



Fall Policy Workshop 2020

Presented by: Deborah Danner & Annika Scharosch



Welcome to Eastern Washington University!

We are excited to have you here at the university. As a new employee we want to help better prepare you for your role and ensure you understand a number of key policies and related responsibilities that apply to all employees.



State Employee Status

- Eastern Washington University is a state agency.
- As state employees you have certain roles and responsibilities set forth in federal and state law.
- If you come from the private sector or another public university or college, the responsibilities at Eastern may be different than your prior employment.



Policies and Resources



- The overarching objective today is to provide an overview of key EWU Policies and your related responsibilities.
- We also will provide web links and contact information for our University experts so you will know what to do, where to go and who to contact for information, assistance and guidance.



Key Policies-- Policies can be accessed at <https://inside.ewu.edu/policies/>

- Ethics in Public Service
- Confidentiality
- Whistleblower Program
- Drug/Alcohol Abuse Prevention
- Information Technology
- Student Rights & Records
- Public Records Act
- Diversity & Nondiscrimination
- Mandatory Reporting
- Title IX & Sexual Misconduct
- Fraternalization/Consensual Relationships
- Retaliation
- Accommodations
- Bullying
- Purchasing & Contracts



Ethics in Public Service

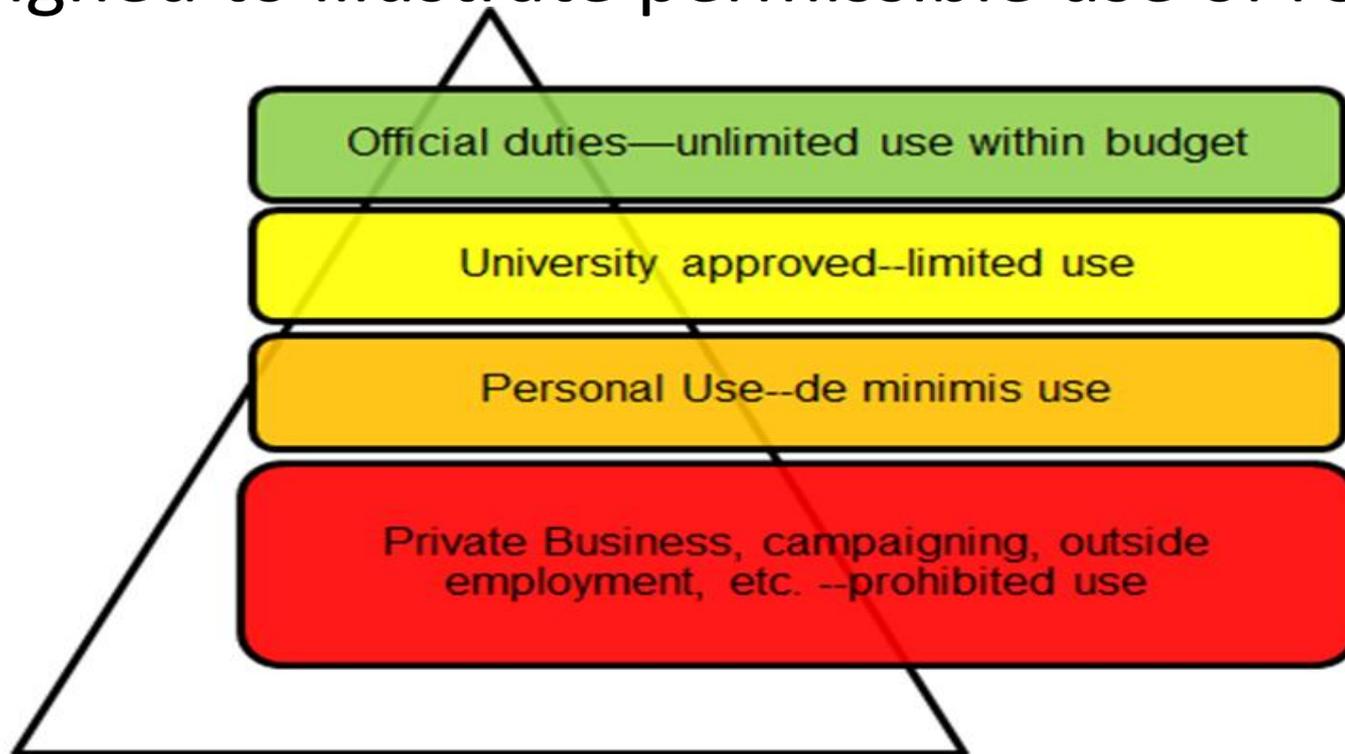
Eastern has several policies detailing employees' responsibilities under the Ethics in Public Service Act, Chapter 42.52 RCW:

- Policy 901-01 (Ethical Standards)
- Policy 901-02 (Appropriate Use of Resources)
- Policy 401-02 (Additional or Outside Employment)
- Policy 203-03 (Cellular Telephones & Services)



Use of State Resources

Ethics Act violations often happen because employees misuse state resources. This graphic is designed to illustrate permissible use of resources.



What is a State Resource?

State resources include your office computer, laptops, smartphones, internet, copy machine, employees and their work effort, your own time and work effort, office supplies, vehicles and other items acquired by the University using any source of funds including grant funds.



What is “De Minimis” Use?

De minimis use is permitted when:

- Does not result in any cost to the state;
- Does not interfere with performance of official duties;
- Brief and no disruption due to volume or frequency;
- Does not compromise security or integrity of state information or software.

Practically this means you can call to schedule a personal medical/dental appointment or call your kids to confirm they made it home from school as long as you limit the frequency and length of communications.



What is Limited Use?

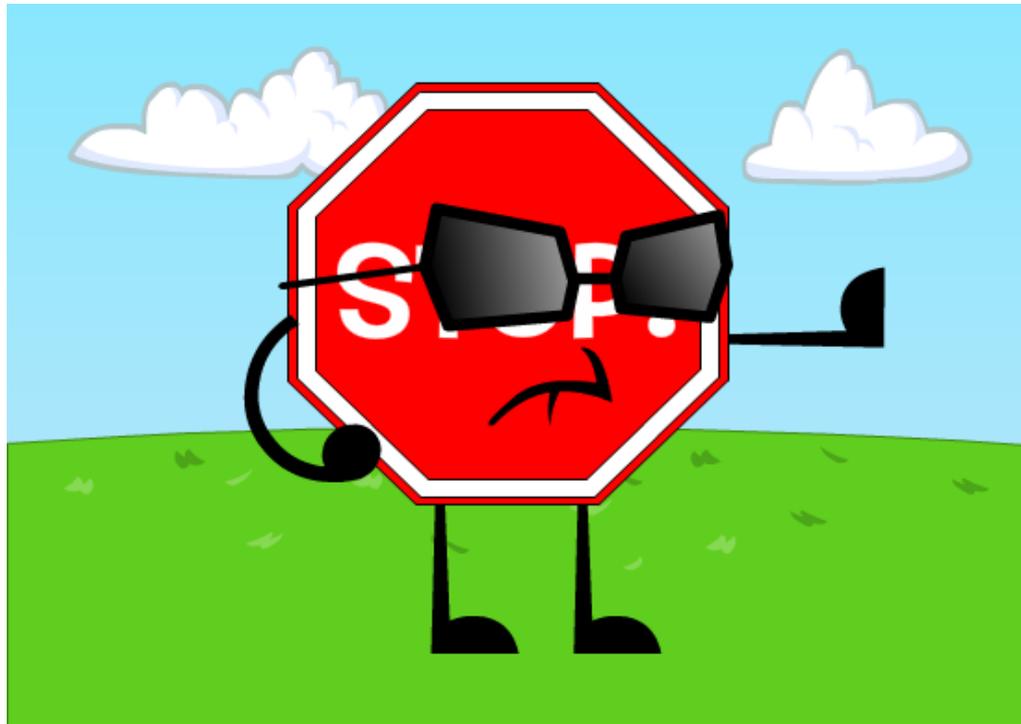
Per Policy 901-02, limited resources may be used to promote institutional effectiveness:

- Greetings and announcements (e.g. birthday greetings)
- Social gatherings to acknowledge accomplishments of colleagues or to celebrate holidays or events
- Training that enhances an employee's job-related skills
- Service activities approved in advance by your supervisor and appropriate vice president
 - Service activities must benefit or promote EWU's mission
 - Generally resources cannot be used to promote private business, including non-profit



Prohibited Use of Resources

- Private/Outside Business
- Campaigning/Lobbying



Other Prohibited Activities

- Using position to secure special privileges or to grant exemptions to benefit you, family members or other persons; e.g. trying to influence colleagues to give your children priority registration.
- Having a personal beneficial interest in a contract made under your supervision; e.g. having a speaker come to campus for a fee if the speaker is a family member or participating in a transaction with an outside business where you're an officer or employee.



More Prohibited Activities

- Receiving gifts in the amount of more than \$50.
- Employees should refrain from receiving gifts that create an *appearance* of impropriety.

E.g. if, in addition to your full-time position, you teach an evening class you accept a gift from a student who is in a class you are teaching which may be perceived to influence grading.



Requirements for Honorarium

- Employees must obtain advance approval if cash or cash equivalent (stocks, bonds, gift cards)
- Prohibited if could potentially influence an interest of the person offering it including:
 - a. Award of a contract or grant;
 - b. Regulatory role; or
 - c. Enactment of legislation, administrative rules or policy
- Employees may use state time/resources to prepare materials for an honorarium if the activity is related to official role; and accept an item valued at ***less than*** \$100.



Outside/Additional Employment

In general outside/additional employment (including teaching) may be permitted if it does **not** involve another state agency; occurs outside regular work hours; and does **not** create a potential conflict of interest.

Complete the Outside/Additional Employment form obtain approval prior to beginning the position:

<https://inside.ewu.edu/policies/knowledge-base/ewu-401-02-additional-or-outside-employment/>.



Frequently Asked Ethics Questions

Frequently Asked Questions regarding use of state resources may be found here:

<http://www.ethics.wa.gov/RESOURCES/FAQ.htm>

Topics covered include:

- Use of campus internet for personal purposes
- Using your office computer to listen to internet radio
- Sales of candy and cookies from charitable organizations in the workplace
- Unsolicited promotional items provided by a vendor



More Information

- If you have any additional questions regarding the State Ethics Act, please contact the University Ethics Officer, Deborah Danner, 509-359-2383, ddanner2@ewu.edu; or
- Visit the Executive Ethics Board website, www.ethics.wa.gov or
- Contact the Board:
 - PO Box 40149, Olympia, WA 98504;
 - Phone: 360-664-0871



Confidentiality

CONFIDENTIAL

EWU has several policies and regulations governing privacy:

- **EWU 401-06 Protected Health Information:** details requirements for protecting confidential medical information for departments designated as EWU Healthcare consistent with HIPAA.
- **EWU 203-01 Information Security:** details requirements to ensure security, privacy and integrity of IT systems and institutional data consistent with state laws and regulations
- **EWU 202-08 Identity Theft Protection:** details standards for protection of personal information for students and employees.
- **EWU Policy 901-01 Ethical Standards:** details requirements to properly manage confidential records.
- **EWU Policy 402-03 Accommodating Persons with Disabilities:** details confidentiality of records regarding individual's disabilities.



Confidentiality

Employees must maintain the confidentiality of certain records including:

- Student education records,
- Personal health information,
- Personal, credit card and consumer information,
- EWU security data,
- Login and user ID information and passwords,
- Confidential employment records,
- Information protected from disclosure under public records act,
- Attorney client privileged information, and
- Information EWU has a legal or contractual obligation to keep confidential



Confidentiality

Employees are prohibited from:

- Disclosing confidential information to anyone not entitled to receive it, and
- Concealing records that are required to be released, such as in response to a public records request, even when the records could be embarrassing or contain information that an employee would prefer not to release.



More Information

You can find more information about the policies that address confidentiality at:

<https://inside.ewu.edu/policies/>



Washington Whistleblower Program

- Current employees may report in good faith suspected improper governmental activity
 - gross waste of public funds,
 - violation of federal or state law/regulations or
 - substantial and specific danger to public health and safety
- Activity must be reported within one year after occurrence
- Cannot investigate complaints involving personnel matters
- Assertions may be filed anonymously
- Retaliation is prohibited



More Information

- More information is available at:
<https://inside.ewu.edu/hr/complaint-reporting/the-whistleblower-program/>
- Whistleblower reporting forms are at:
<https://sao.wa.gov/report-a-concern/whistleblower-program/>



Drug and Alcohol Abuse Prevention

The university prohibits the unlawful manufacture, delivery, possession, or use of alcohol, controlled substances, and drug paraphernalia while on university-owned or controlled property, while conducting university business, during any university sponsored activities, whether on campus or not.

EWU Policy 602-01.



Prohibition--Under the Influence

Employees may not be under the influence of alcohol while on university property, performing job duties, conducting university business, driving an official vehicle, or participating in any on or off campus university activity.

Being “under the influence” is defined as exhibiting impaired behavior which may limit a person’s ability to perform their expected tasks or which poses a threat to the safety or well-being of the person or others.



Marijuana and Medication

- Marijuana is prohibited on campus, even though legal in this state, as EWU receives federal funding.
- If employee is taking medication that may adversely affect performance or workplace safety they must notify their supervisor (call in sick, use leave, or request change of duty). Not required to disclose name of medication to supervisor, but may need to disclose to HR if plan to work while on medication.
- Review the policy for more details:
<https://inside.ewu.edu/policies/knowledge-base/ewu-602-01-drug-and-alcohol-abuse-prevention>



Protecting Information Technology

Help maintain the security of EWU's information:

- Never share your password with anyone.
- Be aware of phishing schemes. Do not open or click on any links in suspicious emails. Notify IT (phishing@ewu.edu).
- Do not share important information over the internet, e.g. log-in information, SSN, or medical information.
- Use your EWU email address for work-related activities.
- Contact IT immediately if you believe your computer has a virus, you have been exposed to malware, or anything looks suspicious. You can reach the Help Desk at 509-359-2247, or via email (HelpDesk@ewu.edu).



More Information

Details of your specific responsibilities as a user of university systems and data, are defined in Appendix A – Data User Responsibilities, in policy EWU 203-01: Information Security:

<https://inside.ewu.edu/policies/knowledge-base/ewu-203-01-information-security/>



Student Education Records

FERPA governs students rights regarding education records including the right to review their own educational records and limits when records can be shared with others.

FERPA limits sharing of records; never share educational records with anyone outside of the university, with other students, or with a student's parent unless you have been advised to do so by the Registrar's Office.

If you receive a request for a student's records or improperly disclose student records, you must immediately notify the Registrar's Office.



Sharing Records with Other Employees

FERPA permits you to share a student's records with other employees if the other employee has a legitimate educational interest in the information.

For example, you can share information about a student's grades with your chair if the chair is seeking to advise a student or reviewing whether the student can continue in a program.

You would not, however, share a student's grades with a graduate assistant or faculty member in an unrelated program.

Also, make sure you do not have confidential information sitting in an open area where others might be able to view it.



More FERPA and Ethics Information

- Chapter 172-191 of the Washington Administrative Code establishes rules and procedures to be compliant with the requirements of FERPA
<https://inside.ewu.edu/policies/knowledge-base/chapter-172-191-wac-student-education-records/>
- EWU Policy 901-01 Ethical Standards
<https://inside.ewu.edu/policies/knowledge-base/ewu-901-01-ethical-standards/>



Public Records

As an employee of a state agency, you have important duties with regard to the records you create, receive or maintain.

Records you create or receive in your role as an employee are public records regardless of the public or private nature of the device used to create or distribute them (such as your personal cell phone or personal laptop).

We offer training workshops which will provide detailed information and a website providing essential information:

<https://inside.ewu.edu/hr/records-management>.



What is a Public Record?

"Public records" include any paper, form, correspondence, record book, web pages, blogs, text messages, social media posts, emails, calendars, photograph, maps, or drawing, regardless of physical form or electronic form or characteristics that have been made by the University through its employees or received by it in connection with the transaction of university business.



Responsibilities for Records

- Retain any records you create or receive in accordance with Eastern's records retention requirements.
- Collaborate with designated University staff to timely provide records in response to public records, discovery, subpoena, FERPA or other request.



Additional Responsibilities

Visit the Records Management Training site to learn about resources, schedules, and online and in-person training options:

<https://inside.ewu.edu/hr/records-management>

If you receive a request for records, immediately forward to EWU's Public Records Officer, Roxann Dempsey, at rdempsey@ewu.edu or 509-359-4210.



How Requests are Processed

The Public Records Act (“PRA”) defines information subject to disclosure, e.g. not required to disclose personal information that violates an individual employee’s right to privacy. Still provide all information to Records Officer.

When requests are received, the Records Officer reviews the requests, issues notifications to the affected employees when personal information is required to be released, and redacts or withholds information that is not subject to disclosure under the PRA.



State Resources/Personal Devices--Privacy

State Resources: There is **no expectation of privacy** related to use of EWU resources including communication technologies. Computer records may be subject to disclosure and audits for state operational or management purposes. We strongly encourage you to limit use of university accounts, computers, communication devices and portals for business purposes.

Personal Devices: if you use personal devices like your email account, computer, or cell phone to conduct university business, those **emails and other documents are subject to disclosure.**



More Information

- Request a retention schedule from your department or EWU's Records Officer, phone: 509-359-6995

- EWU Policy 201-02 Records Retention, Preservation & Management

<https://inside.ewu.edu/policies/knowledge-base/ewu-201-02-preservation-of-electronic-records/>

- Chapter 172-10 WAC Public Records

<https://inside.ewu.edu/policies/knowledge-base/chapter-172-10-wac-public-records-requests/>



Diversity & Nondiscrimination

EWU's Commitments to Diversity

EWU is committed to promoting respect for the rights and privileges of others by creating an inclusive environment in which students, faculty and staff value and understand each individual's race, gender, ethnicity and other dimensions of difference. A diverse educational environment is essential in order to achieve our mission to prepare students to make contributions to a diverse society and to function in an increasingly diverse workforce.



Commitment to Nondiscrimination

- EWU does not discriminate in its activities or programs on the basis of race, color, creed, religion, national origin, sex, pregnancy, sexual orientation, gender identity/expression, genetic information, age, citizenship or immigration status, marital status, families with children, protected veteran or military status, HIV or hepatitis C, status as a mother breastfeeding her child, or the presence of any sensory, mental, or physical disability or the use of a trained guide dog or service animal by a person with a disability, as provided for and to the extent required by state and federal laws.
- **EWU is not able to live up to this goal without your commitment to nondiscrimination and active leadership.**



Nondiscrimination Laws & Policies

- **Federal & State Laws**
 - Title IX/VAWA
 - Americans with Disabilities Act
 - Title VI & VII
 - Washington Law Against Discrimination
- **EWU Policies**
 - 402-01: Sexual Misconduct, Interpersonal Violence & Title IX Responsibilities
 - 402-02: Diversity & Nondiscrimination
 - 402-03: Accommodating Persons with Disabilities
 - 402-05: Title IX Investigations & Hearings
 - 402-06: Pregnancy & Parental Leave
 - 403-01: Holidays & Religious Accommodations
 - 603-10: Service Animals



Mandatory Reporting

You are required to report all incidents or complaints you receive to the following departments:

1. Crimes occurring on campus or during EWU events - EWU Police Department
2. Sexual misconduct, domestic/dating violence, or stalking - Title IX Coordinator
3. Discrimination by an employee - Director of Equal Opportunity.
4. Child abuse or neglect - EWU Police Department or Child Protective Services within 48 hours.



Mandatory Reporting Requirements

All EWU employees, except licensed professionals at CAPS, are mandatory reporters for sexual misconduct, domestic violence & stalking:

- Must report regardless of the potential complainant's desire for the matter to remain confidential
- Must report even if you do not think it rises to the level of a policy violation or crime
- Never discourage someone from making a complaint or form a judgment about what you think did or did not happen



Confidentiality

We cannot promise confidentiality

Inform the individual of:

- Your obligation to report the information to the Title IX Coordinator
- That they can seek confidential help from CAPS (students), EAP (employees), or other community resources.



Requests to Keep Information Confidential- Hypothetical

- **Student:** I am so sorry I my paper was late last week. I have been having a really hard time recently and just was not able to do it.
 - **Faculty member:** Do you want to talk about it?
- **Student:** I was at a party on Thursday night and had a lot to drink. I am not sure exactly what happened, but I woke up in someone's bed naked. I had no idea where I was or what was going on.
 - **Faculty member:** This must be a very difficult time for you. I want to let you know that Eastern has many resources available to you. I am here to support you and listen to you. However, I want to make sure you understand that I am not a confidential resource. I will be required to report this information to our Title IX Coordinator, who will reach out to you and make sure you know about your options and the resources on campus. If you would like to speak to a confidential resource, let me find the contact information for our Counseling and Psychological Services department on campus.



Reporting Incidents & Concerns

- Central website for reporting incidents/concerns and filing complaints:
<https://inside.ewu.edu/rcp/compliance/report-it/>
- Title IX reports:
<https://inside.ewu.edu/titleix/reporting/>



Title IX

What is Title IX?

- Title IX is a federal law that prohibits discrimination based on sex in educational programs or activities, including:
 - Admissions
 - Financial aid
 - Educational opportunities
 - Athletic opportunities



Why is Title IX so important?

- https://www.youtube.com/watch?time_continue=126&v=3NhWdyR7BKs&feature=emb_logo



Key Title IX/VAWA Compliance Responsibilities

- **EWU Police Department**
 - Timely warnings
 - Criminal investigations
 - Clery reporting
- **Student Affairs**
 - Supportive measures
 - Student conduct
 - Training for students
- **Civil Rights**
 - Title IX investigations
 - Policies & overall compliance
 - Complaints
 - Training for employees
- **Human Resources**
 - Employee discipline



Sexual Misconduct & Interpersonal Violence

EWU prohibits employees and students from engaging in:

- Sexual harassment
- Sexual assault, fondling, statutory rape, incest
- Domestic violence & dating violence
- Stalking
- Other (non-exhaustive list):
 - Voyeurism, indecent exposure, prostitution, sex-based cyber-harassment, communications with a minor for immoral purposes, possession/creation/distribution of child pornography; disclosure of intimate images without consent



What is Sexual Harassment?

EWU prohibits two types of sexual harassment:

- Quid Pro Quo
- Hostile Environment

For more detailed information:

EWU Policy 402-01 (Sexual Misconduct, Interpersonal Violence & Title IX Responsibilities)



Quid Pro Quo Sexual Harassment

- When a person with authority over a student or employee explicitly or implicitly conditions a term or condition of the student or employee's education or employment on the complainant's participation in unwelcome sexual conduct.

Example: A faculty member arranges to meet with a student after class and asks them out on a date. The student is hesitant to respond and reluctantly agrees out of fear their grade will be affected if they reject the faculty member's advances.



Fraternization & Consensual Relationships

- Employees are prohibited from teaching, advising or supervising a student with whom they have had, are currently having, or are pursuing an intimate, romantic, and/or sexual relationship.
- University supervisors are prohibited from having intimate, romantic and/or sexual relationships with subordinate employees.
- Employees are cautioned that, even if consensual, these relationships may result in harassment claims due to the power differential that exists between employees and students and between supervisors and employees. This inherent power differential makes such relationships vulnerable to claims of exploitation.
- See EWU Policy 901-03 (Fraternization & Consensual Relationships)



Avoiding Fraternization Issues

If a romantic or sexual relationship exists between a person in authority and a subordinate, the person in the position of greater authority must:

- Immediately report the relationship:
 - Faculty are to report such relationships to the Provost
 - All other employees must report to their supervisor
- Recuse themselves from supervisory or evaluative functions over the other person in the relationship; and,
- Alternative arrangements will be made for supervisory or evaluative functions



Hostile Environment Sexual Harassment

- Unwelcome conduct on the basis of sex that creates a hostile environment.
- Determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies the complainant equal access to the university's programs or activities.
- This includes conduct that is not of a sexual nature, but is directed towards someone because of their sex (e.g. statement such as "a women's place is in the home").



Sexual Harassment (continued)

- Example of hostile environment sexual harassment:

A female student employee Ashley walks into a department and a male staff member Ed, tells her she looks “hot today.” Later Ed asks Ashley if she would like to walk to the library and get some coffee. She declines. During a lunch break, he also starts discussing his sex life with her.

- These repeated comments are of a sexual nature and they are unwanted. They are beginning to impact Ashley’s ability to do her job and to feel safe at Eastern. At this point, Ashley should notify the Title IX Coordinator that she is being sexually harassed.



Sexual Harassment (continued)

Does sexual harassment have to be gender-specific?

No. Sexual harassment can be committed by anyone and anyone can be harassed:

- The harasser does not have to be male for unwelcome behavior to be considered harassment.
- Similarly, harassment does not have to be directed at a member of the opposite gender, sexual orientation, or a different gender identity.

Example: men and women in an office are collectively making fun of a gay man because he does not conform to their shared idea of traditional masculinity. This is a type of hostile environment sexual harassment.

Remember: sexual harassment does not have to be about a sexual relationship.



Sexual Harassment--Jokes



What about departments where everybody shares vulgar jokes and nobody seems to mind. Is this a problem?

- Even if someone intends for a statement to be funny it may be offensive to others.
- Sexual harassment is viewed from the perspective of a reasonable person in the complainant's circumstances.
- It does not matter if you intended for it to be a joke or if the person you told the joke to did not find it offensive.
- If someone heard the joke and found it to be offensive, it might be sexual harassment.



Sexual Harassment

What if I am being sexually harassed by someone? Will I be required to self-report?

- You are not required to report, but we encourage you to do so. You have a right to be free from sexual harassment in the workplace and we want to address the behavior. However, we cannot help if you do not report.
- Eastern does not tolerate sexual harassment. This means any harassing behavior will be taken seriously and promptly investigated.



Off Campus Activities

- EWU's policies regarding sexual misconduct and fraternization extend beyond the physical campus.
- Misconduct is prohibited during any university activities, regardless of location.
- Misconduct is prohibited off campus, even if it is not related to a university activity, if the misconduct has an impact on the person's duties and responsibilities as a university employee.



Continuum of Unwelcome Conduct

Verbal	Written/ Displayed	Physical touch	Exerting power	Threats	Force
<ul style="list-style-type: none"> - Dirty joke - Teasing - Comments on body, physical appearance, or sexual activity - Sexual rumors - Suggestive comments - Sexually suggestive sounds, whistles - Generalizations, disparaging remarks or criticism of one sex 	<ul style="list-style-type: none"> - Love letters and e-mails - Suggestive notes or e-mails - Suggestive graphics, images, or objects - Leering, staring - Texting sexting or other offensive use of social media 	<ul style="list-style-type: none"> - Violating space - Patting or slapping - Squeezing - Pinching - Hugging - Caressing - Grabbing - Suggestive touching of self, sexual gestures 	<ul style="list-style-type: none"> - Requests for sexual favors - Favoritism or bullying - Hazing rituals - Cornering or blocking movement - Stalking - Grooming 	<ul style="list-style-type: none"> - Demands - Quid pro quo (threat or promise based on compliance with or refusal of sexual conduct) 	<ul style="list-style-type: none"> - Groping - Kissing - Disrobing - Stalking - Attempted Rape - Rape <p>* Behaviors in this category may be criminal actions under state law</p>



Sexual Assault

- Sexual assault is the most egregious form of sexual harassment. Sexual assault is any sexual act directed against another person, without a person's consent, including instances where a person is not capable of giving consent.
- Sexual assault is not tolerated at EWU.



Sexual Assault

Sexual assault is any sexual act directed against another person, without a person's consent, including instances where a person is not capable of giving consent. It includes:

- **Rape:** penetration, no matter how slight, of the vagina or anus, with any body part or object, without consent; or oral penetration by a sex organ of another person without consent.
- **Fondling:** intentional contact with a person's intimate body parts without the person's consent.
- **Incest:** sexual intercourse between persons who are related to each other within the degree wherein marriage is prohibited by state law.
- **Statutory rape:** sexual intercourse between persons who are related to each other within the degree wherein marriage is prohibited by state law. In Washington, it is a crime for an adult (18 or older) to have sex with someone who is under the age of 16 even if there is consent.

Sexual assault is considered the most egregious form of sexual harassment and is not tolerated at Eastern.



Consent

- **Consent means *actual words or conduct* indicating freely given agreement to the sexual act.**
 - Consent cannot be inferred from silence, passivity, or lack of active resistance.
 - There is no consent where there is a threat of force or violence or any other form of coercion or intimidation, physical or psychological.
- Sexual activity is nonconsensual when one person is **incapable of consent** by reason of mental incapacity, drug/alcohol use, illness, unconsciousness, or physical condition.



Incapacitation Due to Drugs/Alcohol

- A person may be incapable of providing consent because they are incapacitated by reason of drug/alcohol use.
- Incapacitation = state of intoxication such that the individual is incapable of making rational, reasonable decisions because the person lacks the capacity to give knowing consent.



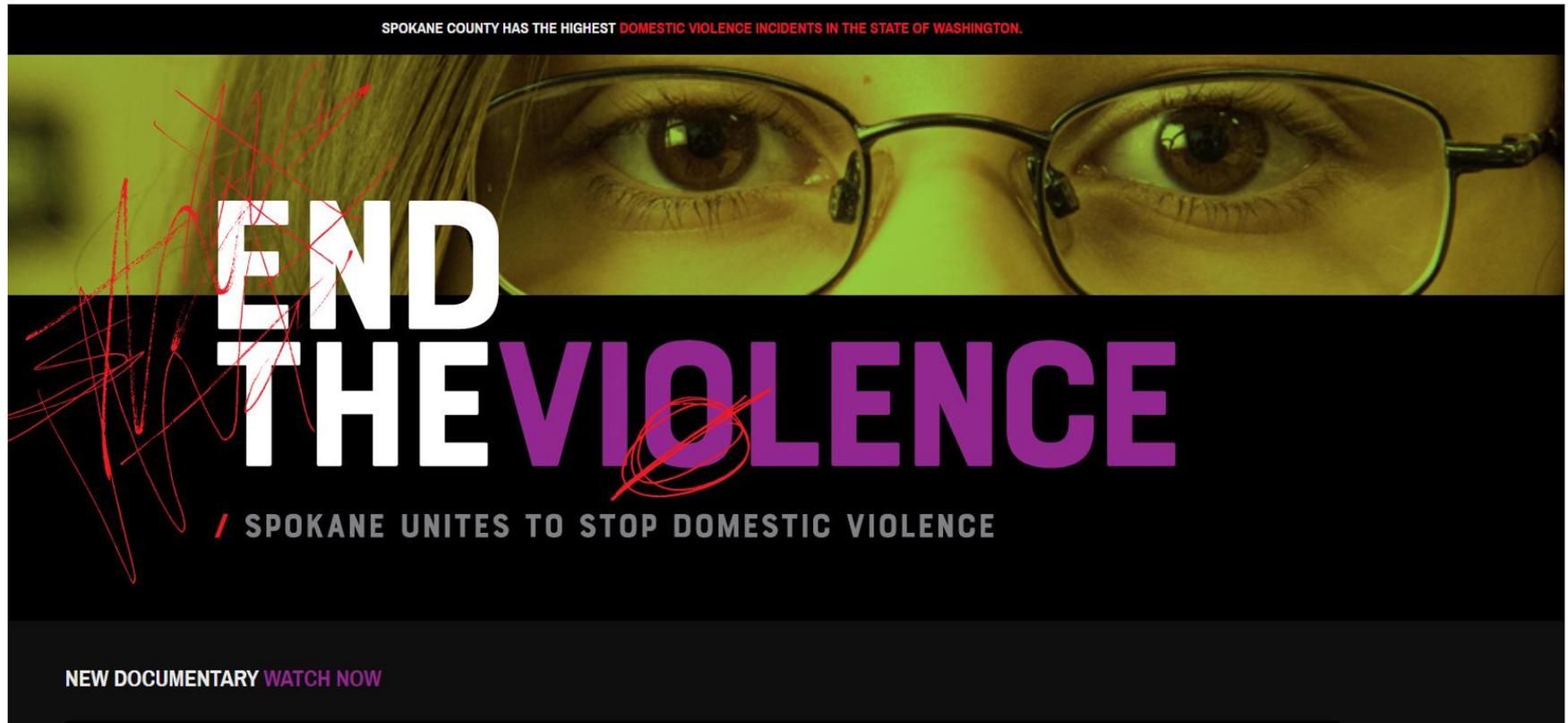
Misconceptions About Consent

Unfortunately, consent is frequently misunderstood. Here is some of the training provided to our students about consent:

- Consent means actual words or conduct indicating voluntary agreement to the sexual act.
- Consent can be withdrawn at any time.
- A current or previous sexual relationship does not equal ongoing consent.
- Consent for one form of sexual activity does not equal consent to everything else.
- Passivity or lack of active resistance alone does not equal consent.
- Threat of force or violence does not equal consent.
- Intimidation, psychological abuse or coercion does not equal consent.



Interpersonal Violence



[Domestic Violence is the leading cause of homicides in Spokane County.
Learn more at: https://endtheviolencespokane.org/](https://endtheviolencespokane.org/)



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What is Interpersonal Violence?

Domestic Violence: A felony or misdemeanor crime of violence committed by:

- **A current or former spouse or intimate partner**
- A person who is cohabitating with or has cohabitated with the complainant as an intimate partner
- Adult persons related by blood or marriage
- **Adult persons who are presently residing together or who have resided together in the past (roommates)**
- Persons who have a biological or legal parent-child relationship



What is Interpersonal Violence?

- **Dating Violence**
 - A felony or misdemeanor crime of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant.
- **Stalking & Retaliation**



Stalking

Stalking--engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- (a) Fear for their health and/or safety or the health/safety of others; or,
- (b) Suffer substantial emotional distress.

Example: Leslie had a brief hook up with Dan one night after a party. Dan was interested in pursuing a relationship. He was not sure of her name, so he started searching for her on social media. He started sending her messages on a regular basis. Leslie was not interested so she ignored him. He became angry and started looking for ways to confront her. He closely monitored her posts to discover where she might be. His messages started including information about where she was, that he was watching for her, and that she had better to respond to him “or else.”



Retaliation

Retaliation-any actual or threatened retaliation or any act of intimidation intended to prevent or otherwise obstruct the reporting of a violation of the Student Conduct Code or a university policy.

Examples include:

- *Name calling / public shaming of the complainant or respondent*
- *Threatening the complainant, witnesses, or respondent or filing a defamation lawsuit against them*
- *Taking a negative action against the complainant (demotion, adjusting their schedule, unfair grading)*



Role of EWU Employees

- Play a key role in preventing and responding to discriminatory acts
 - Prevention - model appropriate behaviors and arrange for discrimination prevention training
 - Response - when you become aware of an incident, take appropriate action and report the incident to the Title IX Coordinator within 24 hours.
 - Intervention - if you see something wrong, you can make a difference by intervening and reporting.



Overview of the Process

- Students
 - Supportive measures/restrictions
 - Investigation
 - Student conduct hearing
 - Discipline may be up to suspension or expulsion
- Employees
 - Interim measures/administrative leave
 - Investigation
 - Disciplinary decision
 - Discipline may range from training to termination



Possible Sanctions

Eastern takes sexual misconduct and interpersonal violence seriously. If someone is found in violation of university policy or the Student Conduct Code, sanctions could include (but are not limited to) the following:

- Warnings, admonishments or reprimands for students and employees
- Training for students and employees
- Permanent no contact directives for students
- Permanent restrictions on campus for students
- Demotion for employees
- Suspension for students or employees
- Expulsion for students
- Termination for employees



Resources on Campus

<https://inside.ewu.edu/titleix/>

Confidential Resources:

- EAP
- YWCA Domestic Violence
- Lutheran Community Services Northwest

Non-Confidential Support Services:

- Title IX Coordinator

Where to Report Sexual Misconduct/ Interpersonal Violence/Title IX

Annika Scharosch

Assoc. Vice President & Title IX Coordinator

Office: Tawanka 211

Phone: 509-359-6724

Email: ascharosch@ewu.edu

Online reporting:

<https://inside.ewu.edu/titleix/reporting/>



Discrimination

- All EWU employees are prohibited from engaging in any discriminatory behavior while performing any official duties or responsibilities of their position whether on or off campus.
 - **Discrimination = adverse treatment of someone because of the person's protected status.**

Additional information is available In EWU Policy 402-02
(Diversity & Nondiscrimination)

<https://inside.ewu.edu/equalopportunity/>



Discriminatory Harassment

- All members of the university community, including students and employees, are prohibited from engaging in discriminatory harassment.
- Discriminatory harassment = physical, verbal, electronic or other conduct based on an individual's protected status when such conduct is so severe or pervasive, and objectively offensive, that it creates a hostile learning or educational environment.



What are Some Examples of Discrimination?

- Denying someone an employment or educational opportunity because of their gender, race, or disability
- Treating individuals differently because of their national origin or age
- Severe or pervasive name calling, jokes, or other verbal or physical behavior towards a person based on their protected status
 - Example: language such as the “N-word,” “illegal alien,” “Japs,” or “homo”
- Deliberate misuse of an individual’s preferred name, form of address, or pronouns



Scenario #1

- An Arab-American-Muslim worker was told by her supervisor that “Middle Easterners are a bunch of crooks.” Later, he expressed surprise she could not translate Farsi, saying “Shouldn’t there be some sort of secret language you all understand?” He made other negative comments such as “not all Muslims are terrorists, but most are,” “what's up with Egypt and why are the Muslims killing people?”, and “they are just a bunch of camel people.” He also asked her to explain Muslim suicide bombers.
- Is this discrimination?



Scenario #2

- Angela Watson was dispatched by the local union to work on a reconstruction project for an oil refinery. Watson is a pipefitter by trade and holds an additional certification as a rigger. When she disclosed that she has epilepsy to her direct supervisor, he and other supervisors unilaterally concluded without further inquiry that she could not safely work at heights - even though Watson's epilepsy was well controlled on medication, she had not requested any accommodation, and was able to work without restriction.
- Is this discrimination?



Equal Opportunity

- In addition to prohibiting EWU and its employees from discriminating against individuals on the basis of a protected status, federal and state laws also require EWU to provide equal opportunity/access to its programs and activities.
- EWU is required to provide certain types of accommodations, including facilitating leave for religious holidays, disability accommodations, and pregnancy support.



Holidays & Religious Accommodations

- Employees

University employees are entitled to two unpaid holidays per calendar year for reasons of faith or conscience or for organized activities conducted under the auspices of a religious denomination, church, or religious organization.



Preparing for
Ramadan



EASTERN WASHINGTON UNIVERSITY

Holidays & Religious Accommodations

- Students

- Faculty must include a link to policy 403-01 in their syllabi or the text of chapter four of policy 403-01 in their syllabi
- Faculty must provide reasonable accommodations to students who due to observance of a religious holiday, expect to be absent or endure a significant hardship during a course or program.
- Faculty members must accommodate requests including, but not limited to, rescheduling exams, activities, or offerings at different times.



Holidays & Religious Accommodations- Students

- If the student's desired absence date is on a day when a test was scheduled or an assignment was due, the instructor may require that the student take the test or submit the assignment before or after the regularly assigned date.
- Students' grades may not be adversely impacted by absences authorized under this policy.
- Faculty should not question the sincerity or validity of student's religious beliefs



What if....

Your program has a mandatory orientation day for students in September. A student approaches you and indicates that he cannot attend the orientation because it falls on Yom Kippur. What should you do?



Holidays & Religious Accommodations

Student Procedures

- Student must submit a written request to the Dean of Students' Office within the first two weeks of the beginning of a course: <https://inside.ewu.edu/student-life/resources/holidays-and-religious-accommodations-request/>
- Dean of Students will determine whether the request is reasonable and notify student and faculty member
- Student is then responsible for meeting with the faculty member to arrange for the particular accommodations needed



Holidays & Religious Accommodations

Employee Procedures

- Each holiday taken under this policy must be as a whole day, i.e. the day may not be divided into hours and taken piecemeal.
<https://inside.ewu.edu/policies/knowledge-base/ewu-403-01-holidays/>
- Employees shall consult with their supervisor at least two-weeks in advance of any desired unpaid holiday unless the purpose of the unpaid holiday is not known until later. Employees shall request unpaid holidays, in writing, using the same procedure as is used for requesting leave without pay.



Accommodating Persons with Disabilities

- Persons with disabilities are an integral part of the EWU community, and the provision of equal access to programs, services and activities through reasonable accommodation is a campus-wide responsibility and commitment.
- A qualified person with a disability has the right to request and receive reasonable accommodation in all aspects of employment and education.



What is a disability?

The presence of a sensory, mental or physical impairment, whether temporary or permanent, that:

- Has a substantially limiting effect on the individual's ability to perform one or more major life activities; and,
- Is medically cognizable or diagnosable, exists as a record or history, or the person is perceived to have an impairment. Solely for purposes of determining whether a person is entitled to a reasonable accommodation, an impairment must be known or shown through an interactive process to actually exist.



Examples of Disabilities

- Anxiety
- Depression
- PTSD
- Dyslexia
- Mobility Impairments
- Sensory Impairments
- Epilepsy
- Diabetes



What is a Reasonable Accommodation?

Reasonable Accommodation - any modification or adjustment to the work or university environment that makes it possible for a qualified person or student with a disability to perform the essential functions of the job or to participate in a program, activity or benefit from a service provided by the university but which does not result in undue hardship to the university or a fundamental alteration to its educational programs and activities.

- Students: Disability Support Services
- Employees: Human Resources
- General Accessibility Concerns: Director of Equal Opportunity/ADA Compliance



Confidentiality of Accommodations

Student Accommodations:

- Students are responsible for informing faculty member they are seeking to use an accommodation in a particular class.
- Faculty member is then given access to the student's accommodation plan from Disability Support Services.
- The faculty member is required to provide the accommodations identified in a student's accommodation plan. See EWU Policy 402-03 (Accommodating Persons with Disabilities).
- Keep the student's disability and accommodation confidential. Do not share it with other students. Do not treat the student negatively because of the disability.



Confidentiality of Accommodations

Employee Accommodations:

- Information pertaining to a person's disability or a request for reasonable accommodation is considered sensitive and is protected by federal and state laws.
- Supervisors, managers, deans and department chairs, may be informed regarding necessary restrictions on the work or duties of an employee and necessary accommodations.
- Employees are not required to disclose to their supervisors, dean or department chair the medical basis for a requested accommodation. See EWU Policy 402-03 (Accommodating Persons with Disabilities).
- Medical records related to an employee's reasonable accommodation are kept in the employee's accommodation file (Human Resources Office) which is separate from the personnel file.



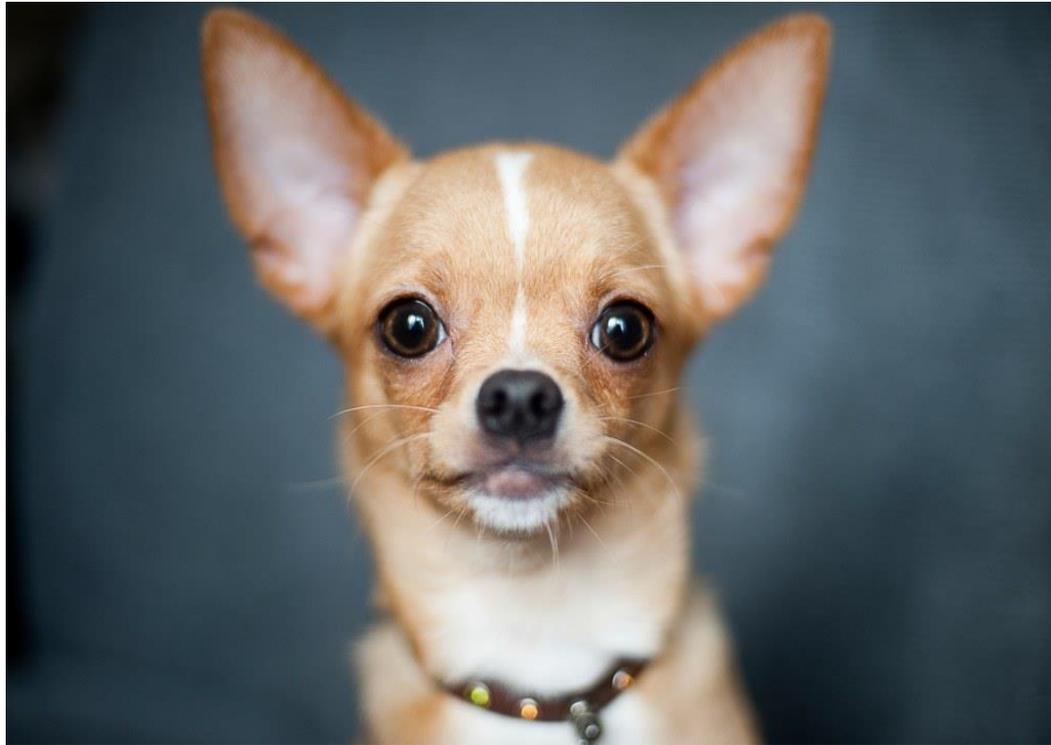
Who is our ADA Coordinator?

- If someone raises a concern about accessibility, being denied an accommodation, or disability discrimination, you must refer them to our ADA/Section 504 Coordinator:
 - Ray Rector; 211 Tawanka; eoaa@ewu.edu



What if...

Student brings a pet Chihuahua to class?



General EWU Rules for Animals

- (1) Pets are prohibited inside EWU buildings. WAC 172-115.
- (2) Service animals must be allowed on campus for individuals with disabilities who require the assistance of a service animal. EWU Policy 603-10.
- (3) Assistance animals/emotional support animals are generally prohibited inside EWU buildings unless the animal's presence is part of an approved reasonable accommodation plan. EWU Policy 603-10.



What is a Service Animal?

- A service animal is any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability.
- Examples:
 - Assisting individuals who are blind
 - Assisting an individual during a seizure
 - Providing assistance with balance and stability
- This does not include the provision of emotional support, comfort, or companionship.



Permitted Questions to Ascertain Whether an Animal is a Service Animal...

- Is the animal's status as a service animal readily apparent?
 - Yes → allow the animal in the building and do not ask any questions.
 - No → the ADA permits you to ask **only** the following questions:
 - Is this animal required because of a disability?
 - What work or task has the animal been trained to perform?
- A service animal does not have to wear a vest or other form of identification.
- If you have any questions or want assistance, admit the animal and then contact EWU's Director of Equal Opportunity/ADA Compliance Officer.



Pregnancy Discrimination

- Title IX prohibits discrimination against a student based on the student's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from any of these conditions.
- Title IX also prohibits a school from applying any rule related to a student's parental, family, or marital status that treats students differently based on their sex.



Pregnancy Discrimination

- EWU does not discriminate on the basis of pregnancy, familial status, childbirth, false pregnancy, termination of pregnancy, or recovery from pregnancy.
- EWU prohibits discrimination on the basis of sex, pregnancy, parental, or familial status.
 - EWU Policy 402-02 (Diversity & Nondiscrimination).
- Persons who believe they have been discriminated against on the basis of sex, pregnancy, parental, or familial status can contact:

Title IX Coordinator
(509) 359-6724
titleix@ewu.edu

Director-Equal Opportunity
(509) 359-6612
eoaa@ewu.edu



Pregnancy Discrimination

- **Pregnant students cannot be excluded from university programs or activities even if you think it is unsafe.**
- Departments may require a student to obtain a certification from a physician that a pregnant student is physically and emotionally able to continue participating in a program *as long as such a certification is required of all students for other physical or emotional conditions requiring the attention of a physician.*
- If a student needs assistance in seeking accommodations, please direct the student to the Student Care Team or the Title IX Coordinator.



Pregnancy Accommodations

- EWU must grant an employee student a leave of absence for pregnancy/birth of a child for so long a time as is deemed medically necessary by the student's physician. At the end of the leave of absence, the student must be reinstated to the status the student held when the leave began.
- EWU's guidelines regarding pregnancy and parental leave for students and employees is available at: <https://sites.ewu.edu/policies/policies-and-procedures/ewug-402-05-pregnancy-and-parental-leave/>



Pregnancy Accommodations

- Pregnant employees may request certain changes to their working environment to accommodate their pregnancy.

For additional accommodations, please contact Caren Lincoln, Sr. Director-Human Resources, SHW 314 (509) 359-2384, clincoln@ewu.edu.

- EWU's guidelines regarding pregnancy and parental leave for employees is available at: <https://sites.ewu.edu/policies/policies-and-procedures/ewug-402-05-pregnancy-and-parental-leave/>



Retaliation

Employees are prohibited from acting negatively toward a complainant or witness who files a complaint or participates in an investigation for filing a complaint/reporting. Examples include:

- Name calling / public shaming the complainant
- Threatening the complainant or witnesses
- Taking a negative action against the Complainant (demotion, adjusting their schedule, unfair grading)



Bullying

- Intentional;
- Targeted at an individual or group;
- Repeated;
- Hostile or offensive; and
- Creates an intimidating and/or threatening environment which produces a risk of psychological and/or physical harm.

Bullying complaints are generally handled by the department supervisor.



Where to report claims of discrimination?

Ray Rector, Director of Equal Opportunity

Office: Tawanka 211

Phone: (509) 359-6612

Email: rrector4@ewu.edu

Complaints can be filed online at:
<https://sites.ewu.edu/civilrights> or at
eoaa@ewu.edu



Additional Information: Get Involved!

We know you care deeply about issues of diversity and inclusion, and anticipate that some of you will want to get involved early in your faculty life at Eastern, or perhaps will want to seek ways to facilitate discussions in your classroom.

There are multiple resources available to assist you with your interests and efforts.

You can get involved or seek assistance by contacting the Office of Diversity and Inclusion: <https://inside.ewu.edu/diversityandinclusion/meet-the-staff>

A wide range of events, workshops, and resources are available at their home page: <https://inside.ewu.edu/diversityandinclusion>

We also invite all employees to include personal pronouns in their email signatures and communications. Sharing our own personal pronouns, and respecting and using the personal pronouns of our students, staff and faculty, helps ensure that we communicate respectfully with one another.



Other Campus Resources For Students and for Your Role as an Employee

- Students who are in crisis can be referred to our **Student Care Team**, Michelle Helmerick, PUB 301, 509-359-7924, mhelmerick@ewu.edu; more information is also available here: <https://inside.ewu.edu/student-support-advocacy>
- Students who need counseling can be referred to CAPS, **Counseling and Psychological Services**, 225 Martin Hall, Cheney; email: capsinfo@ewu.edu (non-emergency email use only), 509-359-2366; EWU Spokane: 509-828-1398.
- Students who have academic questions can be referred to the Center for Academic Advising and Retention:

Contact Information: Phone: 509.359.2345 Email: advising@ewu.edu https://inside.ewu.edu/advising	Cheney: Center for Academic Advising & Retention, 305 Monroe Hall Cheney, WA 99004	Spokane: Student Support Services 101 EWU Center Spokane, WA 99202
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Make sure you reach out for help – there are many experts on campus to help guide you and your students.



Other Off-Campus Resources - Employees

- **Employee Assistance Program (EAP).** Employees who are in crisis can be referred to the EAP. Confidential counselors, financial consultation and legal consultation are available to all WA State employees.
- **24/7 Regional Crisis Line.** Provides crisis intervention and community services information. **24 hour service**
- **Lutheran Community Services Northwest.** Advocate available to guide complainants subjected to sexual assault or any crime through criminal or university process. **24 hour service**
- **YWCA Domestic Violence.** Advocate available to guide complainants subjected to intimate partner violence through the criminal or university process.

<https://inside.ewu.edu/titleix/services/confidential-services/>

Make sure you reach out for help



Purchasing, Contracts & Agreements (204-07)

- EWU is required to follow state laws regarding purchasing goods, services, and public works
- Required to competitively bid purchases of \$10,000+
- Anyone making purchases on behalf of EWU must take specific training on the process
- All contracts/agreements/MOUs must be signed by someone with contract authority (see EWU Policy 204-07)



P&C - Policies

TOP
4



- Meals & Light Refreshments Policies
 - Must be an allowable activity
 - Activity must be over 2 hours
 - Meals and Light Refreshment form must be filled out & approved before the event
 - Must follow per diem (\$16B \$19L \$29D pp) including tip and taxes
 - If food is for an on campus event, Dining Services must be used
- EWU cannot issue pre-payments or deposits
- IT purchases require IT approval
- Purchases over \$10,000 must go through the competitive bid process
 - This process takes 3-4 weeks or longer



How Do I Purchase Something?

- Shopping Guide
- Office Depot Account
- PCard
 - University issued Credit Card to purchase goods.
- Purchase Order Process
 - Department and University PO's



What Purchasing Training Do I Need?

P&C provides the following training:

- Banner Finance 202 – Creating Purchase Requisitions
 - Who is this for: Administrators
 - Pre-reqs for this class are: Banner Basic Navigation and Banner Finance 201
 - To schedule training email james@ewu.edu
 - Will also take Statewide Small Purchases and Ethics Training

- Banner Finance 203 – Approving Purchase Requisitions
 - Who is this for: Budget Authority
 - Pre-reqs for this class are: Banner Basic Navigation and Banner Finance 201
 - To schedule training email james@ewu.edu
 - Will also take Statewide Small Purchases and Ethics Training

- Procurement Card Training
 - Who is this for: PCard Cardholders and Approvers
 - To schedule training email mpflieger41@ewu.edu
 - Will also take Statewide Small Purchases and Ethics Training



P&C - Statewide Training

Washington State

Procurement and Contracts Training

To comply with RWC 39.26.110, EWU is required to provide Procurement and Contracts training for our employees. The training is developed by Washington State Department of Enterprise Services and focuses on best practices related to procurement and contracts. This training is delivered through Canvas, EWU's online Learning Management System. Each course has been developed for a specific audience. The training has been designed as a self paced course that can be accessed anytime.

The Training Courses offered at this time are:

Title	Time	Users
Small Purchases	1 hr	Entry Level: Pcard users, Office Depot Users, Requisition Creators
Purchasing and Procurement Ethics	1 hr	Entry Level: Pcard users, Office Depot Users, Requisition Creators
Contract Management- 101	4 hrs	University Contract Managers and Purchasing Specialist
Purchasing and Procurement - 101	4 hrs	Executives and Purchasing Specialist
Executive Management Purchasing and Procurement	1 hr	Executives and Purchasing Specialist



Surplus

- Any property purchased by EWU or with university funds can only be sold or gifted by following EWU's surplus process
- Employees cannot sell, donate, or take surplus property



Takeaways

1. Contact your IT Pro if you want to purchase IT products and/or services.
2. Follow Dining Services and Meals & Light Refreshment Policies if you want to purchase food.
3. If there is a signature line, forward to P&C.
4. Remember \$10,000 competitive bid limit.
5. Any questions, please call us.



Who to Contact for Procurement/Contracts

Office: 218 Tawanka **Email:** purchasing@ewu.edu **Phone:** 359-2253

Website: <https://inside.ewu.edu/procurement/>

- Doug Vandeenboom, Director of Procurement & Contracts
 - (509) 359-6604 dvandenboom@ewu.edu
- Lindsay McKay, Contracts Specialist 2
 - (509) 359-6055 lmckay@ewu.edu
- Michael Pflieger, Contracts Specialist 2
 - (509) 359-6804 mpflieger41@ewu.edu
- Jim Scott, Procurement & Supply Specialist 3
 - (509) 359-6989 jamess@ewu.edu



Any final questions? We're here to help!

Contact Information

If you have any questions about policies and ethics, or other matters related to your department and staff, please reach out to these contacts:

- HR Associates – your first point of contact for information and assistance regarding employee relations, recruiting, university policies and procedures:
 - Vara Lyn Conrath, vconrath@ewu.edu, 509-359-4300; client service area includes: Business and Finance, President Office, University Advancement and Diversity and Inclusion
 - Sandra Godin, sgodin@ewu.edu, 509-359-4681; client service area includes: Student Affairs, Information Technology, CHSPH and all other non-college academic units
 - Lori Livingstone, llivingstone@ewu.edu, 509-359-6931; client service area includes: CALE, COB, CSS, CSTEM, Library, University College
- Caren Lincoln, Senior Director HR – first point of contact for immigration and reasonable accommodations, as well as other areas when the HR Associates are unavailable: 509-359-2384, clincoln@ewu.edu
- Deborah Danner, Associate Vice President for Human Resources & Eastern's Ethics Advisor: ddanner2@ewu.edu, 509-359-2383
- Annika Scharosch, Associate Vice President for Civil Rights, Compliance & Risk Management; Policy Administrator & Title IX Coordinator: ascharosch@ewu.edu, 509-359-6724





THANK YOU!

