

UW POLICY DIRECTORY

RESCINDED 07-23-25

EO 51 Sexual Violence Elimination

1. Purpose

The University's success as a community of students, faculty and other academic personnel, and staff depends on creating an environment that does not tolerate sex and gender based violence and harassment, and actively works to prevent and address such conduct. For the purpose of this order, prohibited conduct includes intimate partner violence, sexual assault, and stalking. Sex and gender based harassment are covered in Executive Order [No. 31](#), Nondiscrimination and Affirmative Action.

This order is adopted in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ([20 USC § 1092\(f\)](#)), Title IX of the Education Amendments of 1972 ([20 USC § 1681](#)), the Gender Equality in Higher Education Act ([Chapter 28B.110 RCW](#)), and the General Conduct Code for the University of Washington ([Chapter 478-124 WAC](#)).

Nothing in this order will be construed to prevent the provision of services, including but not limited to clinical services, by University personnel acting in their official capacity and in accordance with an applicable state or federal regulation (e.g. "Good Samaritan" laws), standard, or code of conduct.

Notice Regarding Impact of 2020 Education Department Federal Regulations:

In compliance with the recent federal regulations implementing Title IX of the Education Amendments of 1972, [34 CFR Part 106](#), the University published Executive Order [No. 70](#), Compliance with Education Department Sexual Harassment Regulations. In addition to other requirements, the Education Department's federal regulations define prohibited conduct and set forth grievance procedures for "formal complaints" of such conduct. To address those "formal complaints," the University will incorporate the grievance procedures set forth in Executive Order [No. 70](#) into applicable University processes, including this order. Where there are conflicts, those grievance procedures will control. If the allegations that form the basis of a "formal complaint" involve alleged conduct that would potentially fall under the federal regulations and other University policies, then the University may, in its discretion, initiate a combined proceeding, and responsible personnel will apply the policies and procedures that correspond to each.

For the purposes of complying with the federal regulations and Executive Order [No. 70](#), the University has designated the Civil Rights Investigation Office to receive complaints of sexual harassment, sexual assault, and other sexual misconduct and to determine whether Executive Order [No. 70](#) applies.

Individuals with questions should contact the Office of the Title IX Coordinator.

2. Definitions

A. Intimate Partner Violence

Intimate partner violence includes any act of violence or threatened act of violence that occurs between individuals who are involved or have been involved in a sexual, dating, spousal, domestic, or other intimate relationship or who share a child in common. Intimate partner violence may include any form of prohibited conduct in this order including sexual assault, stalking, sexual exploitation, and physical abuse of others.

Abuse of others includes assault and other forms of physical abuse of any person or any conduct intended to threaten bodily harm or endanger the health or safety of any person.

Intimate partner violence may also include forms of economic or emotional abuse, including behaviors that are intended to intimidate, manipulate, humiliate, or isolate someone.

B. Sexual Assault

1. Sexual assault includes sexual contact with another person without, or that exceeds, that person's consent.
2. For the purposes of this subsection, "sexual contact" includes:
 - Any intentional touching of the intimate parts of another person's clothed or unclothed body, including but not limited to the mouth, neck, buttocks, anus, genitalia, or breast;
 - Causing another person to touch that person's own or another's body in the manner described above; or
 - Any penetration, no matter how slight, of the vagina or anus with any body part or object, or oral-genital contact.
3. For the purposes of this subsection:
 - a. "Consent" means that at the time of and throughout the sexual contact, there are words or conduct that reasonably communicate freely given agreement between or among the parties to engage in the sexual contact. In addition:
 - Consent cannot be obtained when force or threat is used to gain consent;
 - Consent cannot be obtained where the respondent/subject knew or reasonably should have known that the other person was incapacitated;
 - Consent cannot be given or granted by a person who is under the statutory age of consent in accordance with the criminal code of Washington, [Chapter 9A.44 RCW](#), Sex Offenses;
 - A respondent's use of alcohol or drugs is not a valid defense to a charge of sexual assault, and a respondent will be held to the standard of a reasonable sober person in evaluating whether the respondent knew or reasonably should have known that the complainant was incapacitated;
 - Consent cannot solely be inferred from silence, passivity, or a lack of resistance, and relying on nonverbal communication alone may violate this order;
 - Consent cannot be inferred merely from an existing or previous dating or sexual relationship;
 - Even in the context of a relationship, there must be mutual consent to engage in sexual contact;
 - Past consent alone is not sufficient to imply future consent;
 - Consent given to one person does not constitute consent given to another person;
 - Consent to one sexual act does not constitute consent to other sexual acts;
 - Consent can be withdrawn at any time, and once consent is withdrawn and reasonably communicated, sexual contact must stop immediately.
 - b. For the purposes of determining whether consent has been given, the University has determined that individuals are "incapacitated" when they lack the ability to understand the facts, nature, extent, or implications of the sexual contact for any reason, including but not limited to being asleep, unconscious, unaware that sexual contact is occurring, mentally or physically incapacitated due to an intellectual or other disability, or mentally or physically incapacitated due to the effects alcohol or other drugs.
 - Indicators of incapacitation include, but are not limited to: stumbling, falling down, an inability to stand or walk on their own, slurred speech or incoherent communication, an inability to focus their eyes or confusion about what is happening around them, combativeness, emotional volatility, incontinence, passing out, or vomiting.

- A failure to exhibit any of these behaviors does not necessarily mean that a person is capable of giving consent or is not incapacitated.

C. Stalking

1. Stalking means engaging in a course of conduct directed at another person that would cause a reasonable person to:
 - Fear for the person’s safety or the safety of others; or
 - Suffer substantial emotional distress.
2. For the purposes of this subsection, “course of conduct” means two or more acts, including but not limited to acts in which the respondent 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. Stalking also includes cyberstalking such as through electronic media, the internet, social networks, blogs, cell phones, or text messages.
3. For the purposes of this subsection, “substantial emotional distress” means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

3. Nondiscrimination and Non-Retaliation

The University prohibits retaliation against any individual who seeks resources, makes a referral, reports concerns, makes a formal complaint, or who cooperates with or participates in an investigation of alleged violations of this order, or who is perceived to have engaged in any of these actions.

Discrimination and harassment based on protected class statuses, including sex and gender based harassment, are addressed by Executive Order [No. 31](#), Nondiscrimination and Affirmative Action, and [Chapter 478-121 WAC](#), Student Conduct Code for the University of Washington. Depending on the circumstances, this order and/or others may apply.

4. Prevention and Education Program and Requirement

All University personnel and students have a role in promoting a culture of inclusion and respect consistent with the University’s values. That role includes learning what sex and gender based violence and harassment are, taking action to prevent such conduct, and knowing how to respond if they occur. To that end all University personnel and students are required to complete prevention and education programming as specified by the Office of the Title IX Coordinator.

The prevention and education program acknowledges the University’s diverse learning and working environments and addresses the unique context of each community member’s role—undergraduate, graduate, and professional students, faculty and other academic personnel, and staff. These contexts include the privilege and power dynamics associated with academic, research, and clinical settings.

The program includes information about:

- Developing and sustaining respectful learning and working environments;
- Recognizing sex and gender based violence and harassment and their effect on individuals and communities;
- Intervening in situations where prohibited conduct may be occurring;
- Responding empathetically when individuals disclose experiences of sex and gender based violence or harassment; and
- Identifying University resources and understanding processes and policies that address sex and gender based violence and harassment.

Prevention and education programming incorporates the mandates of relevant state and federal laws, including those that prohibit sex and gender based violence and harassment. Programming includes a focus on community members’ roles in preventing and addressing prohibited conduct.

5. University Assistance and Resources for Victims

The University encourages individuals who are affected by behavior that may be in violation of this order to seek assistance from the confidential support offices listed below. The following assistance and resources are available to individuals, regardless of whether they choose to make a report to law enforcement or request an investigation by the University.

A. Safety Planning

When the University is notified of an allegation of intimate partner violence, stalking, or sexual assault, the University can assist individuals by implementing safety measures, such as issuing no-contact directives, arranging for housing, academic and work accommodations, and/or providing assistance with transportation planning. These safety measures can be implemented when reasonably available and may be on an interim or permanent basis. The University will maintain the confidentiality of any remedial measures under this order to the extent practicable. Safety measures are available through the confidential support offices and/or the investigation offices whether or not a report is made to the University or local law enforcement.

B. Reporting

Individuals who experience intimate partner violence, stalking, sexual assault, or retaliation are encouraged but not required to make a report to the University or to law enforcement. The confidential support offices can provide information about and assistance with reporting incidents to the University or to local law enforcement, including the University Police Department. Individuals also have the option to decline to make a report. See below for Reporting a Complaint or Incident for University complaint reporting options.

C. Information About University and Community Resources

The University has a variety of services available to individuals who experience intimate partner violence, sexual assault, or stalking, including counseling, healthcare, victim advocacy, legal assistance, VISA and immigration assistance, and student financial aid assistance. Information about available services at the University and in the local community can be obtained from a confidential support office.

D. Protection Orders

The University will provide information on how to obtain orders of protection issued by a criminal, civil, or tribal court and assist with implementing orders that have implications for an individual's participation in University related activities.

E. Medical Care and Preserving Evidence

Information will be provided about University and community options for medical care, including how to obtain a Sexual Assault Nurse Examination (SANE) by a trained medical professional. Information about the importance of preserving evidence is available from the confidential support offices.

6. Leave Use or Work Schedule Adjustments

University employees who are victims of domestic violence (which includes intimate partner violence), stalking, or sexual assault may request time away from work or a modified work schedule to make arrangements for personal safety, legal proceedings, or to obtain medical, legal, or counseling services in accordance with [Administrative Policy Statement 46.8](#), Domestic Violence in the Workplace and Reasonable Accommodations and Leave Related to Domestic Violence, Sexual Assault, or Stalking.

7. Reporting a Complaint or Incident

A. Complaint Reporting to the University

The University provides procedures for the investigation and resolution of complaints relating to intimate partner violence, sexual assault, stalking, or retaliation under this order. The University will respond to complaints regardless of whether a complaint is filed with a law enforcement agency. The process the University will follow to investigate and resolve the complaint depends on the relationship to the University of the person against whom the complaint is made. The University's processes for investigation and resolution of complaints are as follows:

- [Administrative Policy Statement 46.3](#), Resolution of Complaints Against University Employees
- Faculty Code, [Chapters 25–29](#); or
- [Chapter 478-121 WAC](#), Student Conduct Code for the University of Washington.

A complaint may be filed with the appropriate University investigation office listed in this order.

B. Reporting to Law Enforcement

Behavior that is prohibited by this order may violate criminal law and may be reported directly to law enforcement. If an individual chooses to make a report to law enforcement, that person may still file a complaint with a University investigation office. The University will make every effort to work cooperatively with the law enforcement agency, but the University will not unduly delay its own investigation.

8. University Investigations

Investigations of conduct prohibited by this order are designed to provide a prompt, fair, and impartial complaint investigation and resolution and to equitably protect the rights of individuals participating in the investigation. The following is general information about investigations of alleged violations of this order.

A. Training for Investigators and Adjudicators

The individuals who conduct University investigations or participate in University hearings receive, at a minimum, annual training on the issues related to intimate partner violence, stalking, sexual assault, and retaliation and on conducting investigations and hearings that foster safety, equitable treatment of the parties and promote accountability.

B. Complaint Intake

A staff member of the investigation office meets with each complainant to gather information about the complaint and to provide information about the complaint process, including the complainant's rights and options under this and other University policies. After initial review of the complaint, the complainant will be informed of the action the University will take.

Before an investigation is opened, protective measures will be considered and implemented as they are reasonably available. Protective measures may include changing academic, living, transportation, and/or working arrangements and taking steps to limit contact between the individuals involved. As necessary, investigation offices will assist individuals potentially at risk with safety planning, either directly or with the assistance of other University offices, such as SafeCampus or the confidential support offices in the Campus-Based Confidential Advocates section.

C. Confidentiality

Information relating to an investigation is kept confidential by the investigation offices and is provided only to those persons who have a legitimate educational or business need to know, including the subject of the complaint, witnesses, the administrative head of the University unit involved, the Title IX Coordinator, and the appropriate human resources staff and/or the Provost's Office, as necessary. Some information relevant to the investigation may be protected from disclosure, such as healthcare information protected by the Health Insurance Portability and Accountability Act (HIPAA) or student records protected by the Family Educational Rights and Privacy Act (FERPA).

D. Investigation

When an investigation is opened, the respondent or subject of the investigation will be provided with a written explanation of the respondent's or subject of the investigation's rights and options under this and other relevant University policies and information about the investigation process. The assigned investigator will gather evidence, conduct interviews of the complainant, subject, and witnesses. During the investigation, the complainant and the subject will have the opportunity to identify witnesses and provide the investigator with evidence.

E. Standard of Proof

The University uses a "preponderance of evidence" standard to determine whether a violation of University policy has occurred. "Preponderance of evidence" means that based on all of the relevant evidence, the facts demonstrate that it is "more likely than not" that the subject of the investigation violated one or more University policies.

F. Result

The complainant and the subject of the complaint will concurrently be informed in writing of the result of the investigation, the rationale for the result, and whether there is an option to appeal a result. The result includes any initial, interim, or final decisions. University officials with an educational or business need to know, such as the administrative head of the University organization involved, the appropriate human resources staff, the Title IX Coordinator, and/or the Provost's Office will also be informed of the result of an investigation.

G. Hearings

The University follows the Student Conduct Code or the Faculty Code in matters where a University student or faculty member is the subject of a complaint. A hearing may be convened to assess the evidence relating to the complaint, make findings, and determine appropriate actions, if any. The complainant and subject will be concurrently informed in writing of the result of the hearing, the rationale for the result, and whether there is an option to seek an appeal. The result includes any initial, interim, or final decisions. Those with an educational or business need to know will also be informed of the result, such as the administrative head of the unit involved, human resources staff, the Title IX Coordinator, and/or the Provost's Office.

9. Consequences of Order Violation

A University community member who engages in behavior in violation of this order is subject to corrective or disciplinary action, including but not limited to termination of employment, termination from educational programs, or termination of any non-employment relationship. The available sanctions include the following:

- Sanctions which may be imposed against faculty are set forth in the [Faculty Code](#);
- Sanctions which may be imposed against students are set forth in [Chapter 478-121 WAC](#), Student Conduct Code for the University of Washington;
- Sanctions which may be imposed against contract classified staff and other represented University employees are set forth in the relevant [University of Washington labor contract](#);
- Sanctions which may be imposed against classified non-union staff are set forth in [Title 357 WAC](#) and in [Administrative Policy Statement 43.16](#), Corrective Action Policy for Permanent Classified Non-Union Staff;
- Sanctions which may be imposed against professional staff are set forth in [Administrative Policy Statement 42.1](#), Professional Staff Program, and the [Professional Staff Program](#) details;
- Sanctions which may be imposed against those in librarian appointments are set forth in the [Librarian Personnel Code](#); and
- Sanctions against other individuals will depend on the nature of their relationship with the University.

Individuals who engage in behavior in violation of this order may be removed from University premises temporarily or permanently banned from University premises, and/or subject to arrest and/or criminal prosecution.

The University also retains the authority to administer discipline or take corrective action for any behavior that it deems unacceptable, regardless of whether the behavior rises to the level of a violation of University policy.

10. Record Keeping

Records retained by University offices may be subject to disclosure under [Chapter 42.56 RCW](#), the Washington State Public Records Act, unless otherwise protected from disclosure by law. Some information, such as healthcare information protected by HIPAA or other state laws, student records protected by FERPA, or information that is otherwise exempt from the Public Records Act, will not be subject to disclosure under that act. Information retained in University records that is otherwise protected from disclosure may be subject to disclosure pursuant to a valid subpoena or court order.

In accordance with the Clery Act, the University must disclose statistical information relating to crimes of domestic violence, relationship violence, stalking, and sexual assault in its annual security report and issue timely warnings. This reporting is done without disclosing personally identifying information relating to the victim of such crimes, including information likely to disclose the location of the victim. For the purpose of the University's annual crime statistics, as used in [WAC 478-121-140](#) and this order, the definition of "intimate partner violence" is intended to be consistent with the definitions of dating violence and domestic violence set forth in the Clery Act (as amended by VAWA). When determining whether the reported conduct meets the Clery definition, whether there has been a domestic or dating relationship will be determined by a review of its length, type, and frequency of interaction.

11. Mandatory Child Abuse Reporting

In accordance with Executive Order [No. 56](#), Reporting Suspected Child Abuse or Neglect, all University employees and volunteers who have reasonable cause to believe that a child has suffered abuse or neglect must immediately report the suspected abuse or neglect to law enforcement or the Department of Social and Health Services. This reporting responsibility is separate from and in addition to the responsibility University employees have to report complaints of discrimination and/or harassment and/or sexual violence they receive in accordance with Executive Order [No. 31](#) and [Administrative Policy Statement 46.3](#).

12. Campus-Based Confidential Advocates

Campus-based confidential advocates provide a safe place for individuals to discuss concerns regarding domestic violence, relationship violence, sexual assault, stalking, or sex or gender based harassment and learn about the options and resources available to them. Unless otherwise required by law, disclosures made to a confidential advocate do not constitute a report to the University for the purposes of initiating a complaint investigation or a request to take action against an individual alleged to have violated this order. More information about confidentiality can be obtained from the confidential advocates.

Contact information for confidential advocates can be found on the [Title IX](#) website or the [advocacy support page](#).

13. University Investigation Offices

- [Civil Rights Investigation Office](#)—The Civil Rights Investigation Office investigates complaints made about University employees and students that raise concerns relating to civil rights such as protection from discrimination, harassment, retaliation, and sexual misconduct.

Human Resources may also investigate some instances of sex or gender based harassment.

Individuals who wish to file allegations of violations of this policy may contact the following:

- United States Department of Education Office for Civil Rights (OCR)
- [Equal Employment Opportunity Commission](#)
- [Washington State Human Rights Commission](#)

14. Office of the Title IX Coordinator

The University’s Title IX Coordinator is available to review individual concerns relating to sex or gender based violence and harassment and to consult with any member of the University community regarding compliance with Title IX, related laws and regulations, and University policies. For more information, see the [Title IX](#) website.

15. History

June 21, 2016; August 14, 2020; June 7, 2024.

For related information, see:

- [Chapter 478-121 WAC](#), “Student Conduct Code for the University of Washington”
- [Chapter 478-124 WAC](#), “General Conduct Code for the University of Washington”
- Executive Order [No. 31](#), “Nondiscrimination and Affirmative Action”
- Executive Order [No. 56](#), “Reporting Suspected Child Abuse or Neglect”
- Executive Order [No. 70](#), “Compliance with Education Department Sexual Harassment Regulations
- Administrative Policy Statement [46.3](#), “Resolution of Complaints Against University Employees”
- Administrative Policy Statement [46.8](#), “Domestic Violence in the Workplace and Reasonable Accommodations and Leave Related to Domestic Violence, Sexual Assault, or Stalking”