

Whatcom

COMMUNITY COLLEGE

Annual Campus Safety & Security and Fire Report 2023



Reporting Calendar Years 2020-2022

EXECUTIVE SUMMARY

Campus safety and security is a priority for Whatcom Community College. Campus administration is committed to ensuring a safe and welcoming environment for staff, faculty, students and visitors alike. Through collaborative campus and community teams, Whatcom Community College's safety and security practices are routinely evaluated, exercised, and enhanced.

The Covid-19 pandemic disrupted normal operations at WCC, with the College swiftly transitioning to remote operations to maintain instruction and student services. Student perspectives on this experience suggest that, while remote operations could not substitute for college in-person, WCC has gained valuable capacity that could benefit students in the transition back to campus.

WCC initiated the return to in-person instruction through a phased approach, increasing in-person options with each coming quarter. Fall 2022, in-person instruction, on campus resources, services and activities resumed full operations. The safety and security needs of the campus, and how safety education adjusted to best support the operational during the pandemic and enhanced the in-person safety and security needs upon full return.

The 2023 Campus Safety and Security Report provides an enhanced description of safety and security activity that occurs on and around Whatcom Community College. This report provides the mandated information necessary for compliance with the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998 (formerly the Crime Awareness and Campus Security Act of 1990) and the Violence Against Women Reauthorization Act of 2013 (VAWA), including campus crime statistics and relevant campus safety policies and procedures. The information reported is for the calendar years of 2020, 2021, and 2022 and is based on a calendar year January 1 to December 31.

The primary intent of the Jeanne Clery Act is to provide accurate and timely safety information to the public, parents or students, current students, potential students, employees and potential employees about the levels of crime and student alcohol and drug violations that occur on a campus. This means ensuring all incident data available is complete and accurate for all individuals who inquire enabling them to make informed decisions regarding their personal safety.

The College's Residence Life program is provided at a single multi-story residential building located on-campus called Cedar Hall. Cedar Hall offers Whatcom students the opportunity to live and connect on campus. The Cedar Hall community provides housing for 230 students in a variety of suites and offers plenty of community space for studying, meeting, and socializing.

WCC is committed to creating a safe and inclusive living and learning environment for all students and employees. The Housing and Residence Life Education Program aims to cultivate a dynamic living experience for students to engage with peers. WCC strives to create a community of sustainable practices, inclusive understanding of each individual's unique identity and experiences as well as an attitude of accountability to each other.

The Fire Safety Report provides the campus community and its leaders with current information on fire related activity, fire safety systems and procedures for student housing. The report is also issued to meet the fire-safety-related requirements of the federal Higher Education Opportunity Act, which requires that certain information pertaining to fire safety be made available to the general public. Only student housing deemed on-campus are included in the Fire Safety Report.

Safety is a collective responsibility, and we rely on every single member of our campus community to contribute to the security of our campus by using a commonsense approach and reporting suspicious activity when observed. In addition, the level of support we receive from our local community is critical to campus safety and security.

Thank you for taking the time to review the Whatcom Community College's 2023 Annual Campus Safety & Security and Fire Safety Report.

CAMPUS SAFETY AND SECURITY MISSION STATEMENT

The mission of Whatcom Community College Campus Safety and Security Department is to provide and maintain a safe and welcoming learning and working environment for students, faculty, staff and visitors. This is accomplished by means of a community-friendly approach that recognizes the value of a diverse community.

Working together with all members of the Campus Community to preserve life, protect property, investigate crime, promote individual responsibility, and fulfill community commitments.

Statement of Service

Whatcom Community College Campus Safety and Security Department is committed to providing the highest quality service through teamwork, leadership and continuous improvements.

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ANNUAL CLERY REPORT

Whatcom Community College is a regionally and nationally accredited college with an accomplished faculty and staff who, post-pandemic, serve approximately 7,500 students annually. On its 72-acre campus in Bellingham, Wash., and through online courses, Whatcom offers bachelor of applied science degrees, associate and transfer degrees, professional-technical certificates, as well as basic education, job skills, and Community & Continuing Education classes. **The college is regularly recognized as one of the nation's top community colleges based on student success.** Established in 1967, Whatcom has been accredited by the [Northwest Commission on Colleges and Universities](#) since 1976.

The City of Bellingham, which serves as the county seat of Whatcom County, is at the center of a uniquely picturesque area offering a rich variety of recreational, cultural, educational and economic activities. The City of Bellingham has reached a population of just over 93,000. Over the last two years, Bellingham has seen an increase in crime. Whatcom County overall also had an increase in the total number of reported crimes in 2021, violent crimes countywide increased by more than a third over last year. Whatcom County's eight public law enforcement agencies received a combined total of 18,992 crime reports in 2021, according to annual [National Incident-Based Reporting System](#) crime data released in July 2022 by the Washington Association of Sheriffs and Police Chiefs.

General emergency services, such as fire, emergency medical, and law enforcement are provided by the City of Bellingham Fire and Police Departments. WCC Campus Safety and Security works very closely with the City to address safety and security concerns that may impact the campus community.

Each year before October 1, Whatcom Community College produces a report of annual crime statistics and college policies, procedures and programs related to campus safety and security issues, as required by the Jeanne Clery Act. The information provided in this document should prove to be helpful and answers questions about crimes occurring on campus and other concerns regarding personal safety.

Whatcom Community College's Campus Safety and Security Department prepares this report in consultation with other key campus departments to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. This report is prepared in cooperation with the local law enforcement agencies surrounding our campus. Each entity* provides updated information on their educational efforts and programs to comply with the Act. **The Bellingham Police Department 2022 crime statistics were delayed and not currently included in this report. Update pending.*

Campus crime, arrest and referral statistics include those reported to WCC Campus Safety, designated campus officials (including but not limited to directors, deans, department heads, designated staff, judicial affairs, advisors to students/student organizations, athletic coaches), and local law enforcement agencies.

Printed copies of the report may be obtained at the Campus Safety and Security Director's office located at the Laidlaw Center, 237 W. Kellogg Road, Room 104, Bellingham, WA 98226, by calling 360.383.3394, or by emailing a request to rvernola@whatcom.edu. All prospective employees may obtain a copy from Human Resources, by calling 360.383.3400, or by reviewing the report online whatcom.edu/emergency.

WHAT IS THE CLERY ACT?

The Jeanne Clery Disclosure Act of Campus Security and Campus Crime Statistics Act (the Clery Act) requires that post-secondary schools, participating in Title IV student financial aid programs, publish a statistical report of crimes occurring on or near the institution's campus and provide information about security policies, procedures and programs.

To comply with the Clery Act, every institution must:

- Collect, classify and count crime reports and crime statistics.
- Issue campus alerts.
- Provide educational programs and campaigns.
- Have procedures for institutional disciplinary action in cases of dating violence, domestic violence, sexual assault and stalking.
- Publish an annual security report.
- Submit crime statistics to the Department of Education.

Whatcom Community College has a Campus Safety and Security Department; therefore, a daily crime log of alleged criminal incidents must be maintained and open to public inspection.

Whatcom Community College has a Residence Life program which includes one on campus location. The Clery Act requires that a fire log must be maintained and available for public inspection and an annual fire report must be published. This report is included in the Annual Safety and Security Report.



Jeanne Clery
November 1966 – April 1986

HOW WCC COMPILES CLERY CAMPUS CRIME STATISTICS

PREPARING AND REPORTING CRIME STATISTICS

The Clery Act is a complicated law that includes many requirements. One of the requirements is to produce a comprehensive annual report which includes crime statistics for the three previous calendar years. Crime statistics are disclosed for the year they were reported in and not the year in which incidents occurred.

The statistics include the occurrence of the following criminal offenses reported to campus security authorities or to local law enforcement agencies that occurred on campus, in or on non-campus building or property, and on public property including streets, sidewalks and parking facilities within the campus or immediately adjacent to and accessible from the campus. The definition and description of these areas are available on page 12 under Clery Reporting Geography.

WCC Campus Safety and Security discloses all incidents reported to the department that fall into any of the required reporting classifications as a statistic in this annual report.

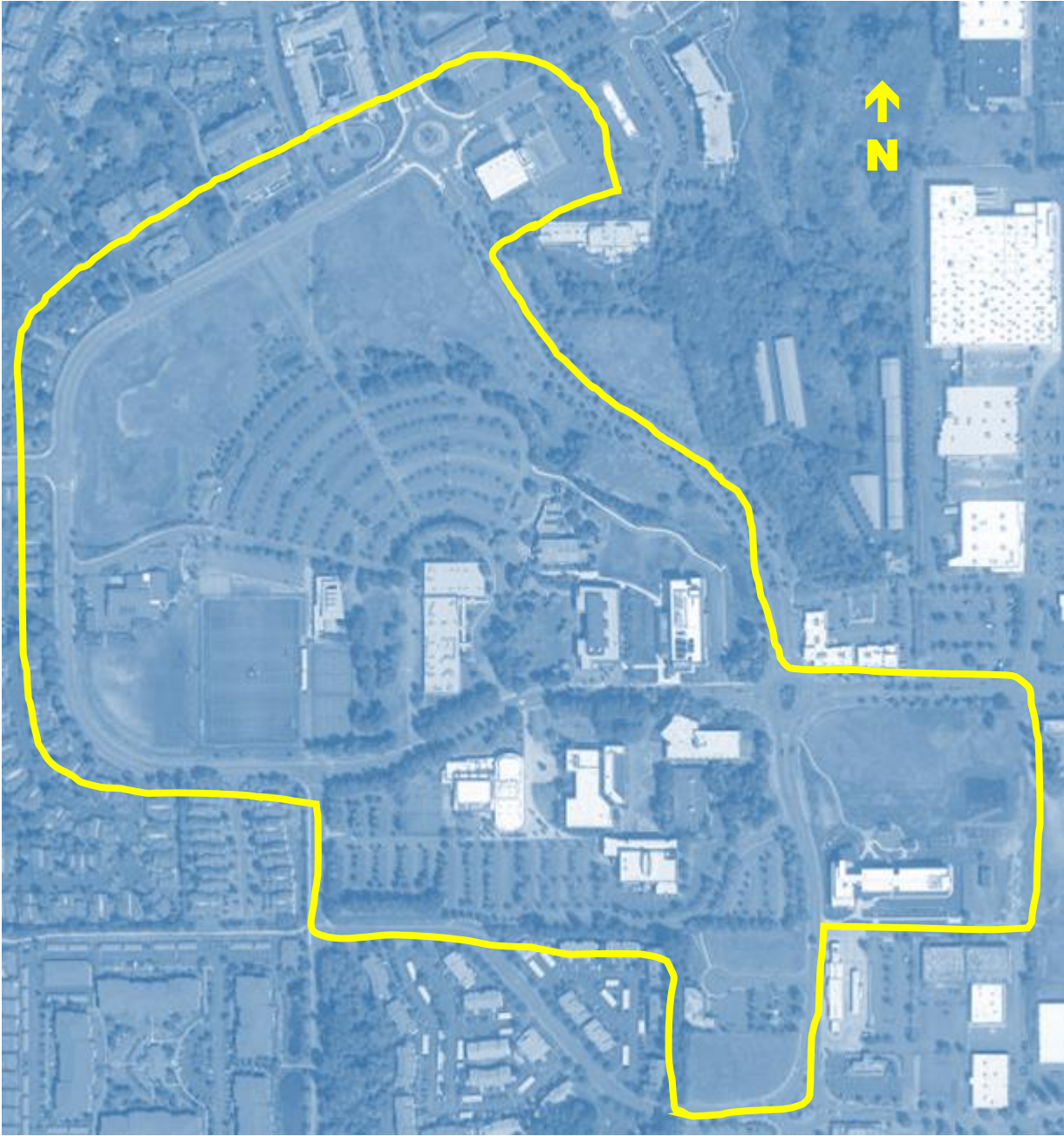
The Director for Safety and Security pulls the statistical data for this report from multiple sources, including internal safety and security records and records maintained by the Bellingham Police Department. The Director for Safety and Security also requests statistical information from all campus security authorities (as defined by federal law) and from deans, directors and department heads. The campus security authorities include the professional counselors on campus who are not required to report but may do so voluntarily.

The College discloses the availability of this annual report to enrolled students, potential students and current employees on an annual basis electronically. All enrolling students registering for classes receive information about this report during the registration process. This information includes a brief summary of the contents of this report and its location online as well as information on how to obtain a hard copy of this report. All current college employees receive an electronic notice that includes a brief summary of the contents of this report and its location online. The notice also contains information on how to obtain a hard copy of this report. The college's Human Resources Department also discloses the report to prospective employees.

The intent of the report is to summarize reported crimes that occurred in the previous three calendar years and provide information about safety on campus.

CLERY REPORTING GEOGRAPHY

MAP – Whatcom Community College as of January – December 2022



The statistics are categorized separately as offenses that occur in the following locations:

- **On Campus** – This includes any buildings and facilities owned or controlled by Whatcom Community college, which are within the same reasonably contiguous geographic area and used to meet or support the institution’s educational purpose. This includes administrative buildings, buildings that house classrooms, labs, shops, childcare centers, support facilities, undeveloped property and parking lots. Specifically, this includes facilities or properties located at the following addresses:
 - 230 W. Kellogg Road
 - 231 W. Kellogg Road
 - 233 W. Kellogg Road
 - 235 W. Kellogg Road
 - 236 W. Kellogg Road
 - 237 W. Kellogg Road
 - 241 W. Kellogg Road
 - 288 W. Kellogg Road
 - 310 W. Kellogg Road
 - 400 W. Kellogg Road
 - 620 W. Kellogg Road
 - 333 Calluna Court
 - 475 Stuart Road

Whatcom Community College has one multi-story residential building on campus:

Cedar Hall – 204 Olivine Lane

- **Public Property** – These areas can be described as public streets that run through the campus or form the border of campus. If portions of the bordering streets are not accessible because of a fence or other obstructions, then those portions are not included in the annual report.

Whatcom Community College does not have any obstructions that would exclude a portion of its bordering streets from inclusion in the annual report. Public streets and thoroughfares considered as part of this report include:

- W. Kellogg Road from Cordata Parkway to Stuart Road to Cordata Parkway
 - Cordata Parkway from Calluna Court to Stuart Road
 - Westerly Road from Cordata Parkway to Eliza
 - Eliza from Westerly to W. Kellogg Road
 - Calluna Court from Cordata Parkway
 - Stuart Road from Cordata Parkway east to terminus
 - Olivine Lane from Cordata Parkway east to terminus
- **Off-Campus** – Whatcom Community College does not currently have off-campus building contracts (effective 2021).

CLERY CRIMES

Statistics are included by calendar year in which the crime was reported to Whatcom Community College Campus Safety and Security.

Statistics are gathered and counted based on the following criteria:

CRIMES	COUNTED BY NUMBER OF
Murder and Non-negligent Manslaughter	One offense per victim
Manslaughter by Negligence	One offense per victim
Sexual Assault (Rape, Fondling, Incest)	One offense per victim
Sexual Assault (Statutory Rape)	One offense per victim
Robbery	One offense for each distinct operation
Aggravated Assault	One offense per victim
VAWA Offenses	One offense per victim
Burglary	One offense per each distinct operation
Motor Vehicle Theft	One offense for each stolen vehicle
Arson	One offense for each distinct incident of Arson
Hate Crimes	One offense for each associated crime by bias
Liquor, drug and weapon law offenses	One offense for each Arrest
Liquor, drug and weapon policy violations	One offense for each confirmed violation

In the case of liquor, drug and weapon offenses, the numbers are tallied in two groups. The first set of numbers is for those individuals who are arrested, and the second is for those who received college disciplinary sanctions alone. This is not a distinction between breaking the law and not breaking the law; the numbers in both groups are the result of a likely violation of the law. It is an attempt to reflect the actual impact of liquor, drug and weapon violations occurring in the campus community even when the incident does not result in an arrest. An officer or the district attorney may choose not to prosecute an individual for one of these offenses because there is insufficient evidence to reach a conviction or for other reasons, but WCC may still sanction the individual for the conduct. The standard for being found liable or responsible in a civil proceeding is less than what is required for a conviction in a criminal proceeding.

The following statistics are collected and reported as a bias/hate crime: the Clery-reportable crimes described in the section above, as well as theft, simple assault, intimidation, destruction / damage / vandalism of property, and any other crimes involving bodily injury to any person, where the complainant-victim was intentionally selected because of his or her actual or perceived race, sex, religion, sexual orientation, ethnicity or disability.

The statistics are compiled using the definitions in the FBI's Uniform Crime Reporting (UCR) system and modifications made pursuant to the Hate Crime Statistics Act.

HIERARCHY RULE

When incidents are examined to determine if they should be included in the annual report, a portion of the Clery Act called the Hierarchy Rule comes into effect. Occasionally, a person who is arrested may have committed more than a single offense. The Hierarchy Rule requires in this situation that we count the offense which is of the most serious nature and not count an offense of lesser significance. For example, if a person committed a burglary and a murder in the course of a single act then only the murder would be counted for the purposes of this report. An exception to this rule exists for hate crimes. If a person commits any reportable offense and while doing this, also commits a hate crime, then both incidents will be reported.

EXCLUDED CRIMES

In some cases, an incident that is reported as a crime may not be included in the annual report. Each of the following five standards must be met for an incident to be included in the annual report:

- 1) **Reported to the Proper Authorities** – Incidents must be reported to law enforcement or a person who, according to the Clery Act, is defined as a Campus Security Authority (CSA). A person designated as a CSA does not only mean a person employed by the Campus Safety and Security Department. The term is applied to any person who works for the College in a paid or volunteer status and has significant responsibility for student activities. Individuals to whom a student reasonably believes that he or she can report a crime to and expect that the matter will be addressed directly through that individual's intervention or that the individual will contact law enforcement for a response, then that individual is deemed a Campus Security Authority.
- 2) **Listed Crimes** – The crime must be one of those listed in the Clery Act as a reportable crime. (See the list above.)
- 3) **Reportable Area** – The crime must have occurred in one of the reportable areas. Every reportable crime occurring within the boundaries of campus is in the reportable area.

Perimeter streets are described in the following way: "Sidewalk – Street – Sidewalk." This means that a reportable crime occurring on the sidewalk on either side of a perimeter street is reportable, as are incidents occurring in the street. But an incident occurring in a building (a privately owned store) on the distant side of a perimeter street would not be included. Unfortunately, most law enforcement agencies do not distinguish where a crime occurs with this degree of detail. Crimes are usually located by street and house numbers.

With regard to non-campus buildings, crimes occurring in those buildings or on the property of that location are reportable. Incidents occurring on the sidewalk or on streets in front of that building would not be including.

- 4) **Made in Good Faith** – For an incident to be included there must be a determination that the report is made in good faith. Supporting evidence makes this determination easy, but such evidence is not always available. In such a case, the credibility of the person making the report is considered. When the incident is reported to WCC through a law enforcement agency, the College assumes that this determination has already been made.

- 5) **Unfounded** – If law enforcement determines that a particular reported incident could not have occurred or did not occur (i.e., false report), the crime is not included in the annual report. Only law enforcement can rule a case “unfounded.”

CLERY CRIME DEFINITIONS

The crime definitions listed below are taken from the Handbook for Campus Safety and Security Reporting (Revised 2016). These definitions guide Whatcom Community College on defining and classifying crimes.

Criminal Homicide

These offenses are separated into two categories: Murder and Non-negligent manslaughter, and Manslaughter by Negligence.

- **Murder and Non-negligent manslaughter** *is defined as the willful (non-negligent) killing of one human being by another. Include as Murder and Non-negligent Manslaughter: Any death caused by injuries received in a fight, argument, quarrel, assault or the commission of a crime.*
- **Manslaughter by Negligence** *is defined as the killing of another person through gross negligence. Include as Manslaughter by Negligence: Any death caused by the gross negligence of another.*

Sexual Assault (Sex Offenses)

Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. Include attempted Sexual Assaults, in the following four categories only:

- **Rape** *is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.*
- **Fondling** *is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.*
- **Incest** *is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.*
- **Statutory Rape** *is sexual intercourse with a person who is under the statutory age of consent.*

Robbery

Robbery is the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and / or by putting the victim in fear.

Aggravated Assault

Aggravated Assault is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

Burglary

Burglary is the unlawful entry of a structure to commit a felony or a theft.

Motor Vehicle Theft

Motor vehicle theft is the theft or attempted theft of a motor vehicle.

Arson

Arson is any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

The second category of statistics that are required to be disclosed are Hate Crimes.

*A **Hate Crime** is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim.*

Although there are many possible **categories of bias**, under the Clery Act, only the following eight categories are reported:

- Race
- Religion
- Sexual Orientation
- Gender
- Gender Identity
- Ethnicity
- National Origin
- Disability

For Clery Act purposes, Hate Crimes include any of the following offenses that are **motivated by bias**:

- Murder and Non-Negligent Manslaughter
- Sexual Assault
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Larceny-Theft
- Simple Assault
- Intimidation
- Destruction/Damage/Vandalism of Property

In addition to those offenses listed previously, the following crimes are included in the statistical information **only if they are deemed Hate Crimes** by law enforcement.

- **Larceny/Theft** *is the unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another.*
- **Simple Assault** *is an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, sever laceration, or loss of consciousness.*
- **Intimidation** *is to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.*
- **Destruction/Damage/Vandalism of Property** *is to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.*
- **Liquor, drug and weapon law offenses** *are any violation of liquor, drug or weapon laws. Driving under the influence (DUI) is not reportable because it is a driving crime and not a liquor crime unless the driver is also a minor or the means of intoxication is an illegal drug.*

DAILY CRIME LOG

The Daily Crime Log records activity reported to the Whatcom community College Campus Safety and Security Department. The log includes a summary of the incident, the date, time and general location of each incident, and the disposition, if known.

The Daily Crime Log is open to the public for inspection at all times during normal business hours. Any portion of the log that is older than 60 days must be made available within two business days of a request for public inspection. The Daily Crime Log is also posted on the public website Whatcom.edu.

Information may be withheld from the Daily Activity Log, in these cases:

- Disclosure of the information is prohibited by law.
- Disclosure would jeopardize the confidentiality of the complainant-victim.
- There is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual.

CRIME STATISTICS

CLERY CRIME STATISTICS CALENDAR YEARS 2020-2022

Criminal Offenses

	ON CAMPUS			PUBLIC PROPERTY			OFF CAMPUS		
	2020	2021	2022	2020	2021	2022	2020	2021	2022
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	1	0	0
Fondling	0	0	0	0	0	0	2	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated assault	1	0	0	0	0	0	0	0	0
Burglary	0	0	0	1	0	0	2	0	0
Motor vehicle theft	3	0	0	0	0	0	4	0	0
Arson	0	0	0	0	0	0	0	0	0
Domestic Violence	0	2	0	2	0	0	8	1	0
Dating Violence	0	2	0	0	0	0	4	0	0
Stalking	0	0	0	0	0	0	0	0	0

CAMPUS RESIDENCE LIFE - Criminal Offenses/ Disciplinary Actions/Judicial Referrals for each of the following law violations that occurred in or directly affiliated with residence life apartments

	2020	2021	2022
<i>Murder/Non-negligent manslaughter</i>	0	0	0
<i>Negligent manslaughter</i>	0	0	0
<i>Sex offenses - Forcible</i>	0	0	0
<i>Sex offenses - Non-forcible</i>	0	0	0
<i>Robbery</i>	0	0	0
<i>Aggravated assault</i>	0	0	0
<i>Burglary</i>	0	0	0
<i>Motor vehicle theft</i>	0	0	0
<i>Arson</i>	0	0	0
<i>Domestic Violence</i>	0	0	1
<i>Dating Violence</i>	0	0	0
<i>Stalking</i>	0	0	0
<i>Weapons Policy Violation</i>	0	0	0
<i>Drug Policy Violation</i>	3	2	6
<i>Liquor Policy Violation</i>	1	2	10

Hate Crimes Any crimes reported to have occurred that manifested evidence of prejudice based on race, gender, religion, sexual orientation, ethnicity/national origin, gender identity or disability.

	ON CAMPUS			PUBLIC PROPERTY			OFF CAMPUS		
	2020	2021	2022	2020	2021	2022	2020	2021	2022
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Simple assault	0	0	0	0	0	0	0	0	0
Larceny-theft	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction/vandalism of property	0	0	0	0	0	0	0	0	0

Arrests for each of the following crimes

	ON CAMPUS			PUBLIC PROPERTY			OFF CAMPUS		
	2020	2021	2022	2020	2021	2022	2020	2021	2022
Illegal Weapons Crime	0	0	0	0	0	0	0	0	0
Drug Law Violation	0	0	0	0	0	0	0	0	0
Liquor Law Violation	0	0	0	0	0	0	0	0	0

Disciplinary Actions/Judicial Referrals for each of the following law violations including campus residence life apartments. (These figures are not included in the arrest figures.)

	ON CAMPUS			PUBLIC PROPERTY			OFF CAMPUS		
	2020	2021	2022	2020	2021	2022	2020	2021	2022
Weapons Policy Violation	0	0	0	0	0	0	0	0	0
Drug Policy Violation	4	0	0	0	0	0	0	0	0
Liquor Policy Violation	1	0	0	0	0	0	0	0	0

CRIME AND EMERGENCY REPORTING PROCEDURES

The following describes current campus policies regarding procedures for students and others to report criminal actions or other emergencies occurring on campus.

TO REPORT CRIMES OR EMERGENCIES

What Community College strongly encourages accurate and prompt reporting of all crimes and public safety related information and takes all such reports seriously. Information to be reported should not be limited to actual crimes; it also should include any suspicious activity or person seen anywhere on or near campus, including in parking lots, inside or outside campus buildings and residential facilities.

- 1) Reporting to Whatcom Community College Campus Safety and Security
 - 360.383.3446 / 360.920.7489 On-Duty Mobile Phone
 - Safety@whatcom.edu
 - 237 W. Kellogg Road, Laidlaw Center, Rooms 103 and 104
 - Director for Safety and Security, Raquel (Rocky) Vernola
 - 360.383.3394, rvernola@whatcom.edu
- 2) Reporting directly to Bellingham Police Department
 - Emergency number: 9-1-1
 - Non-emergency number: 360.778.8800
 - WCC will assist complainant-victims in notifying BPD, if the student requests assistance.
- 3) Submit electronic [report online](#).

CAMPUS SECURITY AUTHORITY

To ensure that campus crime is not underreported, the Clery Act requires campus crime statistics include any crime that is reported to local police agencies or campus security authorities—a broad designation that potentially includes many institutional personnel.

The Code of Federal Regulations 34 CFR 668.46 (a) identifies campus security authorities as:

- A campus police department or a campus security department of an institution,
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department, such as an individual who is responsible for monitoring entrance into institutional property,
- Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses, or
- Any official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings.

At WCC, the Director for Safety and Security is the lead Campus Security Authority as well as the Campus Security Survey Administrator.

At WCC, the following employees fall into the category of Campus Security Authority because they have significant responsibility for student and campus activities:

- All Athletic Coaches
- All Academic and Program Advisors
- All Campus Safety and Security Staff
- All Student Club Advisors
- All Resident Life Assistants (RAs)
- Access and Disability Services Staff
- Student Recreation Coordinator/Staff
- Residence Life Coordinator/Manager
- Associate Director for Student Life
- Associate Director for Athletics
- Campus Systems Manager
- Deans for Instruction Division
- Director for Campus Safety and Security
- Director for Community Standards and Res Life
- Director for International Programs
- Director for Library Services
- Director for K-12 / Running Start
- Senior Director for Facilities and Operations
- Executive Director for Human Resources and Title IX Staff
- Vice President for Administrative Services
- Vice President for Instruction
- Vice President for Student Services
- President for the College

The following staff perform primary/secondary duties as campus security components:

- Safety and Security Staff
- Custodial Staff
- Maintenance Staff
- Grounds Staff

VOLUNTARY ANONYMOUS REPORTING

The Campus Safety and Security Department encourages anyone who is a complainant-victim or witness to any crime to promptly report the incident. Because these reports are public records under state law, the Campus Safety and Security Department cannot hold reports of crime in confidence.

If the *complainant-victim* of a crime and does not want to pursue action within the College system or the criminal justice system, *the complainant-victim* may make an anonymous report. Anonymous reports for purposes of inclusion in the annual disclosure of crime statistics can generally be made as described below.

- WCC Counseling Services office provides limited confidential counseling services. These services include providing information on how to file an official report for investigation.
- Counseling professionals are not “Campus Security Authorities” and are not required to report crimes for inclusion in the annual Clery report. However, WCC encourages Counseling professionals to inform recipients of their services about how to provide anonymous reports.
- Domestic Violence and Sexual Assault Services (DVSAS) of Whatcom County can assist sexual assault complainant-victims and provide similar information on how to file an official report for investigation. DVSAS can also assist complainant-victims of sexual assault, domestic violence, dating violence and stalking obtain protection orders through the court system.

HOW WCC PROVIDES TIMELY WARNINGS & EMERGENCY NOTIFICATIONS

EDUCATION OF MEMBERS OF THE COLLEGE COMMUNITY

Campus safety presentations are provided at new student orientation by Campus Safety and Security staff. Campus Safety and Security also provides several types of training for faculty, staff and students. These courses include:

- The core principles of Emergency Management (NIMS)
- Introduction to WCC Standard Response Protocols (SRP) - emergency procedures
- Campus Safety and Security Overview
- Campus Security Authority quarterly training
- What to do in Active Threat incidents
- Building Responder Training
- Crisis Communications
- Resources to develop plans; mitigate problems; and create an active dialogue on difficult issues.

WCC also offers local public safety agencies the opportunity to train and practice tactics on campus. These trainings include police tactical response to target violence situations, drug canine training, and strategic planning between college and public safety. Where appropriate, faculty, staff and students may participate as actors in these trainings.

NOTIFICATION TO WCC AND LARGER COMMUNITY ABOUT AN IMMEDIATE THREAT

The campus emergency notification system, referred to as Whatcom Alert, provides WCC with a robust emergency communication mechanism. Any WCC student, faculty or staff may update their information through their My WCC account by logging into mywcc.whatcom.edu or on their CTC link user profile.

Whatcom Alert is an emergency notification system used to send emergency alerts, notifications and updates to the campus community via text, e-mail and social media. In addition, Whatcom Alert has the capability to make audio announcements over the public address system, display alerts on campus computer screens and campus phones, and display messaging on flat screen monitors throughout campus. WCC community members can add multiple points of contact (text and email) to their Whatcom Alert notification system account. This mechanism is used to provide the WCC community with timely and accurate information.

In the event of an emergency, (fire, inclement weather, etc.) Campus Safety and Security begins coordinating response on campus. Campus Safety and Security alerts senior college administrators of the situation. Campus Safety and Security then confers with appropriate college personnel to construct an appropriate message to send to the College community via the Whatcom Alert system. Some messages are also pre-event scripted for immediate use.

Considering the safety of the community, WCC will determine the content of the notification and immediately initiate the notification system as warranted by incident.

Whatcom Community College will not immediately issue a notification if, in the professional judgment of responsible authorities (including Campus Safety and Security and college administration), it will compromise efforts to assist a complainant-victim(s), obtain suspect(s), respond to, or otherwise mitigate the emergency. When appropriate, a notification will be issued.

CONFIRMATION OF EMERGENCY OR DANGEROUS SITUATION

Upon notification of a possible emergency or dangerous situation, WCC officials will attempt to confirm such an incident or risk exists. Confirmation methods may include, but are not limited to:

- Personal observation by WCC employee(s);
- Consultation with local law enforcement agencies or other agencies; and /or
- Victim/witness statements

Persons at WCC who can initiate the confirmation and alert process are:

- Director for Safety and Security
- Sr. Director for Facilities and Operations
- Vice President for Administrative Services
- President for the College
- Director for Communications and Marketing

CONTENT OF INFORMATION CONTAINED IN EMERGENCY NOTIFICATIONS

Whatcom Community College will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

The campus community will receive current/updated campus information as needed in an effort to keep students, faculty and staff informed of the situation.

For special emergencies such as campus-wide illness, Campus Safety and Security works with appropriate outside agencies and the College public information officer to quickly develop and send out messages appropriate for the emergency.

The warnings would include all information that promotes safety and that aids in the prevention of similar crimes. Warnings would include information about the crime that triggered the warning and specific actions to take when necessary.

TIMELY WARNINGS

When Campus Safety and Security learns and verifies that a crime covered by the Clery Act has occurred within the Campus Clery geography, it will issue a campus-wide “timely warning” via the Whatcom Alert system. The purpose of a timely warning is to alert the campus community of a crime or crimes to aid in the prevention of similar crimes and to enable people to protect themselves. Timely warnings will be issued as soon as the pertinent information is available.

A “timely warning” will be issued if, in the judgment of Campus Safety and Security and/or a college administrator, a crime or potential crime constitutes a serious or continuing threat to the campus community. Timely warnings may be issued in a variety of methods, depending on the circumstances of the crime. These can include:

- **Whatcom Alert system** (campus-wide email, text messages, Twitter, Facebook and RSS-capable devices) – disseminated by the Campus Safety and Security Department or the Public Information Office and supported by the IT Department.
- **Printed Notice** – when appropriate may be posted at campus locations affected by the emergency.
- **Website Posting** – public safety issues of on-going concern to the campus community are posted on the public website, whatcom.edu.
- **Social Media** – public safety issues of on-going concern to the campus community are posted on the WCC Facebook page and Twitter feed.
- **Local Media** – may also be provided information when the risk of harm in a particular incident can reasonably be expected to extend to off-campus areas.

Timely warnings are not limited to violent crimes or crimes against persons. Timely warnings can be issued for threats to persons or to property. For example, a rash of car prowls or motor vehicle thefts that might merit a warning because they present a continuing threat to the campus community. A number of incidents involving the possession of “date rape” drugs may also trigger the need for a warning.

COMPLAINANT/VICTIM NAMES HELD IN CONFIDENCE

WCC will protect the identity of persons who report having been complainant-victims of sexual assault, domestic violence, dating violence, or stalking to the fullest extent of the law.

Regarding timely warnings and emergency notifications, WCC will not disclose the names of crime complainant-victims, and the college will withhold the names of complainant-victims as confidential to the fullest extent of the law.

EMERGENCY NOTIFICATIONS

If any other significant emergency or dangerous situation is verified to have occurred on or near campus that, in the judgment of campus safety and security and/or a college administrator, creates an immediate threat to the health or safety of students, faculty or staff, or otherwise warrants a notification, an “emergency notification” will be issued via the Whatcom Alert system. For example, emergency notifications may include notices of a fire, gas leak, bomb threat or an outbreak of a communicable disease, as well as a notice of a Clery-reportable crime. An emergency notification will be sent to the areas of campus subject to the threat. This may include part or all of the campus or may evolve as the threat changes. Emergency notifications are broadcast via the Whatcom Alert system.

Whatcom Alert is an opt-out notification system for students and employees. However, WCC discourages currently registered students from opting out of the notification as for this is the main way they will be advised when an on-campus emergency occurs. Additionally, all faculty and staff are encouraged to remain active within Whatcom Alerts system and to keep their contact information updated with Human Resources or by updating their information through CTC link or mywcc.whatcom.edu.

EMERGENCY RESPONSE & EVACUATION PROCEDURES

MULTI-HAZARD PLAN

WCC's Comprehensive Emergency Management Plan (CEMP) includes information about how WCC faculty, staff and students should respond to emergencies on campus.

Campus safety staff and administrators have received training in Incident Command and Responding to Critical Incidents on Campus. When a serious incident occurs that causes an immediate threat to the campus, the first responders to the scene are usually Campus Safety and Security staff and Facilities & Operations staff, and they typically respond and work together to manage the incident. Depending on the nature of the incident, other WCC departments and other local agencies could also be involved in responding to the incident.

Emergency notifications are broadcast via the **Whatcom Alert** system. WCC may also use the other means of notification described above to effectively notify the campus community.

WCC's Comprehensive Emergency Management Plan (CEMP) establishes an organizational structure for response to emergencies that cause a significant disruption of the College's "normal operations." This plan reflects Whatcom Community College's efforts to coordinate response internally and with external response agencies (i.e., City, County, State, etc.).

STANDARD RESPONSE PROTOCOLS®

In September 2022, Whatcom Community College adopted and implemented the Standard Response Protocols® (SRP). The standard response protocols are a uniformed, planned, and practiced response to any incident that may occur on-campus and is the foundation of a safe learning and working environment.

The SRP is action-based, flexible and easy to learn! It rationally organizes tactical response for weather events, fires, accidents, intruders, and other threats to personal safety.

The SRP is conveyed through use of emergency reference flip guides located throughout campus in classrooms, office suites, and service areas. A digital version of the emergency reference guide is available on whatcom.edu. Additionally, a one-page emergency reference quick guide was produced to display action-based procedures in campus restrooms and non-traditional spaces where employees, students and visitors may be during an emerging event.

ACTIVE THREAT AWARENESS

The following information provides recommended action by potential threat and specific incident. The nature of incident in real time may differ from information provided. Use your best judgement to safely take action. In all life safety matters, call 911.

HOLD!

REMAIN IN THE ROOM OR AREA! CLEAR THE HALLWAYS!

Take Action!

- ➡ Clear the hallways and remain in the room or area!
- ➡ Close door. You may lock if able.
- ➡ Do business as usual. Keep aware of activities around you.
- ➡ **Wait** for “all clear” before leaving the room or area.

SECURE!

GET INSIDE! LOCK EXTERIOR DOORS! LOCK ROOM DOORS!

Take Action!

- ➡ Stay in the classroom or area. If in hallway, go to nearest classroom or office.
- ➡ Close door and lock door. Wait for direction.
- ➡ Do business as usual. Keep aware of activities around you.
- ➡ **Wait** for “all clear” before leaving the room or area.

LOCKDOWN!

LOCKS, LIGHTS, OUT OF SIGHT!!

Take Action!

- ➡ Stay in the classroom or area. If in hallway, go to nearest classroom or office.
- ➡ Close door and lock door. Move away from sight.
- ➡ Stay quiet! Silence phone. Do **NOT** open the door!
- ➡ **Wait** for “all clear” before leaving the room or area.

EVACUATE!

TO A SAFE LOCATION – LEAVE THE BUILDING!

Take Action!

- ➡ Leave your belongings behind if required to; if possible, bring your phone.
- ➡ Evacuate as a class or individually. Help others if needed.
- ➡ Follow instructions. Meet with your instructor or supervisor at a safe location.
- ➡ **Wait** for “all clear” before returning to / entering the building.

SHELTER!

FOR HAZARD USING A SAFETY STRATEGY!

Take Action!

- ➡ Shelter inside a building.
- ➡ If necessary, seal the room. Shut the windows, close the door, block door gap.
- ➡ Follow instructions. Meet with your instructor or supervisor at a safe location.
- ➡ **Wait** for directions.

TESTING AND EXERCISES

The purpose of an evacuation test is to prepare building occupants for an organized evacuation in case of an emergency. At WCC, evacuation tests are used as a way to educate and train occupants on issues specific to their building. During the test, occupants practice evacuation procedures and familiarize themselves with the location of exits and the sound of the fire alarm. In addition to educating the occupants of each building about the evacuation procedures during the drills, the process also provides WCC an opportunity to test the operation of fire alarm system components and the emergency notification system (Whatcom Alert).

Evacuation tests are monitored by the Campus Safety and Security and the Facilities and Operations staff to evaluate egress and behavioral patterns. Reports are prepared by the Director for Safety and Security, which identify deficient equipment so that repairs can be made immediately. Recommendations for improvements are also submitted to the appropriate departments/offices for consideration.

Students receive information about evacuation and lockdown during new student orientation and during other educational sessions throughout the year. In the on-campus residence facility, Resident Assistants (RAs) members are trained in these procedures as well and act as an on-going emergency resource for the students living on campus.

Emergency information and procedures are located in every classroom, building, and office, and are referred to as the Emergency Reference Flip Guide.

To comply with the Clery requirement, WCC's tests meet the following criteria:

- **Be scheduled.** Actual emergencies or a false emergency alarm do not count.
- **Contain drills.** Drills test a single procedural operation (e.g., a test of initiating the Whatcom Alert system or a test of personnel conducting a fire drill).
- **Contain exercises.** Drills involve coordination of efforts (e.g., a test of the coordination of first responders, including police, firefighters and emergency medical technicians).
- **Contain follow-through activities.** Tests are designed to review procedures and actions and evaluate the drill/exercise (e.g., a survey or interview to obtain feedback from participants).
- **Be designed for assessment of emergency plans and capabilities.** Tests have measurable goals. For example, "Everyone involved in the emergency response and notification procedures will understand his or her role and responsibility."
- **Be designed for evaluation of emergency plans and capabilities.** Drills are designed so that, using the assessments, WCC can judge whether or not the test met its goals. For example, "The evacuation process accounted for/did not account for the diverse needs of all members of the campus community."

Tests of the Whatcom Alert system are conducted annually. These tests ensure the operation of the system and raise community awareness of the system. Emergency drills are conducted quarterly at Cedar Hall for students living in student housing.

In addition, the Bellingham Police Department, the Whatcom County Sheriff's Office and other local and regional law enforcement agencies and the fire department train on the WCC campus and encourage WCC staff to participate or observe these trainings.

FOLLOW-UP AND RECORD KEEPING

After each fire evacuation test or on-campus exercise, a report is completed to identify successes and areas for improvement. The Facilities and Operations Office maintains fire safety test records and all other emergency tests and exercise records are maintained by the Campus Safety and Security Department.

SECURITY OF CAMPUS FACILITIES

During business hours, the College is open to students, parents, employees, contractors, guests, and invitees. During non-business hours, access to all College facilities is by key, if issued, or by admittance via the Campus Safety and Security or Facilities and Operations staff. In the case of periods of extended closure, the College only admits those with approved access.

Some facilities may have individual hours, which may vary at different times of the year. Examples are the Pavilion (Student Recreation Center and gym), the Learning Commons (Library), the Foundation Building and Roe Studio. In these cases, the facilities are secured according to schedules developed by the department responsible for the facility. Emergencies may necessitate changes or alterations to any posted schedules.

The College is committed to the safety and security of all members of its community by maintaining the security of its facilities and physical environs. Whatcom Community College utilizes manual keys and electronic keycards to control entry into all operational buildings, computer labs, classrooms and instructional labs. The system is administered by the Facilities and Operations Office.

The Facilities and Operations Office provides direction and oversight to the planning, management, and coordination of key control for the college managed facilities. Individual divisions and departments determine who is authorized to request and obtain a key to their respective areas and submit appropriate approvals to the Facilities and Operations Office. Those individuals receive a key(s), including, as appropriate, access cards or codes and/or brass keys. Key request forms are available in the Facilities and Operations Office and on the staff web page compass.whatcom.edu.

The overall goal of access control is to provide a reasonable level of security for the College and, at the same time, allow as much freedom of access as possible to the campus community. While maintaining a welcoming and hospitable campus environment, the College controls access to its facilities in an effort to accomplish the following objectives:

- Promote and maintain the safety and security of college faculty, staff, students and visitors.
- Prevent crime where possible, deter crime that cannot be prevented.
- Provide tools and information to support investigations and law enforcement.
- Protect college property and assets commensurate with their value.
- Protect and secure college records.
- Protect the integrity and operation of college systems and related infrastructure.
- Provide governance for access control, safety, and surveillance decisions during normal day-to-day campus operations, campus construction, and remodeling of campus spaces.

The purpose is to establish procedures/policies pertaining to granting access devices to college facilities; assign responsibility of authorizing access; and implement procedures for the physical security and control of access that has been granted.

SECURITY CONSIDERATIONS USED IN MAINTENANCE OF CAMPUS FACILITIES

Facilities and Operations provides maintenance, repair, landscaping and custodial services for college facilities and grounds, provides construction and renovation project support, and manages tenant-occupied spaces on campus. Facilities and Operations role in access control includes repairing and installing locks and installing and maintaining card access readers.

CAMPUS LAW ENFORCEMENT AUTHORITY

Whatcom Community College Campus Safety and Security employs Security Guards. Security Guards are granted authority by the College President and the Washington Administrative Code 132U-116-010 to patrol campus; enforce parking regulations; provide assistance to students, faculty, and staff through safe escort services; general assistance; and routine safety and security activities.

WCC does not employ full-time commissioned officers. Whatcom Community College is provided law enforcement services by the Bellingham Police Department. WCC and BPD work together to provide law enforcement and security services to the campus.

WORKING RELATIONSHIP WITH LOCAL LAW ENFORCEMENT AGENCIES

WCC recognizes that laws and rules are necessary for society to function and supports the enforcement of law by governmental agencies and rules by officials of the College. All persons on the campus are subject to these laws and rules at all times. While the College is state property, and constitutional protections apply, law enforcement officers may enter the campus to conduct business as needed. Additionally, the officers are invited to patrol the campus to assist Campus Safety and Security in deterring crime.

Campus Safety and Security benefit from an especially strong relationship with the Bellingham Police Department. As a matter of course, serious crimes are the responsibility of the Bellingham Police Department.

Campus safety and security staff are expected to render all possible assistance provided such assistance can be given without significantly endangering themselves or others not involved in the crime.

As noted in the introduction and the emergency policies, BPD is notified of all serious crimes on campus, and is immediately notified of major crimes. All victims are offered an opportunity to report crimes to BPD.

Frequent meetings or telephone conversations between the BPD and the Campus Safety and Security department allow for exchanges of routine information on a timely basis. Additionally, special needs are communicated between agencies as they occur.

CRIME AND SECURITY AWARENESS AND PREVENTION PROGRAMS

Crime prevention programs on personal safety and theft prevention are sponsored by various campus organizations throughout the year. Student and community organizations provide a variety of educational strategies and tips on how to protect oneself from sexual assault, theft and other crimes.

During start-of-quarter new student orientation, students are informed of services offered by the College. During these sessions, the Campus Safety and Security team provides information and tips to maintain personal and property safety.

Students and employees are provided crime awareness and prevention information through brochures and handouts that are available online through both the public website and employee website. Additionally printed materials are available throughout campus buildings and offices.

ALCOHOL AND DRUG USE POLICY

As part of its educational mission, the College is committed to providing an environment that promotes academic, social, and personal development and recognizes that faculty and staff all contribute to learning. The College holds the belief that the illegal use or abuse of alcohol and/or drugs, poses a direct threat to its learning environment.

Under WCC's student code of conduct violations WAC 132U-126-030, students may be subject to disciplinary action for any activity that unreasonably disrupts the operations of the college or infringes on the rights of another member of the college community. The college may impose sanctions against a student found responsible for committing, attempting to commit, aiding, abetting, inciting, encouraging, or assisting another person to commit, an act(s) of misconduct.

- WAC 132U-126-030; (10a): **Alcohol**. *The use, possession, sale, or being observably under the influence of any alcoholic beverage, except as permitted by law and applicable college policies.*
- WAC 132U-126-030; (10b): **Marijuana**. *The use, possession, delivery, or sale of marijuana or the psychoactive compounds found in marijuana and intended for human consumption, regardless of form, or being under the influence of marijuana or the psychoactive compounds found in marijuana and intended for human consumption, regardless of form. While state law permits the recreational use of marijuana, federal law prohibits such use on college premises or in connection with college activities.*
- WAC 132U-126-030; (10c): **Drugs**. *The use, possession, delivery, sale, or the appearance of being under the influence of any legend drug, including anabolic steroids, androgens, or human growth hormones as defined in chapter 69.41 RCW, or any other controlled substance under chapter 69.50 RCW, except as prescribed for a student's use by a licensed practitioner.*

The College recognizes that the irresponsible use of alcohol places the individual and the community at a greater risk for injury, health problems, and other damage. Alcohol use is not an excuse for infringing on the rights of others or damaging College property. The College will pursue sanctions for alcohol-related misconduct, through the Student Code of Conduct or employee disciplinary procedures, as appropriate.

DRUG FREE WORKPLACE POLICY

[WCC's Administrative Policy 404](#)

Whatcom Community College intends to provide and promote a drug-free, healthful, safe, and secure work environment. Thus, each employee is expected and required to report to work in an appropriate mental and physical condition to perform his/her assigned duties.

It is the policy of Whatcom Community College to expect employees to encourage and model behaviors designed to reduce or eliminate drug abuse in society. Whatcom Community College recognizes drug dependency to be an illness and a major health problem. The institution also distinguishes drug abuse as a potential health, safety and security problem. Employees needing assistance in dealing with such problems are encouraged to utilize the Washington State Employee Advisory Program and health insurance plans, as appropriate. Conscientious efforts to seek such help, in and of itself, will not jeopardize employment.

Being under the influence of, or participating in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in and on Whatcom Community College owned and controlled property will result in disciplinary action being taken in accordance with the Higher Education Personnel Board rules, bargaining unit agreements, tenure laws, or other policies of the institution. Violation will be reason for discipline, including possible termination of employment.

Employees must, as a condition of continued employment, abide by the terms of this policy, and report any conviction under a criminal drug statute for violations occurring in or on properties controlled or owned by Whatcom Community College or while conducting College business. A report of such conviction must be made within five (5) days after said conviction. The College must notify any federal contracting agency within ten (10) days of having received notice that an employee engaging in the performance of such federally sponsored grant or contract has any drug statute conviction or violation occurring in the workplace. The College will impose a sanction on or require the satisfactory participation in a drug/alcohol abuse assistance or rehabilitation program by, any employee who is so convicted.

Employees covered by the WFSE Collective Bargaining Agreement may be required to take post-accident drug and alcohol testing as delineated in Article 22 of the Agreement.

For further information about alcohol and drug education programs and for assistance, please call Counseling Services at 360.383.3080 or Human Resources 360.383.3400.

ENFORCEMENT AND COMPLIANCE:

WCC upholds all state and federal laws pertaining to alcohol and controlled substances. Underage drinking laws are strictly enforced.

WCC will take action against any person who violates state law, federal law, or any college regulation or policy concerning alcohol or controlled substances when such violation:

- Occurs in or on property controlled or owned by WCC;
- Involves college business or activities; or
- Affects the fitness of college employees to perform the duties of their job or position.

STATE AND FEDERAL DRUG LAWS

[Washington State Drug Laws \(RCW 69.50\)](#)

The following is a partial list of illicit drugs considered as controlled substances by the State of Washington: Narcotics (opium and cocaine, and all drugs extracted, derived or synthesized from opium and cocaine, including crack cocaine and heroin); Methamphetamine; Barbiturates; and Hallucinogenic Substances (LSD, peyote, mescaline, psilocybin, PCP).

- 1) State Penalties for Illegal Sale of Controlled Substances: The illegal sale of any controlled substance is punishable by up to 5 years in prison, \$10,000 fine, or both.
- 2) State Penalties for Illegal Manufacture or Delivery of Controlled Substances: Schedule I, II Narcotics, or flunitrazepam— Up to 10 years in prison, \$25,000 to \$100,000 fine, or both. Any other controlled substances under Schedule I, II, III, IV or V, except flunitrazepam — Up to 5 years in prison, \$10,000 fine, or both.
- 3) State Penalties for Possession of Controlled Substances: Possession of any controlled substance is punishable by up to 5 years in prison, a \$10,000 fine, or both.

More severe penalties are provided for persons convicted of providing controlled substances to minors, to repeat offenses and to offenses on or near schools or parks.

Special Note Regarding Marijuana: Marijuana remains illegal for minors (persons under 21 years of age) to possess, sell or use and is illegal to possess for a person of any age in amounts over 28.3 grams. Marijuana remains illegal under federal law and policies concerning marijuana at the college remain unchanged. It is illegal to produce, distribute or use marijuana on college property or during college-sponsored activities.

Federal Drug Laws

Persons convicted of federal drug trafficking charges may face:

- The loss of federal benefits, including school loans, grants, contracts and licenses. (21 USC §862 and 20 USC 1091 (r) (1);
- Forfeiture of personal property and real estate (21 USC §853);
- Other federal drug penalties (21 USC §841, §844).

ALCOHOL AND DRUG ABUSE EDUCATION PROGRAMS

The College is committed to the provision of substance abuse education and prevention activities. In compliance with the Drug Free Schools Act Amendment of 1989, the College annually electronically publishes and makes available to faculty and staff the Drug and Alcohol Policy on the staff web page compass.whatcom.edu. Students are notified of the Drug and Alcohol Policy annually with the publishing of the Student Success & Advising virtual handbook.

The Residence Life program conducts routine alcohol and drug awareness orientation and programs to all students living at Cedar Hall. Additional alcohol and drug awareness sessions are conducted in partnership with the WCC Substance Abuse Disorder Professional degree program.

STALKING, DOMESTIC AND DATING VIOLENCE, AND RAPE POLICY; PREVENTION PROGRAMS

POSITION STATEMENT

Whatcom Community College prohibits rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking.

THE FEDERAL CAMPUS SEXUAL ASSAULT VICTIMS' BILL OF RIGHTS

1. Survivors shall be notified of their options to notify law enforcement.
2. Accuser and accused must have the same opportunity to have others present.
3. Both parties shall be informed of the outcome of any disciplinary proceeding.
4. Survivors shall be notified of counseling services.
5. Survivors shall be notified of options for changing academic and living situations.

The Campus Sexual Assault Victims' Bill of Rights was signed into law by President George Bush in July of 1992. This law requires that all colleges and universities (both public and private) participating in federal student aid programs afford sexual assault victims certain basic rights. Schools found to have violated this law can be fined up to \$35,000 or lose their eligibility to participate in federal student aid programs. Complaints about schools that have failed to comply with this law should be made to the U.S. Department of Education.

PRIMARY AND ONGOING PREVENTION AND AWARENESS PROGRAMS

Awareness programs means community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration. In 2022, Whatcom Community College joined the [Action Collaborative on Preventing Sexual Harassment in Higher Education](#) with National Academies which launched the "Know the Line" campaign.

The objective of the Know the Line campaign is to:

1. Target low-level discriminatory behavior that leads to unhealthy environments.
2. Provide healthy alternatives to toxic behaviors.

Prevention and awareness campaigns including programming, initiatives, and strategies will continue to focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution.

SAFE AND POSITIVE ACTIONS FOR BYSTANDER INTERVENTION

A bystander is someone other than the victim who is present when an act of dating violence, domestic violence, stalking or sexual assault is occurring or when a situation is occurring in which a reasonable person feels as though some protective action is required to prevent sexual assault, dating violence, domestic violence or stalking. Bystanders, if active, can prevent harm or intervene before a situation gets worse.

Examples of active bystander intervention include: not leaving an overly intoxicated person in a bar/party alone, walking a classmate to his/her car after class, calling police when a potentially violent situation is unfolding, not leaving an unconscious person alone (alerting a Resident Advisor, EMS, Campus Safety and Security, etc.), or intervening when someone is being belittled, degraded or emotionally abused (walking victim away from abuser, contacting others for help, like counseling center, Resident Advisor, Campus Safety and Security).

RECOGNITION OF SIGNS OF ABUSIVE BEHAVIOR

HEALTHY, AGE APPROPRIATE, MUTUALLY RESPECTFUL, SAFE	MUTUALLY FLIRTACIOUS AND PLAYFUL	AGE INAPPROPRIATE OR NON-MUTUAL	HARASSMENT	SEXUALLY ABUSIVE AND VIOLENT
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As the chart above illustrates, sexually abusive and violent behaviors fall on the far end of a continuum of behaviors. There are a number of ways active bystanders can either say or do something in each category of negative behaviors on the continuum. “There are literally hundreds of little comments, harassments, and other forms of abuse that lead up to what we think of as the sexually violent act.”¹

On the left-hand side of the continuum lie respectful, mutual and age-appropriate behaviors while violent, coercive, and non-mutual behaviors lie on the right-hand side. Bystanders have an ability to intervene within this continuum of behaviors to help promote positive behavior and mitigate negative behavior before it escalates.⁵ Bystander intervention approaches help people recognize healthy and unhealthy behaviors that could potentially lead to sexual violence and how they could effectively intervene before the negative behavior escalates.

Bystander intervention can play a significant role in a comprehensive approach to sexual violence prevention. It differs from previous approaches in three key ways⁵:

- 1) Bystander intervention discourages complainant-victim blaming and makes sexual violence a community problem, rather than an individual problem.^{5, 2}
 - 2) Bystander intervention can play a key role in a comprehensive approach to sexual violence prevention. When bystanders are approached as allies in ending sexual violence, rather than as potential perpetrators or complainant-victims, they are less likely to become defensive.^{3, 4}
 - 3) Bystander intervention plays a role in helping to change social and community norms.⁵
- Bystander intervention is also influenced by the Theory of Planned Behavior (TPB).

¹ Tabachnick, J. (2008). *Engaging bystanders in sexual violence prevention*. Enola, PA: National Sexual Violence Resource Center.

² Banyard, V. L., Moynihan, M. M., & Plante, E. G. (2007). *Sexual violence prevention through bystander education: An experimental evaluation*. *Journal of Community Psychology*, 35(4), 463-481.

³ Banyard, V. L., Plante, E. G., & Moynihan, M. M. (2004). *Bystander education: Bringing a broader community perspective to sexual violence prevention*. *Journal of Community Psychology*, 32, 61-79.

⁴ Berkowitz, A. D. (2002). *Fostering men's responsibility for preventing sexual assault*. In P. A. Schewe (Ed.), *Preventing violence in relationships: Intervention across the lifespan* (pp. 163-196). Washington, DC: American Psychological Association.

Bystanders are more likely to “engage in pro-social behavior” when they are aware that there is a problem, and they see themselves as a responsible party in solving the problem.

This theory is demonstrated by the situational model, developed by Latane and Darley (1970), which is the most commonly used bystander intervention model. The model outlines the following five steps:

- 1) Recognize signs that an act of sexual violence may occur or is occurring.
- 2) Identify that the potential complainant-victim is at risk and that intervention is appropriate.
- 3) Decide whether or not to take responsibility to intervene.
- 4) Decide the most appropriate and safest way to intervene.
- 5) Implement the decision to intervene safely to diffuse the situation.

HOW TO AVOID A POTENTIAL ATTACK

Rape or sexual assault can happen to anyone, and it’s never the complainant-victim’s fault. It’s important to know that...

- Alcohol is a factor in almost all sexual assaults on college campuses.
- Many perpetrators of sexual assault are someone the complainant-victim knows.
- Sexual assaults can happen on a date or at a party.

There’s no absolute way to prevent sexual assault, but it helps to think about how you can stay safe.

SAFETY TIPS FOR SOCIAL EVENTS

- **Stay with your friends.** If you go alone with a “new” friend, let someone know.
- **Make a plan** before you go out. Set up checkpoints or code words to make it easy for you and your friends to stay connected.
- If you plan to drink (alcohol or non-alcohol) when out, **hold on to your drink** – even when you go to the bathroom. If your drink is out of your sight, even for a few seconds, **get a new one**. Spiking a drink with a date rape drug can happen quickly.
- Don’t accept a drink from anyone – **unless you can watch the bartender pour it**.
- **Don’t share drinks.**
- **Don’t drink from** punch bowls or unsupervised open containers.
- **If a drink tastes strange – STOP drinking and discard.** Then tell a friend.
- **Avoid clubs or parties** that charge men but let women enter and drink for free.
- **Always keep your cell phone charged and on you.** You never know when you’ll need it.
- **Make sure you always have a ride home or a plan to walk home** with a friend or roommate.
- **Trust your instincts!** If something doesn’t feel right to you, leave and get to a safe place immediately.

AVOIDANCE STRATEGIES

You can't always avoid date rape. However, there are things you can do to minimize the risk of sexual assault.

- 1) **Be aware of controlling behavior in your date or relationship.** Rape is a crime of power and control. Most rape survivors recall feeling "uncomfortable" about some of their partner's behaviors including:
 - Intimidating stares.
 - Degrading jokes or language.
 - Refusal to respond to stated physical limits.
 - Refusal to accept "no" as an answer, whether in a sexual context or otherwise.
 - Insistence on making all of the "important" decisions about the relationship or date.
 - An unwillingness to interact with you as a person rather than a sexual object.
 - Extreme jealousy, possessiveness.
 - Strong belief in sex role stereotypes.
 - A history of violent behavior.
- 2) **Define yourself and your sexual limits.** Your sexual limits are yours alone to define. The first step in preventing abuse is to define your limits clearly to yourself and then to act quickly when a date or partner intentionally or unintentionally crosses your stated boundaries.
- 3) **Set clear limits and be firm.** It is your body, and no one has the right to force you to do anything you don't want to do. Many people have difficulty confronting coercive behavior because they have been socialized to be "polite." If you do not want to be touched, you can say, "Don't touch me," or "Stop it, I'm not enjoying this." Tell your partner, "If you do not respect my wishes right now, I'm leaving" and then do it if your partner won't listen.
- 4) **Do not give mixed messages.** Say "yes" when you mean "yes" and "no" when you mean "no." Be sure that your words do not conflict with other signals such as eye contact, voice tone, posture or gestures.
- 5) **Be independent and aware on your dates.** Do not be passive. Have opinions about where to go. Think about appropriate places to meet, (not necessarily your room or your date's; these are the most likely places for acquaintance rapes to occur).
- 6) **Examine attitudes about money and power in the relationship.** If your partner pays for the date, does it affect your ability to say "no"? Does your date have a sense of sexual entitlement attached to spending money on your relationship? If so, then you may consider paying your own way or suggesting dates that do not involve money.
- 7) **Avoid secluded places where you could be vulnerable.** If you are unsure of a new person in your life or if this person has exhibited some of the controlling behaviors listed above, suggest a group or double date. Meet in public places, where there are other people and where you feel comfortable. This is especially important at the beginning of a relationship until you feel you know the person better.

- 8) **Trust your gut feelings.** If you feel you are in a dangerous situation or that you are being pressured, you're probably right, and you need to respond. Many rape survivors report having had a "bad feeling" about the situation that led to their assault. If a situation feels bad or you start to get nervous about your date's behavior, confront the person immediately or leave as soon as possible.
- 9) **If you feel pressured, coerced or fearful: protest loudly, leave and go for help. Make a scene!** Your best defense is to attract attention to the situation if you feel you are in trouble. In an attempt to be nice or avoid embarrassment, you may be reluctant to yell or run away to escape being attacked. If you are worried about hurting the aggressor's feelings, remember, the aggressor is attempting to hurt you physically and psychologically.
- 10) **Be aware that alcohol and drugs are often related to acquaintance rape.** They compromise your ability (and your partner's ability) to make responsible decisions. If you choose to drink alcohol, drink responsibly. Be able to get yourself home, and do not rely on others to "take care" of you.
- 11) **Be aware of inequalities in the relationship.** Rape is a violent display of power. Does your partner perceive differences in terms of money, experience and age as entitling them to power over you in the relationship? Someone who rapes chooses to enforce such power imbalances in a sexual context.
- 12) **Practice self-defense.** Knowing in advance how you would respond to a physical threat greatly increases your chances of escape. Anyone can learn self-defense, and classes are often available free or at a low cost through schools and community context.
- 13) **Challenge sexist attitudes that make rape acceptable.** People often deny the assailant's responsibility in a rape by blaming the complainant-victim. People may do this to convince themselves that only "bad" people are at risk for rape and that as long as they live their lives by certain moral standards, they are safe. The truth is that as long as one person is at risk for rape, everyone is a potential target of violence. People can resist rape by challenging the attitude that those who are raped "deserve" to be victimized and by intervening on behalf of those in danger.

REMEMBER: If your prevention strategies do not work, it is not your fault if you are raped. At any point when you are in a vulnerable situation, your partner has a range of choices; if your partner chooses to rape, that choice is 100% your partner's responsibility.

WHAT TO DO IF YOU OR SOMEONE YOU KNOW ARE ATTACKED

The following advice is applicable for all forms assaults, whether sexual or the result of domestic violence, dating violence, or stalking.

- 1) **Get Help!** This is not the time to be alone. Get in touch with someone you trust. You can call Campus Safety and Security for assistance, 360.920.7489 (Security on-duty mobile phone).
- 2) **Get medical attention.** You can call 9-1-1 for an ambulance or have someone take you to St. Joseph's Medical Center, 2901 Squalicum Parkway, Bellingham, WA. In both situations, completely confidential services are provided. St. Joseph's Medical Center have SANE (Sexual Assault Nurse Examiner) nurses trained to provide support and guidance through the process.
- 3) **Preserve evidence.** It is better if you DO NOT shower, clean yourself or change clothes. Go as soon as possible, to St. Joseph's Medical Center to be examined and treated for possible sexually transmitted diseases. You may have internal injuries which you are not aware of. If you decide to press charges, physical specimens collected soon after the rape will be valuable evidence. Completing the evidence collection does not commit you to filing charges.
- 4) **Domestic Violence and Sexual Assault Services of Whatcom County (DVSAS)** provides the following confidential services:
 - 24-Hour Crisis Line: Available for complainant-victims of domestic violence and sexual assault, 24 hours a day, seven days a week. Call **9-8-8** or 1.877.715.1563.
 - Medical Advocacy: Trained advocates will accompany complainant-victims of domestic violence and sexual assault to medical facilities.
 - Legal Advocacy: Advocates support the individual's choice regarding reporting the crime. Advocates provide information about the legal system and are available to accompany and support the complainant-victim throughout the legal process.
 - Community Advocacy: DVSAS can provide referrals to therapists who are experts in providing care to survivors of sexual assault. DVSAS makes referrals to other agencies that can provide help and support to complainant-victims of domestic violence and sexual assault. Trained advocates can provide personal support, emergency shelter, food and clothing. Therapy sessions can be offered to survivors so they may express their feelings, thoughts and fears.
 - Support Groups: DVSAS provides peer support groups for complainant-victims of domestic violence and sexual assault. Call for the location of the one nearest you.
- 5) **Report the attack to the Title IX Coordinator or WCC Campus Safety and Security**, whether or not you plan to pursue criminal charges or an on-campus complaint. Have someone go with you. Sexual assault is a crime, and we encourage all students and employees to report. College officials will help you file charges with the police and/or with the campus authorities.
 - Title IX Coordinator: 360.383.3400
 - Campus Safety and Security: 360.383.3446
 - Bellingham Police Department: 9-1-1 or 360.778.8800
 - Office of Student Conduct: 360.383.3073

REPORTING PROCEDURES FOR SEXUAL ASSAULT, DOMESTIC AND DATING VIOLENCE, & STALKING

Whatcom Community College has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of medical, counseling and support services, and additional remedies to prevent contact between a complainant and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available.

Although WCC strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim's choice whether or not to make such a report and victims have the right to decline involvement with the police. Campus Safety and Security will assist any victim with notifying local police if they so desire. The Bellingham Police Department may also be reached directly by calling 9-1-1.

The following support services are available for reporting or filing a complaint:

Reporting to Whatcom Community College's Title IX Coordinator

- By phone: 360.383.3400
- In person on campus at Laidlaw Center, Room 235

Reporting anonymously to the Counseling Center

- By phone: 360.383.3080
- In person on campus at Laidlaw Center, Room 116

Reporting to Whatcom Community College Campus Safety and Security

- 360.383.3446 / 360.920.7489 / Safety@whatcom.edu
- 237 W. Kellogg Road, Laidlaw Center, Rooms 103 and 104
- Director for Safety and Security, Raquel (Rocky) Vernola
- 360.383.3394, rvernola@whatcom.edu

Reporting directly to Bellingham Police Department

- Emergency number: 9-1-1
- Non-emergency number: 360.778.8800
- WCC will assist complainant-victims in notifying BPD, if the student requests assistance.

Submit [electronic report online](#) to WCC

<https://www.whatcom.edu/about-wcc/policies-procedures/incident-reporting>

PRESERVATION OF EVIDENCE

Preserving evidence of a sex offense is time critical. As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with Campus Safety and Security or other law enforcement to preserve evidence in the event that the victim changes her/his mind at a later date.

It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence as may be necessary to the proof of criminal activity may be preserved. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease.

Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged also to preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to college hearing boards/investigators or police.

PROHIBITED RETALIATION POLICY

Clery Act: There shall be no retaliation against anyone who exercises rights under the Clery Act.

Title IX: AP 6115 §3.3 Complaints against students. Reports of discriminatory conduct or related retaliation that involve students, including student-to-student complaints, will be handled by the Vice President for Student Services and will be guided by the provisions of the Student Conduct Code, Chapter 132U-125 WAC.

PROHIBITED DISCRIMINATION & HARASSMENT POLICY 730

Whatcom Community College recognizes its responsibility for investigation, resolution, implementation of corrective measures, and monitoring the educational environment and workplace to stop, remediate, and prevent discrimination on the basis of race, color, national origin, age, disability, sex, sexual orientation, marital status, creed, religion, or status as a veteran of war as required by Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, RCW 49.60.030 and their implementing regulations. Prohibited sex discrimination includes sexual harassment. Whatcom Community College has enacted policies prohibiting discrimination and harassment. Any individual found to be in violation of college discrimination and harassment policies and procedures will be subject to disciplinary action up to and including dismissal from the college or from employment.

WCC has a [Bias Incident Report Team \(BIRT\)](#) whose role is to discuss alleged bias incidents and respond appropriately. The team meets when incidents are reported.

HAZING PREVENTION

Hazing is an act committed as part of:

1. A person's recruitment, initiation, pledging, admissions into, or affiliation with a student or group; or
2. Any pastime or amusement engage with respect to such a student group;
3. That causes, or is likely to cause, bodily danger or physical harm, or serious psychological emotional harm to any student.

As part of our commitment to a safe and welcoming campus environment, hazing is prohibited at Whatcom Community College per the Student Conduct Code and [WAC 132U-126-003](#), and in support of the "Sam's Law act" [RCW 28B. 10.900](#) which became State law in 2022.

For additional information on WCC policies and procedures: whatcom.edu/about-the-college/policies-procedures/policies.

CAMPUS DISCIPLINARY PROCEDURES

DISCIPLINARY ACTIONS FOR DOMESTIC AND DATING VIOLENCE, SEXUAL ASSAULT OR STALKING

Whether or not criminal charges are filed, WCC or a person may file a complaint under WAC 132U-126 alleging that a student violated the college's Student Rights and Responsibilities Policy. Reports of all domestic violence, dating violence, sexual assault and stalking made to Campus Safety and Security will automatically be referred to the Title IX Coordinator for investigation regardless of if the complainant chooses to pursue criminal charges.

The WCC disciplinary process will include a prompt, fair, and impartial investigation and resolution process. Investigators and hearing board members are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking and taught how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability. Officials will not have a conflict of interest or bias for or against the accuser or the accused.

DISCIPLINE PROCEDURES FOR CASES INVOLVING ALLEGATIONS OF SEXUAL MISCONDUCT

[WAC 132U-305-035](#) *Supplemental Sexual Misconduct Procedures*

Both the respondent and the victim in cases involving allegations of sexual misconduct shall be provided the same procedural rights to participate in student discipline matters, including the right to participate in the initial discipline action and to appeal the student conduct officer's disciplinary order.

Application of the following procedures is limited to student conduct code proceedings involving allegations of sexual misconduct. In such cases, these procedures shall supplement the student disciplinary procedures in [WAC 132U-126-030](#) through -095. In the event of conflict between the sexual misconduct procedures and the student disciplinary procedures, the sexual misconduct procedures shall prevail.

SUPPLEMENTAL DEFINITIONS

WAC 132U-305 (Revised 2021)

For purposes of student conduct code proceedings involving sexual misconduct, the following definitions apply:

- 1) The “**complainant**” is the person who alleges that she/he/they have been subjected to sexual misconduct.
- 2) **Sexual misconduct** includes sexual harassment, sexual intimidation, and sexual violence.
- 3) **Sexual harassment** means unwelcome sexual or gender-based conduct, including unwelcome sexual advances, requests for sexual favors, quid pro quo harassment, and other verbal, nonverbal, or physical conduct of a sexual or a gendered nature that is sufficiently severe, persistent, or pervasive as to deny or limit, and does deny or limit, the ability to participate in or benefit from the college’s educational program, alter the terms or conditions of employment for a college employee(s), and/or creates an intimidating, hostile, or offensive environment for other campus community members.
- 4) **Sexual intimidation** incorporates the definition of “sexual harassment” and means threatening or emotionally distressing conduct based on gender identity or perceived gender including, but not limited to, nonconsensual recording of sexual activity or the distribution of such recording.
- 5) **Sexual violence** is a type of sexual discrimination and harassment. Nonconsensual sexual intercourse, nonconsensual sexual contact, domestic violence, and stalking are all types of sexual violence.
 - I. Nonconsensual sexual intercourse is any sexual intercourse (anal, oral, or vaginal), however slight, with any object or body part, by a person upon another person, that is without consent and/or by force. Sexual intercourse includes anal or vaginal penetration by a penis, tongue, finger, or object, or oral copulation by mouth to genital contact or genital to mouth contact.
 - II. Nonconsensual sexual contact is any intentional sexual touching, however slight, with any object or body part, by a person upon another person that is without consent and/or by force. Sexual touching includes any bodily contact with the breast, groin, mouth, or other bodily orifice of another individual, or any other bodily contact in a sexual manner.
 - III. Domestic violence includes physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state of Washington, or 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 state of Washington.

- IV. Dating violence means physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.
- V. Stalking means intentional and repeated harassment or following of another person, which places the person in reasonable fear that the perpetrator intends to injure, intimidate, or harass that person. Stalking also includes instances where the perpetrator knows or reasonably should know that the person is frightened, intimidated, or harassed, even if the perpetrator lacks such intent.

SUPPLEMENTAL COMPLAINT PROCESS

The following supplemental procedures shall apply with respect to complaints or other reports of alleged sexual misconduct by a student.

- 1) The college's Title IX compliance officer shall investigate complaints or other reports of alleged sexual misconduct by a student. Investigations will be completed in a timely manner, and the results of the investigation shall be referred to the student conduct officer for disciplinary action.
- 2) Informal dispute resolution shall not be used to resolve sexual misconduct complaints without written permission from both the victim and the respondent. If the parties elect to mediate a dispute, either party shall be free to discontinue mediation at any time. In no event shall mediation be used to resolve complaints involving allegations of sexual violence.
- 3) College personnel will honor requests to keep sexual misconduct complaints confidential to the extent this can be done without unreasonably risking the health, safety and welfare of the victim or other members of the college community or compromising the college's duty to investigate and process sexual harassment and sexual violence complaints.
- 4) The student conduct officer, prior to initiating disciplinary action, will make a reasonable effort to contact the victim to discuss the results of the investigation and possible disciplinary sanctions and/or conditions (if any) that may be imposed upon the respondent if the allegations of sexual misconduct are found to have merit.
- 5) The student conduct officer, on the same date that a disciplinary decision is served on the respondent, will serve a written notice informing the victim whether the allegations of sexual misconduct were found to have merit and describing any disciplinary sanctions and/or conditions imposed upon the respondent for the victim's protection, including disciplinary suspension or dismissal of the respondent. The notice will also inform the victim of his or her appeal rights. If protective sanctions and/or conditions are imposed, the student conduct officer shall make a reasonable effort to contact the victim to ensure prompt notice of the protective disciplinary sanctions and/or conditions.

Compliance with these provisions does not constitute a violation of section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly known as the Family Educational Rights and Privacy Act of 1974 (FERPA).

STANDARD OF EVIDENCE

WCC's standard of evidence is "preponderance of the evidence", i.e. "more likely than not to have occurred" standard. In other words, the conduct process asks, "Is it more likely than not that the accused student violated the college's Student Rights and Responsibilities Policy?"

SUPPORTIVE MEASURES FOR COMPLAINANTS/VICTIMS

Following an allegation of dating violence, domestic violence, sexual assault, or stalking, the following supportive measures are options available to complainants:

- **Title IX No-Contact Order:**

A college-issued no-contact order (NCO) is an interim protective measure for complainants, meaning that it can be issued even in cases where a respondent has not been found formally responsible for violating college policy. The NCO will usually state that the college has received a report stating that the respondent may be in violation of university policy. Therefore, the college must have good cause to issue an NCO but does not need to have finished a formal investigation. In fact, an NCO can be issued for a complainant even if no formal investigation has begun. The NCO may state that the respondent is prohibited from contacting the complainant in person, by phone (including text messages and voicemail), via third party, notes, letters, or other written communication by email or internet messenger or any other internet-based communication.

The NCO will usually be in the form of a letter which the respondent must sign. The NCO will state that any violation will result in formal disciplinary action. Survivors should be aware, however, that disciplinary action usually refers to the beginning of a formal investigation through the college rather than immediate suspension or arrest. If a complainant desires more immediate consequences for the breaking of a NCO, he/she/they may want to seek a civil NCO/restraining order through local law enforcement (see below). A college NCO may be an alternative for those who do not want to see the respondent in court in order to have some protections. A complainant may still be able to call Campus Safety under a college NCO if a respondent approaches him/her/them in person or will not leave an area. The complainant should ask the person who issues the NCO to explain school policy on what to do if he/she/they is approached. It is the choice of the complainant to report suspected contact to the college's Title IX coordinator after the NCO is issued.

- **Civil or Criminal Court No-Contact Orders**

A complainant may also seek a protection order through Whatcom County Court (311 Grand Street, Bellingham). Such orders may prohibit the respondent from contacting or harassing a complainant. To seek assistance with requesting a court order, contact Domestic Violence and Sexual Assault Services (DVSAS) or Whatcom County, or you can file your request yourself at the Whatcom County Court 311 Grand Street, Bellingham, WA 98225.

- **Safety Action Plan**

A complainant may meet with Campus Safety and Security to develop a Safety Action Plan, which is a plan for campus officers and the complainant to reduce risk of harm while on campus or coming and going from campus. This plan may include, but not limited to safe escorts, special parking arrangements, or changing classroom location.

To the extent of the complainant's cooperation and consent, WCC will work cooperatively to ensure that the complainant's health, physical safety, work and academic status are protected, pending the outcome of a formal university investigation of the complaint. For example, if reasonably available, a complainant may be offered changes to academic, living, or working situations in addition to counseling, health services and assistance in notifying appropriate local law enforcement.

SANCTIONS

WAC 132U-126-040 Disciplinary sanctions.

A primary objective of the disciplinary process is to promote the personal social development of those students found responsible for misconduct. Charges are investigated and resolved in a forum of candor, civility, and fairness. Disciplinary actions include, but are not limited to, the following sanctions that may be imposed:

- (1) **Disciplinary warning.** A verbal statement to a student that there is a violation and that continued violation might be cause for further disciplinary action.
- (2) **Written reprimand.** Notice in writing that the student has violated one or more terms of this code of conduct and that continuation of the same or similar behavior may result in more severe disciplinary action.
- (3) **Disciplinary probation.** Formal action placing specific conditions and restrictions upon the student's continued attendance depending upon the seriousness of the violation. Probation may be for a specific period of time or for the duration of the student's enrollment at the college.
- (4) **Disciplinary suspension.** Dismissal from the college and from the student status for a stated period of time. There may be no refund of tuition or fees for the quarter in which the action is taken.
- (5) **Dismissal.** The revocation of all rights and privileges of membership in the college community and exclusion from the campus and college-owned or controlled facilities without any possibility of return. There will be no refund of tuition or fees for the quarter in which the action is taken.
- (6) **Disciplinary terms and conditions** that may be imposed in conjunction with the imposition of disciplinary sanction include, but are not limited, the following:
 - a) **Restitution:** Reimbursement for damage to or misappropriation of property or for injury to persons, or for reasonable costs incurred by the college in pursuing an investigation or disciplinary proceeding.
 - b) **Professional evaluation:** Referral for drug, alcohol, psychological or medical evaluation by an appropriately certified or licensed professional may be required. The student may choose the professional within the scope of practice and with the professional credentials as defined by the college. The student will sign all necessary releases to allow the college access to any such evaluation. The student's return to college may be conditional upon compliance with the recommendations set forth in such a professional evaluation. If the evaluation indicates that the student is not capable of functioning within the college community, the student will remain suspended until further evaluation recommends that the student is capable of reentering the college and complying with the rules of conduct.

SEX OFFENDER REGISTRATION INFORMATION

Whatcom Community College is required to inform the campus community that a list of enrolled or employed sex offenders is maintained and available at the office of the Vice President for Student Services in the Laidlaw Center Building.

The Campus Sex Crimes Prevention Act (CSCPA) of 2000 is a federal law that provides for the tracking of convicted sex offenders enrolled at, or employed by, institutions of higher education. The CSCPA is an amendment to the *Jacob Wetterling Crimes Against Children and Sexually Violent Offender Act*. The federal law requires state law enforcement agencies to provide Whatcom Community College with a list of registered sex offenders who have indicated that they are enrolled, employed or carrying on a vocation at Whatcom Community College.

The CSCPA further amends the *Family Educational Rights and Privacy Act of 1974 (FERPA)* to clarify that nothing in the Act can prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders.

This statement is provided in compliance with the Campus Sex Crimes Prevention Act of 2000.

WCC provides a link to the Whatcom County Sex Offender Registry:

<http://www.icrimewatch.net/index.php?AgencyID=54493>

The Whatcom County Sheriff's Office releases this information pursuant to RCW 4.24.550, which authorizes law enforcement agencies to inform the public of a sex offender's release when the release of information will enhance public safety and protection. The Washington State Legislature has determined that the extent of the public disclosure of relevant and necessary information shall be related to: (a) the level of risk posed by the offender to the community; (b) the location where the offender resides, intends to reside, or is regularly found; and (c) the needs of the affected community members for information to enhance their individual and collective safety.

ANNUAL FIRE REPORT

Per The Code of Federal Regulations 34 CFR 668.49 an institution that maintains any on-campus student housing facility must prepare an annual fire safety report.

In 2021, Whatcom Community College had only one multi-story residential buildings for student housing. Whatcom Community College's Facilities and Operations Department manages and maintains fire safety system through yearly inspections through 3rd party licensed and bonded fire safety company.

- **Cedar Hall:** 204 Olivine Lane (76 Suites / 230 Beds)

FIRE SAFETY SYSTEM FOR RESIDENTIAL FACILITIES

The fire safety system at Cascade Meadows Apartments includes:

- Multiple fire extinguishers on each floor,
- Hardwired smoke detectors in each room,
- Building wide sprinkler system,
- Live action public address system,
- Horns located throughout each building, and
- 24 hour externally monitored system.
- Additionally, the building has smoke containment curtains and integrated natural gas shut offs, and HVAC override.

FIRE SAFETY DRILLS COMPLETED

Fire drills are conducted during the first 3 weeks of each quarter. WCC student housing is non-traditional year-round student living facility. The Resident Advisors participate in building emergency response training, included building evacuation. Fire safety information is provided to residents at program contract signing and during new resident orientation. In addition, fire safety and emergency procedure discussions are conducted throughout each quarter during student resident meetings.

PROCEDURES FOR STUDENT HOUSING EVACUATION

On every door of student resident units, there is a removable notification that informs students of the locations of fire extinguishers and numbers to call in case of an emergency. The evacuation procedures list the nearest exit and assembly location for all students by building and complex.

For 2022, the new Standard Response Protocols have replaced prior emergency procedures posters and guides in each suite to maintain safe and consistent guidance for emerging events and incidents.

WHO TO NOTIFY IN THE CASE OF FIRE

In the case of fire, call 9-1-1 and notify Campus Safety and Security at 360.920.7489 or the afterhours emergency number 360.715.2418. Residents can also contact Facilities and Operations at 360.383.3390. All matters of fire in student housing shall be reported to the Director for Safety and Security at 360.383.3394 and to the Director for Community Standards and Residence Life at 360.383.3073.

POLICIES FOR RESIDENTS OF ON-CAMPUS STUDENT HOUSING

Campus Student Code of Conduct and Responsibilities is applicable in all student housing facilities. The following prohibited items and activities are covered in the Residence Life Handbook for Suite Living:

- Portable heaters and cooling units are prohibited.
- Fire safety devices shall be free from obstruction. Do not touch or hang anything from them.
- Smoking is prohibited within all residence life suites and limited to approved outdoor smoking areas only.
- No alcohol or drugs are permitted regardless of age of student and/or guest.
- No tampering or removal of fire safety equipment, including the removal or disengaging of the smoke detector.
- No open flame products and incense are allowed. This includes but is not limited to candles, incense, oil lamps, barbeques and cigarette/cigars.

FIRE STATISTICS 2022

Residence Life On-Campus Student Housing Facility	Cedar Hall Student Housing
Total Fires	0
Fire Case No.	0
Cause of Fire	N/A
Number of Injuries requiring aid	0
Number of Fire Related Deaths	0
Value of Property Damaged	0

PLANS FOR CAMPUSWIDE FIRE SAFETY

All new construction on campus includes modern fire alarm and fire suppression systems, including standard pull stations. Older buildings have compliant fire alarm and suppression systems based on the fire code requirements per structure. This includes fire pull stations, horn, strobe, and annunciator communication systems as well as sprinkler systems. Emergency reference flip guides are located in each classroom, office, and building, which provide emergency information and just in time guidance on the Standard Response Protocols.

DEFINITIONS OF TERMS USED IN THIS REPORT

2015 VAWA NEGOTIATED RULEMAKING FINAL CONSENSUS LANGUAGE

CRIMINAL ACTS *Definitions from the Uniform Crime Reporting Handbook U.S. DOJ*

- **Murder/Non-Negligent Manslaughter:** the willful (non-negligent) killing of one human being by another. NOTE: Deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides are excluded.
- **Negligent Manslaughter:** the killing of another person through gross negligence.
- **Robbery:** the taking or attempting to take anything from value of the care, custody or control of a person or persons by force or threat of force or violence and/or by putting the complainant-victim in fear.
- **Aggravated Assault:** an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.
- **Burglary:** The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.
- **Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access, even though the vehicles are later abandoned – including joy riding)
- **Arson:** The willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another kind.
- **Weapon Law Violations:** The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.
- **Drug Abuse Violations:** Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benezdrine).
- **Liquor Law Violations:** The violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to A minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

CLERY ACT DEFINITIONS

SEX OFFENSES

Any sexual act directed against another person, without the consent of the complainant-victim, including instances where the complainant-victim is incapable of giving consent.

- **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the complainant-victim. This offense includes the rape of both males and females.
- **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instance where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

The above listed crime definitions from the Uniform Crime Reporting Handbook, 2013 Revised UCR definition of Rape, as prescribed by 2015 VAWA Negotiated Rulemaking Final Consensus Language.

HATE CRIMES

WCC is also required to report statistics for hate (bias) related crimes by the type of bias as defined below for the following classifications: murder/non-negligent manslaughter, negligent manslaughter, sex offenses (forcible and non-forcible), robbery, aggravated assault, burglary, motor vehicle theft, arson (see definitions above) and larceny, vandalism, intimidation, and simple assault (see definitions below).

- **Larceny:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.
- **Vandalism:** To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.
- **Intimidation:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the complainant-victim to actual physical attack.
- **Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the complainant-victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

- **Domestic violence, dating violence and stalking:** See definition below.

If a hate crime occurs where there is an incident involving intimidation, vandalism, larceny, simple assault or other bodily injury, the law requires that the statistic be reported as a hate crime even though there is no requirement to report the crime classification in any other area of the compliance document.

A hate or bias related crime is not a separate, distinct crime, but is the commission of a criminal offense which was motivated by the offender's bias. If the facts of the case indicate that the offender was motivated to commit the offense because of his bias against the complainant-victim's race, sexual orientation, etc., the assault is then also classified as a hate/bias crime.

OTHER OFFENSES DEFINED (per Section 40002(a) of the Violence Against Women Act of 1994)

- **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant-victim. a) The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. b) For the purpose of this definition, dating violence includes but is not limited to, sexual or physical abuse or the threat of such abuse and does not include acts covered under the definition of domestic violence.
- **Domestic Violence:** A felony or misdemeanor crime of violence committed a) By a current or former spouse or intimate partner of the complainant-victim. b) By a person with whom the complainant-victim shares a child in common. c) By a person who is cohabitating with or has cohabitated with the complainant-victim as a spouse or intimate partner. d) By a person similarly situated to a spouse of the complainant-victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred. e) By any other person against an adult or youth complainant-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:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to a) Fear for the person's safety or the safety of others; or b) Suffer substantial emotional distress. For the purpose of this definition, course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. Reasonable person means a reasonable person under similar circumstances and with similar identities to the complainant-victim.

WASHINGTON STATE DEFINITIONS

- **Consent. RCW 9A.44.010.** (7) "Consent" means that at the time of the act of sexual intercourse or sexual contact there are actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact.
- **Age of Consent.** Under Washington State law, a 16-year-old is legally capable of consenting to having sexual contact. There are some exceptions. A person could be guilty of indecent liberties if someone with supervisory authority causes another to have sexual contact. The third-degree child molestation law – the charge that applies for sexual contact with teens 14 up to age 16 – applies to perpetrators at least four years older than the complainant-victim.
- **Domestic Violence. RCW 26.50.010** (1) "Domestic violence" means: (a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members; (b) sexual assault of one family or household member by another; or (c) stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member. (2) **"Family or household members"** means spouses, domestic partners, former spouses, former domestic partners, persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past, persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, persons sixteen years of age or older with whom a person sixteen years of age or older has or has had a dating relationship, and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren. (3) **"Dating relationship"** means a social relationship of a romantic nature. Factors that the court may consider in making this determination include: (a) The length of time the relationship has existed; (b) the nature of the relationship; and (c) the frequency of interaction between the parties.
- **Rape in the first degree. RCW 9A.44.040.** (1) A person is guilty of rape in the first degree when such person engages in sexual intercourse with another person by forcible compulsion where the perpetrator or an accessory: (a) Uses or threatens to use a deadly weapon or what appears to be a deadly weapon; or (b) Kidnaps the complainant-victim; or (c) Inflicts serious physical injury, including but not limited to physical injury which renders the complainant-victim unconscious; or (d) Feloniously enters into the building or vehicle where the complainant-victim is situated. (2) Rape in the first degree is a class A felony.
- **Rape in the second degree. RCW 9A.44.050.** (1) A person is guilty of rape in the second degree when, under circumstances not constituting rape in the first degree, the person engages in sexual intercourse with another person: (a) By forcible compulsion; (b) When the complainant-victim is incapable of consent by reason of being physically helpless or mentally incapacitated; (c) When the complainant-victim is a person with a developmental disability and the perpetrator is a person who is not married to the complainant-victim and who: (i) Has supervisory authority over the complainant-victim; or (ii) Was providing transportation, within the course of his or her employment, to the complainant-victim at the time of the offense; (d) When the perpetrator is a health care provider, the complainant-victim is a client or patient, and the sexual intercourse

occurs during a treatment session, consultation, interview, or examination. It is an affirmative defense that the defendant must prove by a preponderance of the evidence that the client or patient consented to the sexual intercourse with the knowledge that the sexual intercourse was not for the purpose of treatment; (e) When the complainant-victim is a resident of a facility for persons with a mental disorder or chemical dependency and the perpetrator is a person who is not married to the complainant-victim and has supervisory authority over the complainant-victim; or (f) When the complainant-victim is a frail elder or vulnerable adult and the perpetrator is a person who is not married to the complainant-victim and who: (i) Has a significant relationship with the complainant-victim; or (ii) Was providing transportation, within the course of his or her employment, to the complainant-victim at the time of the offense. (2) Rape in the second degree is a class A felony.

- **Rape in the third degree. RCW 9A.44.060.** (1) A person is guilty of rape in the third degree when, under circumstances not constituting rape in the first or second degrees, such person engages in sexual intercourse with another person: (a) Where the complainant-victim did not consent as defined in RCW 9A.44.010(7), to sexual intercourse with the perpetrator and such lack of consent was clearly expressed by the complainant-victim's words or conduct, or (b) Where there is threat of substantial unlawful harm to property rights of the complainant-victim. (2) Rape in the third degree is a class C felony.
- **Rape of a child in the first degree. RCW 9A.44.073.** (1) A person is guilty of rape of a child in the first degree when the person has sexual intercourse with another who is less than twelve years old and not married to the perpetrator and the perpetrator is at least twenty-four months older than the complainant-victim. (2) Rape of a child in the first degree is a class A felony.
- **Rape of a child in the second degree. RCW 9A.44.076.** (1) A person is guilty of rape of a child in the second degree when the person has sexual intercourse with another who is at least twelve years old but less than fourteen years old and not married to the perpetrator and the perpetrator is at least thirty-six months older than the complainant-victim. (2) Rape of a child in the second degree is a class A felony.
- **Rape of a child in the third degree. RCW 9A.44.079.** (1) A person is guilty of rape of a child in the third degree when the person has sexual intercourse with another who is at least fourteen years old but less than sixteen years old and not married to the perpetrator and the perpetrator is at least forty-eight months older than the complainant-victim. (2) Rape of a child in the third degree is a class C felony.
- **Child molestation in the first degree. RCW 9A.44.083.** (1) A person is guilty of child molestation in the first degree when the person has, or knowingly causes another person under the age of eighteen to have, sexual contact with another who is less than twelve years old and not married to the perpetrator and the perpetrator is at least thirty-six months older than the complainant-victim. (2) Child molestation in the first degree is a class A felony.
- **Child molestation in the second degree. RCW 9A.44.086.** (1) A person is guilty of child molestation in the second degree when the person has, or knowingly causes another person under the age of eighteen to have, sexual contact with another who is at least twelve years old but less than fourteen years old and not married to the perpetrator and the perpetrator is at

least thirty-six months older than the complainant-victim. (2) Child molestation in the second degree is a class B felony.

- **Child molestation in the third degree. RCW 9A.44.089.** (1) A person is guilty of child molestation in the third degree when the person has, or knowingly causes another person under the age of eighteen to have, sexual contact with another who is at least fourteen years old but less than sixteen years old and not married to the perpetrator and the perpetrator is at least forty-eight months older than the complainant-victim. (2) Child molestation in the third degree is a class C felony.
- **Sexual misconduct with a minor in the first degree. RCW 9A.44.093.** (1) A person is guilty of sexual misconduct with a minor in the first degree when: (a) The person has, or knowingly causes another person under the age of eighteen to have, sexual intercourse with another person who is at least sixteen years old but less than eighteen years old and not married to the perpetrator, if the perpetrator is at least sixty months older than the complainant-victim, is in a significant relationship to the complainant-victim, and abuses a supervisory position within that relationship in order to engage in or cause another person under the age of eighteen to engage in sexual intercourse with the complainant-victim; (b) the person is a school employee who has, or knowingly causes another person under the age of eighteen to have, sexual intercourse with an enrolled student of the school who is at least sixteen years old and not more than twenty-one years old and not married to the employee, if the employee is at least sixty months older than the student; or (c) the person is a foster parent who has, or knowingly causes another person under the age of eighteen to have, sexual intercourse with his or her foster child who is at least sixteen. (2) Sexual misconduct with a minor in the first degree is a class C felony. (3) For the purposes of this section: (a) "Enrolled student" means any student enrolled at or attending a program hosted or sponsored by a common school as defined in RCW 28A.150.020, or a student enrolled at or attending a program hosted or sponsored by a private school under chapter 28A.195 RCW, or any person who receives home-based instruction under chapter 28A.200 RCW. (b) "School employee" means an employee of a common school defined in RCW 28A.150.020, or a grade kindergarten through twelve employee of a private school under chapter 28A.195 RCW, who is not enrolled as a student of the common school or private school.
- **Sexual misconduct with a minor in the second degree. RCW 9A.44.096.** (1) A person is guilty of sexual misconduct with a minor in the second degree when: (a) The person has, or knowingly causes another person under the age of eighteen to have, sexual contact with another person who is at least sixteen years old but less than eighteen years old and not married to the perpetrator, if the perpetrator is at least sixty months older than the complainant-victim, is in a significant relationship to the complainant-victim, and abuses a supervisory position within that relationship in order to engage in or cause another person under the age of eighteen to engage in sexual contact with the complainant-victim; (b) the person is a school employee who has, or knowingly causes another person under the age of eighteen to have, sexual contact with an enrolled student of the school who is at least sixteen years old and not more than twenty-one years old and not married to the employee, if the employee is at least sixty months older than the student; or (c) the person is a foster parent who has, or knowingly causes another person under the age of eighteen to have, sexual contact with his or her foster child who is at least sixteen. (2) Sexual misconduct with a minor in the second degree is a gross misdemeanor. (3) For the purposes of this section: (a) "Enrolled student" means any student enrolled at or

attending a program hosted or sponsored by a common school as defined in RCW 28A.150.020, or a student enrolled at or attending a program hosted or sponsored by a private school under chapter 28A.195 RCW, or any person who receives home-based instruction under chapter 28A.200 RCW. (b) "School employee" means an employee of a common school defined in RCW 28A.150.020, or a grade kindergarten through twelve employee of a private school under chapter 28A.195 RCW, who is not enrolled as a student of the common school or private school.

- **Indecent liberties. RCW 9A.44.100.** (1) A person is guilty of indecent liberties when he or she knowingly causes another person to have sexual contact with him or her or another: (a) By forcible compulsion; (b) When the other person is incapable of consent by reason of being mentally defective, mentally incapacitated, or physically helpless; (c) When the complainant-victim is a person with a developmental disability and the perpetrator is a person who is not married to the complainant-victim and who: (i) Has supervisory authority over the complainant-victim; or (ii) Was providing transportation, within the course of his or her employment, to the complainant-victim at the time of the offense; (d) When the perpetrator is a health care provider, the complainant-victim is a client or patient, and the sexual contact occurs during a treatment session, consultation, interview, or examination. It is an affirmative defense that the defendant must prove by a preponderance of the evidence that the client or patient consented to the sexual contact with the knowledge that the sexual contact was not for the purpose of treatment; (e) When the complainant-victim is a resident of a facility for persons with a mental disorder or chemical dependency and the perpetrator is a person who is not married to the complainant-victim and has supervisory authority over the complainant-victim; or (f) When the complainant-victim is a frail elder or vulnerable adult and the perpetrator is a person who is not married to the complainant-victim and who: (i) Has a significant relationship with the complainant-victim; or (ii) Was providing transportation, within the course of his or her employment, to the complainant-victim at the time of the offense. (2)(a) Except as provided in (b) of this subsection, indecent liberties is a class B felony. (b) Indecent liberties by forcible compulsion is a class A felony.
- **Stalking. RCW 9A.46.110:** 1) A person commits the crime of stalking if, without lawful authority and under circumstances not amounting to a felony attempt of another crime: (a) He or she intentionally and repeatedly harasses or repeatedly follows another person; and (b) The person being harassed or followed is placed in fear that the stalker intends to injure the person, another person, or property of the person or of another person. The feeling of fear must be one that a reasonable person in the same situation would experience under all the circumstances; and (c) The stalker either: (i) Intends to frighten, intimidate, or harass the person; or (ii) Knows or reasonably should know that the person is afraid, intimidated, or harassed even if the stalker did not intend to place the person in fear or intimidate or harass the person. 2) (a) It is not a defense to the crime of stalking under subsection (1)(c)(i) of this section that the stalker was not given actual notice that the person did not want the stalker to contact or follow the person; and (b) It is not a defense to the crime of stalking under subsection (1)(c)(ii) of this section that the stalker did not intend to frighten, intimidate, or harass the person. 3) It shall be a defense to the crime of stalking that the defendant is a licensed private investigator acting within the capacity of his or her license as provided by chapter 18.165 RCW. 4) Attempts to contact or follow the person after being given actual notice that the person does not want to be contacted or followed constitutes prima facie evidence that the stalker intends to intimidate or harass the person. "Contact" includes, in addition to any other form of contact or communication, the

sending of an electronic communication to the person. 5) (a) Except as provided in (b) of this subsection, a person who stalks another person is guilty of a gross misdemeanor. (b) A person who stalks another is guilty of a class B felony if any of the following applies: (i) The stalker has previously been convicted in this state or any other state of any crime of harassment, as defined in RCW 9A.46.060, of the same complainant-victim or members of the complainant-victim's family or household or any person specifically named in a protective order; (ii) the stalking violates any protective order protecting the person being stalked; (iii) the stalker has previously been convicted of a gross misdemeanor or felony stalking offense under this section for stalking another person; (iv) the stalker was armed with a deadly weapon, as defined in RCW 9.94A.825, while stalking the person; (v)(A) the stalker's complainant-victim is or was a law enforcement officer; judge; juror; attorney; complainant-victim advocate; legislator; community corrections' officer; an employee, contract staff person, or volunteer of a correctional agency; court employee, court clerk, or courthouse facilitator; or an employee of the child protective, child welfare, or adult protective services division within the department of social and health services; and (B) the stalker stalked the complainant-victim to retaliate against the complainant-victim for an act the complainant-victim performed during the course of official duties or to influence the complainant-victim's performance of official duties; or (vi) the stalker's complainant-victim is a current, former, or prospective witness in an adjudicative proceeding, and the stalker stalked the complainant-victim to retaliate against the complainant-victim as a result of the complainant-victim's testimony or potential testimony. 6) As used in this section: (a) "Correctional agency" means a person working for the department of natural resources in a correctional setting or any state, county, or municipally operated agency with the authority to direct the release of a person serving a sentence or term of confinement and includes but is not limited to the department of corrections, the indeterminate sentence review board, and the department of social and health services. (b) "Follows" means deliberately maintaining visual or physical proximity to a specific person over a period of time. A finding that the alleged stalker repeatedly and deliberately appears at the person's home, school, place of employment, business, or any other location to maintain visual or physical proximity to the person is sufficient to find that the alleged stalker follows the person. It is not necessary to establish that the alleged stalker follows the person while in transit from one location to another. (c) "Harasses" means unlawful harassment as defined in RCW 10.14.020. (d) "Protective order" means any temporary or permanent court order prohibiting or limiting violence against, harassment of, contact or communication with, or physical proximity to another person. (e) "Repeatedly" means on two or more separate occasions.

- **Mental incapacity** is that condition existing at the time of the offense which prevents a person from understanding the nature or consequences of the act of sexual intercourse whether that condition is produced by illness, defect, and the influence of a substance or from some other cause.⁵
- **Physically helpless** means a person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act.⁶

⁵ RCW 9A.44.010

⁶ RCW 9A.44.010

- **Sexual contact** means any touching of the sexual or other intimate parts of a person done for the purpose of gratifying sexual desire of either party or a third party.⁷

Sexual assault: Includes any of the following:

- Any intentional and unconsented touching, or threat or attempt thereof, of: (i) an intimate bodily part of another person, such as a sexual organ, buttocks or breast; (ii) any bodily part of another person with a sexual organ; or (iii) any part of another person's body with the intent of accomplishing a sexual act; or
- Unwanted, inappropriate disrobing of another person or purposeful exposure of one's genitals to another without the other's consent; or
- Forcing, or attempting to force, any other person to engage in sexual activity of any kind without her or his consent.

⁷ RCW 9A.44.010