sex and/or gender	Discriminatory Harassment; Comments; Disparate Treatment; Interference	Bargaining Unit; Administrative Professional	CCR investigation found that the RP did not violate EP 15.
Sex and/or gender	Suspicious Circumstances; Sexual Assault; Unwanted Physical Contact; Discriminatory Harassment; Comments	Bargaining Unit	CCR investigation found that the RP violated EP 15.
Sex and/or gender	Comments; Disparate Treatment	Faculty	CCR investigation found that the RP violated EP 15.
Sex and/or gender	Sexual Assault	Undergraduate student	CCR investigation recommended a finding that there was insufficient evidence that the RP violated EP 15.
Sex and/or gender	Unwanted Physical Contact; Sexual Assault; Comments	Bargaining Unit	CCR investigation found that the RP violated EP 15.

Sex and/or gender	Comments; Convert Professional to Romantic; Cyber and/or Telephone Harassment; Disparate Treatment; Suspicious Circumstances	Undergraduate student	CCR investigation recommended a finding that the RP violated EP 15.
Sex and/or gender	Sexual Assault; Stalking	Undergraduate student	CCR investigation recommended a finding that the RP violated EP 15.
Sex and/or gender	Comments; Suspicious Circumstances; Unwanted Physical Contact	Civil Service	CCR investigation found that the RP violated EP 15.
Sex and/or gender	Sexual Assault	Undergraduate student	CCR investigation recommended a finding that there was insufficient evidence that the RP violated EP 15.
Status as an honorably discharged Veteran or member of the military	Comments; Disparate Treatment	Administrative Professional	CCR investigation found that the RP did not violate EP 15.