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Developed in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), the Annual Security Report informs current and prospective students and employees of the Clery Act crimes reported within the Clery Act geography of Oregon State University in the three most recent calendar years. This report reflects crime statistics from calendar years 2017, 2018, and 2019. The Annual Security Report provides the university community with information and resources to make well-informed and reasoned decisions about their personal safety. This report includes important safety information, such as campus crime statistics, a wide range of current policies, helpful university and local resources, and crime prevention programs available to the students and staff at Oregon State University. It is important to note that the terms “victim,” “survivor,” and “impacted party” are used interchangeably in this report.

The Annual Fire Safety Report, also included, contains information about current fire safety practices and fire statistics for on-campus student housing facilities from calendar years 2017, 2018, and 2019.

Representatives from partner offices like Residential Education and Housing (REH), the Office of Equal Opportunity and Access (EOA), the Office of Student Conduct and Community Standards (SCCS), Student Health Services (SHS), and the Department of Public Safety (DPS) annually review the information published in this report, which is compiled by the Clery Act Compliance Team.

Each year, an email notice is sent to university employees and students informing them of the availability of the report. This email also points to the Clery Act Compliance website, https://clery.oregonstate.edu/, and indicates how to obtain a printed copy of this Annual Security and Fire Safety Report. Notifications are also posted in the OSU Today and on university websites where prospective students and employees visit. A digital copy of this report is available at https://clery.oregonstate.edu/annual-reports. Additionally, you may request a copy by sending an email to Clery.Compliance@oregonstate.edu.

Copies of the Annual Security and Fire Safety Report are provided at no cost.
Collecting and Preparing Crime Statistics

The Clery Act specifies a standard set of crimes which must be disclosed. In order to be reportable, these crimes must have also occurred within geographic categories that are Clery Act-specific. Definitions of Clery Act crimes and reportable geography can be found in Appendix A: Glossary. The Clery Act Compliance Team reviews reports of crimes and law violations from law enforcement agencies, such as the Bend Police Department, Deschutes County Sheriff's Office, and others around the state of Oregon and abroad. Campus security authorities (CSAs), such as public safety officers, resident assistants, coaches, and advisors of recognized student organizations, also provide reports, which are reviewed for Clery Act crimes. These reports are compiled into the crime statistics for the OSU-Cascades campus.

<table>
<thead>
<tr>
<th>Reportable Crimes</th>
<th>Hierarchy Rule</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Clery Act requires universities to disclose statistics for all <strong>reported</strong> Clery Act offenses. Therefore, even if a local law enforcement agency or district attorney chooses not to charge an individual because they believe there is insufficient evidence to reach a conviction, the reported Clery Act offense(s) will still be counted in the crime statistics, as long as it occurred within the Clery Act geography of the university. If sworn law enforcement personnel determine that an incident could not have occurred or did not occur, the crime may be “unfounded” and will be included in the unfounded crime category of the annual report.</td>
<td>The hierarchy rule states that when more than one primary criminal offense was committed during a single incident, only the most serious incident should be counted. There are exceptions to the hierarchy rule: ➢ If arson is committed during the same incident as one or more offenses, it is always counted with the most serious offense. ➢ Sexual assaults will always be counted when occurring in the same incident as murder. ➢ All offenses in a multiple offense incident that are bias-motivated must be counted as hate crimes. No hierarchy is applied. ➢ If a Violence Against Women Act (VAWA) offense is committed during the same incident as another crime, both will be counted. ➢ If multiple liquor, drug, and weapons offenses occur in the same incident, only the most serious offense will be counted. If offenses are equal in severity, the liquor law offense will be counted because Oregon State has determined that there are more adverse impacts to the community from alcohol-related behaviors. ➢ Liquor, drug, and weapons offenses are counted in addition to the most serious criminal offense in each category when occurring in a single incident.</td>
</tr>
</tbody>
</table>
## Crime Classification

<table>
<thead>
<tr>
<th>Crime Classification</th>
<th>On-Campus Total</th>
<th>On-Campus Student Housing</th>
<th>Noncampus</th>
<th>Public Property</th>
<th>Unfounded</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Primary Crimes</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Murder/Non-Negligent Manslaughter</td>
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<td>0</td>
<td>0</td>
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<tr>
<td>Manslaughter by Negligence</td>
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<td>0</td>
<td>0</td>
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</tr>
<tr>
<td>Rape</td>
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<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Fondling</td>
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<td>Incest</td>
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<td>0</td>
</tr>
<tr>
<td>Statutory Rape</td>
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</tr>
<tr>
<td>Robbery</td>
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</tr>
<tr>
<td>Aggravated Assault</td>
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<tr>
<td>Burglary</td>
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<td>Motor Vehicle Theft</td>
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<td>0</td>
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<tr>
<td>Arson</td>
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<td><strong>VAWA Offenses</strong></td>
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<tr>
<td>Domestic Violence</td>
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<tr>
<td>Dating Violence</td>
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<td>Stalking</td>
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<td>1</td>
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<td><strong>Arrests</strong></td>
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<td></td>
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<tr>
<td>Weapons Arrests</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Drug Abuse Arrests</td>
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<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
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<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Disciplinary Referrals</strong></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Weapons Referrals</td>
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<td>0</td>
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<td>Drug Abuse Referrals</td>
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<td>1</td>
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<td>0</td>
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<td>Liquor Law Referrals</td>
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<td>13</td>
<td>3</td>
<td>4</td>
<td>13</td>
</tr>
</tbody>
</table>

### Hate Crimes

For 2019, there were **no hate crimes reported** at OSU-Cascades. For 2018, there were **no hate crimes reported** at OSU-Cascades. For 2017, there were **no hate crimes reported** at OSU-Cascades.

*While conducting an internal review of the university records management system, Maxient, Oregon State University found additional statistics within one crime category for the Cascades campus that were not previously disclosed due to variations in incident and reported dates within the reporting system. Noncampus liquor referrals increased from 0 to 2. The university updated the 2019 annual report with these changes and redistributed it on December 11, 2020.*
Reporting Crimes and Emergencies

Emergencies occurring on the OSU-Cascades campus should be immediately reported to the Department of Public Safety in person, by phone, or by using one of the blue light phones found in multiple locations on campus.

Campus Safety Contact Information
All Emergencies: Dial 911

On-Campus Cascades:

Department of Public Safety
Obsidian Hall, Room 108
1500 SW Chandler Ave, Bend, OR
Non-emergency Line: 541-322-3110

Upon being notified of an emergency occurring on the campus, the Department of Public Safety will assist in coordinating the response of emergency personnel, such as the Bend Fire Department/Emergency Medical Services or Bend Police Department. For more information, please see the Emergency Response and Evacuation Procedures section.

The Department of Public Safety can assist in forwarding reports of crime to the appropriate law enforcement agency. Crimes occurring on-campus are investigated by the Bend Police Department. If the reported incident is a Clery Act crime and represents a serious or continuing threat to the campus community, the Department of Public Safety will initiate the procedures found in the Timely Warnings section of this report.

OSU-Cascades does not independently have officially recognized student organizations with noncampus locations. However, crime statistics are requested annually from the Bend Police Department and other local law enforcement agencies for any noncampus properties associated with Oregon State University.
Depending upon the nature of the reported crime, university officials in the aforementioned offices may also conduct an investigation to determine if the reported incident represents a violation of university policy and/or refer the report to law enforcement for investigation. When a Clery Act crime is reported, these officials or any individual designated as a campus security authority (CSA) are required to report to the university. CSAs can choose to report to the Department of Public Safety, the offices listed above, or directly to the Clery Act Compliance Team at https://clery.oregonstate.edu/webform/csa-crime-reporting-form. If a Clery Act crime is reported and represents a serious or continuing threat to the safety of the campus community, CSAs are required to report the incident to the Department of Public Safety.
Voluntary, Confidential Reporting

Victims or witnesses may report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics by submitting a Crime Reporting Form on the Oregon State Clery Compliance website. Voluntary, confidential reports may also be submitted to the Office of Audit, Risk and Compliance through the OSU Accountability and Integrity Hotline: 1-855-388-4971 or https://secure.ethicspoint.com/domain/media/en/gui/41096/index.html. OARC provides aggregate crime statistics for inclusion in the Annual Security Report. Oregon State University recognizes that confidentiality helps to provide control of the process to those impacted by crimes and may encourage them to seek confidential support. In Oregon, police reports are public records and the information contained in those records may not be confidential. Those wishing to discuss an incident and maintain complete confidentiality can contact the following offices which do not disclose crime statistics for inclusion in this report:

<table>
<thead>
<tr>
<th>Confidential Resources</th>
<th>Phone:</th>
<th>Email:</th>
<th>Address:</th>
<th>Website:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Personal Counseling Services</strong></td>
<td>541-322-2047</td>
<td><a href="mailto:cascades.counselingclinic@osucascades.edu">cascades.counselingclinic@osucascades.edu</a></td>
<td>Graduate &amp; Research Center, 650 SW Columbia, Suite 7100, Cascades campus</td>
<td><a href="https://osucascades.edu/counseling-clinic">https://osucascades.edu/counseling-clinic</a></td>
</tr>
<tr>
<td><strong>Survivor Advocacy and Resource Center (SARC)</strong></td>
<td>541-737-2030</td>
<td><a href="mailto:survivoradvocacy@oregonstate.edu">survivoradvocacy@oregonstate.edu</a></td>
<td>311 Plageman Building, Corvallis campus</td>
<td><a href="https://studenthealth.oregonstate.edu/sarc">https://studenthealth.oregonstate.edu/sarc</a></td>
</tr>
<tr>
<td><strong>Student Health Services Health Care Providers (SHS)</strong></td>
<td>541-737-2724</td>
<td></td>
<td>Plageman Building, Corvallis campus</td>
<td><a href="https://studenthealth.oregonstate.edu/policies-and-guidelines/privacy-and-confidentiality">https://studenthealth.oregonstate.edu/policies-and-guidelines/privacy-and-confidentiality</a></td>
</tr>
<tr>
<td><strong>University Ombuds Office</strong></td>
<td>541-737-4537</td>
<td><a href="mailto:ombuds@oregonstate.edu">ombuds@oregonstate.edu</a></td>
<td>116 Waldo Hall, Corvallis campus</td>
<td><a href="https://ombuds.oregonstate.edu/">https://ombuds.oregonstate.edu/</a></td>
</tr>
</tbody>
</table>

Counseling services provides mental health counseling to students, and consultation, outreach and education to all Oregon State University community members. SARC advocates for and with victims of sexual assault, dating and domestic violence, and stalking. Oregon law grants confidentiality and privilege for the communications between a person seeking support as a result of sexual or relationship violence and the campus-based survivor advocate. Survivors are referred to local experts for special services, such as evidence collection; and they can be accompanied by a SARC advocate when accessing these services. The Ombuds Office promotes a civil and inclusive campus community by providing informal, impartial, and confidential conflict management services to all members of the university community. As a note, confidentiality cannot be promised in matters relating to threats to public safety, child abuse, or imminent risk of serious harm.

Oregon State University does not have established procedures to encourage pastoral or professional counselors to inform those they counsel to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.
Campus Law Enforcement

OSU-Cascades does not have campus law enforcement or a memorandum of understanding with the Bend Police Department, Deschutes County Sheriff’s Office, or Oregon State Police for the investigation of alleged criminal offenses.

Department of Public Safety (DPS) public safety officers enforce the policies and standards established by Oregon State University and have jurisdiction only on university property. Public safety officers do not have police arrest authority, but they do have private person (citizen) arrest authority as defined in ORS 133.225. The statute states a private person may arrest another person for any crime committed in the presence of the private person if the private person has probable cause to believe the arrested person committed the crime. On extremely rare occasions, public safety officers may use this authority. Public safety officers refer criminal incidents to law enforcement for investigation. DPS maintains a working relationship with the Bend Police Department and Deschutes County Sheriff’s Office and may collaborate with these agencies during investigations and major events.

DPS public safety officers are designated “Persons in Charge” by the university and have the authority to ask for identification, determine whether individuals have lawful business on campus, and issue Exclusion Orders for university policy violations. DPS public safety officers and other local law enforcement agencies may refer students to the Office of Student Conduct and Community Standards for crimes or violations that constitute violations of university policy.

Oregon State University encourages the accurate and prompt reporting of all crimes to DPS, or applicable off-campus local law enforcement agencies, when the victim of a crime chooses to report or when members of the campus community become aware of criminal incidents. The university recognizes that those impacted by crimes may choose not to report to law enforcement. For alternative reporting options, please see the Reporting Crimes and Emergencies section.
Campus Security and Crime Prevention Programs

During Welcome Week, a three-day new student orientation program, students and their parents learn about the services offered by the Department of Public Safety and the Bend Police Department. Presentations outline student housing facility security policies, ways to maintain personal safety, personal property protection suggestions, and crime patterns on campus and in the surrounding neighborhoods. For more information about Welcome Week, please visit this website, https://osucascades.edu/first-year-experience.

At various locations throughout the year, the Department of Public Safety gives presentations about crime prevention, emergency management, bomb threats, active assailants, campus safety resources, emergency blue light phones, alcohol and drug laws, motorist assists, suspicious packages, security assessments, safety escorts, and bicycle safety and registration. These presentations encourage students and employees to be responsible for their own security and the security of those around them, and to answer any questions students, parents, or employees may have about safety on campus.

At New Employee Orientation, information about crime prevention and fire safety is provided to new staff members. In addition to presentations, information is disseminated to students and employees through crime prevention awareness packets, security alert posters, displays, videos, and the OSU-Cascades website, http://osucascades.edu/campus-safety, as well as articles and advertisements in university publications. For more information or to schedule a safety presentation, contact the Department of Public Safety at 541-322-3110.

The following charts are provided as a quick reference for selected campus security and crime prevention programs offered on campus.

<table>
<thead>
<tr>
<th>Campus Security Programs Addressing Security Procedures and Practices</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name:</td>
</tr>
<tr>
<td>New Student Safety Presentation</td>
</tr>
<tr>
<td>Crisis Response Training</td>
</tr>
<tr>
<td>Stop the Bleed Training</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Crime Prevention Programs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name:</td>
</tr>
<tr>
<td>Hybrid Targeted Violence Response Training</td>
</tr>
<tr>
<td>“Be in the Know” Presentation</td>
</tr>
</tbody>
</table>
Most campus buildings and facilities are accessible to the campus community, guests, and visitors during scheduled hours of operation, designated hours on weekends and holidays, and for special events. Persons requiring access to buildings outside of scheduled operating hours must request it.

Access to facilities at OSU-Cascades is obtained by physical key or electronically with a chip-enabled identification (ID) card. In most cases, necessary access will be provided by chip-enabled ID card. Upon the end of employment, conclusion of a contract, or change in access needs, employees and contractors must immediately surrender keys and ID cards to the OSU-Cascades ID Center. If an ID is not returned, the ID Center can still deactivate the card remotely. In the event of separation from employment, OSU-Cascades will ensure university keys and ID cards are returned prior to the issuance of final payment.

The Residence Hall main floor is accessible Monday through Friday, 8 a.m. to 5 p.m. Doors leading to residence hall rooms are locked 24 hours a day. Entry into student living areas and bedrooms requires a chip-enabled ID card issued to the student at the beginning of the year. Three emergency phones are located outside the Residence Hall near the main entrances and additional emergency phones are located on floors 2 through 4 near each floor's lounge/kitchen area allowing direct calls to the Department of Public Safety in the case of an emergency.

OSU-Cascades Department of Public Safety personnel routinely verify the status and functionality of blue light call boxes, look for inoperative security lights, and security features, and coordinate to submit priority work orders for malfunctioning security elements. Residential Education and Housing operation and maintenance staff prioritize maintenance of security system elements. To enhance safety and security efforts within the residence hall, academic buildings, and dining center, security video cameras may be placed in a hall, lobby, or other public areas. Generally, these cameras are in static locations. However, if there is concern about property damage or personal security, cameras may be temporarily placed in other locations. To ensure personal privacy, cameras are only located in areas that are not considered private within the hall and dining center.

OSU-Cascades values facilities that are visually appealing, safe, healthy, clean, and operate to minimize the impact on the environment. To submit maintenance requests for damage or other maintenance issues, use the Submit a Maintenance Request link. Doors, windows, locks, and other elements of the security system will receive maintenance on a priority basis. For example, a housing facility with a broken window that allows access to the building will be secured as soon as maintenance personnel can be summoned to the location.
Timely Warnings

The Clery Act requires Oregon State University to issue timely warnings for Clery Act crimes that occur within the Clery Act geography of the university, and represent a serious or continuing threat to students and employees. Timely warnings are issued to the campus community so students and employees can take steps to protect themselves from similar crimes. In the annual request for crime statistics, Oregon State University asks local police agencies for their cooperation in informing the institution about situations reported to them that may warrant a timely warning.

Anyone with information about an ongoing or serious Clery Act crime that occurred at a location owned or controlled by Oregon State University should contact the Department of Public Safety. Here is the contact information for DPS.

Department of Public Safety

All Emergencies: dial 911
Non-Emergency Line: 541-322-3110
Address: Obsidian Hall, Room 108
1500 SW Chandler Ave., Bend, OR

If the Department of Public Safety is notified that a serious or continuing Clery Act crime has occurred on Clery Act geography, members of the Department of Public Safety in Bend and Corvallis, University Relations and Marketing, and other senior, Cascades campus leadership will review the incident as part of the Clery response team. Each incident is evaluated on a case-by-case basis keeping in mind the type and location of the crime, and whether or not the incident is an ongoing or serious threat to the campus community.

The Director of Public Safety or their designee will lead the incident review discussion for the Clery response team. If a timely warning is appropriate, this group collaborates to determine the content of the message. University Relations and Marketing, the Associate Vice President of Finance and Strategic Planning and the Director of Public Safety have the authority to distribute a timely warning to the OSU-Cascades community. The Director of Public Safety is the ultimate decision maker for the group and a message may be sent without the participation of the full team if a life-threatening incident occurs. If new or pertinent information about the crime is received, an update may be sent to the campus community. If an incident does not require a timely warning, a Safety Alert or another type of communication may still be sent to the Cascades campus community.

Timely warnings are sent through the OSU Alert system. OSU's Recorded Information Line (541-737-8000), the OSU Alert website, and social media may serve as additional distribution systems. A description of the incident, the recommended protective measures, and relevant campus resources are included in the message. OSU-Cascades will keep the names of victims confidential when issuing a timely warning, and will honor the victim's description of the suspect. In narrow circumstances, such as when a suspect is targeting a particular group or a specific location, some identifiable information may be included.

All university students and staff are automatically signed up to receive timely warnings through their university issued email accounts. To sign up for text messages, phone calls, or to add additional phone numbers or email addresses (parents, spouses, etc.), students and employees can manage their account at https://oregonstate.edu/alerts/osu-alert-portal using their ONID email and password.
Emergency Response and Disseminating Notifications

Anyone with information about a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees on the OSU-Cascades campus should dial 911 and then contact the Department of Public Safety. Here is the contact information for DPS and local authorities:

<table>
<thead>
<tr>
<th>Department of Public Safety</th>
<th>Bend Police Department</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Non-Emergency Line:</strong> 541-322-3110</td>
<td><strong>Emergency Line:</strong> 911</td>
</tr>
<tr>
<td><strong>Address:</strong> Obsidian Hall, Room 108 1500 SW Chandler Ave., Bend, OR</td>
<td><strong>Non-Emergency Line:</strong> 541-693-6911</td>
</tr>
<tr>
<td></td>
<td><strong>Address:</strong> 555 NE 15th St, Bend, OR</td>
</tr>
</tbody>
</table>

If a dangerous situation is reported to the Department of Public Safety, public safety officers, Bend police officers, or other local authorities will determine if there is a legitimate threat by either responding to the scene or through the report of a credible witness. Oregon State University 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 OSU-Cascades Incident Management Team (IMT) will be informed of the incident, will determine the content of the notification by evaluating the details of the incident, and will initiate a broadcast using the OSU Alert system. The Director of the Department of Public Safety, Associate Vice President of Finance and Strategic Planning, Director of the Office of Enrollment Services and Student Success, Senior Director of Community Relations and Marketing, Director of Communications, Associate Director of Student Success, Dean of Academic Affairs, Business Office Manager, Director of Facilities and Operations, and Asst. Director for Residential Education and Housing serve on the IMT. Although the Director of Public Safety typically notifies the IMT, any member of the team can call the IMT together.

Emergency notifications will include details about the location of the emergency or dangerous situation, a description of the incident, and recommended measures the campus community should take to protect themselves, such as evacuation, avoiding certain areas/buildings, or sheltering-in-place. Typically, emergency notifications are sent to the entire campus community and are not segmented. OSU-Cascades may also implement a campus lockdown. Situations are evaluated on a case-by-case basis and will be continually assessed until the incident is resolved. Updates as required may be sent to the campus community using the OSU Alert system. If an incident does not require an emergency notification, a campus safety alert or another type of communication may still be sent.

OSU Alert is the primary distribution system for emergency notifications. All university students and staff are automatically signed up to receive OSU Alerts through their university issued email accounts. To sign up for text messages, phone calls, or to add additional phone numbers or email addresses (parents, spouses, etc.), students and employees can manage their account at https://oregonstate.edu/alerts/osu-alert-portal using their ONID email and password. The OSU-Cascades Recorded Information Line (541-322-3100), the OSU Alert website (http://main.oregonstate.edu/alerts), OSU-Cascades Emergency Status website (https://osucascades.edu/emergency-status), and social media may serve as additional distribution systems and are used to disseminate emergency information to the larger community. OSU-Cascades Department of Community Relations and Marketing is responsible for communicating via social media and the OSU Alert website.
OSU-Cascades Evacuation Procedures

Summary of OSU-Cascades General Evacuation Procedure:
1. Immediately obey evacuation alarms and orders to evacuate.
2. If time allows and without endangering yourself, place equipment in a safe configuration, close doors and windows, inform others in your vicinity of the current situation, and/or take any personal items you may need.
3. Leave the building – do not use elevators.
4. Assist persons with mobility or other evacuation concerns.
5. Take your cellphone, valuables, and evacuation kit.
6. Proceed outside of the building to the evacuation assembly area and stay a minimum of 50 feet away from the building.
7. Conduct accountability for personnel under your supervision.
8. Wait for official notice before attempting to re-enter the building.
9. Report problems or concerns to the applicable department leadership.
10. Classroom/lab instructors and building managers have been identified to provide rescue assistance and medical aid.

In the event of a significant emergency or a dangerous situation, the Department of Public Safety will ensure appropriate emergency services, such as the fire department, emergency medical services, and law enforcement, are notified. Emergency services will typically be provided by the OSU-Cascades Department of Public Safety, Bend Police Department, Bend Fire Department and Emergency Medical Services, and the Deschutes County Sheriff’s Office. Public safety officers and local emergency personnel will aid in evacuation procedures following notification by the Incident Management Team.

OSU-Cascades has published an Emergency Operations Plan, which contains procedures for evacuation and evacuation operations for students and staff who may need assistance with mobility. Here is a link to the emergency Operations Plan, http://osucascades.edu/emergency/planning. The on-site campus parking lot is the primary evacuation assembly area. Evacuation maps are posted in numerous locations throughout campus and in every Residence Hall room.

Testing Emergency Response and Evacuation Procedures

Oregon State University tests its campus-wide response and evacuation procedures on at least an annual basis for the OSU-Cascades campus. The emergency manager at Oregon State University uses the Homeland Security Exercise and Evaluation Program (HSEEP) to conduct these tests. The HSEEP-format identifies the name, dates, scope, mission area(s), core capabilities, objectives, threat or hazard, scenario, sponsor(s), participating organizations, and point of contact for the exercise. The emergency manager uses tabletop exercises, and occasionally, full scale exercises to test response and evacuation procedures. The HSEEP-format documents a description of the exercise, the date the test was held, the time the test started and ended, and whether the test was announced or unannounced.
Testing Emergency Response and Evacuation Procedures (cont’d)

The HSEEP-formatted exercises are scheduled, contain objectives that test procedural operations, and involve the coordination of efforts. For example, after the emergency manager schedules the exercise, participants, such as law enforcement or medical response agencies, are invited to participate. The HSEEP exercise objectives and core capabilities describe the expected outcomes. The objectives and aligned core capabilities are guided by elected and appointed officials and selected by the Exercise Planning Team. The exercise identifies a mission area(s), such as response, and establishes core capabilities. The emergency manager may evaluate skills, such as coordination, communication, public health, and medical services.

Exercise objectives test procedural operations, such as medical triage, radio communications, processing medical records, and disseminating public information. Depending upon the scope and mission of the exercise, the emergency manager may invite medical personnel from local hospitals, local fire departments, and other emergency management professionals to participate. The exercise evaluates the coordination of any organizations invited to participate.

Upon completion, post-exercise and evaluation activities are conducted, including hot wash, controller and evaluator debriefings, participant feedback forms, exercise evaluation guides, after-action reports, improvement planning processes, and after-action meetings. A hot wash is a meeting that occurs at the conclusion of exercise play and assesses the strengths, areas of improvement, areas of clarification, and decision-making processes. During the improvement planning process, observations recorded in the after-action report are resolved through the development of corrective actions, which are prioritized and tracked as a part of a continuous corrective action program. An after-action meeting is held among the decision- and policy-makers from the participating organizations, the lead evaluator, and members of the exercise planning team to debrief and review, and then refine the after-action report and improvement plan.

The emergency manager publicizes emergency response and evacuation procedures for OSU-Cascades at least once per year. This posting can be found in the OSU Today and on the Emergency Management planning website, https://osucascades.edu/emergency, which contains more information about emergency operation plans.
The missing student policy applies to any student who lives in an on-campus student housing facility, regardless of their age, status, or whether they have registered a confidential contact person. Any person who is aware of a student who is missing, must report that information immediately to the Department of Public Safety at 541-322-3110 or in person, on campus at Obsidian Hall, Room 108. This will allow the university to initiate its missing student procedures and notify the missing student’s confidential contact. Other reporting options include the Bend Police Department at 541-693-6911 or 555 NE 15th St, Bend, Oregon, and the Deschutes County Sheriff's Office at 541-388-6655 or 63333 US-20, Bend, OR. For all emergencies, dial 911. If you choose to report to BPD or DCSO, please contact the Department of Public Safety as well.

Each year, students, regardless of age, are required to provide a confidential missing student contact when they complete their application for on-campus student housing facilities. This contact is strictly for missing persons and can be the same as their general emergency contact, or students may also choose someone different. The missing student contact is registered, confidential, accessible only to authorized campus officials, and may not be
Missing Students: On-Campus Student Housing

disclosed except to law enforcement personnel in the furtherance of a missing person investigation. For more information about how to register a confidential contact or contacts, please contact Residential Education and Housing at housing@osucascades.edu. Once the university determines a student has been missing for 24 hours, the missing student procedures will be initiated. The university does not have to wait 24 hours before officially determining a student is missing. The student’s confidential contact will be notified within 24 hours from the time the student has been determined missing by the Department of Public Safety, Bend Police Department, or local officials.

Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, OSU-Cascades will notify the local law enforcement agency that has jurisdiction in the area within 24 hours of the determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing.

If the student is under 18 years of age and is not emancipated, the institution will also notify a custodial parent or guardian in addition to notifying any additional contact person designated by the student within 24 hours of the determination that the student is missing.

Alcohol and Drug Policies

“University Standard: 07-005 Alcohol Service” governs the possession and use of alcoholic beverages on all university-owned or -controlled property. Oregon State University strives to promote student success, faculty and staff excellence, and public health by fostering a culture of healthy living that encourages sound judgment, accountability, responsible behavior, and informed decision-making in all areas of life. The misuse of alcohol and other drugs remains a top public health concern on college campuses and can result in a multitude of adverse personal, social, professional, or academic consequences. The university is committed to maintaining a secure environment that is conducive to the health, safety, and overall welfare of its students, faculty, staff, and visitors. In keeping with these principles, this university standard sets restrictions on and describes requirements for how alcohol may be served and consumed at university and non-university events. The university is dedicated to preventing the abuse of alcohol and other drugs in its community and cautions against the excessive consumption of alcoholic beverages. The university expects that all persons of legal drinking age who choose to consume alcohol will do so responsibly.
No person may consume alcohol or carry an open container containing alcohol in any form, or serve alcoholic beverages on university-owned or -controlled property, except as provided in University Standard 07-005 and in accordance with other applicable laws, university policies or standards, rules, and guidelines. Games or devices that encourage or facilitate the rapid and/or excessive consumption of alcohol are prohibited.

Alcohol service is restricted to beer, wine, and cider; liquor service is generally not permitted. Generally, alcohol service is prohibited during university business hours. As per University Standard: 07-005 section 5.1.8 Residence Halls and Dining Facilities, alcohol service and consumption is restricted in residence halls and dining facilities. In general, events taking place at residence halls may not serve alcohol. Exceptions to allow alcohol service for events in dining facilities may be made in limited circumstances by the Director of University Housing and Dining Services or by the Associate Vice President for Finance and Strategic Planning at OSU-Cascades. For more information on the limits of alcohol use in residence halls (including for student residents over the age of 21 to drink or possess alcohol), please see the REH Student Policy and Information Guide.

Any person or entity violating this university standard is subject to:

a. Institutional disciplinary proceedings, if a student or employee; b. Forfeit of deposits or ticket costs; or, c. An order to leave the immediate premises or property owned or controlled by the university by a person in charge of university property.

Persons failing to comply with an order by a person in charge to leave or to remain off the immediate premises or property owned or controlled by the university are subject to arrest for criminal trespass.

More specific guidance as to specific rules, how to request exceptions to general alcohol prohibitions, or how to appeal a university sanction for violation of US: 07-005 can be found in Annex B: University Standard: 07-005 Alcohol Service.

§4.3-2 General Misconduct, Code of Student Conduct.
The following behavior associated with alcohol is prohibited under this policy:

a) use, possession, or procurement of alcohol by persons under the legal drinking age; students are also considered to be in possession if the substance is in their bodies or the use is otherwise detectable;

b) furnishing, manufacturing, distributing, or selling alcohol except as expressly permitted by law and the university’s policies regarding alcohol;

c) driving under the influence of alcohol in excess of the applicable legal limit;

d) public intoxication, possession, or use while on university property or at events except as expressly permitted by university policies regarding alcohol;

e) disruptive behavior or other code violations due to alcohol intoxication regardless of location;

f) failure of a student organization to take all necessary steps to ensure that no person under the legal drinking age possesses alcoholic beverages at functions it sponsors or organizes, or within any property or transportation it owns, operates, and/or rents; or

g) using alcohol to facilitate incapacitation or forcing ingestion of alcohol without consent.

h) use or possession of alcohol in a way prohibited by applicable law.
Alcohol and Drug Policies: Residential Education and Housing Alcohol Policy

1. Residents and their guests must abide by the Code of Student Conduct expectations regarding alcohol use. Residents and their guests who are under the age of 21 may not possess or consume alcohol.

2. No resident, or their guests, regardless of age, may possess or consume hard alcohol in the residence halls. Hard alcohol is defined as alcohol that is equal to or greater than 15 percent alcohol by volume or 30 proof.

3. Residents and their guests may not consume alcohol in the presence of those under the age of 21. It is a violation of policy for anyone under the age of 21 to be present in a residential space where they know that alcohol or alcohol containers are present, or in a common area where violations of this policy are occurring.

4. Residents who are 21 years of age or older may possess alcohol, with the exception of hard alcohol (defined as equal to or greater than 15 percent alcohol by volume or 30 proof) which is never permitted, if they follow the requirements listed below:
   a. Residents who are at least 21 years of age may not consume alcohol in the room in the presence of individuals, including roommates, who are under the age of 21.
   b. Residents of legal age must discreetly transport alcohol to their rooms.
   c. Residents of legal age may only store their alcohol out of view in their assigned area of the room.

5. It is a violation of housing policy to provide alcohol to anyone regardless of age who is visibly intoxicated.

6. It is a violation of housing policy to be publicly intoxicated in the residence halls. Students who are 21 or over who are disruptive because of the use of alcohol may be considered in violation of this policy.

7. Individuals under 21 years of age and all residents living in Substance Free Living Environments, regardless of age, may not display and/or possess alcohol containers (empty or full) within UHDS facilities or grounds.

8. Open containers of alcohol are not permitted in public or common areas either inside or outside of residential buildings. Common areas include, but are not limited to, outside entry or adjacent sidewalk areas, all lounges, lobbies, kitchenettes, recreation rooms, entertainment areas, hallways, bathrooms, stairways, fire exits, elevators, and laundry rooms, and a student room with an open door.

9. Games of chance, imitation or actual drinking games, contests, and other activities that induce, encourage, or result in the rapid consumption of alcohol are prohibited. Items used for drinking games or other activities that encourage the excessive or rapid consumption of alcohol (e.g. keg, beer pong tables, beer bongs, funnels, etc.) are prohibited.

University officials will ask individuals who violate the alcohol policy to dispose of all alcohol in their possession. Students who violate the alcohol policy may be referred for disciplinary action. University officials have discretion to call police. UHDS staff will dispose of alcohol found abandoned in public areas. UHDS staff will direct students to dispose of alcohol that is determined to have been in the illegal possession of a student.

If you have any questions or concerns about alcohol use, you are encouraged to talk with a staff member at Student Wellness. They are trained staff that provides information, assistance, and counseling. For more information on alcohol and other drugs, please visit the following website: https://studenthealth.oregonstate.edu/prevention-and-advocacy-coalition/alcohol-drug-prevention/alcohol-and-other-drugs
Oregon State University is committed to maintain a workplace free from the unlawful manufacture, use, dispensing, possession, or distribution of controlled substances (as defined in section 102 of the Controlled Substances Act [21 U.S.C. 802]). Unlawful manufacture, use, dispensing, possession, or distribution of controlled substances by university employees in the workplace is prohibited under university policy. All employees of the University will receive a copy of, and must abide by this policy.

Abuse of controlled substances in the workplace is dangerous and must be avoided. Any employee convicted of violating a criminal drug statute in the workplace must notify his or her supervisor and the Director of Human Resources no later than five days after such conviction.

If the employee is involved in work supported by a federal agency, the University will notify the federal agency within ten days after receiving notice of the criminal drug statute conviction. Within 30 days of receiving notification that an employee has been convicted of violating a criminal drug statute in the workplace, the University will take appropriate personnel action against such an employee, or will require the employee to participate satisfactorily in a controlled substance assistance or rehabilitation program.

Employees found to be in violation of this policy may be subject to disciplinary sanctions consistent with applicable provisions of state laws and regulations, collective bargaining agreements, University and Oregon State Board of Higher Education administrative rules, as well as penalties under federal and state law.

The University supports programs for the prevention of controlled substance abuse by university employees as well as assistance programs for those with problems related to controlled substance abuse. Employees found to be in violation of this policy may be required to provide evidence of satisfactory participation in a substance abuse assistance or rehabilitation program.

Employees are encouraged to seek assistance for controlled substance dependency problems through the University Employee Assistance Program. Evaluation, counseling and referral services are available to employees through this program, and assistance is provided on a confidential basis. The health benefits packages available to all university employees provide at least partial reimbursement for treatment and rehabilitation associated with substance abuse problems.
The following behavior is prohibited, where “drugs” includes but is not limited to federally controlled substances, synthetic drugs or inhalants, natural substances used for drug effects, and medication used/possessed/handled in non-prescribed manners:

a. use, possession, or procurement of drugs or paraphernalia related to use; students are also considered to be in possession if the substance is in their bodies or the use is otherwise detectable;

b. furnishing, manufacture, distribution, or sale of drugs except as expressly permitted by law;

c. public intoxication due to drug use;

d. driving under the influence of drugs;

e. disruptive behavior or other Code violations due to drug intoxication regardless of location;

f. failure of a student organization to take all necessary steps to ensure that no person possesses or consumes drugs at functions it sponsors or organizes, or within any property or transportation it owns, operates, and/or rents; or

g. facilitating incapacitation or ingestion without consent through the use of drugs.

The following behavior is prohibited relating to marijuana possession, use, and sale:

a. use, possession, or procurement of marijuana or its derivatives or paraphernalia related to use by persons under the legal age; students are also considered to be in possession if the substance is in their bodies or the use is otherwise detectable;

b. public intoxication, possession, or use of marijuana or its derivatives or paraphernalia related to use while on university property or at university events;

c. furnishing, manufacturing, distributing, or selling marijuana or its derivatives except as expressly permitted by law;

d. driving under the influence of marijuana or its derivatives;

e. disruptive behavior or other Code violations due to marijuana cannabis intoxication regardless of location;

f. failure of a student organization to take all necessary steps to ensure that no person under the legal age possesses or consumes marijuana or its derivatives at functions it sponsors or organizes, or within any property or transportation it owns, operates, and/or rents; or

g. facilitating incapacitation or ingestion without consent through the use of marijuana or its derivatives; or

h. use, or possession, of marijuana in a way that is prohibited by applicable law.
Illegal Possession, Use, or Distribution of Drugs—

1. Residents and their guests must abide by the Code of Student Conduct expectations regarding drug use.
2. The possession, use or distribution of illegal drugs in campus housing is prohibited. The illegal possession, use, or distribution of prescription drugs in campus housing is also prohibited.
3. The use of substances outside of their intended purposes and in a manner not prescribed by a physician is prohibited. Prescription drugs are permitted on campus if accompanied by an authentic medical prescription. Use of legal medication outside the parameters of the medical authorization is prohibited.
4. It is prohibited to be under the influence of federally controlled substances in any form. Students who exhibit behaviors that appear to have been influenced by federally controlled substances use may be subject to disciplinary process. Such behaviors may include, but are not limited to, slurred speech, smell of other drugs, lack of balance, or swaying. Students are reminded that being under the influence of drugs, including legal substances such as salvia, is not an excuse for disruptive behavior or other violations of University policies or rules.
5. Students may not possess drug paraphernalia. Drug paraphernalia includes equipment, products and materials of any kind which are marketed for use or designed for drug use including, but not limited to, bongs, smoking pipes, vaporizers, syringe needles, and roach clips. For a more complete listing of prohibited items please see Oregon Revised Statutes (ORS) 475.525.

Cannabis—

1. Residents and their guests must abide by the Code of Student Conduct expectations regarding cannabis use.
2. The possession, use or distribution of cannabis in campus housing is prohibited. This is true even if a resident has a medical card or is over 21 years of age.
3. It is a violation of policy for anyone to knowingly be present in a room/suite where cannabis is present, or where violations of the Cannabis section of the Code of Student Conduct are taking place.
4. It is prohibited to be under the influence of cannabis in any form. Students who exhibit behaviors that appear to have been influenced by cannabis use may be subject to disciplinary process. Such behaviors may include, but are not limited to smell of cannabis or disruptive behavior due to cannabis use.
5. Students may not possess cannabis paraphernalia, which includes equipment, products and materials of any kind which are marketed for use or designed for cannabis use including, but not limited to, bongs, smoking pipes, vaporizers, and roach clips. For a more complete listing of prohibited items please see Oregon Revised Statutes (ORS) 475B.376.

University officials will refer residents and their guests who violate this provision to the Department of Public Safety. Because cannabis is prohibited on campus regardless of age or medical cardholder status, Housing staff will work with the Department of Public Safety to remove and destroy cannabis in any form and/or drug paraphernalia that is found in the residence halls. For more information about cannabis at OSU, please review the following website: http://main.oregonstate.edu/university-policies-regarding-marijuana.

Anyone questions or concerns about drug use can be directed to the Student Wellness Office, where trained staff can provide information, assistance, and counseling. For more information on alcohol and other drugs please visit the following website: http://studenthealth.oregonstate.edu/alcohol-and-other-drugs.
Violations of university policies, state laws, and local ordinances can result in varying degrees of sanctions. Local law enforcement, such as the Bend Police Department, has the authority to issue citations and make arrests for the violation of local and state alcohol and drug laws on the Cascades campus. Oregon State University will also cooperate with any federal law enforcement agency enforcing drug laws on university property. The following information describes additional information about the enforcement of state laws relating to underage drinking, and federal and state drug laws.

Chapter 471 of the Oregon Revised Statutes governs the regulation of alcoholic liquors. Please refer to the following link for more information: https://www.oregonlegislature.gov/bills_laws/ors/ors471.html


Offenses in Oregon, including those listed in the aforementioned chapters, are classified as either crimes or violations. Convictions for crimes can include fines and/or imprisonment. Convictions for violations are only punishable by fines.

In addition to the possibility of being arrested or cited by law enforcement, any person or entity violating these laws or policies is subject to: (a) Institutional disciplinary proceedings, if a student or employee; (b) Forfeit of deposits or ticket costs; or (c) An order to leave the immediate premises or property owned or controlled by the university by a person in charge of university property.

Persons failing to comply with an order by a person in charge to leave or to remain off the immediate premises or property owned or controlled by the university are subject to arrest for criminal trespass.

Employees violating state laws relating to underage drinking, and federal and state drug laws are subject to sanctions (not exhaustive), such as termination, non-renewal, suspensions, or written reprimands. Employees should consult their applicable bargaining agreement or contract, or contact the Office of Human Resources (541-737-3103) to address any questions regarding alcohol and drug laws and policies.

Students or student organizations exhibiting behavior that violates any part of the Code of Student Conduct are subject to one or more of the following:

- Warning
- Behavioral Expectations
- No Contact Directive
- Residential Disciplinary Probation
- Expulsion
- Required Educational Activities
- Restitution
- Academic Sanction
- University Conduct Probation
- Student Organization Recognition Revocation
- Restriction/Exclusion
- Removal from a Class
- Conduct Suspension
- Degree Revocation
- University/Community Service Work Hours
Alcohol and Drug Policies

Enforcement of State Underage Drinking Laws and Federal and State Drug Laws (cont’d)

The following sanctions may be imposed by Housing as a result of the conduct hearing process as an educational means of holding students accountable for violations of conduct regulations. Educational sanctions are active and/or passive requirements that aim to foster and facilitate student learning as an outcome of the conduct process. If they are assigned, students are required to complete sanctions. Sanctions may include:

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<th>Educational Sanctions</th>
<th>Program Participation, including IMPACT</th>
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<td>Community Service</td>
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Drug Free Schools and Communities Act (DFSCA)

Oregon State University Student Health Services provides the overall coordination of the Drug Free Schools and Communities Act. Each year, Oregon State University notifies each employee and student, in writing, of the: 1) standards of conduct; 2) sanctions for violation of federal, state, and local law and campus policy; and 3) health risks associated with alcohol and drug use. This annual notification is distributed to comply with part of the requirements of the 1989 amendments to the Drug-Free Schools and Communities Act (DFSCA), as articulated in the Education Department General Administrative Regulations (EDGAR) §86.1 – the Drug Free Schools and Campuses Regulations. Please find the most recent annual notification here: https://studenthealth.oregonstate.edu/aod-annual-notification. Here is a link to the most recent biennial review: https://studenthealth.oregonstate.edu/aod-biennial-notification.
Violence Against Women Act (VAWA) - Policies, Procedures, and Resources

VAWA Primary and Ongoing Prevention and Awareness Programs

Oregon State University prohibits domestic violence, dating violence, sexual assault, and stalking as those terms are defined for purposes of the Clery Act. The university reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all people. Oregon State University does not discriminate on the basis of gender in its educational programs, and sexual harassment and sexual violence are types of sex and gender discrimination. These acts can be sexually based or not, and include dating violence, domestic violence, and stalking. Oregon State University provides prevention programs addressing dating violence, domestic violence, sexual assault, and stalking. For first year and new transfer students, Oregon State University requires a primary prevention and awareness program called Sexual Assault Prevention for Undergraduates, https://studenthealth.oregonstate.edu/sapu. The following is a description of Sexual Assault Prevention for Undergraduates:

Sexual Assault Prevention for Undergraduates (SAPU) is an interactive course that addresses the critical issues of sexual assault, relationship violence, and stalking—specifically on college campuses. The course encourages students to reflect on their personal values when it comes to relationships; uses scenarios from diverse perspectives to provide a relevant and inclusive experience; challenges harmful and demeaning language and attitudes; and provides guidance for supporting a friend who may have experienced sexual violence.

For new Ecampus, graduate, and non-degree students, Oregon State University requires a primary prevention and awareness program called Sexual Assault Prevention for Adult Learners, https://studenthealth.oregonstate.edu/sapal. The following description of Sexual Assault Prevention for Adult Learners is from EVERFI, the course provider:

Returning students and other adult learners have different relationships and experiences than traditional-aged students. Sexual Assault Prevention for Adult Learners emphasizes the importance of consent in long-term relationships and teaches adult learners to identify and address common forms of abuse such as financial abuse and child manipulation in personal and professional contexts. Adult learners build confidence to intervene with strategies suited for in-person and online environments.

Oregon State University requires all employees to complete an online training series related to the security and well-being of students, staff, and faculty. Required training topics include Ethics, Mandatory Reporting of Child Abuse, Protected Leave, Information Security, and Equal Opportunity & Access (Title IX). Ongoing presentations addressing VAWA offenses are available to employees throughout the year.

The university offers ongoing awareness and prevention programs for students and employees that focus on increasing the understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking. These programs use a range of strategies for audiences throughout the university. Presentations address topics such as bystander intervention, sexual activity, Alcohol 101, and media influences on consent in relationships. Community organizations, such as Saving Grace, Planned Parenthood, and Deschutes County, partner with the university to provide these programs. For more information about sexual violence prevention programming, please contact Student Health Services at http://studenthealth.oregonstate.edu/workshops or Equal Opportunity and Access at https://eoa.oregonstate.edu/training.
Domestic Violence as defined by ORS 135.230 (oregonlaws.org/ors/135.230)

1. Domestic violence means abuse between family or household members.
2. Family or household members means any of the following:
   a. Spouses.
   b. Former spouses.
   c. Adult persons related by blood or marriage.
   d. Persons cohabiting with each other.
   e. Persons who have cohabited with each other or who have been involved in a sexually intimate relationship.
   f. Unmarried parents of a minor child.
3. Abuse means:
   a. Attempting to cause or intentionally, knowingly, or recklessly causing physical injury;
   b. Intentionally, knowingly, or recklessly placing another in fear of imminent serious physical injury; or
   c. Committing sexual abuse in any degree as defined in ORS 163.415 (Sexual abuse in the third degree), 163.425 (Sexual abuse in the second degree), and 163.427 (Sexual abuse in the first degree).

Dating Violence: Under Oregon state law, there is no specific definition of dating violence. Oregon state law only defines teen dating violence, and requires public school district boards to adopt policies addressing it (ORS 339.366). ORS 147.450 (oregonlaws.org/ors/147.450) defines teen dating violence as:

1. Teen dating violence means:
   a. A pattern of behavior in which a person uses or threatens to use physical, mental, or emotional abuse to control another person who is in a dating relationship with the person, where one or both persons are 13 to 19 years of age; or
   b. Behavior by which a person uses or threatens to use sexual violence against another person who is in a dating relationship with the person, where one or both persons are 13 to 19 years of age. [2001 c.870 §23; 2007 c.71 §40; 2012 c.69 §2]
Jurisdictional Definitions of VAWA Offenses

**Stalking as defined by ORS 163.732** ([oregonlaws.org/ors/163.732](http://oregonlaws.org/ors/163.732))

1. A person commits the crime of stalking if:
   a. The person knowingly alarms or coerces another person or a member of that person’s immediate family or household by engaging in repeated and unwanted contact with the other person;
   b. It is objectively reasonable for a person in the victim’s situation to have been alarmed or coerced by the contact; and
   c. The repeated and unwanted contact causes the victim reasonable apprehension regarding the personal safety of the victim or a member of the victim’s immediate family or household.

2. Stalking is a Class A misdemeanor.
   a. Notwithstanding paragraph (a) of this subsection, stalking is a Class C felony if the person has a prior conviction for:
      i. Stalking; or
      ii. Violating a court’s stalking protective order.
   b. When stalking is a Class C felony pursuant to paragraph (i) of this subsection, stalking shall be classified as a person felony and as crime category 8 of the sentencing guidelines grid of the Oregon Criminal Justice Commission. [1993 c.626 §2; 1995 c.353 §2] Note. See second note under 163.730 (Definitions for ORS 30.866 and 163.730 to 163.750).

**Sexual Assault as defined by ORS 163.305** ([oregonlaws.org/ors/163.305](http://oregonlaws.org/ors/163.305))

1. Sexual assault means any unwanted sexual contact as defined in ORS 163.305 – ORS 147.450.
2. Deviate sexual intercourse means sexual conduct between persons consisting of contact between the sex organs of one person and the mouth or anus of another.
3. Forcible compulsion means to compel by:
   a. Physical force; or
   b. A threat, express or implied, that places a person in fear of immediate or future death or physical injury to self or another person, or in fear that the person or another person will immediately or in the future be kidnapped.
4. Mentally defective means that a person suffers from a mental disease or defect that renders the person incapable of appraising the nature of the conduct of the person.
5. Mentally incapacitated means that a person is rendered incapable of appraising or controlling the conduct of the person at the time of the alleged offense.
6. Physically helpless means that a person is unconscious or for any other reason is physically unable to communicate unwillingness to an act.
7. Sexual contact means any touching of the sexual or other intimate parts of a person or causing such person to touch the sexual or other intimate parts of the actor for the purpose of arousing or gratifying the sexual desire of either party.
8. Sexual intercourse has its ordinary meaning and occurs upon any penetration, however slight; emission is not required. [1971 c.743 §104; 1975 c.461 §1; 1977 c.844 §1; 1979 c.744 §7; 1983 c.500 §1; 1999 c.949 §1; 2009 c.770 §1]
Consent

Oregon State University policies define consent. The ORS does not define consent, but does define lack of consent:

**OSU Consent Definition:** Knowing, voluntary, and clear permission by word or action, to engage in mutually agreed upon sexual activity. Oregon State University uses this definition in the policies and procedures addressing VAWA offenses. Consent is further defined by the **Sexual Misconduct and Discrimination Policy** in Section 5.4, “Evaluation of Consent.”

**Incapacity to Consent as defined by ORS 163.315** ([oregonlaws.org/ors/163.315](http://oregonlaws.org/ors/163.315))

1. A person is considered incapable of consenting to a sexual act if the person is:
   a. Under 18 years of age;
   b. Mentally defective;
   c. Mentally incapacitated; or
   d. Physically helpless.

2. A lack of verbal or physical resistance does not, by itself, constitute consent but may be considered by the trier of fact along with all other relevant evidence.
   [1971 c.743 §105; 1999 c.949 §2; 2001 c.104 §52]

Bystander Intervention

Bystanders are defined as “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it” [Burn, S.M. (2009). *A situational model of Sexual Assault, Dating Violence, Domestic Violence, and Stalking Prevention through bystander intervention*. Sex Roles, 60, 779-792]. They play a critical role in the prevention of sexual and relationship violence.

Oregon State University promotes a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. There are a variety of ways that bystanders can intervene without putting themselves in danger, and a range of situations that warrant bystander intervention. Some of the more common situations that could be encountered include:

- If you hear someone joking about sexual assault, dating violence, domestic violence, and stalking, making other degrading comments, or using demeaning language.
- If you witness micro-aggressions.
- If someone looks like they could be in trouble or need help.
- If you hear someone pressuring or encouraging others to drink or hook up.
- If you notice a person isolating an individual who appears intoxicated.
- If you witness what appears to be inappropriate or unwanted touching.
- If comments or actions from others indicate their intent on having sex regardless of the other person’s willingness or ability to consent.
- If someone is getting ready to have sex with a person who is intoxicated.
Bystander Intervention

Active bystanders can follow a few general tips for keeping themselves safe while assessing a situation and intervening. Consider some of the following guidelines:

- Approach everyone as a friend.
- Don’t be antagonistic.
- Avoid using violence.
- Be honest and direct whenever possible.
- Recruit help if necessary.
- Keep yourself safe.
- Tell others about your plans to intervene.
- If you aren’t in a position to intervene for safety reasons, find someone who can.

If you are not sure how to intervene, there are many options. People choose to intervene in different ways based on their personality or the situational context. Anything done while maintaining safety is good intervention. Consider trying one of these intervention styles:

1. **The Divider:** Step in and separate both people. Let them know your concerns and reasons for intervening (e.g. because you are being a friend and acting in their best interest). Make sure each person makes it out of the situation safely. Examples:
   - "Hey, I'm worried you might be making a mistake...How about you two meet up tomorrow?"
   - "I'm not sure you should do this...You seem pretty drunk right now."
   - "Looks like you might need help getting home. Want me to walk with you?"

2. **The Recruiter:** Recruit help from friends of both people to step in as a group. Make a plan and verbalize it... "I'll do A, you do B." Examples:
   - "I am going to ask if Sam wants to grab food. Do you want to see if Jordan is ready to go home?"
   - "Will you come with me to see if Cameron is ok?"
   - "I don't feel comfortable with what's happening. What do you think we could do?"

3. **The Disrupter:** Step in to redirect the focus somewhere else. Divert the attention of one person away from the other... Commit a party foul if you need to!
   - "I have to go to the bathroom; come with me."
   - "I'm starving. Want to grab food?"
   - Strike up a conversation with both people; don’t give up when it gets awkward: “OMG: can you believe what happened on Game of Thrones this week?” or “Hey, didn’t we have a class together freshman year?”
   - Spill your drink.
Regardless of what the specific situation may be, there are some key checkpoints when assessing the situation and deciding whether or not, or how, to intervene. Think about these things while approaching different scenarios:

- Is something going on?
- Is it a problem or emergency situation?
- Can I subtly investigate ambiguous situations?
- Should I take responsibility to intervene?
- Could the situation escalate if I don’t intervene?
- Do I know how I could safely defuse the situation?
- Can I anticipate possible reactions (from all parties, including other witnesses) and pick a fitting intervention style?
- Are there potential social consequences of different intervention styles?
- Can I identify people to support me?
- Will I do SOMETHING to help?
- Ultimately...**If you see something, do something.** If you don’t feel safe intervening directly, find someone who can. If you or someone else is in immediate danger, dial 911.

### Risk Reduction

OSU works to reduce the risk of sexual assault, domestic violence, dating violence and stalking through multiple programs designed to reduce perpetration, encourage bystander intervention, and empower those whom others might target as potential victims. It is vital to recognize that no one deserves to be assaulted, that perpetrators of rape and violence are solely responsible for committing those crimes, and that victims are never to be blamed for doing or not doing certain behaviors to avoid an assault.

As a campus community, OSU reduces risks that contribute to violence by focusing on the people committing the acts, conducting community awareness training, teaching bystander intervention techniques, and making safety a priority for campus and campus affiliated spaces. Specific programs and resources include:

- Violence Against Women Act primary and ongoing prevention and awareness programs listed on pg. 27.
- Bystander intervention training and education such as those techniques found both on pgs. 30-32.
- The Student Health Services Violence Prevention web page [https://studenthealth.oregonstate.edu/violence-prevention](https://studenthealth.oregonstate.edu/violence-prevention).
- Personal safety and empowerment resources found on the Public Safety website [https://osucascades.edu/campus-safety](https://osucascades.edu/campus-safety).
Risk Reduction

Oregon State University helps individuals and the community to address conditions that facilitate violence through prevention and wellness programs. Student Health Services provides programs addressing violence prevention, alcohol and drug use, and general wellness. Additionally, the Survivor Advocacy and Resource Center provides information about survivors’ choices and their rights, safety planning, referrals to other services, accompaniment throughout various reporting processes, and support in housing relocation. In conjunction with SHS and SARC, both the Office of Equal Opportunity and Access and Counseling and Psychological Services provide programs that seek to create a healthy, understanding, and empowered community.

In addition to educational programs, physical campus features, such as emergency phones, lighted call-boxes located throughout campus, and close coordination with local police and safety services help address conditions that facilitate violence.

Personal safety planning resources and educational initiatives are designed to empower the campus community and create informed users as well as active partners and advocates of campus safety services and departments. The Department of Public Safety helps connect community members to law enforcement services, including safety planning in cases of a specific threat or risk. Such safety planning assistance draws heavily from principles such as those found at the Rape, Abuse, and Incest National Network (RAINN), https://rainn.org/articles/staying-safe-campus.

**Increasing on-campus safety**

It is vital to recognize that no one deserves to be assaulted, that perpetrators of rape and violence are solely responsible for committing those crimes, and that victims are never to be blamed for doing or not doing certain behaviors to avoid an assault.

- **Know your resources.** Who should you contact if you or a friend needs help? Where should you go? Locate resources such as the campus health center, campus police station, and the Survivor Advocacy and Resource Center. Notice where emergency phones are located on campus, and program the campus security number into your cell phone for easy access.

- **Stay alert.** When you’re moving around on campus or in the surrounding neighborhood, be aware of your surroundings. Consider inviting a friend to join you or asking campus security for an escort. If you’re alone, only use headphones in one ear to stay aware of your surroundings.

- **Be careful about posting your location.** Many social media sites, like Snapchat and Instagram, can use geolocation to publicly share your location. Consider disabling this function and reviewing other social media settings.

- **Make others earn your trust.** A college environment can foster a false sense of security. They may feel like fast friends, but give people time to earn your trust before relying on them.

- **Think about a back-up plan.** Spend some time thinking about back-up plans for potentially sticky situations. If your phone dies, do you have a few numbers memorized to get help? Do you have emergency cash in case you can’t use a credit card? Do you have the address to your dorm or college memorized? If you drive, is there a spare key hidden, gas in your car, and a set of jumper cables?

- **Be secure.** Lock your door and windows when you’re asleep and when you leave the room. If people constantly prop open the main door to the dorm or apartment, tell security or a trusted authority figure.
**Safety in social settings**

It is vital to recognize that no one deserves to be assaulted, that perpetrators of rape and violence are solely responsible for committing those crimes, and that victims are never to be blamed for doing or not doing certain behaviors to avoid an assault.

It’s possible to relax and have a good time while still making safety a priority. Consider these tips for staying safe and looking out for your friends in social settings.

- **Make a plan.** If you’re going to a party, go with people you trust. Agree to watch out for each other and plan to leave together. If your plans change, make sure to touch base with the other people in your group. Don’t leave someone stranded in an unfamiliar or unsafe situation.

- **Protect your drink.** Don’t leave your drink unattended, and watch out for your friends’ drinks if you can. If you go to the bathroom or step outside, take the drink with you or toss it out. Drink from unopened containers or drinks you watched being made and poured. It’s not always possible to know if something has been added to someone’s drink. In **drug-facilitated sexual assault**, a perpetrator could use a substance that has no color, taste, or odor.

- **Know your limits.** Keep track of how many drinks you’ve had, and be aware of your friends’ behavior. If one of you feels extremely tired or more drunk than you should, you may have been drugged. Leave the party or situation and find help immediately.

- **It’s okay to lie.** If you want to exit a situation immediately and are concerned about frightening or upsetting someone, it’s okay to lie. You are never obligated to remain in a situation that makes you feel uncomfortable, pressured, or threatened. You can also lie to help a friend leave a situation that you think may be dangerous. Some excuses you could use are needing to take care of another friend or family member, an urgent phone call, not feeling well, and having to be somewhere else by a certain time.

- **Be a good friend.** Trust your instincts. If you notice something that doesn’t feel right, it probably isn’t. Learn more about how to **keep your friends safe** in social settings.
Response Options for VAWA Offenses

The following are response options survivors can follow after an incident of sexual assault, domestic violence, dating violence, or stalking. Some of these information may overlap.

<table>
<thead>
<tr>
<th>VAWA Offense and Domestic Violence</th>
<th>Response Options</th>
</tr>
</thead>
</table>
| **Dating Violence**                | - If in immediate danger, call 911.  
| - Preserve evidence by saving text messages, instant messages, social networking pages, other communications, pictures, logs, or other copies of documents.  
| - Consider seeking medical attention and forensic examination.  
|   - St. Charles Emergency Department, 541-382-4321, 2500 NE Neff Rd., Bend, OR  
|   - Contact SARC for questions or further clarification about a forensic examination.  
|   - Sexual Assault Nurse Examiners (SANE) are on staff.  
| - Consider contacting Equal Opportunity and Access.  
|   - 541-737-3556, 330 Snell Hall, Corvallis campus  
|   - Investigates alleged Title IX violations and sexual misconduct.  
|   - Helps individuals find accommodations and information about their rights and options.  
|   - Can issue mutual or unilateral no contact directives.  
| - Consider contacting an advocacy resource.  
|   - Survivor Advocacy and Resource Center (SARC)  
|   - Offers crisis stabilization and confidential and privileged advocacy services.  
|   - Connects survivors to counseling, medical, or legal assistance.  
|   - SARC, 541-737-2030, 311 Plageman Hall, Corvallis campus  
| - Saving Grace  
|   - Central Oregon based.  
|   - Available 24/7  
|   - Options for emergency shelter, transportation, support with filing a restraining order request, and referrals for counseling and other social services.  
|   - 541-389-7021, 1004 NW Milwaukee, Ste. 100, Bend, OR  
| - Deschutes County Victim’s Assistance Program  
|   - 541-388-6525, 1164 NW Bond St., Bend, OR  
|   - Criminal justice support, advocacy, and referrals for crime victims  
| - Legal Aid Services of Oregon-Central Oregon Regional  
|   - 541-385-6950, 20360 Empire Ave. B3, Bend, OR  
|   - Ensures fair and equal access to an attorney.  
|   - Counsel for those who cannot afford representation. |
### Response Options for VAWA Offenses

#### Dating Violence and Domestic Violence (continued)

<table>
<thead>
<tr>
<th>VAWA Offense</th>
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</table>
| **Consider contacting personal counseling.** | • 541-322-3162, Tykeson Hall 210G, Bend campus  
• Free and completely confidential.  
• [http://osucascades.edu/student-wellness/student-services/personal-counseling](http://osucascades.edu/student-wellness/student-services/personal-counseling) |
| **Consider contacting the Director of Enrollment Services and Student Success.** | • 541-322-3132, Tykeson Hall 106T, Bend campus  
• Jane.Reynolds@osucascades.edu  
• Connects individuals with resources. |
| **Consider reporting to law enforcement.** | • **On campus and off campus (within city limits):** Bend Police Department, 911 (emergency), 541-693-6911 (non-emergency), 555 NE 15th St., Bend, OR  
• **Off campus (outside of city limits):** Deschutes County Sheriff’s Office, 911 (emergency), 541-388-6655 (non-emergency), 63333 US-20, Bend, OR |
| **Consider seeking a No Contact Directive, Restraining Order, Stalking Protective Order, or Sexual Abuse Protection Order.** | • [https://studentlife.oregonstate.edu/studentconduct/conduct-processes](https://studentlife.oregonstate.edu/studentconduct/conduct-processes)  
| **The No Contact Directive issued by the university is not enforceable by law enforcement.** | |

#### Sexual Assault

| **If in immediate danger, call 911.** | |
| **Preserve evidence by saving text messages, instant messages, social networking pages, other communications, pictures, logs, or other copies of documents.** | |
| **Regardless of whether an individual chooses to make a report to law enforcement, a medical exam can be done to preserve evidence. It is best if the person does not bathe, shower, eat, drink, douche, or change clothing. Evidence, however, can still be collected even if any or all of these things have been done.** | |
| **Consider seeking medical attention and forensic examination.** | • St. Charles Emergency Department, 541-382-4321, 2500 NE Neff Rd., Bend, OR  
  • Contact SARC for questions or further clarification about a forensic examination.  
  • Sexual Assault Nurse Examiners (SANE) are on staff. |
| **Consider contacting Equal Opportunity and Access** | • 541-737-3556, 330 Snell Hall, Corvallis campus  
• Investigates alleged Title IX violations and sexual misconduct.  
• Helps individuals find accommodations and information about their rights and options.  
• Can issue mutual or unilateral no contact directives. |
### Response Options for VAWA Offenses

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<td><strong>Sexual Assault (continued)</strong></td>
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<tr>
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<td>  o Connects survivors to counseling, medical, or legal assistance.</td>
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<td>  o SARC, 541-737-2030, 311 Plageman Hall, Corvallis campus</td>
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<td>o Saving Grace</td>
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<td>  o Central Oregon based.</td>
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<td>  o Options for emergency shelter, transportation, support with filing a restraining order request, and referrals for counseling and other social services.</td>
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<td>  o 541-389-7021, 1004 NW Milwaukee, Ste. 100, Bend, OR</td>
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<td>• Consider contacting the Director of Enrollment Services and Student Success.</td>
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<td>o 541-322-3132, Tykeson Hall 106T, Bend campus</td>
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<td>o <a href="mailto:Jane.Reynolds@osucascades.edu">Jane.Reynolds@osucascades.edu</a></td>
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<td>o Connects individuals with resources.</td>
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<td>• Consider reporting to law enforcement.</td>
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<td>o <strong>On campus and off campus (within city limits):</strong> Bend Police Department, 911 (emergency), 541-693-6911 (non-emergency), 555 NE 15th St., Bend, OR</td>
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<td>o <strong>Off campus (outside of city limits):</strong> Deschutes County Sheriff’s Office, 911 (emergency), 541-388-6655 (non-emergency), 63333 US-20, Bend, OR</td>
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### Response Options for VAWA Offenses

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| Stalking     | • If in immediate danger, call 911.  
• Preserve evidence by saving text messages, instant messages, social networking pages, other communications, pictures, logs, or other copies of documents.  
• Consider contacting Equal Opportunity and Access.  
  - 541-737-3556, 330 Snell Hall, Corvallis campus  
  - Investigates alleged Title IX violations and sexual misconduct.  
  - Helps individuals find accommodations and information about their rights and options.  
  - Can issue mutual or unilateral no contact directives.  
• Consider contacting an advocacy resource.  
  - Survivor Advocacy and Resource Center (SARC)  
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  - [http://osucascades.edu/student-wellness/student-services/personal-counseling](http://osucascades.edu/student-wellness/student-services/personal-counseling)  
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Response Options for VAWA Offenses

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<td>o <a href="http://www.courts.oregon.gov/programs/family/domestic-violence/Pages/stalking.aspx">link</a></td>
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Law Enforcement Involvement

Individuals at OSU-Cascades have several options, including the option to notify on-campus or local law enforcement, to be assisted by campus authorities in notifying law enforcement if they choose to do so, or to decline to notify such authorities. Contact information for on-campus and off-campus law enforcement agencies can be found in the following chart. Oregon State University will comply with a student’s request for assistance in notifying authorities.

<table>
<thead>
<tr>
<th>Organization</th>
<th>Address</th>
<th>Phone</th>
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<tbody>
<tr>
<td>Bend Police Department (on-campus and off-campus within Bend city limits)</td>
<td>555 NE 15th St, Bend, OR</td>
<td>541-693-6911 (non-emergency) 911 (emergency)</td>
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<td>Deschutes County Sheriff’s Office (off-campus outside of Bend city limits)</td>
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Law Enforcement Involvement

If an individual decides to file a police report, they can expect the following:

1. They may contact either on-campus (Department of Public Safety) or off-campus (Bend Police Department/Deschutes County Sheriff’s Office) public safety agencies. The Department of Public Safety will refer criminal investigations to the Bend Police Department for on-campus investigations.

2. They will likely speak with a law enforcement dispatcher or records personnel first.

3. After they give basic contact information and incident details to the dispatcher, the dispatcher will notify a law enforcement officer of the call for service.

4. The law enforcement officer will respond to collect the reporting individual’s information (name, date of birth, address, phone number, etc.), interview the individual about the VAWA incident, obtain suspect information, and collect evidence.

5. If they decide to participate in a medical assessment, Oregon Senate Bill 795 requires medical assessment providers or law enforcement to contact a victim advocate and make reasonable efforts to ensure that a victim advocate is present and available at the medical facility.

6. They can expect to be asked whether they wish to pursue charges against the alleged suspect(s).

7. They could be contacted by the investigating law enforcement officer at a later date for a follow-up interview. The reporting individual may also be contacted by a detective depending upon the complexity of the case.

8. They can expect to be notified of their rights as a victim. ORS 147.417 requires law enforcement officers in Oregon to notify victims of their rights under section 42, Article I of the Oregon Constitution.

9. If an arrest is made, they can expect to be contacted by the district attorney’s office.

Reporting to law enforcement can help individuals collect and preserve evidence. However, completing a forensic examination does not require a police report to be filed; it helps preserve evidence in case a survivor decides to file a police report at a later date. Preserving evidence may also assist in proving that the alleged criminal offense occurred or is occurring, and it may be helpful in obtaining an order of protection. As time passes, evidence may dissipate, become lost, or be unavailable, thereby making investigation, possible prosecution, student conduct proceedings, or obtaining an order of protection related to the incident more difficult. Law enforcement can also help individuals obtain medical assistance, and refer them to additional resources.
Support Measures and Services

The university will maintain as confidential, any accommodations or support measures provided to students and employees to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or support measures. Personally identifiable information about students and employees will be shared only with persons who have a specific need to know because they are investigating, adjudicating the complaint, delivering resources or support services to parties, or classifying the incident in accordance with the Clery Act.

The university does not publish the name of crime survivors or identifiable information regarding survivors in publicly available recordkeeping including the Daily Crime Log, the Annual Security and Fire Safety Report, or the published annual statistics.

Individuals have the right to obtain various orders of protection in cases involving a VAWA offense. The university complies with Oregon law in recognizing orders of protection and restraining orders, and will assist university students and employees who obtain one from any U.S. state with information and safety planning. Individuals with protection or restraining orders should provide a copy to local law enforcement, Department of Public Safety, and the Office of Equal Opportunity and Access. They may then meet with the Department of Public Safety to develop a safety plan to reduce their risk of harm while on or coming and going from campus. This plan may include, but is not limited to, campus escorts, special parking arrangements, temporary cell phones, changing classroom locations, or allowing a student to complete assignments from home, if possible. Employees who are survivors of domestic and sexual violence may be eligible to take intermittent or continuous leave in order to secure restraining orders, attend court, or the like.

The following charts give information about the available types of orders, which are all free of charge, and how to obtain each one.

| Sexual Abuse Protective Order | A Sexual Abuse Protective Order (SAPO) is available in certain cases where a person was subjected to unwanted sexual abuse by another person who is not a family member or intimate partner. A SAPO is a court order that tells the respondent to leave the petitioner, petitioner's children, and petitioner's family alone. It can order the respondent not to enter a reasonable area around the petitioner's residence. The petitioner can ask the judge to add other conditions (listed in the protective order) that they believe will help them stay safe. |
| Office to Contact | • Deschutes County Circuit Courthouse 1100 NW Bond St, Bend, OR (541) 388-5300 • General information and application: [https://www.courts.oregon.gov/forms/Documents/SAPO-Obtain-Packet.pdf](https://www.courts.oregon.gov/forms/Documents/SAPO-Obtain-Packet.pdf) |
| Filing Instructions | The SAPO must be filed in the courthouse in the county where either the petitioner or the respondent lives. The Survivor Advocacy and Resource Center, Deschutes County District Attorney's Office Victim Assistance Program, and Saving Grace can help file the application. To review the requirements for a Sexual Abuse Protective Order, review the application packet (see above link). |
| Enforcement | If the respondent does not obey the SAPO, law enforcement should be called. The petitioner should not contact the respondent. The officer must arrest the respondent if there is probable cause to believe a violation has occurred. The respondent can be charged with contempt of court. If the court finds the respondent to be in contempt, the respondent can be fined, placed on probation, or put in jail. |
## Protective Measures and Services

### Restraining Order
A Restraining Order is a court order to protect the petitioner’s physical safety. It can tell the other person (the “respondent”) to move, and specify locations where the respondent cannot go. The petition for a Restraining Order includes other things the petitioner can ask for, if they believe it will help them stay safe.

<table>
<thead>
<tr>
<th>Office to Contact</th>
<th>Deschutes County Circuit Courthouse 1100 NW Bond St, Bend, OR (541) 388-5300</th>
</tr>
</thead>
</table>

| Filing Instructions | The applications should be filed at the circuit court courthouse in the county where either the petitioner or the respondent lives. The Survivor Advocacy and Resource Center, Deschutes County District Attorney’s Office Victim Assistance Program, and Saving Grace can help file the application. To review the requirements for a Restraining Order, review the application packet (see above link). |

| Enforcement | To enforce a Restraining Order, law enforcement should be contacted. A law enforcement officer must arrest the respondent if the officer believes they violated the order. |

### Stalking Protective Order
A Stalking Protective Order is a court order that tells a person who has made unwanted contact with you or a member of your immediate family or household to stop this behavior.

<table>
<thead>
<tr>
<th>Office to Contact</th>
<th>Deschutes County Circuit Courthouse 1100 NW Bond St, Bend, OR (541) 388-5300</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Application: <a href="https://www.courts.oregon.gov/forms/Documents/CivilStalkingFullPacket.pdf">https://www.courts.oregon.gov/forms/Documents/CivilStalkingFullPacket.pdf</a></td>
</tr>
</tbody>
</table>

| Filing Instructions | A Stalking Protective Order should be filed at the courthouse in the county where the respondent lives or where the unwanted contacts took place. The Survivor Advocacy and Resource Center, Deschutes County District Attorney’s Office Victim Assistance Program, and Saving Grace can help file the application. To review the requirements for a Stalking Protective Order, go to this link, [https://www.courts.oregon.gov/forms/Documents/CivilStalkingFullPacket.pdf](https://www.courts.oregon.gov/forms/Documents/CivilStalkingFullPacket.pdf). |

| Enforcement | If the respondent does not obey a Stalking Protective Order, it is a crime and law enforcement should be called. Police must arrest the respondent if they have reason to believe the respondent violated the order. |
No Contact Directive for Students Only (**Not Enforceable by Law Enforcement**)  

A university issued directive that describes the set of expectations given between two or more student parties to not contact or communicate with each other, including directly, through third parties, or online. No Contact Directives are usually reciprocal (mutual) and generally cannot be lifted without the express consent of all named parties. Certain OSU administrators are authorized to issue No Contact Directives that prohibit contact between students when students have made allegations against one another or when a student is the recipient of threats or persistent unwanted or harassing contact. This directive is outlined in the Code of Student Conduct and EOA information, and is designed as a protective measure to mitigate potential problematic interactions in the future. This directive is limited to contact on campus and expires when the students graduate or leave campus.

<table>
<thead>
<tr>
<th>Office to Contact</th>
</tr>
</thead>
</table>
| • Student Conduct and Community Standards  
  340 Student Experience Center, Corvallis campus  
  541-737-3656  
• Equal Opportunity and Access  
  330 Snell Hall, Corvallis campus  
  541-737-3556  
• Director of Enrollment Services and Student Success  
  Tykeson Hall 106T, Bend campus  
  541-322-3132 |

<table>
<thead>
<tr>
<th>Filing Instructions</th>
</tr>
</thead>
<tbody>
<tr>
<td>A student considering requesting a No Contact Directive may discuss the situation with a staff member of Student Conduct and Community Standards or Equal Opportunity and Access. The Survivor Advocacy and Resource Center can assist with filing a request for a No Contact Directive.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Enforcement</th>
</tr>
</thead>
<tbody>
<tr>
<td>To enforce a No Contact Directive, an individual should report any violations to Student Conduct and Community Standards. Violations of No Contact Directives issued by Oregon State University are not criminal offenses and are not enforceable by law enforcement officers. Oregon State University will normally honor requests for No Contact Directives and enforce violations of university-issued No Contact Directives.</td>
</tr>
</tbody>
</table>
Support Measures and Services

The university is sensitive to those who report sexual assault, domestic violence, dating violence, and stalking; and will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community.

Oregon State University is obligated to comply with a student’s reasonable request for a living and/or academic situation change following an alleged sex offense. Oregon State University will provide written notification to individuals about options for, available assistance in, and how to request changes to academic, living, transportation and working situations, or supportive measures. The university will make such accommodations or provide such supportive measures, regardless of whether the individual chooses to report the crime to campus police or local law enforcement.

When a student or employee reports to the Office of Equal Opportunity and Access that they have been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, EOA will provide the student or employee a written explanation of their rights and options. Students and employees may also request their directory information be removed from public sources at the Office of the Registrar (541-737-4331) and the Office of Human Resources (Corvallis: 541-737-3103) respectively.

Oregon State University will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

When assisting an individual with their rights and options and deciding what measures to take, the university considers the specific need expressed by the complainant; the age of the students involved; the severity or pervasiveness of the allegations; any continuing effects on the subject individual; whether the involved individuals share the same residence hall, dining hall, class, transportation or job location; and whether other judicial measures have been taken to protect the complainant (e.g. civil protection orders).
Support Measures and Services

The university understands some individuals do not want to report to law enforcement, but may still wish to access other resources found on campus, within the community, or nationally. The following chart is a quick reference for organizations on campus and within the local community, as well as national organizations, that can assist and provide resources for those experiencing dating violence, domestic violence, sexual assault, and stalking:

<table>
<thead>
<tr>
<th>Oregon State University Resources</th>
<th>Address/Location</th>
<th>Email/Website</th>
<th>Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Counseling and Psychological Services (confidential)</td>
<td>500 Snell Hall, Corvallis campus</td>
<td><a href="mailto:CAPS@oregonstate.edu">CAPS@oregonstate.edu</a></td>
<td>541-737-2131</td>
</tr>
<tr>
<td>Personal Counseling (confidential)</td>
<td>Tykeson Hall 210G, Bend campus</td>
<td><a href="https://osucascades.edu/student-wellness/counseling-services">https://osucascades.edu/student-wellness/counseling-services</a></td>
<td>541-322-3162</td>
</tr>
<tr>
<td>Survivor Advocacy and Resource Center (confidential)</td>
<td>311 Plageman Hall, Corvallis campus</td>
<td><a href="mailto:survivoradvocacy@oregonstate.edu">survivoradvocacy@oregonstate.edu</a></td>
<td>541-737-2030</td>
</tr>
<tr>
<td>University Ombuds Office (confidential)</td>
<td>116 Waldo Hall, Corvallis campus</td>
<td><a href="mailto:ombuds@oregonstate.edu">ombuds@oregonstate.edu</a></td>
<td>541-737-4537</td>
</tr>
<tr>
<td>Department of Public Safety</td>
<td>Obsidian Hall, Rm. 108, Bend campus</td>
<td><a href="https://osucascades.edu/campus-safety">https://osucascades.edu/campus-safety</a></td>
<td>541-322-3110 (non-emergency)</td>
</tr>
<tr>
<td>Director of Enrollment Services and Student Success</td>
<td>Tykeson Hall 106T, Bend campus</td>
<td><a href="mailto:Jane.Reynolds@osucascades.edu">Jane.Reynolds@osucascades.edu</a></td>
<td>541-322-3132</td>
</tr>
<tr>
<td>Employee and Labor Relations</td>
<td>236 Kerr Administration Building, Corvallis campus</td>
<td><a href="mailto:employee.relations@oregonstate.edu">employee.relations@oregonstate.edu</a></td>
<td>541-737-4157</td>
</tr>
<tr>
<td>Human Resources</td>
<td>208A Obsidian Hall, Bend campus</td>
<td><a href="https://osucascades.edu/human-resources">https://osucascades.edu/human-resources</a></td>
<td>541-322-3106</td>
</tr>
<tr>
<td>Office of Audit, Risk, and Compliance</td>
<td>240 Kerr Administration Building, Corvallis campus</td>
<td><a href="https://leadership.oregonstate.edu/oarc">https://leadership.oregonstate.edu/oarc</a></td>
<td>541-737-5547</td>
</tr>
<tr>
<td>Office of Equal Opportunity and Access</td>
<td>330 Snell Hall, Corvallis campus</td>
<td><a href="mailto:equal.opportunity@oregonstate.edu">equal.opportunity@oregonstate.edu</a></td>
<td>541-737-3556</td>
</tr>
<tr>
<td>Office of Student Conduct and Community Standards</td>
<td>340 Student Experience Center, Corvallis campus</td>
<td><a href="mailto:SCCS@oregonstate.edu">SCCS@oregonstate.edu</a></td>
<td>541-737-3656</td>
</tr>
<tr>
<td>Office of Student Life</td>
<td>Tykeson Hall 110, Bend campus</td>
<td><a href="https://osucascades.edu/studentlife">https://osucascades.edu/studentlife</a></td>
<td>541-322-3143</td>
</tr>
</tbody>
</table>
## Support Measures and Services

### Local Resources

<table>
<thead>
<tr>
<th>Local Resource</th>
<th>Address/Location</th>
<th>Email/Website</th>
<th>Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bend Police Department</td>
<td>555 NE 15th St, Bend, OR</td>
<td><a href="https://www.bendoregon.gov/government/departments/police">https://www.bendoregon.gov/government/departments/police</a></td>
<td>541-693-6911 (non-emergency)</td>
</tr>
<tr>
<td>Deschutes County District Attorney's Office Victim Assistance Program</td>
<td>1164 NW Bond St., Bend, OR</td>
<td><a href="http://www.dcdia/">http://www.dcdia/</a> victimsassistance/victims-assistance-program/</td>
<td>541-388-6525</td>
</tr>
<tr>
<td>Legal Aid Services of Oregon-Central Oregon Regional</td>
<td>42 NW Greeley Avenue Bend, OR</td>
<td><a href="https://lasoregon.org/locations/">https://lasoregon.org/locations/</a></td>
<td>541-385-6950</td>
</tr>
<tr>
<td>Saving Grace</td>
<td>1004 NW Milwaukee, Ste. 100, Bend, OR</td>
<td><a href="https://www.saving-grace.org/">https://www.saving-grace.org/</a></td>
<td>541-389-7021</td>
</tr>
<tr>
<td>St. Charles Emergency Department</td>
<td>2500 NE Neff Rd., Bend, OR</td>
<td><a href="https://www.stcharleshealthcare.org/Our-Services/Emergency-Care/Emergency-Locations">https://www.stcharleshealthcare.org/Our-Services/Emergency-Care/Emergency-Locations</a></td>
<td>541-382-4321</td>
</tr>
</tbody>
</table>

### State and National Resources

<table>
<thead>
<tr>
<th>State and National Resource</th>
<th>Address/Location</th>
<th>Email/Website</th>
<th>Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Education, Office for Civil Rights</td>
<td>400 Maryland Avenue, SW Washington, DC 20202</td>
<td><a href="https://www2.ed.gov/about/offices/list/ocr/index.html">https://www2.ed.gov/about/offices/list/ocr/index.html</a></td>
<td>800-421-3481</td>
</tr>
<tr>
<td>Department of Justice Sexual Assault Resources</td>
<td>950 Pennsylvanian Avenue, NW Washington, DC 20530</td>
<td><a href="https://www.justice.gov/ovw/sexual-assault">https://www.justice.gov/ovw/sexual-assault</a></td>
<td>877-739-3895 (National Sexual Violence Resource Center)</td>
</tr>
<tr>
<td>Oregon Attorney General's Sexual Assault Task Force</td>
<td>3625 River Road North, Suite 275, Keizer, OR</td>
<td><a href="mailto:taskforce@oregonsatf.org">taskforce@oregonsatf.org</a></td>
<td>503-990-6541</td>
</tr>
<tr>
<td>Rape, Abuse, and Incest National Network</td>
<td>1220 L Street, NW, Suite 505 Washington DC 20005</td>
<td><a href="https://www.rainn.org/">https://www.rainn.org/</a></td>
<td>800-656-4673 (National Sexual Assault Hotline)</td>
</tr>
</tbody>
</table>
Investigation and Resolution Process for Title IX Complaints Against Students and Employees

**Phase One: Receipt of Report**
Upon receipt of a report, EOA:
- Responds to any immediate health or safety concerns raised by the report,
- Evaluates whether the reported conduct is within EOA's jurisdiction, and
- If so, reaches out to the Complainant 1 to provide resources and offer assistance.
- If the reported conduct is not within EOA's jurisdiction, refers to other appropriate office or closes the reported matter.

**Phase Two: Intake and Assessment**
- EOA conducts intake with Complainant to further assess if the report is within EOA's jurisdiction and advises Complainant of available resources, supportive measures, and options for resolution, if desired. Supportive Measures are available regardless of whether the complainant pursues an Informal Resolution or investigation.
- If the reported conduct is within EOA's jurisdiction and asserts information that, if true, would constitute a violation of the Title IX provisions of OSU's Sexual Misconduct and Discrimination Policy, EOA will provide the Complainant OSU's Title IX complaint form, invite the Complainant to fill out and submit the complaint form to EOA, and discuss the Title IX Investigation and Resolution Process with the Complainant. If the reported conduct does not fall under Title IX provisions of OSU's Sexual Misconduct and Discrimination Policy or if the Complainant does not wish to complete a Title IX complaint form, EOA will discuss other processes, options and resources that may be available to the Complainant.
- If Complainant submits a Title IX complaint form, EOA will consider requests from the Complainant for an Informal Resolution or an Investigation.
- If Informal Resolution is requested, EOA determines whether Informal Resolution is appropriate based on the specifics of the reported conduct. Informal Resolution is not an option when a student alleges Title IX sexual misconduct by an OSU employee.
- At times, in order to protect the safety of the campus community, EOA may need to proceed with an investigation or other appropriate action absent a signed Title IX Complaint form from the Complainant and even if the Complainant specifically requests that the matter not be pursued (see Section I for more information).

1 When the report is submitted by a third party, EOA will treat the reported impacted party as the Complainant.
University Disciplinary Procedures for Students and Employees in Cases of alleged VAWA Offenses

Phase Three: Informal Resolution or Investigation Process

Informal Resolution Process (Section J)
1. EOA provides written notice to both parties of the Title IX complaint, the Title IX sexual misconduct alleged in the complaint, and about the Informal Resolution process.
2. EOA will ask for the parties' voluntary written consent to engage in the Informal Resolution process.
3. EOA meets with Complainant to explore options for resolution.
4. EOA meets with Respondent to explore options for resolution.
5. If a mutually agreed resolution is reached, a written record of the resolution will be documented by EOA. OSU will consider the Informal Resolution to be the final outcome between the parties and the matter is then considered closed by EOA. No appeals of an Informal Resolution outcome are possible.
6. If an agreement is not reached and EOA determines that further action is necessary, or if a party fails to comply with the terms of the Informal Resolution, the matter may be referred for an investigation or other appropriate action.
7. At any time prior to reaching a mutual agreement, any party has the right to withdraw from the Informal Resolution process and to request a formal investigation.

Investigation Process (Section K)
1. Equity Associate meets with Complainant to review process, gather a complete statement from Complainant, and provide information on available resources and assistance.
2. Equity Associate sends Respondent a Notice of Allegations (see section K.5. for full details of the Notice) and a request to meet. Complainant receives a Notice of Acknowledgment of allegations.
3. Equity Associate meets with Respondent to review process and provide information on available resources and assistance, and offers an opportunity to submit a written statement.
4. Equity Associate conducts an investigation by gathering relevant information, which includes reviewing documents and interviewing parties and witnesses.
5. When the investigation is complete, Equity Associate prepares a Draft Investigation Report and Investigation Record and sends it to parties and their advisors, if any, for their review.
6. Parties have ten (10) business days to review and respond to the Draft Investigation Report and Investigation Record (either party may request an extension of the timeline in writing for good cause). The party’s response may provide written comments or feedback to information within the Draft Investigation Report or Record, include additional information or follow up questions to be asked of the other party or witnesses, identify additional witnesses, and/or request that the Equity Associate collect other relevant information.
7. Equity Associate considers any new information or requests in parties’ written responses, conducts further investigation as appropriate, and submits Final Investigation Report and Investigation to the appropriate decision-maker for adjudication. Generally, the Director of Student Conduct and Community Standards (SCCS Director), or their designee, will serve as the decision-maker for those matters involving a student respondent, and the Associate Vice Provost/Senior Director of Employee and Labor Relations (AVP/SD of ELR), or designee, will serve as the decision-maker for those matters involving an employee respondent.

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2 The Informal Resolution process cannot be used when a student alleges Title IX sexual misconduct by an OSU employee.
3 Respondent participation is not required; however, the investigation will continue with or without their participation.
University Disciplinary Procedures for Students and Employees in Cases of alleged VAWA Offenses

Phase Four: Live Administrative Hearing for complaints that have been investigated (Section L.1)

1. The SCCS Director, or designee (for students), or AVP/SD of ELR, or designee (for employees), serves as decision-maker.
2. The decision-maker will issue a Notice of Administrative Hearing to the parties, generally within five (5) business days of receipt of the Final Investigation Report and Investigative Record from Equity Associate. The Hearing date will be at least ten (10) business days from the date the Notice of Hearing is issued.
3. A live administrative hearing is conducted. The decision-maker will ask the Equity Associate questions, followed by the advisor of each party. The decision-maker will separately pose questions of the parties and witnesses. The parties, through their advisor, will have the opportunity to pose relevant questions and follow-up questions of the other party and witnesses.
4. At the conclusion of the administrative hearing process, the decision-maker determines, by preponderance of evidence, whether there has been a violation of Policy and/or Code. Generally, the decision-maker will issue a written notice of decision simultaneously to both parties within twenty (20) business days after the conclusion of the administrative hearing. (See section L.2.a for a full list of what is included in the Notice of Decision).
5. The determination of responsibility becomes final either on the date an appeal would no longer be considered, or, if an appeal is filed, on the date the parties are provided with the appeal written Notice of Determination.

Phase Five: Appeal for complaints that went through the Live Administrative Hearing process (Section L.3)

1. Both parties have the right to appeal the decision-maker’s notice of decision. Appeals must be submitted within five (5) business days after the Notice of Decision is issued. Appeals are to be filed electronically with the Director, SCCS, at sccs@oregonstate.edu for matters involving student respondents, or with the Title IX Coordinator at equal.opportunity@oregonstate.edu for matters involving employee respondents. See section L.3.c for grounds for appeal.
2. If an appeal is filed by either party, the appeal will be forwarded to the appropriate appellate decision-maker. The appellate decision-maker will be an impartial decision-maker trained in issues related to Title IX and not the same person as the decision-maker who reached the original determination.
3. The appellate decision-maker will notify the non-appealing party of the appeal and provide the party an opportunity to review the appeal and submit any relevant information they want considered by the appellate decision-maker within five (5) business days from the date they receive notice of the appeal.
4. The appellate decision-maker will issue the written Notice of Decision simultaneously to the parties, describing the result of the appeal and the rationale for the result. The determination(s) of the appellate decision-maker serves as the final decision of the university on the matter and no additional appeals are available.
University Disciplinary Procedures for Students and Employees in Cases of alleged VAWA Offenses

Sexual Misconduct and Discrimination Investigation and Resolution Process for Non-Title IX Complaints Against Students

Phase One: Receipt of Report
Upon receipt of a report, EOA:
- Responds to any immediate health or safety concerns raised by the report,
- Evaluates whether the reported conduct is within EOA’s jurisdiction, and
- If so, reaches out to the Complainant to provide resources and offer assistance.
- If the reported conduct is not within EOA’s jurisdiction, refers to other appropriate office or closes the reported matter.

Phase Two: Intake and Assessment
- EOA conducts intake with Complainant to further assess if the report is within EOA’s jurisdiction and advises Complainant of available resources, supportive measures, and options for resolution, if desired. Supportive Measures are available regardless of whether the complainant pursues an Informal Resolution or investigation.
- If the reported conduct is within EOA’s jurisdiction and asserts information that, if true, would constitute a violation of the Code of Student Conduct, EOA will assess if the allegation falls under federal Title IX regulations. If the reported conduct falls under Title IX, see the Title IX Process. If it does not, this process continues.
- EOA will consider requests from Complainant for an Informal Resolution, an Investigation, or no process from EOA.
- EOA determines whether Informal Resolution or Investigation is appropriate, or, whether a request for no process is an appropriate action and response.
- At times, in order to protect the safety of the campus community, EOA may need to proceed with an Investigation or other appropriate action even if Complainant specifically requests that the matter not be pursued (see Section H for more information).

1 When the report is submitted by a third party, EOA will treat the reported impacted party as the Complainant.
Phase Three: Informal Resolution or Investigation Process

Informal Resolution Process (Section K)
1. Intake and Assessment Associate or Equity Associate meets with Complainant to explore options for resolution.
2. If Complainant’s request for Informal Resolution involves or impacts Respondent, EOA notifies the Respondent, assesses willingness of the Respondent to participate, and offers appropriate resources. EOA works with both parties toward mutually agreed resolution.
3. EOA documents the Informal Resolution.
4. Upon completion, the matter is considered closed and cannot be appealed or investigated.
5. Complainant, Respondent, or Equity Associate may at any time, prior to closure of the matter, elect to withdraw from or terminate the Informal Resolution process. In this event, the Equity Associate would determine whether, absent a successful Informal Resolution, investigation is an option or otherwise necessary.

Investigation Process (Section L)
1. Equity Associate meets with Complainant to review process, gather a complete statement from Complainant, and provide information on available resources and assistance.
2. Equity Associate sends Respondent a Notice of Allegations, including allegations, alleged Code violations, and a request to meet. Complainant receives a Notice of Acknowledgement of the alleged Code violations.
3. Equity Associate meets with Respondent to review process and provide information on available resources and assistance, and offers an opportunity to submit a written statement.
4. Equity Associate conducts an investigation by gathering relevant information, which includes reviewing documents and interviewing parties and witnesses.
5. When the investigation is complete, Equity Associate prepares a Draft Investigation Report and Investigation Record and sends it to parties for their review.
6. Parties have ten (10) business days to review and submit a written response to the Draft Investigation Report and Investigation Record (either party may request an extension of the timeline in writing for good cause). The party's response may provide written comments or feedback to information within the Draft Investigation Report or Record, include additional information or follow up questions to be asked of the other party or witnesses, identify additional witnesses, and/or request the Equity Associate collect other relevant information.
7. Equity Associate considers any new information or requests in parties’ written responses, conducts further investigation as appropriate, and submits Final Investigation Report to the Director of Student Conduct and Community Standards (SCCS Director) for adjudication.

2 Respondent participation is not required; however, the investigation will continue with or without their participation.
University Disciplinary Procedures for Students and Employees in Cases of alleged VAWA Offenses

**Phase Four: Administrative Conference, Sanctions, and Notice of Decision, for complaints that have been investigated (Sections L.8, L.9, and L.10)**

1. The SCCS Director, or designee, serves as decision-maker.
2. Decision-maker may request clarification or further information from Equity Associate.
3. Decision-maker issues notice of Administrative Conference to the parties, providing access to the Final Investigation Report.
4. Decision-maker holds an Administrative Conference: parties may opt to provide a written statement and, if a written statement is submitted, to individually meet with the Director to discuss the information provided in their written statement. The statements of each party will be provided to the other for review and response. Parties may also submit rebuttal evidence and witnesses.
5. Decision-maker determines, by preponderance of evidence, whether Code was violated and, if so, determines appropriate sanction(s).
6. Decision-maker simultaneously sends both parties a Notice of Decision, including appeal rights and identity of appellate authority.

**Phase Five: Appeal, for complaints that have been adjudicated (Section L.11)**

1. Parties have right to appeal decision-maker’s determination of Code violation and any outcome imposed by the decision-maker. Appeals are to be submitted electronically to the SCCS Director within five (5) business days of the date of the Notice of Decision, and can be made on one of three grounds set forth in the Code of Student Conduct.
2. The appeal will be considered in a neutral and impartial manner by the designated appellate decision-maker; either the Vice Provost for Student Affairs or the Associate Vice Provost and Dean of Students.
3. The appellate decision-maker has the authority to sustain, alter, or reverse the findings and/or sanctions in part or entirely and provides that in writing to the parties.
4. The decision of the appellate decision-maker serves as the final decision of the university on the matter.
University Disciplinary Procedures for Students and Employees in Cases of alleged VAWA Offenses

Sexual Misconduct and Discrimination Investigation and Resolution Process for Non-Title IX Complaints Against Employees

**Phase One: Receipt of Report**

Upon receipt of a report, EOA:

- Responds to any immediate health or safety concerns raised by the report,
- Evaluates whether the reported conduct is within EOA’s jurisdiction, and
- If so, reaches out to the Complainant\(^1\) to provide resources and offer assistance.
- If the reported conduct is not within EOA’s jurisdiction, refers to other appropriate office or closes the reported matter.

**Phase Two: Intake and Assessment**

- EOA conducts intake with Complainant to further assess if the report is within EOA’s jurisdiction and advises Complainant of available resources, support measures, and options for resolution, if desired. Interim Measures are available regardless of whether the complainant pursues an informal resolution or investigation.
- If the reported conduct is within EOA’s jurisdiction and asserts information that, if true, would constitute a violation of the Sexual Misconduct and Discrimination Policy, EOA will assess if the allegation falls under federal Title IX regulations. If the reported conduct falls under Title IX, see the Title IX Process. If the allegation does not, this process continues.
- EOA will consider requests from Complainant for an Informal Resolution, an Investigation, or no process from EOA.
- EOA determines whether Informal Resolution or investigation is appropriate, or whether a request for no process is an appropriate action and response.
- At times, in order to protect the safety of the campus community, EOA may need to proceed with an investigation or other appropriate action even if Complainant specifically requests that the matter not be pursued (see Section H for more information).

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\(^1\) When the report is submitted by a third party, EOA will treat the reported impacted party as the Complainant.
Phase Three: Informal Resolution or Investigation Process

Informal Resolution Process\(^2\) (Section I)

1. Intake and Assessment Associate or Equity Associate meets with Complainant to explore options for resolution.
2. If Complainant's request for Informal Resolution involves or impacts Respondent, EOA coordinates with Employee and Labor Relations, and notifies Respondent, assesses the willingness of Respondent to participate, and offers appropriate resources. EOA works with both parties toward mutually agreed resolution.
3. EOA documents the Informal Resolution.
4. Upon completion, the matter is considered closed and cannot be appealed or investigated.
5. Complainant, Respondent, or Equity Associate may at any time, prior to closure of the matter, elect to withdraw from or terminate the Informal Resolution process. In this event, the Equity Associate would determine whether, absent a successful Informal Resolution, investigation is an option or otherwise necessary.

Investigation Process (Section J)

1. Equity Associate meets with Complainant to review process, gather a complete statement from Complainant, and provide information on available resources and assistance.
2. Equity Associate sends Respondent a Notice of Allegations, which includes the allegations, alleged Policy violations, and a request to meet.\(^3\) Complainant receives a Notice of Acknowledgment of investigation.
3. Equity Associate meets with Respondent to review process and provide information on available resources and assistance, and offers an opportunity to submit a written statement.
4. Equity Associate conducts an investigation by gathering relevant information, which includes reviewing documents and interviewing parties and witnesses.
5. When the investigation is complete, Equity Associate prepares a Draft Investigation Report and Investigation Record and sends it to parties for their review.
6. Parties have ten (10) business days to review and submit a rebuttal statement to the Draft Investigation Report and Investigation Record (either party may request an extension of the timeline in writing for good cause). The rebuttal statement may address the charges, provide written comments or feedback, include additional information, identify additional witnesses, or request that the Equity Associate collect other relevant information.
7. Equity Associate considers any new information or requests in parties' rebuttal statements, conducts further investigation as appropriate, and submits Final Investigation Report to the Associate Vice Provost and Senior Director of Employee and Labor Relations, or designee, for adjudication. Both parties are notified when the Final Investigation Report is submitted to the Adjudicator and concurrently receive copies.

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\(^2\) The Informal Resolution process is typically not used to resolve complaints when a student has reported sexual misconduct against an employee in a position of authority over the student.

\(^3\) Respondent participation is not required; however, the investigation will continue with or without their participation.
Annual Security and Fire Safety Report

University Disciplinary Procedures for Students and Employees in Cases of alleged VAWA Offenses

Phase Four: Adjudication and Resolution, for complaints that have been investigated (Section J.8 and 9)

1. The Associate Vice Provost/Senior Director of Employee and Labor Relations, or designee, serves as Adjudicator (decision-maker).
2. The Adjudicator may request clarification or further information from Equity Associate.
3. The Adjudicator determines, by preponderance of evidence, whether Policy was violated and simultaneously sends both parties a Notice of Decision, including appeal rights and identity of appellate authority.
4. In cases where there has been a violation of policy, the Adjudicator confers with Respondent’s supervisory unit on what disciplinary action is appropriate, consistent with applicable policy and collective bargaining agreement.

Phase Five: Appeal, for complaints that have been adjudicated (Section J.10)

1. Both parties have the right to appeal the Adjudicator’s decision regarding whether there has been a violation of Policy. Appeals are to be submitted electronically to the Executive Director of EOA/Title IX Coordinator within five (5) business days of the date of the Notice of Decision, and can be made on one of two grounds set forth in the Employee Process.
2. Administrators outside the Office of Equal Opportunity and Access have been designated as Appellate Authorities.
3. The Appellate Authority makes a decision on the appeal and provides that in writing to the parties. The Appellate Authority’s decision is the final decision of the university.
4. If a party wishes to contest disciplinary action imposed by their supervisory chain, it must be done through the applicable OSU grievance process or collective bargaining agreement.

Sex Offender Registration Information

The "Campus Sex Crimes Prevention Act" of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Clery Act, and the Family Educational Rights and Privacy Act of 1974, require Oregon State University to provide information on how to access information on registered sex offenders. In Oregon, the Oregon State Police maintain the sex offender registry that can be accessed at sexoffenders.oregon.gov/.

The information found in the registry is provided for general public safety. Users are authorized to use the information only to protect themselves or children who may be at risk. The release of the information to the public is meant to assure public protection, not to punish an offender or harass an offender’s family. Anyone who uses the information to commit a criminal act against another person is subject to criminal prosecution and civil action.
OSU-Cascades publishes this Fire Safety Report in compliance with the Higher Education Act of 1965 and as a part of its annual Clery Act compliance. This report contains fire safety policies and statistics for university on-campus student housing facilities at the Cascades campus. This report reflects data from calendar years 2017, 2018, and 2019. These fire statistics are also reported to the U.S. Department of Education each year.

Fire safety is a priority of Oregon State University-Cascades, Residential Education and Housing (REH) and the local fire department. REH staff conduct fire drills to practice the safe and orderly evacuation of the Residence Hall. Evacuation guidelines are posted in each room.

University buildings are equipped with automatic fire detection and alarm systems, which are constantly monitored by WatchDog Security so resources can be dispatched immediately when necessary. Buildings are equipped with a variety of features that are designed to detect, stop, or suppress the spread of a fire. A door can be the first line of defense against the spread of smoke or fire from one area to another. Some doors, such as fire doors in corridors and stairwells, are designed to withstand fire better than those of individual rooms. It is important that these doors are closed if there is a fire.

Oregon State University has a 100% smoke-free policy on all university owned or controlled property. This policy was further amended in 2018 due to a Tobacco 21 law passed by the State of Oregon, under which, “persons under 21 years of age are not permitted to possess tobacco products or inhalant delivery systems while present on university-owned or -controlled property, or while attending university sponsored events.”

The Smoking and Tobacco Use on University Property policy can be found here: https://policy.oregonstate.edu/UPSM/07-020_tobacco_use.
Fire Safety Rules for Residential Education and Housing (REH)

The REH Policy Guide provides the following list of fire safety rules:

➢ Students may not tamper with, disable, cover, or damage fire equipment, including but not limited to sprinkler heads, smoke detectors, alarms/strobe lights, exit signs, pull stations, sprinkler system, fire doors and fire extinguishers, heat sensors, and fire safety signage. Students who tamper with fire equipment may face disciplinary action, a monetary fine, or both and may also be referred to law enforcement authorities. Students may not hang items from the sprinkler heads, cages covering the sprinkler heads, or pipes associated with sprinklers.

➢ Students may not use or possess candles, incense, and any other object that smolders or produces an open flame inside of REH buildings and within 30 feet of REH buildings (for any purpose, including ceremonial, decorative, or burning purposes). If you are in need of a religious and/or spiritual accommodation, please contact the REH office at housing@osucascades.edu.

➢ The following items may not be used or possessed inside of REH buildings and within 30 feet of REH buildings: Extension cords without fuse protectors, open flames, hookahs, smokeless apparatus such as electronic cigarettes, vaporizers, combustible materials or liquids, live cut trees, dried plants, light bulbs that generate excessive heat (including halogen and/or incandescent bulbs that exceed 60 watts), or other large flammable material. See Appliances section for additional approved and prohibited items. (https://osucascades.edu/uhds/rates-policies/what-bring-leave-behind)

➢ Hall fire doors MUST be closed at all times unless they are held open by magnets that are connected to the fire alarm system. These doors must be free of obstruction and able to close should the fire alarm sound.

➢ Students may loft their bed if they follow the rules outlined at the following site: http://oregonstate.edu/uhds/loft-kits

➢ Students may not plug power strips or extension cords into other power strips or extension cords. Hallways must remain clear of all items that pose a tripping hazard. These items include, but are not limited to shoes, bikes, bed parts, and trash.

➢ Residents and their guests are not allowed to sleep in public or common areas.

➢ Residents and their guests may not leave food unattended while cooking. Residents may only put food and items that are microwave safe into a microwave.

➢ Doors and walls in the hallway must be clear of large coverings that are taped or tacked to the surface. No more than 30% of any door or wall surface may be covered with combustible materials. Wall surfaces include doors, resident doors, windows, ceilings and floors. Please refer to the REH staff for additional information about posting materials anywhere other than your assigned residence hall room door.

➢ When a fire alarm is activated, all persons inside a residential or dining facility are required to leave the building immediately, even if it is believed to be a drill or false alarm.
Please exercise good judgement when deciding to bring items to the residence halls. All items need to meet the following criteria to be permitted within the residence halls:

➢ All items should be in good working order and cannot be under recall by the manufacturer. Some information regarding recalls can be found here: https://www.cpsc.gov/Recalls.
➢ All appliances should be UL listed and have an automatic shutoff.
➢ Items should be shut off when not in use and any cords should be examined to ensure they are not worn or frayed or subject to pinch damage.
➢ The misuse or illegal use of electrical appliances could create serious hazards in the residence hall and is prohibited.
➢ No exposed heat source.
➢ No open flame.
➢ Storing flammable or combustible liquids or gasses is prohibited.
➢ Any appliance that produces steam, smoke, or grease laden vapors is prohibited. Clothes irons, electric kettles used to boil water, and scent diffusers are the only exceptions.
➢ Any device with light bulbs that generate excessive heat is prohibited (including halogen bulbs and/or incandescent bulbs that exceed 60 watts).
➢ Any device that would exceed the electrical load is prohibited.
➢ Not otherwise interfere with OSU’s wireless or network infrastructure.
➢ Any approved cooking appliance must be attended at all times.

The following items are never approved in the residence halls:

➢ Air conditioners, barbecues and grills, electric fryers, electric grills and sandwich makers/presses, electric woks, extension cords, fog, smoke, and haze machines, gasoline, electric, or hybrid powered scooters, hookahs, hookah smoking accessories, e-cigarettes, vaporizers, hot plates, microwaves (unless microwave/refrigerator combination unit), portable space heaters, and wireless network routers and wireless access points.

If you have a special need for a specific exception, please talk to your resident director, or area director, who can guide you through the process.

Exceptions

➢ Coffee makers. As long as your coffee maker doesn't use a warming plate to keep the coffee warm, you can use it in your room. Coffee makers with warming plates are permitted only in apartments, and only if it remains in the kitchen area of the suite and has an automatic shut off function.
➢ Toasters, toaster ovens, and rice cookers may be stored and used in the community kitchen or in-suite kitchens within apartments in your building after talking to Housing staff.
➢ Clothes irons, curling irons, hot curlers, and flat irons. These items are permitted as long as they are used according to manufacturer’s instructions.
➢ Power strips or a plug multiplier. Power strips and plug multipliers must have built in circuit breaker to be permitted within the residence halls.
➢ Refrigerators. All halls have shared, full-sized refrigerators available for resident use in common areas. Small refrigerators that are not part of a microwave/refrigerator combination unit are allowed, as long as they meet the following criteria: Energy Star rated, draw 11 amps or less, and are 3.2 cubic feet or less. Housing strongly recommends that residents only have one refrigerator per room, due to load limitations on our campus’ electrical system. Housing recommends residents contact their roommate(s) in advance of move-in to determine who will bring shared items/appliances.
➢ 3D printers are permitted if all of the conditions found in the REH Policy Guide are met.

If the use of your item poses a health or safety concern, causes a disruption to the community, causes property damage or property loss, **regardless of whether the item is approved**, you may be subject to disciplinary action and associated costs or sanctions.
Fire Safety Response and Evacuation

The following information is the evacuation procedures and responsibilities professional staff, student staff, and students should follow in the event of a fire in the OSU-Cascades Residence Hall. **Please note:** The primary evacuation area is the parking lot north of the Residence Hall. In the event of an extended evacuation or inclement weather, the backup indoor location is Obsidian Hall (formerly known as the Dining/Academic Building).

**Section A: Professional Staff Members**

1. In the event of an alarm, the person in charge is instructed to contact the OSU-Cascades Public Safety at 541-322-3110. The building manager of the hall is the person in charge (PIC), if present.
   a. If the building manager is not present, the first staff member to arrive is the PIC until the building manager or professional staff member on call arrives.

2. Staff will provide the following information:
   a. Building location
   b. Information about the location and nature of emergency, if known, or known information about the location.
   c. Anyone at immediate risk.
   d. Call back number/name. Example: RA on call, 541 640-9963.
   e. Action(s) taken (if any) to fight the fire.
   f. Stay on the line until instructed to get off of the line.

3. Additional Notes: In order to find the source of the emergency, you may look at the screen located on the fire annunciator panel in the 1st floor lobby. If the alarm is a supervisory or trouble alarm the RD will investigate the situation and notify public safety of the alarm’s cause.

4. The PIC, or designee, will immediately contact the professional staff member on call and notify them of the evacuation.

5. The PIC, or designee, will get the emergency evacuation kit and assure that fire department personnel are aware of all individuals needing assistance.

**Section B: Student Staff Members**

1. If the building manager is not present, the first staff member to arrive is the PIC until the building manager or professional staff member on call arrives. This individual must follow the steps in Section A, points 1-5.

2. If staff is present at the time/place of a fire, they should immediately pull the fire alarm then call DPS (541-322-3110) or 911.

3. If staff is present at the time/place of a fire, the fire is small and contained, and they are trained and confident to use a fire extinguisher, they should attempt to extinguish the fire. Otherwise, they should close the door to contain the fire and then begin evacuation procedures. Staff SHOULD NOT put themselves at risk to extinguish a fire.

4. Each staff member shall be responsible to assist clearing their section. As they evacuate, staff members will walk, knocking on doors and announce loudly that there is a fire alarm, that everyone should evacuate, and the designated evacuation location (see above “please note”).

5. Staff members will be posted at building entrances to make sure that no one re-enters the building and to provide crowd control at the evacuation area, at the direction of the PIC after gathering at the designated evacuation location.
Fire Safety Response and Evacuation

Section B: Student Staff Members (cont’d)

6. Staff will help the residents form groups by floors in the parking lot. At that point REH staff or Bend Fire Department personnel will be able to inform residents of any conditions for re-occupation of the building.
   a. Groups shall be formed by floor/wing; a staff member or resident will hold up a floor placard around which students should gather.
   b. Once residents are in their floor/wing it is important that they remain in place as it allows for a quicker counting/reentry process into the building.
   c. Residents will be accounted for by the hall staff; once they have checked in they are free to leave if they need to, but they SHOULD NOT re-enter the building until given permission to do so by Bend Fire and Rescue.

7. If residents are not evacuating appropriately or they are not outside when it is determined who is/is not present, then the student staff member will notify the PIC, who will notify emergency personnel.
   a. If the door is warm:
      i. Do not open it!
      ii. Call the Fire Department (911), notifying them of your exact location.
      iii. Place a cloth along the bottom of the door to keep smoke out.
      iv. Close as many doors as possible between you and the fire or smoke.
      v. Hang a brightly colored towel, sheet, or blanket the window for the firefighters to see.
      vi. Stay calm and wait to be rescued; you will be found.
      vii. Do not break the window!
   b. If the door is cool, open it cautiously, and be prepared to close it if there is excessive smoke.
   c. Proceed to the exit. The only time you should exit when there is visible smoke is if you can see the exit visibly under the smoke. If the hall is full of heat, fire, or smoke that obstructs vision of the exit, stay put in your room.

3. If a resident(s) is present at the time/place of a fire, the fire is small and contained, and they are trained and confident to use a fire extinguisher, they should attempt to extinguish the fire. Otherwise, they should close the door to contain the fire and then begin evacuation procedures. Residents SHOULD NOT put themselves at risk to extinguish a fire.

4. If it is safe, proceed to the closest fire escape stairwell. DO NOT USE THE ELEVATOR. Before evacuating: first feel the door with the back of your hand.
   a. If the door is warm:
      i. Do not open it!
      ii. Call the Fire Department (911), notifying them of your exact location.
      iii. Place a cloth along the bottom of the door to keep smoke out.
      iv. Close as many doors as possible between you and the fire or smoke.
      v. Hang a brightly colored towel, sheet, or blanket the window for the firefighters to see.
      vi. Stay calm and wait to be rescued; you will be found.
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   c. Proceed to the exit. The only time you should exit when there is visible smoke is if you can see the exit visibly under the smoke. If the hall is full of heat, fire, or smoke that obstructs vision of the exit, stay put in your room.

5. Once you have evacuated, proceed to the parking lot just outside of the building to find your floor placard and group by floor wing so that staff or their designees may account for their presence, and remain there until a staff member instructs you to re-enter the building.
Fire Safety

Campus Fire Safety Education and Training

OSU-Cascades conducts a campus wide fire safety evacuation drill and live fire demonstration with the Bend Fire Department annually in the fall term. REH conducts a minimum of 3 drills a year in the Residence Hall in conjunction with DPS. Residents participate in two evacuation drills in the fall (one announced/one unannounced) and one unannounced drill in winter and spring. Residents receive a general orientation to the systems present in the building at the building’s initial All-Hall Opening meeting which takes place in Fall Term and staff review evacuation and emergency procedures on a quarterly basis at floor meetings. Hall Staff receive quarterly orientation to the operations and locations of the fire alarm system, as well as a review of this plan and their roles.

Reporting Extinguished Fires

If a member of the OSU-Cascades campus community finds evidence of a fire that has been extinguished, they should immediately notify the Department of Public Safety to initiate a report and document the incident. The Department of Public Safety can be contacted at 541-322-3110 (non-emergency) or in Obsidian Hall, Rm. 108, Bend, campus.

Plans for Fire Safety Improvement

OSU-Cascades continues to assess and upgrade fire safety equipment as an ongoing process to ensure that all equipment meets national fire safety standards. The fire evacuation plans and placards for the Graduate Research Center were updated in 2019 to reflect current floorplans. Fire evacuation plans and placards will be updated in all campus buildings as building modifications and modernization require.
On-Campus Student Housing Fire Safety Systems

Oregon State University—Cascades—Bend

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<th>Facility/Address</th>
<th>Fire Alarm Monitoring Third Party*</th>
<th>Sprinkler System**</th>
<th>Smoke Detection</th>
<th>Fire Extinguishers</th>
<th>Evacuation Plans / Placards</th>
<th>Evacuation Fire Drills in 2019</th>
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<td>Full Sprinkler System</td>
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<td>Y</td>
<td>Y</td>
<td>4</td>
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*Fire alarms at OSU-Cascades are monitored by WatchDog security, 541-617-6199.

**“Full Sprinkler System” means the building is equipped with fire sprinklers as required by National Fire Protection Association (NFPA) 13.

Fire Statistics Reported for 2017, 2018, and 2019

Oregon State University—Cascades—Bend

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<thead>
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<th>Facility/Address</th>
<th>Total Fire(s) in Each Building</th>
<th>Fire Number</th>
<th>Cause of Fire</th>
<th>Number of Injuries</th>
<th>Number of Deaths</th>
<th>Value of Property Damage</th>
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</thead>
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2018

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2017

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Appendix A: Glossary

**Aggravated Assault:** an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury.

**Arson:** 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.

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

**Coercion:** the improper use of pressure to compel another individual to initiate or continue sexual activity against their will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. A person’s words or conduct are sufficient to constitute coercion if they wrongfully impair another individual’s freedom of will and ability to choose whether or not to engage in sexual activity.

Coercion includes, but is not limited to: threatening to “out” someone based on sexual orientation, gender identity, or gender expression and threatening to harm oneself if the other party does not engage in the sexual activity.

**Consent:** is not defined in Oregon State Criminal Code. It defines incapacity to consent in Oregon Revised Statute (ORS) 163.315. The following factors:
- A person is considered incapable of consenting to a sexual act if the person is:
  - Under 18 years of age;
  - Mentally defective;
  - Mentally incapacitated; or
  - Physically helpless.

- A lack of verbal or physical resistance does not, by itself, constitute consent but may be considered by the trier of fact along with all other relevant evidence. [1971 c.743 §105; 1999 c.949 §2; 2001 c.104 §52]

**Consent:** is defined by Oregon State University as knowing, voluntary, and clear permission by word or action, to engage in mutually agreed upon sexual activity. Consent is further defined by the *Sexual Misconduct and Discrimination Policy* in Section 5.4, “Evaluation of Consent.”

**Dating Violence:** violence committed by
- A person who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- Where the existence of such a relationship shall be determined based on the reporting party’s statement and a consideration of the following factors:
  - The length of the relationship
  - The type of relationship
  - The frequency of interaction between the persons involved in the relationship.

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.
Dating Violence as defined by ORS 147.450: Under Oregon state law, there is no specific definition of dating violence. Oregon state law only defines teen dating violence, and requires public school district boards to adopt policies addressing it (ORS 339.366). ORS 147.450 (oregonlaws.org/ors/147.450) defines teen dating violence as:

a. Teen dating violence means:
   i. A pattern of behavior in which a person uses or threatens to use physical, mental, or emotional abuse to control another person who is in a dating relationship with the person, where one or both persons are 13 to 19 years of age; or
   ii. Behavior by which a person uses or threatens to use sexual violence against another person who is in a dating relationship with the person, where one or both persons are 13 to 19 years of age. [2001 c.870 §23; 2007 c.71 §40; 2012 c.69 §2]

Days: means calendar days.

Domestic Violence: a felony or misdemeanor crime of violence committed by—

- A person with whom the victim shares a child;
- A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies (Under VAWA); or
- Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Domestic Violence as defined by ORS 135.230 (oregonlaws.org/ors/135.230)

a. Domestic violence means abuse between family or household members.

b. Family or household members means any of the following:
   i. Spouses.
   ii. Former spouses.
   iii. Adult persons related by blood or marriage.
   iv. Persons cohabiting with each other.
   v. Persons who have cohabited with each other or who have been involved in a sexually intimate relationship.
   vi. Unmarried parents of a minor child.

c. Abuse means:
   i. Attempting to cause or intentionally, knowingly or recklessly causing physical injury;
   ii. Intentionally, knowingly or recklessly placing another in fear of imminent serious physical injury; or
   iii. Committing sexual abuse in any degree as defined in ORS 163.415 (Sexual abuse in the third degree), 163.425 (Sexual abuse in the second degree), and 163.427 (Sexual abuse in the first degree).
d. ORS 147.450 includes teen dating violence with domestic violence.

e. Teen dating violence means:

i. A pattern of behavior in which a person uses or threatens to use physical, mental or emotional abuse to control another person who is in a dating relationship with the person, where one or both persons are 13 to 19 years of age; or

ii. Behavior by which a person uses or threatens to use sexual violence against another person who is in a dating relationship with the person, where one or both persons are 13 to 19 years of age. [2001 c.870 §23; 2007 c.71 §40; 2012 c.69 §2]

iii. Note: 147.450 (Definitions) to 147.471 (Advisory council) were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 147 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

Drug Abuse Violations: the violation of state or local laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of State and local law or ordinances, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

Faculty Grievance Committee: is a committee of five academic employees with faculty rank chosen by the Faculty Senate Executive Committee and charged with the responsibility for hearing faculty grievances in accordance with these procedures. Any person with faculty rank may submit nominations to the Executive Committee for consideration. The Executive Committee shall choose at least one female and one minority member. Three members shall constitute a quorum. The Executive Committee of the Senate shall select a chair.

Faculty Mediator: is an academic employee with faculty rank chosen by the Faculty Senate Executive Committee. Emeritus faculty shall be eligible to serve as the faculty mediator.

Faculty Rank: means faculty ranks as defined in the rules of the State Board of Higher Education and includes faculty without rank but with professional title.

Fire: any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

Force: the use or threat of physical violence or intimidation to overcome an individual’s freedom of will to choose whether to participate in sexual activity. For the use of force to be demonstrated, there is no requirement that a Complainant resists the sexual advance or request; however, resistance by the Complainant will be viewed as a clear demonstration of non-consent.
Appendix A: Glossary

**Hate Crimes:** a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender’s bias.

Categories of bias are:
- Race
- Gender Identity
- Sexual Orientation
- Gender
- Ethnicity
- Disability
- Religion
- National Origin

In addition to the standard list of Clery Act reportable crimes listed above, the following crimes are also classified as hate crimes when there is evidence that the offense was committed with bias against a protected class, as described above:
- Larceny / Theft
- Intimidation
- Simple Assault
- Destruction / damage or vandalism of property

**Incapacitation:** a state where an individual cannot make an informed and rational decision to engage in sexual activity because they lack conscious knowledge of the nature of the act (i.e. to understand the who, what, when, where, why, or how of the sexual interaction) and/or is physically helpless. An individual is incapacitated, and therefore unable to give consent, if they are asleep, unconscious, or otherwise unaware that sexual activity is occurring.

Incapacitation may result from the use of alcohol and/or drugs. Consumption of alcohol or other drugs alone is insufficient to establish incapacitation. The impact of alcohol and drugs varies from person to person and evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs impact an individual’s:
- Decision-making ability or
- Awareness of consequences or
- Ability to make informed judgments or
- Capacity to appreciate the nature and the quality of the act.

**Intimate partner violence ("IPV"):** defined by the university as dating violence, domestic violence, and other types of relationship violence. IPV is violence or a threatened act of violence against a person who is, or has been involved in, a sexual, dating, or other intimate relationship with the alleged perpetrator.

**Liquor Law Arrests and Violations:** the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

**Manslaughter by Negligence:** the killing of another person by gross negligence.

**Murder and Non-Negligent Manslaughter:** the willful killing of one human being by another.

**Motor Vehicle Theft:** the theft or attempted theft of a motor vehicle.

**Noncampus:** any building or property owned or controlled by a student organization that is officially recognized by Oregon State University; or Any building or property owned or controlled by Oregon State University that is used in direct support of, or in relation to, the university’s education purposes, is frequently used by students, and is not within the...
Appendix A: Glossary

same reasonably contiguous geographic area of the institution.

**On-Campus:** any building or property owned or controlled by Oregon State University within the same reasonably contiguous geographic area of the core campus, and used by Oregon State University in direct support of, or in a manner related to Oregon State University's educational purposes, including student housing facilities; and Any building or property that is within or reasonably contiguous to the core campus that is owned by Oregon State University, but controlled by another person, is frequently used by students and supports institutional purposes, such as a food or other retail vendor. Additionally, locations within one mile of Oregon State University's core campuses are considered for inclusion in the on-campus group. Before these locations are included, their functions and relationship to the university are evaluated.

**On-Campus Student Housing Facilities:** a building or structure that is owned or controlled by the university and used by students as a dwelling on campus. This category includes student housing facilities and family housing located on campus.

**Presentation of the Grievance:** as used in Standard 580–021–0050, means receipt of the grievance by the dean, director, or unit executive officer as specified in Standard 576–050–0025.

**Public Property:** all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus. This property is owned by a public entity, such as a city or state government. 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 well as incidents occurring in the street. But an incident occurring in a building (a privately owned property) on the distant side of a perimeter street would not be included.

**Robbery:** 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, violence, and/or by putting the victim in fear.

**Sexual Assault:** an offense that meets the definition of rape, fondling, statutory rape, or incest as used in the FBI’s Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is “any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.”

- **Rape:** 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 definition includes any gender of victims or perpetrator.
- **Fondling:** the touching of the private body parts of another person for the purpose of sexual gratification without consent of the victim, including instances where the victim is incapable of giving consent because of their age or temporary or permanent mental or physical incapacity.
- **Statutory Rape:** non-forcible sexual intercourse with a person who is under the statutory age of consent.
- **Incest:** non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is
prohibited by law.

**Sexual Assault as defined by ORS 163.305** ([oregonlaws.org/ors/163.305](http://oregonlaws.org/ors/163.305))

a. Sexual assault means any unwanted sexual contact as defined in ORS 163.305 – ORS 147.450.

b. Deviate sexual intercourse means sexual conduct between persons consisting of contact between the sex organs of one person and the mouth or anus of another.

c. Forcible compulsion means to compel by:
   i. Physical force; or
   ii. A threat, express or implied, that places a person in fear of immediate or future death or physical injury to self or another person, or in fear that the person or another person will immediately or in the future be kidnapped.

d. Mentally defective means that a person suffers from a mental disease or defect that renders the person incapable of appraising the nature of the conduct of the person.

e. Mentally incapacitated means that a person is rendered incapable of appraising or controlling the conduct of the person at the time of the alleged offense.

f. Physically helpless means that a person is unconscious or for any other reason is physically unable to communicate unwillingness to an act.

g. Sexual contact means any touching of the sexual or other intimate parts of a person or causing such person to touch the sexual or other intimate parts of the actor for the purpose of arousing or gratifying the sexual desire of either party.

h. Sexual intercourse has its ordinary meaning and occurs upon any penetration, however slight; emission is not required. [1971 c.743 §104; 1975 c.461 §1; 1977 c.844 §1; 1979 c.744 §7; 1983 c.500 §1; 1999 c.949 §1; 2009 c.770 §1]

Note. Legislative Counsel has substituted chapter 743, Oregon Laws 1971, for the words this Act in section 104, chapter 743, Oregon Laws 1971, compiled as 163.305 (Definitions). Specific ORS references have not been substituted, pursuant to 173.160 (Powers and duties of Legislative Counsel in preparing editions for publication). These sections may be determined by referring to the 1971 Comparative Section Table located in Volume 20 of ORS.

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

- Fear for the person’s safety or the safety of others; or
- Suffer substantial emotional distress.
- For the purposes of this definition—
  - Course of conduct means two or more acts, including, but not limited to, acts 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.
  - Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial emotional distress means significant mental suffering
or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

**Stalking as defined by ORS 163.732** ([oregonlaws.org/ors/163.732](http://oregonlaws.org/ors/163.732))

a. A person commits the crime of stalking if:
   i. The person knowingly alarms or coerces another person or a member of that person’s immediate family or household by engaging in repeated and unwanted contact with the other person;
   ii. It is objectively reasonable for a person in the victim’s situation to have been alarmed or coerced by the contact; and
   iii. The repeated and unwanted contact causes the victim reasonable apprehension regarding the personal safety of the victim or a member of the victim’s immediate family or household.

b. Stalking is a Class A misdemeanor.
   i. Notwithstanding paragraph (a) of this subsection, stalking is a Class C felony if the person has a prior conviction for:
      1. Stalking; or
      2. Violating a court’s Stalking Protective Order.
   ii. When stalking is a Class C felony pursuant to paragraph (i) of this subsection, stalking shall be classified as a person felony and as crime category 8 of the sentencing guidelines grid of the Oregon Criminal Justice Commission. [1993 c.626 §2; 1995 c.353 §2] Note. See second note under 163.730 (Definitions for ORS 30.866 and 163.730 to 163.750).

**Weapon Law Arrest and Violations:** the violation of state or local laws prohibiting the manufacture, sale, purchase, transportation, possession, concealment or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.
Appendix B: University Standard 07-005 Alcohol Service

**University Standard 07-005 Alcohol Service**

**1. Policy Statement**

1.1. Alcohol service is only permitted in accordance with this university standard, and with respect to university events, only for events that support the university's mission of teaching, research, and outreach and engagement.

1.2. All university and non-university events involving the service of alcohol are subject to applicable unit rules, guidelines, contracts, facility use agreements, or other arrangements. Such rules and agreements must accord with this university standard and may include additional restrictions on alcohol service and consumption.

**2. Reason for Policy**

2.1. Oregon State University ("university") strives to promote student success, faculty and staff excellence, and public health by fostering a culture of healthy living that encourages sound judgment, accountability, responsible behavior, and informed decision-making in all areas of life. The misuse of alcohol and other drugs remains a top public health concern on college campuses and can result in a multitude of adverse personal, social, professional, or academic consequences. The university is committed to maintaining a secure environment that is conducive to the health, safety, and overall welfare of its students, faculty, staff, and visitors. In keeping with these principles, this university standard sets restrictions on and describes requirements for how alcohol may be served and consumed at university and nonuniversity events.

2.2. The university is dedicated to preventing the abuse of alcohol and other drugs in its community and cautions against the excessive consumption of alcoholic beverages. The university expects that all persons of legal drinking age who choose to consume alcohol will do so responsibly.

**3. Scope & Audience**

3.1. This university standard applies to all university employees, students, contractors, volunteers, visitors and anyone on university-owned or -controlled property. This standard also applies to university events held on property not owned or controlled by OSU.

**4. Definitions**

4.1. Insured and licensed vendor: A business entity that holds an annual liquor license and any applicable temporary licenses to serve alcohol off-premises, issued by the Oregon Liquor Control Commission ("OLCC"), and that carries general liability and liquor liability insurance at minimum limits satisfactory to the University Director of Insurance and Risk Management Services.

4.2. University event: An event sponsored by a university office, department, unit, program, or other university entity that takes place either on or off university-owned or -controlled property.

4.3. Non-university event: An event sponsored by a third party or non-university entity that has undergone an event approval process to be hosted on university-owned or -controlled property.

**5. Responsibilities & Procedures**

5.1. General Restrictions and Prohibitions

5.1.1. No person may consume alcohol or carry an open container containing alcohol in any form, or serve alcoholic beverages on university-owned or -controlled property, except as provided in this university standard and in accordance with other applicable laws, university policies or standards, rules, and guidelines.
Appendix B: University Standard 07-005 Alcohol Service

5.1.2. No person may bring their own alcohol to drink or serve at a university event, or carry or consume alcohol on university-owned sidewalks, streets, and parking lots, with the exception of tailgating activities as separately permitted by the Department of Intercollegiate Athletics on game days (https://static.osubeavers.com/custompages/gameday/#tailgating).

5.1.3. Purchase of alcoholic beverages or employee reimbursements related to the purchase of alcoholic beverages must be in compliance with the university Fiscal Policy Program (https://fa.oregonstate.edu/fiscal-policy-program/03-140-505- meals-refreshments-and-events-non-travel).

5.1.4. Games or devices that encourage or facilitate the rapid and/or excessive consumption of alcohol are prohibited.

5.1.5. Alcohol service is restricted to beer, wine, and cider; liquor service is generally not permitted.

5.1.6. Generally, alcohol service is prohibited during university business hours.

5.1.7. Events where Alcohol is Prohibited. Alcohol is prohibited at the following events:
   a. University events that do not support the university’s mission of teaching, research, outreach and engagement;
   b. Informal social gatherings held on OSU-owned or -controlled property by departments, employees, or student groups;
   c. Events taking place at or near locations where child care services are provided, including, but not limited to, the Azalea Child Care Center, Child Development Center, Our Little Village locations, and Beaver Beginnings;
   d. Events where a significant number of attendees (50% or more) are under the legal drinking age, or when adequate measures are not in place to prevent unlawful service to minors; or,
   e. Events that have not met the approval and registration requirements set forth in Section 5.3 of this university standard.

5.1.8. Residence Halls and Dining Facilities. Alcohol service and consumption is restricted in residence halls and dining facilities. In general, events taking place at residence halls may not serve alcohol. Exceptions to allow alcohol service for events in dining facilities may be made in limited circumstances by the Director of University Housing and Dining Services or by the Associate Vice President for Finance and Strategic Planning at OSU-Cascades. For more information on the limits of alcohol use in residence halls (including for student residents over the age of 21 to drink or possess alcohol), please see the UHDS Student Policy and Information Guide.

5.2. Events where Alcohol may be Served

5.2.1. Athletic Events. Alcoholic beverages may be served and consumed at athletic facilities, as approved by the Director of Athletics, if served with food and nonalcoholic beverages by the insured and licensed vendor in accordance the regulations of the OLCC and where otherwise consistent with this policy.

5.2.2. Educational and Research Purposes. Alcohol may be served and consumed as part of research studies if the study adheres to applicable university policies, standards, or rules; is approved by the university Institutional Review Board, Institutional Biosafety Committee, or the Institutional Animal Care and Use Committee, as applicable; and accords with federal and state laws. Alcohol may be manufactured, served, and consumed as part of a recognized educational activity so long as such activity is done in compliance with applicable federal, state, and local laws and regulations, including the regulations of the OLCC.

5.2.3. University Events. Alcohol service is permitted at events that support the university’s mission of teaching, research, and outreach and engagement. Examples of university events where the service of alcohol is permitted include, but are not limited to, gallery openings, fundraising activities for university programs, banquets to honor university employees for their service and contributions to the institution, or formal conferences or symposiums organized by departments, colleges, divisions, etc.
Appendix B: University Standard 07-005 Alcohol Service

5.2.4. Non-University Events. Alcohol service is permitted for approved non-university events, such as weddings, receptions, fundraisers, or other events held by third parties on university-owned or -controlled property, provided that the event adheres to all applicable university policies or standards, as well as federal, state, and local laws.

5.3. Procedures and Requirements for Alcohol Service

5.3.1. Approval. The Senior Associate Vice President for Administration, or designee, approves requests to serve alcohol and may consult with relevant university leaders, as necessary. The Athletics Director, or designee, approves alcohol service for athletics events and may consult with relevant university leaders, as necessary. The Associate Vice President for Finance and Strategic Planning at OSU-Cascades, or designee, approves requests to serve alcohol for the OSU-Cascades campus and may consult with relevant university leaders, as necessary.

5.3.2. Registration. All events where alcohol is to be served must be registered with Insurance and Risk Management Services (https://risk.oregonstate.edu/alcoholservice). Events must be registered at least 21 days prior to the event in order to assure adequate time for review. A licensed and insured vendor, approved by the university, must be named as the server. The vendor serving alcohol must provide a certificate of insurance meeting the minimum standards as outlined by Insurance and Risk Management Services. There must be an OLCC license for the event, if one is required under applicable law.

5.3.3. Laws. Adherence to all applicable federal, state, and local laws and regulations, including the regulations of the OLCC, is required.

5.4. Exceptions

5.4.1. Exceptions to this university standard may be made by the Athletics Director for athletic events, provided that they are documented and shared with Insurance and Risk Management Services. Other exceptions are considered on a case-by-case basis and may be granted by the Senior Associate Vice President for Administration, by the Associate Vice President for Finance and Strategic Planning for OSU-Cascades, in consultation with relevant university leadership, or in limited circumstances by the Director of University Housing and Dining Services. All such decisions will be documented and shared with Insurance and Risk Management Services.

5.4.2. Interview meals, retirement celebrations and other university events held at restaurants are exempt from certain requirements under this policy, including registration. Details of the exception are maintained by Insurance and Risk Management Services.

5.5. Enforcement

5.5.1. Any person or entity violating this university standard is subject to: a. Institutional disciplinary proceedings, if a student or employee; b. Forfeit of deposits or ticket costs; or, c. An order to leave the immediate premises or property owned or controlled by the university by a person in charge of university property.

5.5.2. Persons failing to comply with an order by a person in charge to leave or to remain off the immediate premises or property owned or controlled by the university are subject to arrest for criminal trespass.

5.6. Employee and Student Appeals. Appeals related to violations by students and university employees must be made through the applicable student and employee appeal procedures set forth in other university policies, standards, rules, or applicable collective bargaining agreement.

5.7. All Other Appeals. This Section 5.7 establishes the exclusive procedure for an individual (other than a student or employee) charged with a violation of this university standard to appeal an action taken by the university under the authority of this university standard.
Appendix B: University Standard 07-005 Alcohol Service

5.7.1. Exhaustion of university-level appeals. An allegedly aggrieved individual must timely exhaust all opportunities to appeal an action at the university level under this Section 5.7 before seeking judicial review of the university’s decision or action.

5.7.2. Permissible reasons for appeal. An allegedly aggrieved individual may file an appeal only on the basis that the university violated or is violating federal or state law or university standards, policies, or procedures in the process.

5.7.3. Required contents of written appeal.
   a. An allegedly aggrieved individual’s written appeal must fully specify all the reasons and bases for the appeal, including a discussion of all relevant facts and any federal or state laws or university standards, policies, or procedures at issue, and all ways in which the individual has been aggrieved or adversely affected.
   b. The written appeal must include all evidence that the allegedly aggrieved individual wants the university to consider, including copies of any relevant documents. Failure to include any reason for the appeal or any evidence in support of it will constitute a final, knowing, and voluntary waiver of the right to assert such reason or evidence. Irrelevant and immaterial evidence will not be considered.

5.7.4. University appeal authority and decision.
   a. The Senior Associate Vice President for Administration or that person’s designee has the authority to decide written appeals brought under this section.
   b. In deciding appeals under this Section 5.7, the appropriate university official or designee will consider the contents of the written appeal and the university’s records pertinent to the appeal. The appropriate university official or designee, in his or her sole discretion, also may confer with and seek advice from university staff or university legal counsel about any factual, policy, or legal issues raised by the written appeal.
   c. The Senior Associate Vice President for Administration or designee will issue a final written order on the appeal in a timely manner.
   d. The final written order may affirm, reverse, or modify the university’s decision or action at issue in whole or in part.

5.7.5. Judicial Review. Judicial review of a university action under this university standard is available pursuant to the pertinent provisions of ORS Chapter 34.

6. Forms & Tools
   6.1. Alcohol service registration: http://risk.oregonstate.edu/alcohol-service

7. Frequently Asked Questions
   7.1. None.

8. Related Information
   8.2. ORS 845-006 Oregon Liquor Control Commission: https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=212410
   8.3. More information is available through the Student Conduct and Community Standards Office, Student Leadership and Involvement, or the OSU Administrative Policies and Procedures Manuals.
   8.4. For students who may be experiencing difficulty with addiction and/or the abuse of alcoholic beverages, assistance is available through on-campus resources such as Counsel-
Appendix B: University Standard 07-005 Alcohol Service

The Annual Security and Fire Safety Report at Oregon State University includes information provided by Counseling and Psychological Services ("CAPS") and the Student Health Services Prevention and Wellness Department, which offers several opportunities for additional support, including participation in the Collegiate Recovery Community and individual sessions with a Certified Alcohol and Drug Counselor (CADC). For faculty and staff, assistance is available through CAPS as well as the Employee Assistance Program. OSU-Cascades students will find support resources at OSU-Cascades Student Wellness.

8.5. Student Code of Conduct: https://studentlife.oregonstate.edu/studentconduct
8.6. Fiscal Policy Program: https://fa.oregonstate.edu/fiscal-policy-program/03-140-505-meals-refreshments-and-events-non-travel

9. History

9.3. Amended: XXXX
9.4. Last review date: XXXX.
9.5. Next scheduled review date: XXXX.

10. Website

10.1 University Standard 07-005 Alcohol Service: https://policy.oregonstate.edu/sites/policy.oregonstate.edu/files/07-005_alcohol_service.pdf

11. Contacts

<table>
<thead>
<tr>
<th>Department</th>
<th>Phone Number</th>
<th>Website</th>
</tr>
</thead>
<tbody>
<tr>
<td>Insurance and Risk Management Services</td>
<td>541-737-7252</td>
<td><a href="http://risk.oregonstate.edu/">http://risk.oregonstate.edu/</a></td>
</tr>
</tbody>
</table>
Appendix C: Sexual Misconduct and Discrimination Investigation and Resolution Process for Title IX Complaints

A. Overview.

Oregon State University (“university”) is committed to creating an equitable and inclusive university free of violence and all forms of prohibited discrimination and discriminatory harassment (including discrimination on the basis of sex and sexual harassment). All individuals who are participating or attempting to participate in university programs and activities have the right to do so fully, free from sexual misconduct and discrimination, as set forth in University Policy 05-001 Sexual Misconduct and Discrimination (“Policy”) and Section 4.5, Title IX Sexual Misconduct, of the Code of Student Conduct (“Code”).

This Investigation and Resolution Process for Title IX Complaints applies in all instances in which a faculty member, staff, student, or other member of the university community is alleged to have engaged in behavior that would violate the Policy and/or the Title IX Sexual Misconduct provision of the Code, and which would also constitute sexual harassment (sexual harassment, sexual assault, dating violence, domestic violence, or stalking) as defined by federal law.

This Investigation and Resolution Process for Title IX Complaints (“Title IX Process”) sets forth the procedures that will be used to investigate and resolve complaints:

1. by faculty, staff, students, and other members of the university community who, at the time of the complaint, are participating or attempting to participate in a university educational program or activity,
2. that allege violations occurring against a person in the United States,
3. that allege conduct that would constitute sexual harassment as defined by federal law (“Title IX Sexual Misconduct”),
4. that allege violations that occurred in a university education program or activity over which the university exercised substantial control over both the respondent and the context in which the alleged sexual harassment occurred, and
5. Where the university has actual knowledge through a written, signed formal complaint to the Title IX Coordinator or other university official with authority to institute corrective measure on behalf of the university (“Title IX Complaint”). (Complaints that allege a violation of university policy but do not allege behavior that would constitute a Title IX Complaint will be addressed under other university investigation and resolution processes.)

This Title IX Process is available only to individuals who have a current affiliation with the university or are attempting to participate in a university education program or activity. However, the university reserves the right to look into concerns reported by and about individuals who do not have a current university affiliation, through whatever applicable process the university determines most appropriate.

B. Investigation Office.

The Office of Equal Opportunity & Access (“EOA”) is the university office charged with responding to all reported Title IX Complaints. EOA may consult with other university administrators as part of this Title IX Process.

C. Reporting.

A complainant must complete and sign a formal Title IX Complaint for EOA to proceed with an informal resolution or formal investigation under this Title IX Process. In some instances, EOA may initiate an investigation of a Title IX Complaint where an impacted party has not submitted a Complaint (see Section I, Requests for EOA Not to Investigate an Allegation). While EOA will respond to all Title IX Complaints, the submission of a Complaint does not always result in either an informal resolution or a formal investigation, as described in Section F, Initial Assessment.

The university encourages individuals to bring forward complaints and information as soon as possible after an alleged violation occurs in order to maximize the
Appendix C: Sexual Misconduct and Discrimination Investigation and Resolution Process for Title IX Complaints

The university’s ability to respond promptly and effectively. While there is no timeframe for submitting a Title IX Complaint, prompt reporting will better enable EOA to respond to the complaint, determine the relevant issues, and provide an appropriate response and/or action. Delay in making a complaint may impede EOA’s ability to conduct an investigation or take appropriate responsive actions.

Depending on the relationship of the respondent to the university, the university may no longer have the authority to take any action with regard to the respondent due to the passage of time. In such circumstances, the university will still seek to meet its Title IX obligations by evaluating the reported conduct, providing reasonably available Supportive Measures, (See Section G, Supportive Measures) assisting the complainant in identifying external reporting options, and taking reasonably available steps to end any Title IX Sexual Misconduct, prevent its recurrence, and address its effects.

**Amnesty:** The university encourages all campus community members to report behavior associated with sexual misconduct and discrimination. To support such reporting, the university will not pursue student conduct proceedings against a student complainant, a student respondent, or student witness for their personal use of alcohol, marijuana, or other drugs at or near the time of the incident provided their use did not place the health or safety of any other person at risk. The university may, however, initiate an educational discussion with any student regarding their personal use of alcohol, marijuana, or other drugs.

**Anonymous Complaints:** With the exception of a “Responsible Employee,” an individual can choose to make a complaint anonymously. (As defined in University Policy 05-005, “Responsible Employee” includes university employees who have the duty to report incidents of sexual misconduct and discrimination. Most university employees, including faculty, are responsible employees unless otherwise specified in the policy.) However, EOA’s ability to investigate complaints or take responsive action may be limited based on the amount of information available to EOA. For example, the possible response may be limited if information contained in the complaint is insufficient to verify violation(s) of the Policy and/or Code or to identify the parties involved. The Title IX Coordinator or their designee has the discretion to determine how EOA will respond to an anonymous complaint. Even if EOA is unable to take responsive action and/or must dismiss a Title IX Complaint because of federal requirements, providing any information, even anonymously, may help the university maintain accurate records regarding the number of incidents involving students, employees, and third parties; determine if there is a pattern of conduct with regard to a particular location or respondent; and alert the campus community to potential dangers when appropriate.

**Third Party Complaints:** If an alleged violation is reported by a Responsible Employee, witness, bystander, or other person, EOA will treat the person impacted by the reported violation as the complainant for purposes of this Title IX Process.

**D. Privacy.**

All complaints made to EOA are treated in the most private manner possible. Information regarding the complaint will be shared only on a “need to know” basis with other university offices and employees. When information is shared with university offices and employees, the amount and type of information will also be limited to only that required for the office or employee to carry out their tasks.

Medical and counseling records are considered privileged and confidential documents. Individuals reporting violations of the Policy and/or Code may, but are not required to, disclose those types of documents to EOA as part of this process, and EOA will not access, consider, disclose, or otherwise use such records unless the party who is the subject of those records voluntarily provides a written consent to do so. To the extent medical and/or counseling records shared by a party with EOA, with a written consent for their use, are determined relevant to and are relied upon by EOA in connection with an investigation, they will become subject to inspection and review by the other party in the Investigation Process.
Appendix C: Sexual Misconduct and Discrimination Investigation and Resolution Process for Title IX Complaints

E. Timeframe for Resolution.

The process for resolution begins when EOA is notified of a complaint. EOA will attempt to resolve all complaints as promptly as possible, consistent with the need to conduct objective and thorough fact-gathering. The Title IX Process designates reasonably prompt timeframes for the major stages of the investigation and resolution process, but the university may extend any timeframe in this Title IX Process for good cause. An extension may be required to ensure the integrity and thoroughness of the investigation; in response to the parties or witnesses being unavailable; or for other legitimate reasons, such as intervening breaks in the academic calendar, university finals periods, the complexity of the investigation, the volume of information, number of witnesses, length of the written record, and/or the severity and extent of the alleged misconduct. Investigations will proceed according to the timeframes in this Title IX Process to the extent possible during the summer and at other times when university classes are not in session. The university will work with the parties to balance the need for promptness and the preference for in-person meetings regarding the investigation.

Timeframes for all phases of the investigation process, including disciplinary proceedings, and any related appeal process, apply equally to both complainants and respondents. While requests for delays in the investigative process by the parties may be considered, the university cannot unduly or unreasonably delay the prompt resolution of a complaint under this Title IX Process. Reasonable requests for delays by the parties will serve to extend the time for resolution of the reported incident. The university has the authority to determine whether an extension is required or warranted by the circumstances. The university will provide the parties with written notice of delays or time frame extensions and the reasons for the delay or time frame extension.

F. Initial Assessment.

Upon receipt of a reported concern, EOA will take immediate and appropriate steps to review and intake the matter promptly and equitably. The first step in this process is the Initial Assessment. As part of the Initial Assessment, EOA will gather information about the reported conduct, respond to any immediate health or safety concerns raised by the reported concern, and evaluate if the reported conduct is within the scope of EOA’s jurisdiction.

1. **EOA will conduct its initial assessment** once immediate health or safety concerns have been addressed and EOA has determined that the reported concern is within EOA’s jurisdiction. EOA will take the following steps:
   a. Assess the nature and circumstances of the reported concern, including whether it provides the names and/or any other information that identifies the complainant, the respondent, any witness(es), and/or any other individual with knowledge of the reported incident;
   b. Address ongoing physical safety and emotional well-being concerns of the complainant and/or the campus community;
   c. Notify the complainant of their right to contact (or decline to contact) law enforcement and/or seek a civil protection order, and that EOA will coordinate with law enforcement, as appropriate, to minimize delay in its action on the matter;
   d. Notify the complainant of the right to seek medical and/or counseling treatment to address physical or mental health issues;
   e. Notify the complainant of the importance of preservation of evidence, including a forensic sexual assault examination and any relevant documentary evidence;
   f. Provide the complainant with a written copy of EOA’s Campus & Community Resources and Rights document, which contains information about their rights to report, civil and legal options, campus-based services and disciplinary processes, privacy policy information, and state and community resources and services, including on and off campus advocacy, support, healthcare and confidential resources;
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g. Notify the complainant of the range of available supportive measures;

h. Determine whether the reported concern alleges conduct that, if true, would constitute a Title IX Complaint, a non-Title IX violation of the Policy and/or Code, or whether, based on what is alleged in the reported concern, is outside of EOA’s jurisdiction;

i. Provide the complainant with a copy of the applicable university policy(ies) and process(es), and an explanation of the procedural options, including the informal resolution process and the formal investigation process;

j. Notify the complainant of the right to be accompanied at any step of the process by an advisor of their choice;

k. Discuss the complainant’s expressed preference for manner of resolution and any barriers to proceeding (e.g., privacy or retaliation concerns);

l. Explain the university’s policy prohibiting retaliation and how to report acts of retaliation; and

m. Invite the complainant to complete and sign a formal Title IX Complaint.

EOA will seek to complete the Initial Assessment within ten (10) business days after EOA receives a reported concern, if the complainant chooses to engage with EOA. However, there may be circumstances where the Initial Assessment takes longer based on the availability or participation of the complainant, the availability of other necessary information, a complainant’s request to maintain privacy, or other factors outside of EOA’s control.

2. In matters where the complainant chooses not to sign a Title IX Complaint:

a. EOA will inform the complainant that the ability to take action against the respondent may be limited. EOA may independently determine that an investigation should proceed, separate from the intent or wishes of the complainant, based on a formal complaint signed by the Title IX Coordinator (see Section I, Requests for EOA Not to Investigate an Allegation).

b. If EOA determines an investigation will not proceed separate from the intent or wishes of the complainant, EOA will:
   
   i. Refer the matter to a non-Title IX process, if applicable; or
   
   ii. Refer the matter to another appropriate office or department for resolution; or
   
   iii. Close EOA’s file on the matter.

3. In matters where the complainant submits a signed Title IX Complaint:

a. If EOA determines the complainant has submitted a Title IX Complaint that does not meet the criteria of a Title IX Complaint (see pages 1-2) and is therefore not within the scope of this Title IX Process, EOA will:

   i. Provide both the complainant and respondent simultaneous written notice of its determination in a timely manner and notify both parties of the dismissal and reasons for the dismissal, advising the parties of the right to appeal the dismissal (see Section L.3.a. Appeal of a Title IX Complaint Dismissal);

   ii. Direct both the complainant and respondent to other appropriate process(es) or office(s) for assistance, where appropriate; and

   iii. Maintain a record of the Complaint and the reason(s) the Complaint was deemed not within the scope of this Title IX Process.
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b. If EOA determines the complainant has submitted a formal Title IX Complaint that meets the criteria of a Title IX Complaint, EOA will:
   i. Proceed with an informal resolution process. Informal resolution requires the voluntary written consent of both the complainant and respondent (see Section J, Informal Resolution Process), or
   ii. Proceed with an investigation. This will occur when a complainant has requested an investigation or when informal resolution is requested but determined by EOA to not be appropriate or available (see Section K, Investigation Process).

G. Supportive Measures.

When a Title IX Complaint is made to EOA, the university is committed to taking immediate steps to stop any inappropriate behavior and to remedy the effects of that behavior. In support of that commitment, supportive measures are sometimes necessary and appropriate to address safety concerns of the complainant, the respondent, or the broader university community; to preserve access to educational, research, and employment opportunities; to maintain the integrity of the investigative and/or resolution process; or to deter retaliation.

Supportive Measures are non-disciplinary, non-punitive individualized services that are designed and intended to restore or preserve equal access to the university’s educational programs or activities, including measures designed to protect the safety of all parties and the campus community, and/or the university’s educational environment, and/or to deter sexual harassment. The availability of Supportive Measures will be determined by the specific circumstances of each complaint and will be tailored to avoid unreasonably burdening any party’s access to their educational or employment opportunities. The university will consider a number of factors in determining which measures to take, including the needs of the party seeking Supportive Measures; the severity or pervasiveness of the alleged conduct; whether the party requesting supportive measures has been credibly negatively impacted; any continuing effects on the party; whether the complainant and the respondent share the same residence hall, academic course(s), on-campus work location(s); and whether either party has received court protection from the other (e.g. protective orders). The university will work in good faith to implement the requirements of judicially-issued protective orders and similar orders, to the extent that doing so is within its authority.

EOA is responsible for ensuring the implementation of Supportive Measures and coordinating the university’s response with the appropriate offices on campus. EOA, in consultation with the Director of Student Conduct and Community Standards (“Director, SCCS”) and/or the Associate Vice Provost/Senior Director (“AVP/SD”) of Employee and Labor Relations (“ELR”), as appropriate, has the discretion to impose and/or modify any Supportive Measures based on all available information and is available to meet with a complainant or respondent to address any concerns about the provision of Supportive Measures. Alleged violation of any Supportive Measures will be promptly addressed, with EOA investigating the alleged violations and referring its findings to the relevant office: SCCS (for any violations by students) or to ELR (for any violations by employees).

Supportive Measures are available to the complainant regardless of whether the complainant pursues an investigation. Supportive Measures are also available to respondents to alleviate any negative impact of participating in the process. The university will provide the parties with reasonable Supportive Measures throughout the Title IX Process and thereafter as determined to be necessary and reasonable. EOA will coordinate the implementation of Supportive Measures with other university offices as needed.

1. Supportive Measures for students may include, but are not limited to the following actions:
   a. Provide information on available campus and community-based advocacy support;
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b. Provide information on available psychological counseling and health services, including guidance in obtaining a sexual assault forensic examination;

c. Facilitate changes to academic classes, such as adjustments to academic deadlines, course schedules, withdrawal from a class without penalty, and completing a course on-line, if appropriate and available;

d. Facilitate changes to on-campus living situations, if appropriate;

e. Facilitate changes to on-campus work arrangements, if appropriate;

f. Coordinate temporary transportation/parking assistance or escort, if appropriate;

g. Issue a mutual no-contact directive to the parties or others involved in the matter, if appropriate and as determined on a case-by-case basis, prohibiting the parties or other involved individuals from having contact or communications with each other;

h. Refer a party to resources to assist in obtaining a protective order;

i. Refer a party to resources to assist with any financial aid, visa, or immigration concerns;

j. At the discretion of EOA, any other reasonable Supportive Measure that does not interfere with either party’s access to education or unreasonably burden the other party.

2. **Supportive Measures for employees may include, but are not limited to the following actions:**

   a. Providing information about campus and community-based advocacy support and counseling and health services;

   b. Referring a party to resources to assist in obtaining a judicially-issued protective order;

   c. In consultation with ELR, as appropriate, working with the parties to limit unnecessary interactions;

   d. Other reasonable Supportive Measures that do not interfere with either party’s access to the workplace and/or educational program or activity or unreasonably burden the other party.

H. **Concerns Regarding Student and Employee Respondents.**

To promote the safety and well-being of members of the campus community and/or take action with a student/student organization, employee, or other member of the OSU community who poses an immediate threat to the physical health or safety of any member of the university community arising from the allegations of Title IX Sexual Misconduct, the Title IX Coordinator or their designee may request that the university initiate an action to remove an individual from or relocate an individual within the university community.

1. **Student respondent:**

   The university may initiate an administrative suspension against a student respondent. Prior to initiating an administrative suspension, the Director, SCCS, or their designee, in consultation with the Title IX Coordinator or their designee, will complete an individualized safety and risk analysis. If, after that analysis, it is determined that the student respondent poses an immediate threat to the physical health or safety of any person or other individual arising from the allegations of Title IX Sexual Misconduct, the Director SCCS, or designee, will initiate the administrative suspension process. The administrative suspension process includes providing notice to the student respondent and a timely opportunity to challenge the administrative suspension decision. The process for administrative suspension is fully outlined in Section 9, Administrative Suspension, of the Code.
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2. Employee respondent:

If the Title IX Coordinator or their designee has or receives concerns regarding an employee respondent, they will work with the AVP/SD of ELR to determine what changes might be possible pending a Title IX Complaint investigation. The AVP/SD of ELR, or their designee, in consultation with the Title IX Coordinator or their designee, will complete an individualized safety and risk analysis.

I. Requests for EOA Not to Investigate an Allegation.

A complainant may request that their name or other personally identifiable information not be shared with a respondent, that no investigation be pursued, or that no disciplinary action be taken. In these instances, prior to asking if the complainant would like to submit a formal Title IX Complaint, and before taking any investigative steps that would involve notifying the respondent, EOA will discuss any concerns with the complainant and seek to address and remedy barriers to reporting based upon concerns about retaliation or questions about procedural options and potential outcomes.

In order to protect the safety of the campus community, EOA may need to proceed with an investigation (which would include sharing complainant's name with respondent) or other appropriate action even if a complainant specifically requests that the matter not be pursued or that their name not be shared. EOA may initiate an investigation of potential violations of Policy and/or the Code that constitute a Title IX offense based on a Title IX Complaint signed by the Title IX Coordinator, even when a complainant has requested that EOA not investigate or when a Title IX Complaint has been withdrawn by the complainant.

1. EOA will take into account the following factors when determining whether to honor a complainant’s request for EOA not to investigate an allegation or whether to proceed with an EOA initiated investigation.

   a. The totality of the known circumstances;
   b. The nature and scope of the alleged conduct, including whether the reported conduct involves violence, the threat of violence, or use of a weapon;
   c. The risk that the respondent will commit additional acts of Title IX Sexual Misconduct, as informed by previous or multiple reported concerns involving the respondent, a history of violence by the respondent, or threatened further Title IX Sexual Misconduct against the complainant by the respondent or others;
   d. Allegations that Title IX Sexual Misconduct was committed by multiple perpetrators;
   e. The risk posed to any individual or to the campus community by not proceeding, including the risk of additional violence;
   f. Whether the reported concern alleges a pattern of Title IX Sexual Misconduct at a given location or by a particular respondent;
   g. The respective ages and roles of the complainant and respondent, including whether alleged conduct involves a complaint of Title IX Sexual Misconduct perpetrated against a minor;
   h. The complainant’s interest in the university not pursuing an investigation or disciplinary action and the impact of such actions on the complainant;
   i. The availability of other means to obtain relevant evidence of the alleged Title IX Sexual Misconduct without the participation of the complainant (e.g., security cameras or personnel, physical evidence, witnesses, etc.);
   j. Fairness considerations for both the complainant and respondent;
   k. The university’s commitment to a safe and non-discriminatory environment; and
   l. Any other available and relevant information.
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EOA will consider what steps may be possible or appropriate when a respondent is unknown or the complainant requests anonymity, and what other measures or supports might be considered to address any effects of the reported behavior on the campus community. The Title IX Coordinator or their designee will make a determination regarding the appropriate manner of resolution under the University Sexual Misconduct and Discrimination Policy and this Title IX Process. EOA will seek resolution consistent with the complainant's interest, if it is reasonably possible to do so, based upon the facts and circumstances, while also protecting the health and safety of the parties and the campus community.

Where EOA determines that a complainant's request(s) to not investigate an allegation can be honored, the university may nevertheless take other appropriate steps to stop the reported conduct, prevent its recurrence, and address its effects on the complainant and the campus community. Those steps may include offering appropriate Supportive Measures to the complainant, providing targeted training and prevention programs, and/or providing or implementing other supports. The Title IX Coordinator or their designee may also re-open a reported concern under the Title IX Process if any new or additional information becomes available, and/or if the complainant later decides that they would like to pursue an investigation.

When EOA determines that it must proceed with an investigation despite the complainant's request that the university take no action, EOA will notify the complainant that it intends to initiate an investigation. The complainant is not required to participate in the investigation or in any of the actions taken by the university.

The university's ability to investigate and respond fully to a reported concern may be limited if the complainant requests anonymity or declines to participate in an investigation. The university may, however, pursue other steps to limit the effects of the reported conduct and prevent its recurrence. In all cases, the final decision on whether, how, and to what extent EOA will conduct an investigation and whether Supportive Measures will be provided in connection with a Title IX Complaint will be made in a manner consistent with the University Sexual Misconduct and Discrimination Policy and will be documented.

J. Informal Resolution Process.

The informal resolution process is a voluntary and solutions-based approach to resolution. Complainants who report Title IX Sexual Misconduct under the Policy and/or Code may request the informal resolution process prior to, instead of, or during an investigation, although a decision to honor a request made during an investigation will be at the discretion of the Equity Associate in consultation with the Title IX Coordinator.

1. Overview. To begin the informal resolution process, the complainant should inform an EOA staff member that they want to engage in the informal resolution process. The EOA staff member will inform the complainant of the range of possible outcomes and provide information about the informal resolution process, including the fact that either party may at any time prior to reaching a resolution elect to withdraw from the process and that if an informal resolution is reached, the university will consider that to be the final outcome between the parties, with no available appeal.

The informal resolution process may include an inquiry into the facts, but does not include a full investigation into the allegations.

Informal resolution is not appropriate and will not be offered in Title IX Complaints that allege an employee engaged in Title IX Sexual Misconduct directed at a student.

In some cases, based on the complaint made to EOA or on information gathered in the informal resolution process (e.g. if information suggests a pattern of substantively similar behavior by the respondent or behavior affecting multiple individuals), EOA may determine the matter is most appropriate for an investigation, even if neither party requests an investigation. If EOA determines an investigation is required, the Title IX Coordinator will sign a Title IX Complaint and EOA will notify the parties in writing through a Notice of Allegations (see Section K, Investigation Process).
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2. Initiating the Informal Resolution Process. Before proceeding with the informal resolution process, the complainant must submit a signed Title IX Complaint and request an informal resolution.
   a. EOA will provide written notice to both parties of the Title IX Complaint, the Title IX Sexual Misconduct alleged in the Complaint, and about the informal resolution process, including the fact that either party may at any time prior to reaching a resolution elect to withdraw from the process and that if an informal resolution is reached, the university will consider that to be the final outcome between the parties, with no available appeal.
   b. Prior to initiating an informal resolution, EOA will ask for the parties’ voluntary, written consent to engage in the informal resolution process.
   c. At any time prior to reaching a mutual agreement, any party has the right to withdraw from the informal resolution process and to request a formal investigation. If either party withdraws from the informal resolution process or the process is otherwise terminated for any reason, any statements, disclosures, records, or other evidence gathered and/or created during the informal resolution process could later be used in a formal investigation.

3. The Informal Resolution. Any form of informal resolution and any combination of non-disciplinary and non-punitive interventions and supports may be utilized, consistent with university policy, the Code, and/or any applicable collective bargaining agreement. Forms of informal resolution include discussions with the parties, a resolution facilitated by an EOA staff member implementing an arrangement that provides mutual separation between the parties, targeted or broad-based educational programming or training, facilitated conversation or interaction with the respondent, and/or other action determined by the EOA staff member, in consultation with the parties, to effectively address the reported Title IX Complaint.

As part of the informal resolution process, EOA will not compel a complainant or respondent to engage in facilitated conversation with each other, to confront each other directly, or to participate in any particular form of informal resolution. Where a facilitated conversation is requested, no meeting between the complainant and the respondent should occur without involvement by appropriate university staff.

If a mutually agreed resolution is reached, a written record of the resolution will be documented by the EOA staff member and maintained in accordance with applicable EOA recordkeeping policies. The university will consider the informal resolution to be the final outcome between the parties and the matter is then considered closed by EOA. No appeals of an informal resolution outcome are possible.

If an agreement is not reached and EOA determines that further action is necessary, or if a party fails to comply with the terms of the informal resolution, the matter may be referred for an investigation or other appropriate action.

4. Withdrawal from the Informal Resolution Process. Either the complainant or respondent may at any time elect to withdraw from the informal resolution process. Additionally, if the EOA staff member determines that a mutually agreeable resolution is not possible, or if the EOA staff member learns of information that requires an investigation, the EOA staff member may terminate the informal resolution process. In that event, the EOA staff member will promptly notify the parties, in writing, that the informal resolution process has terminated, and inform the parties of the right to request an investigation. If an investigation is requested, EOA will consider the request based on EOA’s review of the Title IX Complaint and the information gathered in the informal resolution process, taking into consideration whether the complainant has asserted information that, if true, would constitute a violation of the Policy and/or the Code.

5. Timeframe. EOA will attempt to resolve the complainant’s concern(s) promptly. The assigned EOA staff member will meet with the complainant, the respondent, and any other persons the EOA staff member may determine to be necessary. The informal resolution process will typically be completed within thirty (30) business days of the initial complaint.
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K. Investigation Process.

1. **Overview.** Prior to initiating a formal investigation, either the complainant or the Title IX Coordinator, or their designee, must submit a written and signed Complaint alleging Title IX Sexual Misconduct by a respondent and requesting that EOA investigate the allegations. Where EOA has determined that the reported concern is within EOA jurisdiction and alleges a violation of Title IX Sexual Misconduct, EOA will conduct a prompt and equitable investigation to gather relevant information necessary to make a determination as to whether or not a violation of the Policy and/or Code occurred. The investigation will be impartial and will be conducted by trained investigators who have no actual bias or conflict of interest for or against the complainant or respondent. A respondent will be presumed not responsible for the alleged Title IX Sexual Misconduct until a determination regarding responsibility is made at the conclusion of the Title IX Process.

   During the investigation and live hearing processes, both the complainant and respondent have equitable opportunity to participate, including the opportunity to receive written notice of the investigation, including allegations; to participate in the investigation; to present information and evidence; to inspect and review all evidence directly related to the allegations, both inculpatory and exculpatory; to be accompanied by an advisor of their choice at any stage of the EOA investigation process; to receive timely notice of meetings at which their presence will be requested or required; to participate fully in a live administrative hearing; to receive simultaneous written notice of the outcome and rationale; and to receive information about available appeals.

   The university, not the parties, is responsible for gathering relevant evidence. The complainant and respondent will be asked to identify witnesses and provide other relevant information, such as documents, communications, and other evidence, if available. The parties are encouraged to provide all relevant information as promptly as possible. In the event that a party declines to voluntarily provide relevant information, the university’s ability to conduct a prompt, thorough, and equitable investigation may be impacted.

2. **Investigator.** EOA will designate an investigator to conduct a prompt, thorough, fair, and impartial investigation. The investigator is typically an Equity Associate, but may also be an experienced external professional investigator. (The term Equity Associate, as used throughout this Investigation and Resolution Process, includes external professional investigators working for EOA.)

3. **Evidentiary Standard.** The applicable evidentiary standard for all violations of the Policy and/or Code is a preponderance of the evidence. This standard is met when the evidence shows that it is “more likely than not” that the alleged misconduct occurred.

   A respondent is presumed not to have violated the Policy and/or Code until a determination regarding responsibility is made at the conclusion of the Title IX Process.

4. **Consolidation of Investigation.** EOA has the discretion to consolidate multiple complaints into a single investigation if evidence relevant to one incident is relevant to the others and the allegations arise out of the same facts or circumstances. Consolidation might involve multiple complainants and a single respondent, multiple respondents, or conduct that is logically connected. Where the conduct is related or part of the same incident or series of incidents, EOA may investigate alleged violations of other university standards, policies, rules, and/or Code provisions.

5. **Notice of Allegations.** EOA will issue a notice of allegations to the respondent via their university e-mail account or via U.S. mail. EOA will issue a notice of acknowledgment of allegations to the complainant, also via their university e-mail account or via U.S. mail.
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a. The notice of allegations will provide a summary of the allegations, including: the names of the parties, if known; the date, time, and location of the alleged violation, if known; a brief summary of the nature of the reported conduct; the specific sections of the Policy and/or Code that are alleged to have been violated; the rights of each party; on-campus and off-campus resources available to each party; the prohibition against retaliation; the importance of preserving any potentially relevant evidence; the prohibition against initiating a false report and/or providing false information in connection with the investigation of a Title IX Complaint, if any; the name of the Equity Associate assigned to the investigation; how to challenge the participation of the Equity Associate on the basis of a conflict of interest or bias; the right to have an advisor of their choice, who may be, but is not required to be, an attorney; that they may inspect and review evidence; a copy of the Policy and/or Code, as applicable; and this Title IX Process. If the investigation reveals the existence of additional or different potential violations of the Policy and/or the Code, or of other university policies, rules, and/or Code provisions, EOA will issue a supplemental or new notice of allegations.

b. The Notice will indicate that the respondent will be presumed to be not responsible for the alleged Title IX Sexual Misconduct until a determination regarding responsibility is made at the conclusion of the Title IX Process.

c. The notice of allegations will request that the respondent contact EOA within three (3) business days to schedule a meeting with the Equity Associate. Typically the Equity Associate will schedule the initial meeting with the respondent no later than 10 business days after the notice of allegations has been sent to the respondent, in order to allow sufficient time for the respondent to prepare a response. The investigation will continue even if the respondent does not attend the initial meeting with the Equity Associate or if the respondent chooses not to actively participate in the investigation. Respondents can choose to participate at any point in the investigation, but may not be permitted to offer evidence to EOA once the Final Investigation Report has been issued.

6. Evidence Gathering. After the notice of allegations is sent, the Equity Associate will conduct a thorough and impartial investigation, gathering relevant information about the alleged misconduct. During the investigation, the complainant and the respondent will have equitable opportunities to provide the Equity Associate with the names and contact information of relevant fact or expert witnesses, documentation, and any other relevant inculpatory or exculpatory evidence related to the alleged misconduct.

Both the complainant and the respondent will be invited by the Equity Associate to meet separately with the Equity Associate.

a. Initial Meeting with Complainant

Before or during the Equity Associate’s initial meeting with the complainant, which typically takes place before the notice of allegations is issued, the Equity Associate will ensure that the complainant has information regarding rights and options, as set forth in Section F, Initial Assessment, some of which may already have been provided during the intake meeting. In addition, the Equity Associate will address the following:

• Explain the investigation process and timelines and answer any related questions;
• Explain the complainant’s rights and options under this Title IX Process, including the right to be accompanied at any step of the process by an advisor of their choice;
• Afford the complainant a full opportunity to provide information regarding the allegations, including providing the Equity Associate with relevant documentary evidence, the identity of potential relevant fact or expert witnesses, and to suggest questions to be asked of the respondent or any witnesses;
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b. Initial Meeting with Respondent

The Equity Associate’s initial meeting with a respondent, which takes place after the notice of allegations has been issued, is typically for the purpose of informing the respondent about the allegations and investigation process, including the right to submit a written response to the allegations, and about available support and resource options. Before or during the initial meeting with the respondent, the Equity Associate will address the following:

• Advise the respondent of available on-campus and off-campus advocacy and support resources, including confidential resources;
• Provide the respondent with a copy of the Policy, the Code, as applicable, and this Title IX Process;
• Explain the investigation process and timelines and answer any related questions;
• Explain the respondent’s rights and options under the Title IX Process, including the right to be accompanied at any step of the process by an advisor of their choice;
• Provide the respondent full opportunity during the initial meeting, or in a subsequent meeting(s) as necessary, to respond to the allegations and to provide information regarding the allegations, including providing the Equity Associate with relevant documentary evidence, the identity of potential relevant fact or expert witnesses, and to suggest questions to be asked of the complainant or any witness;
• Explain the university’s policy prohibiting retaliation;
• Inform the respondent that although they are not required to do so, they have the option to provide a written response to the allegations, and have ten (10) business days from the date of the initial meeting with the Equity Associate to provide that written response;
• Confirm with the respondent the process for requesting any Supportive Measures; and
• Schedule other meetings, if necessary.

c. Witnesses

In addition to meeting with the complainant and respondent, the Equity Associate will meet with relevant witness, who may have information relevant to the incident, who may have observed the acts in question, who may be able to provide contextual information, or who may have other information related to the incident or related matters, either directly or based on reports from either of the parties. Where witnesses are interviewed as part of the investigation, all information gathered in the interviews that is directly related to the Title IX Complaint will be included in the investigation record; all relevant evidence will be fairly summarized in the Investigation Report generated by the Equity Associate to document the investigation.
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Witnesses, including employees, are expected to cooperate with and participate in the investigation. Witnesses are expected to make themselves available to answer questions by phone, Zoom, or similar technology if they cannot be interviewed in person. Individuals who are not employees are encouraged and expected to participate and retaliation against an individual who refuses to participate is prohibited. Employees may be required to cooperate with and participate in the investigation and will not be retaliated against for their participation.

d. Evidence

The Equity Associate will also gather and consider other relevant information or evidence, including documents, photographs, communications between the parties, medical and/or counseling records (if voluntarily provided to EOA for its consideration by the individual who is the subject of the records with a voluntary, written consent), and other electronic records as appropriate.

e. Investigation/Evidence Gathering Process

The following apply to the investigation/evidence gathering process conducted by the assigned Equity Associate:

i. Statements made to the Equity Associate during the investigation will be documented in writing and offered for review for accuracy by the individual who provided the information. Individuals who review the accuracy of their statements may suggest clarifications, additions, or alternative language that they believe more accurately reflects what was said during the investigation interview; this information will supplement, not replace, the individual’s earlier statement. Individuals who elect to review their statements must provide a response to the Equity Associate within five (5) business days of receiving the written record.

ii. The Equity Associate may consider information publicly available from online sources that is brought to the attention of EOA. The university does not actively monitor online sources, however, and as with all potentially relevant information, the complaint, respondent, or witness should bring publicly available/online information to the attention of the Equity Associate if they believe it is relevant. The Equity Associate may also consider communications involving or relating to one or both parties that either party brings to the attention of the Equity Associate or that is provided by the parties in response to a request by the Equity Associate. The Equity Associate may also seek review of information available on university devices or servers, to the extent permissible and consistent with the university’s information technology policies.

iii. The Equity Associate may visit relevant physical sites or locations, as appropriate, and record observations through written, photographic, or other means. In some cases, the Equity Associate may consult medical, forensic, technological, or other experts when expertise on a topic is relevant in order to achieve a fuller understanding of the issues under investigation. The university generally will not consider polygraph results.

iv. In general, a person’s medical and counseling records are confidential and not accessible to EOA unless the person voluntarily chooses to share those records with the Equity Associate, and provides a voluntary, written consent. If medical or counseling records are shared by a party and are determined to be relevant to and relied on in the investigation, relevant information from the records will be included in the Investigation Report generated by the Equity Associate to document the investigation.

v. The Equity Associate will consider all information identified or provided by the parties and will determine the appropriateness, relevance, and probative value of the information developed or received during the investigation. In general, the Equity Associate will not consider statements of personal opinion or statements as to any party’s general reputation. All information gathered by the Equity Associate that is directly related to the Title IX Complaint allegations...
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vi. Prior or subsequent conduct may be considered in determining pattern, knowledge, intent, or motive. The determination of relevance of pattern evidence will be based on an assessment of whether the previous or subsequent conduct was substantially similar to the conduct under investigation or indicates a pattern of similar prohibited conduct. The Equity Associate will determine the relevance of this information, which may involve additional investigative steps, and both parties will be informed if evidence of prior or subsequent conduct is deemed relevant.

vii. The sexual history of the complainant or respondent, in a Title IX Complaint alleging Title IX Sexual Misconduct, will never be used by the Equity Associate to prove character or reputation. Evidence related to the prior sexual history of the parties is generally not used in determining whether a violation of the Policy and/or the Code has occurred and will only be considered by the Equity Associate when a determination is made that the evidence is directly relevant to the investigation.

viii. If either party leaves or graduates from the university during the investigation, EOA may proceed with the investigation or take further action as necessary to eliminate, prevent, or address any impacts of the reported Title IX Sexual Misconduct. This Title IX Process will continue to the extent necessary to ensure that the university has taken appropriate action in response to the Title IX Complaint. In some instances, the provision of Supportive Measures may be sufficient to resolve the reported concerns. EOA may, at its sole discretion, continue to offer a complainant who was affiliated with the university at the time the complaint was made, but who has since left or graduated, the opportunity to participate in the process.

7. Investigation Record and Final Investigation Report. At the completion of the evidence-gathering, the Equity Associate will prepare an investigation record containing all information gathered in the investigation that is directly related to the allegations in the Title IX Complaint and the Policy and/or Code violations with which the respondent has been charged, and will provide the complainant and the respondent equal and timely access to the investigation record. The investigation record will contain all directly related information gathered in the course of the investigation, including statements by the parties and witnesses, relevant evidence submitted by the parties and witnesses, and any other evidence determined by the Equity Associate to be related to the alleged Title IX Sexual Misconduct, including inculpatory and exculpatory evidence whether obtained from a party or other source, and whether or not the Equity Associate considers the information relevant to the allegations. The Equity Associate will prepare a draft investigation report summarizing all relevant information gathered in the fact-gathering phase of the investigation.

a. EOA will offer the complainant, the respondent, and their advisors, if any, equal opportunity to review and inspect the draft investigation report and investigation record in-person in the EOA office or through a secure online platform. No copies, photographs, saving, or sharing of the investigation record or draft investigation report will be permitted.

b. The parties will have the opportunity to respond to the draft investigation report and investigation record, with the response due in ten (10) business days from the date the draft investigation report and investigation record are made available for review. Either party may request an extension of the ten (10) business day timeframe to provide their response. The request must be made to the Equity Associate in writing prior to the expiration of the deadline for submission of the response, with an explanation of the good cause for the request. The Equity Associate will notify both parties simultaneously of their decision regarding any requested extension.
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c. The party’s response may: (1) provide written comments or feedback to information within the draft investigation report or investigation record, (2) submit additional information or follow up questions to be asked of the other party or any witness, (3) identify additional witnesses, and/or (4) request the Equity Associate collect other relevant information, with the request indicating generally the nature of the other relevant information the party believes is available. The Equity Associate will determine the appropriateness of additional investigative steps and the relevance of additional information. If either party submits questions for the other party or witnesses, the questions submitted may be asked as provided, asked as modified by the Equity Associate, or not asked at all, based on the Equity Associate’s determination of whether or not the questions are relevant or may provide clarity to the investigation. A written record of the questions asked by the Equity Associate and the answers to those questions will be included in the investigation record. If either party provides a written response or makes a request for additional investigation, the written response and any additional substantive information gathered by the Equity Associate will be incorporated as appropriate in the final investigation report.

d. Unless there are significant additional investigative steps requested by the parties, the Equity Associate will prepare a final investigation report, normally within ten (10) business days after receipt and consideration of additional comments, questions, and/or information from the parties. The final investigation report will include the relevant information contained in the investigation record, the parties’ responses to the investigation record and draft investigation report, and an overview of areas of contested or uncontested information.

e. The Equity Associate will forward the final investigation report and the investigation record to the appropriate university representative designated by the Title IX Coordinator to serve as the decision-maker. Generally, the Director, SCCS, or their designee, will serve as the decision-maker for those matters involving a student respondent, and the AVP/SD of ELR, or their designee, will serve as the decision-maker for those matters involving an employee respondent.

L. Administrative Hearing and Appeal.

1. Live Administrative Hearing

The administrative hearing is a live hearing intended to provide the parties with an equitable opportunity to respond to information contained in the final investigation report, and to question the relevancy and reliability of that information, by posing relevant questions to the other party or witnesses, through their advisor, orally and in real-time.

a. Overview: The administrative hearing is the process the university uses to determine whether or not the Policy and/or Code have been violated. The administrative hearing will be conducted by the decision-maker who will determine responsibility. When determining responsibility, the decision-maker will presume the respondent is not responsible unless and until the available relevant evidence establishes, by a preponderance of the evidence, that they are responsible. The decision-maker will be free from actual conflict of interest or bias for or against complainants or respondents generally or individually.

The decision-maker will conduct the administrative hearing in the following manner:

b. Hearing Date: The decision-maker will set the date for the live administrative hearing. The period of time between the live administrative hearing date and the Notice of Hearing will be at least ten (10) business days.

c. Notice of Hearing: The decision-maker will issue a Notice of Administrative Hearing to the parties, generally within five (5) business days of receipt of the Final Investigation Report and Investigative Record. The Notice of Hearing will include: the name of the decision-maker; information regarding the date, time,
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and location of the administrative hearing and how a party may request a meeting location separate from the other party; the party’s opportunity to have an advisor of their choice at the hearing and the role of the advisor, including the requirement that the party's advisor must ask any questions the party seeks answered at the hearing by the other party or witnesses; a statement that if a party or a witness does not attend the administrative hearing, that party's or witness's information must not be relied on by the decision-maker; and the process for requesting disability accommodations and language assistance.

The decision-maker will provide each party and their advisor, via the Notice of Hearing, electronic access to the final investigation report and investigation record. The final investigation report and investigation record will be made available to the parties through the completion of the administrative hearing process unless the process is placed on hold by the decision-maker.

d. Participation: The administrative hearing is a closed proceeding, not open to the public. The individuals who may participate in the administrative hearing are the decision-maker and their advisor, complainant and their advisor, respondent and their advisor, the Equity Associate, any relevant fact or expert witness called to the hearing, and any university staff involved in facilitating the administrative hearing.

e. Advisors: A complainant or respondent may be accompanied to the hearing by any one (1) advisor of their choice.

If a party does not attend the administrative hearing with an advisor, the decision-maker will assign the party an advisor of the university's choice, without fee or charge to the party, for the purpose of conducting oral questioning of the other party and any witnesses. The university is not obligated to assign an advisor of equal professional standing as the advisor of the other party. However, the university will seek to assign an advisor who is versed in this Title IX Process.

f. Non-Participation: The parties must be present for the administrative hearing. If a party or a witness does not attend the administrative hearing, or does not participate in questioning by a party's advisor, the decision-maker must not rely on any statements of that party or witness when making a determination of responsibility. However, the decision-maker may consider other documentary evidence submitted by the party or witness. The decision-maker may not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

g. Separate Locations: Either party may request to participate in the administrative hearing in a separate location using applicable technology that allows the decision-maker and the parties to simultaneously see and hear the party or witness answering questions. Requests for separate locations should be submitted to the decision-maker five (5) business days prior to the administrative hearing.

h. Determinations of Relevancy: The decision-maker will determine the relevancy of all information offered, reviewed, or considered in the administrative hearing. Determinations of relevancy will be based on whether the information is directly related to the allegations and whether it will assist in resolving disputed issues between the parties. Questions regarding the complainant's past sexual behavior will be deemed not relevant unless questions or information about the complainant's past sexual behavior are posed to establish that someone other than the respondent engaged in the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

i. Hearing Procedures: Generally, the administrative hearing will proceed as follows:

i. The decision-maker will ask the Equity Associate to provide a summary of the Final Investigation Report, including undisputed and disputed issues identified during the investigation. The decision-maker will pose questions of the Equity Associate. The parties’ advisors will be given the opportunity to separately pose relevant questions and follow-up questions of the Equity Associate. The decision-maker will inform the Equity Associate that prior to answering a question from the parties’ advisors, they are to wait for the decision-maker to first determine whether or not the question is relevant and is to be answered. The decision-maker will explain any determination to exclude a question as not relevant.
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ii. The decision-maker will separately pose questions of the parties and witnesses. The parties, through their advisor, will have the opportunity to pose relevant questions and follow-up questions of the other party and witnesses. With each individual, the decision-maker will ask their questions of that individual first and then allow each party’s advisor to ask their questions. The decision-maker will inform the parties and witnesses that prior to answering a question from the parties’ advisors, they are to wait for the decision-maker to first determine whether or not the question is relevant and is to be answered. The decision-maker will explain any determination to exclude a question as not relevant.

j. Recording or Transcript: An audio or audiovisual recording, or transcript, of the administrative hearing will be created by the university. The university reserves the right to determine the method of recording or transcription. While the recording or transcript is the sole property of the university, the university will make it available to the parties for inspection and review after the notice of decision is issued. The recording or transcript will remain available to the parties until either the appeal time frame has expired or an appeal decision is issued. Failure by the university to record or transcribe all or part of the administrative hearing due to an error and/or malfunctioning device will not be grounds for appeal.

k. Timelines: The timelines the administrative hearing process sets for the parties are firm. However, if a party wishes to modify a timeline, the party should submit a written request to the decision-maker for the requested modification. The written request must show good cause for modifying the timeline and must be submitted before the deadline. While the decision-maker has sole authority to grant or deny a request to modify a timeline, the decision-maker may consult with the Title IX Coordinator, or their designee, if necessary. The decision-maker, or designee, will send simultaneous notices of any timeline modifications to the parties. The parties may request periodic updates from the decision-maker, or designee, as to the status of the administrative hearing process.

I. Conclusion of Hearing: Once the live hearing has been concluded, the administrative hearing process will be considered concluded.

2. Notice of Decision

After the conclusion of the administrative hearing process, the decision-maker will make a decision as to whether there has been a violation of Policy and/or the Code based on the final investigation report, the written statements and responses of the parties, if any, to the investigation record and/or final investigation report, and any other relevant information provided during the administrative hearing.

Generally, the decision-maker will issue a written notice of decision within twenty (20) business days after the conclusion of the administrative hearing. The decision-maker may extend the deadline if needed. The written notice of decision will be issued simultaneously to both parties.

Timelines may be increased for employee matters that may result in discipline in order to comply with University policies, applicable collective bargaining agreements, and/or additional established processes.

a. The written notice of decision will include: a list of the allegations; a summary of the procedural steps taken from receipt of the Title IX Complainant through the determination of responsibility; the determination of responsibility for each alleged violation of the Title IX Sexual Misconduct Policy and/or the Code; the findings of fact and the rationale that shaped the determination; any disciplinary sanctions assigned to the respondent and the rationale for each disciplinary sanction; any remedies designed to restore or preserve complainant's equal access to the university's education programs or activities provided to the complainant, and the rationale for each remedy, if any; and information regarding the procedures and bases for either party to appeal the decision-maker's determinations of responsibility.

b. The determination of responsibility becomes final either on the date an appeal would no longer be considered, or, if an appeal is filed, on the date the parties are provided with the appeal written Notice of Determination.
Appendix C: Sexual Misconduct and Discrimination Investigation and Resolution Process for Title IX Complaints

3. Appeals

a. Appeal of a Title IX Complaint Dismissal: Either the complainant or the respondent may appeal the Title IX Coordinator’s dismissal of a Title IX Complaint or any allegations therein. The appeal must be submitted within five (5) business days after the Notice of Dismissal is issued. Appeals of a Title IX dismissal are to be filed with the Title IX Coordinator at eoa@oregonstate.edu.

b. Appeal of the notice of decision: Either the complainant or the respondent may appeal the decision-maker's notice of decision. The appeal must be submitted within five (5) business days after the notice of decision is issued. Appeals are to be filed electronically with the Director, SCCS, at sccs@oregonstate.edu for matters involving student respondents, or with the Title IX Coordinator at eoa@oregonstate.edu for matters involving employee respondents. Appeals that are not submitted within five (5) business days, that do not list specific grounds for the appeal, or that do not fall under one of the listed grounds will not be considered.

c. Grounds for appeal: The request for an appeal must include specific justification on at least one of the following grounds:

   i. Procedural irregularity that affected the outcome of the matter;
   ii. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
   iii. The Title IX Coordinator, Equity Associate, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally, or the individual complainant or respondent that affected the outcome of the matter.

d. Review by an appellate decision-maker: If an appeal is filed by either party, the appeal will be forwarded to the appropriate appellate decision-maker. The appellate decision-maker will be an impartial decision-maker trained in issues related to Title IX and not the same person as the decision-maker who reached the original determination. Generally, the Director of Compliance, or their designee, will serve as the appellate decision-maker for appeals of a Title IX Complaint Dismissal, the Vice Provost for Student Affairs, or their designee, will serve as the appellate decision-maker for those matters involving a student respondent, and the Chief Human Resources Officer or the Senior Vice Provost for Faculty Affairs, or either of their designees, will serve as the decision-makers for those matters involving an employee respondent.

e. Notification of appeal: The appellate decision-maker will notify the other party of the appeal. The non-appealing party will be provided an opportunity to review the appeal and submit any relevant information they want considered by the appellate decision-maker. If a non-appealing party chooses to submit a response to an appeal, they must do so within five (5) business days from the date they receive notice of the appeal.

f. Notice of Decision: The appellate decision-maker will issue a written decision describing the result of the appeal and the rationale for the result.

   i. The appellate decision-maker has the authority to sustain, alter, or reverse the dismissal, findings and/or sanctions in part or entirely. The appellate decision-maker may also remand the matter to the appropriate review level, either the administrative hearing decision-maker or the Equity Associate, for further consideration.

   ii. In the case that the appellate decision-maker reverses the dismissal of the Title IX Complaint, the complaint will proceed under this Title IX Process.
Appendix C: Sexual Misconduct and Discrimination Investigation and Resolution Process for Title IX Complaints

M. Disciplinary Sanctions and Action

1. Disciplinary Sanctions – Student Respondents

In keeping with the university’s commitment to foster and maintain an environment that is safe, inclusive, and free from Title IX Sexual Misconduct, the Director, SCCS, or their designee, will assign sanctions that are proportionate to the facts and circumstances of each Title IX Complaint, the impact of the conduct on the complainant, the impact on the campus or surrounding community. The imposition of sanctions is designed to eliminate Title IX Sexual Misconduct, prevent its recurrence, and remedy its effects, while supporting the university’s educational mission, and state and federal obligations. Sanctions may include educational, restorative, and rehabilitative components. Some conduct, however, is so egregious in nature, harmful to the individuals involved, and/or so detrimental to the educational process that it requires severe sanctions, including suspension or expulsion.

As set forth in more detail in Section 6 of the Code, potential sanctions for student respondents may include, but are not limited to: warnings, educational activities, behavioral expectations, restitution, restrictions/exclusions, no contact directives, suspension, and expulsion. Sanctions may be imposed individually or in combination. See Section 6 of Code of Student Conduct for the entire list of possible university sanctions.

The Director, SCCS, or designee, has final decision-making authority with regard to sanctions, subject to available appeals. Any sanctions will be determined in accordance with the Code or other applicable university policy. Where the respondent is assigned sanctions, SCCS will monitor compliance with the sanctions imposed. Where no violation is found, the investigation will be closed unless the complainant files an appeal.

2. Disciplinary Action – Employee Respondents

When the decision-maker determines that available information establishes that the respondent engaged in conduct that violated the Policy, disciplinary action may be imposed. The decision-maker will confer with the respondent’s supervisory chain in determining what disciplinary action is appropriate, consistent with university policy and any applicable collective bargaining agreement.

Disciplinary action is designed to eliminate prohibited Title IX Sexual Misconduct, prevent its recurrence, and remedy its effects, while supporting the university’s educational mission, and state and federal obligations. Disciplinary action may include, but is not limited to: written reprimand, suspension with or without pay, or dismissal. More information about possible disciplinary sanctions is available from ELR, other university policies, and in applicable collective bargaining agreements.

N. Additional Provisions.

1. Advisors.

The parties may each elect to be accompanied by one advisor to any meeting or interview conducted under the Title IX Process. Both parties must have an advisor during the administrative hearing process, as referenced in Section M, Disciplinary Sanctions and Action, above.

An advisor can be a friend, family member, union representative, attorney, advocate, or any individual of the party’s choosing. The role of the advisor is to support...
the party and/or give advice regarding the process. An advisor may observe, take notes, request breaks to consult with the party, and ask for clarification about the process.

Except during the administrative hearing, an advisor may not directly participate in the process, answer questions for the party, interject comments that disrupt the meeting, or interrupt the process to such an extent that the purpose of the meeting is impaired. If an advisor violates these restrictions, as determined by the Equity Associate or decision-maker, or designee, they will be given one warning. If the disruptive conduct continues, they will be requested and expected to leave the meeting or interview. The party can then elect to be accompanied by a new advisor.

For employee parties, an attorney may serve as the advisor and attend meetings up through and including the appeal process, if any, but not extending to the disciplinary action process, if any.

2. Participation.

Parties, whether employees or students, are strongly encouraged to directly participate in all stages of the Title IX Process. If a respondent chooses to not participate in the Title IX Process, the matter may proceed without them and a decision may be made in the absence of any input from the respondent.

3. Accessibility.

It is the policy of the university to comply with Sections 503 and 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (“ADA”), as amended by the ADA Amendments Act of 2008, and other applicable federal and state law that prohibits discrimination on the basis of a disability.

The university is committed to making the Title IX Process as accessible as is reasonable and practicable for all students, employees and other involved parties. Students, employees, or other involved parties who are off-campus or otherwise unable to participate in-person may request arrangements to participate in other ways (including by providing written statements, through telephonic or online means, etc.). EOA will offer reasonable accommodations to employees and students whose ability to participate in the process is limited or constrained because of a qualifying disability. Employees or students who require a disability accommodation, language support, or who may have other factors that could impact their ability to participate should contact EOA as early as possible in the process to make a request for assistance, which will then be reviewed by EOA. EOA’s ability to accommodate requests may be limited without enough advance notice.

4. Safeguarding Privacy.

Complainants and respondents are not restricted from discussing or sharing information with others who may support or assist them during the process, nor are they prohibited from seeking resolution in court or an applicable state or federal agency.

All parties are encouraged to exercise discretion in sharing information in order to safeguard the integrity of the process and to avoid retaliation or the appearance of retaliation.

While discretion is encouraged, this Title IX Process should not be understood to limit the legal rights of the parties during or after resolution. The university may not, by federal law, prohibit either party from disclosing the final outcome (after any appeal is concluded). All other conditions for disclosure are governed by the Faculty Records policy or the Family Educational Rights and Privacy Act (“FERPA”), as applicable, and any other applicable laws.

All records of completed informal resolutions and investigations are considered faculty/employee records of the involved employees and education records of the involved students, and retained by the relevant office in compliance with the university’s policies. These records are available for review only by the parties as provided by and during this process. Access to records of informal resolutions or investigations is substantially limited after the completion of the matter.
Appendix C: Sexual Misconduct and Discrimination Investigation and Resolution Process for Title IX Complaints

Redacted records may be available to a party, as determined by the university, in compliance with the Faculty Records policy and FERPA, as applicable, and other applicable law.

5. **Coordination with Law Enforcement.**

If there is a concurrent criminal investigation, the university will seek to work in a collaborative manner in order to respect the integrity of both the external criminal investigation and the university investigation. This may include (where consistent with other federal or state privacy laws): contacting the law enforcement agency that is conducting an investigation to inform that agency that a university investigation is also in progress; attempting to ascertain the status of the criminal investigation; and seeking to determine the extent to which any evidence collected by law enforcement may be available to the university in its investigation.

6. **Training for University Staff.**

All university staff tasked with implementing the Title IX Process, including investigators, decision-makers, and appellate decision-makers, will participate in annual continuing education on related topics as required by applicable law. All Equity Associates who serve as investigators, and all decision-makers receive relevant training on how to conduct fair and impartial investigations and adjudications that provide parties with notice and a meaningful opportunity to be heard, and that foster the safety of the parties and all participants while promoting accountability.

7. **Conflicts of Interest.**

The university is committed to ensuring that this Title IX Process is free from bias or conflicts of interest that would affect the outcome or resolution. Any concerns regarding conflict of interest or bias in this process should be submitted promptly to the Title IX Coordinator.

8. **Recordkeeping.**

All offices involved in this Title IX Process will retain, in accordance with the university’s records retention schedule, records of all reported concerns, Title IX Complaints, investigations, and resolutions involving alleged violations of the Policy.
Appendix D: Sexual Misconduct and Discrimination Investigation and Resolution Process for Non-Title IX Complaints against Students

A. Overview.

Oregon State University (“university”) is committed to creating an equitable and inclusive campus free of violence, harassment, and discrimination. All individuals who are participating in university programs and activities have the right to do so fully, free from sexual misconduct, discrimination, and retaliation. The university prohibits sexual misconduct, including sexual harassment, non-consensual sexual intercourse or other sexual contact or activity, intimate partner violence, sexual exploitation, and stalking, as set forth in University Policy 05-001 Sexual Misconduct and Discrimination (“Policy”) and Section 4.4, Discrimination and Sexual/Gender-Based Misconduct (“Discriminatory Misconduct”), of the Code of Student Conduct (“Code”).

This Sexual Misconduct and Discrimination Investigation and Resolution Process for Complaints against Students (“Student Process”) applies in instances in which an Oregon State University student is alleged to have violated non-Title IX provisions of the Policy and/or Discriminatory Misconduct provisions of the Code, regardless of the status of the complainant. However, the rights of complainants articulated in this Student Process, particularly as to Interim Support and Protective Measures (Section I) and engagement in the Administrative Conference process (Section L.8) and Appeals (Section L.11) are available only to complainants who are Oregon State University students.

This Student Process sets forth the procedures that will be used to investigate and resolve complaints that allege non-Title IX violations by students of the Policy and/or Discriminatory Misconduct provisions of the Code. Additionally, EOA may investigate alleged violations of other university policies and rules associated with the Policy and Code when the alleged violations arise out of the same incident or pattern of behavior.

This document also includes information about resources and supports available to students (both complainants and respondents).

For the purposes of this Student Process, a student is: an admitted person demonstrating acceptance of admission through participation in orientation programs or early start programs; a person who is enrolled or dually enrolled; a person enrolled online; a person between academic terms; a graduate awaiting a degree; a person on an approved educational leave; a person currently serving a suspension, including administrative suspension; a person who is not currently enrolled but can register without re-applying; a person who withdraws while a disciplinary matter, including an investigation, is pending; and, a person who is eligible to receive any of the rights and privileges afforded a person who is enrolled.

B. Accessibility.

It is the policy of the university to comply with Sections 503 and 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (“ADA”), as amended by the ADA Amendments Act of 2008, and other applicable federal and state regulations that prohibit discrimination on the basis of a disability.

EOA is committed to making the Student Process as accessible as possible for all students. Students off campus or otherwise unable to participate in-person may request arrangements to participate in other ways (including by providing written statements, through telephonic or online means, etc.). Students with disabilities have the right to reasonable accommodations. EOA will offer reasonable accommodations to students whose ability to participate in the process is limited or constrained because of a qualifying disability. Students who require a disability accommodation, language support, or who may have other factors that could impact their ability to participate should contact EOA as early as possible in the process to make a request for assistance, which will then be reviewed by EOA. EOA’s ability to meet requests may be limited without enough advance notice.

1 This process is for university sexual misconduct and discrimination allegations against students that do not fall within Title IX prohibited conduct. See the Title IX Investigation and Resolution Process for allegations falling within the definitions of Title IX prohibited conduct.

2 References to University Policy 05-001 throughout this document are only for the non-Title IX provisions of the policy. The process for allegations suggesting possible violation of Title IX provisions of University Policy 05-001 are addressed within the Title IX Investigation and Resolution Process.

3 Throughout this Student Process, the term “student” also includes “student organization,” as defined by the Code of Student Conduct, when complaints allege violations by student organizations.

4 Complaints alleging a violation of University Policy 05-001 by parties who are not Oregon State University students will be addressed under the Sexual Misconduct and Discrimination Investigation and Resolution Process for Complaints against Employees.
Appendix D: Sexual Misconduct and Discrimination Investigation and Resolution Process for Non-Title IX Complaints against Students

C. Scope of Policy.
EOA is the university office charged with investigating all reported violations of University Policy 05-001 Sexual Misconduct and Discrimination, and Section 4.4, Discriminatory Misconduct, of the Code of Student Conduct. EOA is responsible for responding to all complaints by students, employees, or third parties, or anyone prevented from participating in a university program, that are brought against students, employees, or third parties.

University staff tasked with implementing the Student Process will participate in continuing education on related topics as required by applicable law. All Equity Associates, who serve as investigators for all allegations of a Policy and/or Discriminatory Misconduct violations, receive training on issues related to sexual and gender-based harassment, sexual assault, dating violence, domestic violence, and stalking, and on how to conduct an investigation that is fair and impartial, that provides parties with notice and a meaningful opportunity to be heard, and that protects the safety of the parties and all participants while promoting accountability. EOA may consult with other university administrators as part of this Student Process.

D. Reporting.
EOA will respond to all verbal, written, and electronic complaints of conduct that may violate the Policy and/or Discriminatory Misconduct provisions under the Code. In some instances, EOA may initiate an investigation in the absence of a formal complaint. The university encourages individuals to bring forward complaints and information as soon as possible after the alleged violation occurs in order to maximize the university’s ability to respond promptly and effectively. While there is no timeframe for making a complaint, prompt reporting will better enable EOA to respond to the complaint, determine the relevant issues, and provide an appropriate response and/or action. Even if a significant amount of time has passed, the university encourages individuals to still report incidents that may violate the Policy and/or Code. Delay in making a complaint may impede EOA’s ability to conduct an investigation or take appropriate responsive actions. In addition, depending on the relationship of the respondent to the university, the university may no longer have the authority to impose disciplinary action due to the passage of time. Where the university may not have disciplinary authority, the university will still seek to evaluate the reported conduct, provide reasonably available Interim Support Measures, assist the complainant in identifying external reporting options, and take reasonably available steps to end the misconduct, prevent its recurrence and address its effects. While EOA will respond to all verbal, written or electronic complaints providing notice regarding a concern, submission of a complaint does not always result in either an investigation or a facilitated resolution, as addressed more fully in the section G, Initial Assessment.

Amnesty: Oregon State University encourages all campus community members to report behavior associated with sexual misconduct and discrimination. To support such reporting, the university will not pursue student conduct proceedings against a complainant, a respondent, or witness for their personal use of alcohol, marijuana or other drugs at or near the time of the incident provided their use did not place the health or safety of any other person at risk. Oregon State University may, however, initiate an educational discussion with any student regarding their personal use of alcohol, marijuana or other drugs.

Anonymous Complaints: With the exception of a “Responsible Employee” (which includes most university employees, including faculty), an individual can choose to make a complaint anonymously, but EOA’s ability to investigate complaints or take responsive action may be limited based on the amount of information available to EOA. For example, the possible response may be limited if information contained in the complaint is insufficient to verify violation(s) of the Policy and/or Code or to identify the parties involved. The Title IX Coordinator or their designee has the discretion to determine how EOA will respond to an anonymous complaint. In general, providing information may help the university maintain accurate records regarding the number of incidents involving students, employees, and third parties; determine if there is a pattern of conduct with regard to a particular location or respondent; and alert the campus community to potential dangers when appropriate.

5 See Section I, Interim Measures.
Appendix D: Sexual Misconduct and Discrimination Investigation and Resolution Process for Non-Title IX Complaints against Students

E. Privacy.

All complaints made to EOA are treated as private information, and will generally be shared only in the most limited manner possible. Information regarding the complaint may be shared on a “need to know” basis with other university employees, for instance, to facilitate requests for interim measures. Student medical and counseling records are considered privileged and confidential documents. Students may, but are not required to, disclose those types of documents to EOA as part of this process. To the extent medical and counseling records shared by a party are determined relevant to and are relied upon by EOA in connection with an investigation, they will be made available for review by the other party.

F. Timeframe for Resolution.

The process for resolution begins when EOA is notified of a complaint. EOA will attempt to resolve all complaints as promptly as possible, consistent with the need to conduct sensitive and informed fact-gathering to ensure an equitable resolution. The Student Process designates reasonably prompt timeframes for the major stages of the investigation and resolution process, but the university may extend any timeframe in this Process for good cause. An extension may be required: to ensure the integrity and thoroughness of the investigation; to comply with a request by law enforcement; in response to the unavailability of the parties or witnesses; or for other legitimate reasons, such as intervening breaks in the academic calendar, university finals periods, the complexity of the investigation, the volume of information, number of witnesses, length of the written record, and/or the severity and extent of the alleged misconduct. Investigations will proceed according to the timeframes in this Student Process to the extent possible during the summer and at other times when classes at the university are not in session. EOA will work with the parties to balance the need for promptness and the preference for in-person meetings regarding the investigation.

Timeframes for all phases of the investigation process, including disciplinary proceedings, and any related appeal process, apply equally to both the complainants and respondents. While requests for delays in the investigative process by the parties may be considered, the university cannot unduly or unreasonably delay the prompt resolution of a complaint under this Student Process. Reasonable requests for delays by the parties will serve to extend the time for resolution of the reported incident. The university has the authority to determine whether an extension is required or warranted by the circumstances. The university will keep the parties advised of the progress of the process.

Although cooperation with law enforcement may require the university to suspend the fact-finding portion of a sexual misconduct and discrimination investigation temporarily, the university will generally resume its investigation as soon as it is notified by the law enforcement agency that the agency has completed its evidence gathering process. The university generally will not wait for the conclusion of a criminal proceeding to begin its own investigation and, if needed, will take immediate steps to provide appropriate Interim Support Measures for the parties.

G. Initial Assessment.

Upon receipt of a complaint, EOA will take immediate and appropriate steps to review and resolve the matter promptly and equitably. The first step in this process is called an Initial Assessment.

As part of the Initial Assessment, EOA will gather information about the reported conduct, respond to any immediate health or safety concerns raised by the complaint, and evaluate if the reported conduct is within the scope of EOA’s authority. If the complaint is determined to be within the EOA’s jurisdiction and to assert information that, if true, would constitute a violation of the Policy and/or the Code, EOA will refer the complaint to an EOA Equity Associate to determine, with input from the complainant, the appropriate manner of resolution under the Student Process.

As part of the Initial Assessment, EOA will seek to meet with the complainant and will provide the complainant with written information on available campus and community resources and support, including law enforcement contact information, and process options, including the facilitated resolution process and the investigation process.
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During the Initial Assessment, EOA will typically:

- assess the nature and circumstances of the complaint, including whether it provides the names and/or any other information that identifies the complainant, the respondent, any witness, and/or any other individual with knowledge of the reported incident;
- address immediate physical safety and emotional well-being of the complainant and/or the campus community;
- notify the complainant of their right to contact (or decline to contact) law enforcement or seek a civil protection order, and that EOA will coordinate with law enforcement, appropriately, to minimize delay in its action on the matter;
- notify the complainant of the right to seek medical and/or counseling treatment to address physical or mental health issues;
- notify the complainant of the importance of preservation of evidence, including a forensic sexual assault examination and any relevant documentary evidence;
- provide the complainant with a written copy of EOA’s Campus/Community Resources and Rights document, which contains information about their rights to report, civil and legal options, campus-based services and disciplinary processes, privacy policy information and state and community resources and services, including on and off campus advocacy, support, healthcare and confidential resources;
- notify the complainant of the range of Interim Measures available, including the right to reasonable Interim Support Measures regardless of whether they choose to participate in a university or law enforcement investigation;
- notify the complainant of the range of available Interim Protective Measures;
- provide the complainant with a copy of the Policy, the Code and this Student Process and an explanation of the procedural options, including the facilitated resolution process and the investigation process;
- notify the complainant of the right to be accompanied at any step of the process by an advisor of their choice;
- discuss the complainant’s expressed preference for manner of resolution and any barriers to proceeding (e.g., privacy or retaliation concerns); and
- explain the university’s policy prohibiting retaliation and how to report acts of retaliation.

EOA will seek to complete the Initial Assessment within ten (10) business days of when EOA is notified of a complaint and if the complainant chooses to engage in the process. However, there may be circumstances where the Initial Assessment takes longer based on the availability or participation of the complainant, the availability of other necessary information, a complainant’s request to maintain privacy or not seek disciplinary action, or other factors outside of the university’s control. EOA understands that a complainant may engage in delayed decision-making, which may impact the timing of the conclusion of the Initial Assessment.

If EOA determines the complainant has submitted a complaint that is not within the scope of the Policy and/or Discriminatory Misconduct provisions or should be processed through another campus office or university procedure available to the complainant, EOA will provide the complainant with written notice of this determination in a timely manner, including if appropriate, directing the complainant to that procedure or office as soon as possible. EOA will maintain a record of the complaint and the reasons the complaint was deemed not within the scope of the Policy and/or Discriminatory Misconduct provisions.

In matters where the complainant does not wish to pursue an investigation, EOA will inform the complainant that the ability to take corrective action may be limited. EOA may independently determine that an investigation should proceed separate from the intent or wishes of the complainant. (See Section H. Requests for EOA Not to Investigate an Allegation)

If an alleged violation is reported by a witness, bystander, or other person, EOA will treat the person impacted by the reported violation (“impacted party”) as the complainant for purposes of this Student Process. EOA will attempt to contact the impacted party three times. If the impacted party does not respond to EOA contact after the third attempt, EOA will conclude the impacted party does not wish to pursue an investigation or resolution process, and generally, close the matter. In cases with certain fact patterns, the Title IX Coordinator or their designee, may decide that EOA will conduct an investigation without the participation of the
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impressed party. (See Section H. Requests for EOA Not to Investigate an Allegation). The impacted party can later make EOA aware that they want to participate and EOA will generally allow them to participate if EOA is still in the investigation/evidence gathering phase of its investigation.

At the conclusion of the Initial Assessment, EOA will proceed with one of the following options:

1. Proceed with an investigation. This will occur when a complaint is determined to be within the scope of the Policy and/or Discriminatory Misconduct provisions, and the complainant requests an investigation, when EOA makes a determination to proceed with an investigation even when a complainant requests that no investigation be pursued, or when facilitated resolution is requested but not appropriate or available.

2. Proceed with facilitated resolution. This will always require the consent of the complainant. The consent of the respondent is also required when the proposed resolution requires action by or imposes restrictions on the respondent. Facilitated resolution includes situations where a complainant requests Interim Support Measures only.

3. If outside the scope of the Policy and/or Discriminatory Misconduct provisions, refer the matter to another appropriate office or department for resolution.

When EOA decides to initiate an investigation, impose Interim Protective Measures, or take any other action that impacts a respondent, the assigned Equity Associate will ensure that the respondent is notified and receives written information on available resources and procedural options, as provided in this Student Process.

H. Requests for EOA Not to Investigate an Allegation.

In order to protect the safety of the campus community, EOA may need to proceed with an investigation even if a complainant specifically requests that the matter not be pursued. EOA may also initiate an investigation of potential violations of this Policy and/or Code even absent a formal complaint or identified complainant or respondent and even if a complaint has been withdrawn. In such a circumstance, EOA will take into account the complainant’s concerns, the safety of the campus community, fairness to all individuals involved, and the university’s obligations under applicable state and federal law.

A complainant may request that their name or other personally-identifiable information not be shared with a respondent, that no investigation be pursued, or that no disciplinary action be taken. In these instances, before taking any further investigative steps that would involve notifying the respondent, EOA will discuss any concerns with the complainant and seek to address and remedy barriers to reporting based upon concerns about retaliation or questions about procedural options and potential outcomes.

The Title IX Coordinator or their designee will balance the complainant’s request against the following factors in reaching a determination on whether the request can be honored:

1. The totality of the known circumstances;
2. The nature and scope of the alleged conduct, including whether the reported conduct involves the use of a weapon;
3. The risk that the respondent will commit additional acts of sexual or other violence, as informed by previous or multiple sexual misconduct complaints involving the respondent; a history of violence by the respondent; or, threatened further sexual violence or other violence against the complainant or others by the respondent;
4. Allegations that the sexual misconduct was committed by multiple perpetrators;
5. The risk posed to any individual or to the campus community by not proceeding, including the risk of additional violence;
6. Whether the complaint reveals a pattern of misconduct related to Prohibited Conduct (e.g., via illicit use of drugs or alcohol) at a given location or by a particular respondent;
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7. The respective ages and roles of the complainant and respondent, including whether the conduct involves a complaint of sexual misconduct perpetrated against a minor;
8. The complainant's interest in the university not pursuing an investigation or disciplinary action and the impact of such actions on the complainant;
9. The availability of other means to obtain relevant evidence of the sexual misconduct without the participation of the complainant (e.g., security cameras or personnel, physical evidence, criminal process, etc.);
10. Fairness considerations for both the complainant and respondent;
11. The university's commitment to provide a safe and non-discriminatory environment; and
12. Any other available and relevant information.

EOA will consider what steps may be possible or appropriate when a respondent is unknown or the complainant requests anonymity, and what other measures or remedies might be considered to address any effects of the reported behavior on the campus community. The Title IX Coordinator or their designee will make a determination regarding the appropriate manner of resolution under the Policy and Student Process. EOA will seek resolution consistent with the complainant's request, if it is reasonably possible to do so, based upon the facts and circumstances, while also protecting the health and safety of the parties and the campus community.

Where EOA determines that a complainant's request(s) can be honored, the university may nevertheless take other appropriate steps to stop the reported conduct, prevent its recurrence, and address its effects on the complainant and the campus community. Those steps may include offering appropriate support measures to the complainant, providing targeted training and prevention programs, and/or providing or imposing other remedies. The Title IX Coordinator or their designee may also re-open a complaint under the Student Process if any new or additional information becomes available, and/or if the complainant later decides that they would like to pursue an investigation.

The university's ability to investigate and respond fully to a complaint may be limited if the complainant requests anonymity or declines to participate in an investigation. The university will, however, pursue other steps to limit the effects of the reported conduct and prevent its recurrence. In all cases, the final decision on whether, how, and to what extent EOA will conduct an investigation and whether Interim Support or Protective Measures will be taken in connection with a complaint of sexual misconduct will be made in a manner consistent with the Policy, the Code and the Student Process.

In those instances when EOA determines that it must proceed with an investigation despite the complainant's request, EOA will notify the complainant that it intends to initiate an investigation. The complainant is not required to participate in the investigation or in any of the actions taken by the university.

I. Interim Measures.

When a complaint is made to EOA, the university will provide reasonable interim measures designed to preserve access to educational opportunities; address safety concerns of the complainant, the respondent or the broader university community; maintain the integrity of the investigative and/or resolution process; and deter retaliation. These actions may be supportive or protective measures. Interim Support Measures and Interim Protective Measures are both intended to reduce and/or eliminate any negative impact, stop any wrong-doing, and prevent further harm to the individual or the campus community. The availability of Interim Support and Protective Measures will be determined by the specific circumstances of each complaint and where possible, will be tailored to avoid depriving any party of their education. The university will consider a number of factors in determining which measures to take, including the needs of the student seeking supportive and/or protective measures; the severity or pervasiveness of the alleged conduct; whether the student has been credibly negatively impacted; any continuing effects on the student; whether the complainant and the respondent share the same residence hall, academic course(s), or on-campus work location(s); and whether either party...
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has received court protection from the other (e.g., protective orders). The university will work in good faith to implement the requirements of judicially-issued protective orders and similar orders, to the extent that doing so is within its authority.

EOA is responsible for ensuring the implementation of Interim Measures and coordinating the university’s response with the appropriate offices on campus. EOA has the discretion to impose and/or modify any Interim Measure based on all available information and is available to meet with a complainant or respondent to address any concerns about the provision of interim measures. The university will maintain the privacy of any support and protective measures provided under the Student Process to the extent practicable and will promptly address any violation of an Interim Measure.

1. **Interim Support Measures**

Interim Support Measures are available to the complainant regardless of whether the complainant pursues an investigation. Interim Support Measures are also available to respondents to alleviate any negative impact of participating in the process. The university will provide the parties with reasonable Interim Support Measures throughout the reporting, investigation, adjudication, appeal processes, and thereafter as determined to be necessary and reasonable. EOA will coordinate the implementation of Interim Support Measures with other university offices as needed.

Interim Support Measures may include, but are not limited to the following actions:

a. Provide information on available campus and community-based advocacy support;

b. Provide information on available psychological counseling and health services, including guidance in obtaining a sexual assault forensic examination;

c. Facilitate changes to academic classes, such as adjustments to academic deadlines, course schedules, withdrawal from a class without penalty, and completing a course on-line, if appropriate and available;

d. Facilitate changes to on-campus living situations, if appropriate;

e. Facilitate changes to on-campus work arrangements, if appropriate;

f. Coordinate temporary transportation/parking assistance or escort, if appropriate;

g. Issue a mutual no-contact directive to the parties or others involved in the matter, if appropriate and as determined on a case-by-case basis, prohibiting the parties or other involved individuals from having contact or communications with each other;

h. Refer a party to resources to assist in obtaining a protective order;

i. Refer a party to resources to assist with any financial aid, visa, or immigration concerns; and,

j. At the discretion of EOA, any other reasonable Interim Support Measure that does not interfere with either party’s access to education.

2. **Interim Protective Measures**

In addition to Interim Support Measures, the university will consider whether protective measures are necessary to protect the safety of the complainant or respondent or campus community, to preserve the parties' ongoing access to educational opportunities, to maintain the integrity of the investigative and/or resolution process, or to deter retaliation. Interim Protective Measures are only available when the university is conducting an investigation.

Interim Protective Measures may include:

a. If appropriate and as determined on a case-by-case basis, issue a unilateral no contact directive prohibiting the respondent or other individuals from having contact or communications with the complainant or other individuals and requiring the party to whom the unilateral no contact directive has been issued to avoid contact with the party on whose behalf the unilateral no contact directive has been issued, including leaving a space if necessary to avoid contact;
b. Change in the respondent’s class schedule;

c. Change in the respondent’s on-campus work schedule or job assignment;

d. Change in the respondent’s on-campus housing;

e. Exclusion from all or part of on-campus housing;

f. Exclusion from specified activities or areas of campus;

g. Prohibition from participating in student activities or representing the university in any capacity such as playing on an official team; serving in student government; performing in an official band, ensemble, or production; participating in a recognized student organization and its activities; or participating in academic honor ceremonies;

h. Administrative suspension, as addressed more specifically below;

i. Any other Interim Protective Measure that is appropriate.

All individuals are encouraged to report to EOA any concerns about the failure of another to abide by any restrictions imposed through an Interim Protective Measure. In the event of an immediate health or safety concern, individuals should contact 911 or Department of Public Safety (on campus) immediately. The university will take action to enforce a previously implemented measure, which may include additional interim restrictions and/or disciplinary sanctions for failing to abide by a university-imposed Interim Protective Measure.

J. Administrative Suspension.

To promote the safety and well-being of members of the campus community; secure university property; and/or take action with a student/student organization who poses an ongoing threat of disruption to the normal operations of the university, the Title IX Coordinator or their designee may request that the university initiate an administrative suspension against a student or student organization. To obtain an administrative suspension, the Title IX Coordinator or their designee must make a request to the Director, Student Conduct and Community Standards (“SCCS”). The Director, SCCS, or designee, has the sole authority to initiate an administrative suspension. The process for administrative suspension is outlined in Section 9, Administrative Suspension, of the Code.

K. Facilitated Resolution Process.

The facilitated resolution process is a voluntary and remedies-based approach to resolution that does not involve taking disciplinary action against a respondent. Complainants who report sexual misconduct or discrimination under the Policy and/or Discriminatory Misconduct provisions may request the facilitated resolution process prior to, instead of, or during an investigation, although a decision to honor a request made during an investigation will be at the discretion of the Equity Associate in consultation with the Title IX Coordinator. In some forms of facilitated resolution, the remedies implemented will focus on supporting the complainant with no participation or involvement by the respondent. In other forms of facilitated resolution that involve or impact the respondent, the respondent must agree to participate. Depending on the form of facilitated resolution, it may be possible for a complainant to maintain anonymity. Where the facilitated resolution process involves the participation of the respondent, once the facilitated resolution process is concluded with a mutually agreeable outcome, the university shall consider the facilitated resolution to be the final outcome and the matter is then considered closed and the university will conduct no further investigation of the reported incident. There is no appeal process for a facilitated resolution outcome. If an agreement is not reached, and EOA determines that further action is necessary, or if a party fails to comply with the terms of the facilitated resolution, the matter may be referred for an investigation or other appropriate action.

EOA may determine the matter is appropriate for an investigation based on the complaint and the information gathered in the facilitated resolution process, even if neither party requests an investigation. If EOA determines an investigation is warranted, EOA will notify the parties in writing through a Notice of Allegations (See Section L. Investigation Process).
Any form of facilitated resolution and any combination of interventions and remedies may be utilized. Where an initial assessment concludes that facilitated resolution may be appropriate, the university will take prompt action, through the implementation of individual remedies, to maintain the parties’ access to the programs and activities of the university and to remedy the impacts of conduct on members of the campus community. In some instances, EOA may determine, in consultation with the complainant, that the implementation of Interim Support Measures is an appropriate form of facilitated resolution.

Other forms of facilitated resolution include discussions with the parties, a resolution facilitated by the Equity Associate, implementing a mutual no contact order and/or separating the parties, targeted or broad-based educational programming or training, facilitated conversation or interaction with the respondent and/or indirect action by the Equity Associate. As part of the facilitated resolution process, EOA will not compel a complainant and respondent to engage in facilitated conversation with each other, to confront each other directly, or to participate in any particular form of facilitated resolution. Where a facilitated conversation is requested, no meeting between the complainant and the respondent should occur without involvement by appropriate university staff. The facilitated resolution process is typically not used to resolve complaints of non-consensual sexual intercourse or when a student has reported sexual harassment against an employee in a position of authority over the student. In appropriate circumstances, however, the Title IX Coordinator or their designee may determine that facilitated resolution is appropriate.

Where the complainant or respondent withdraws from the facilitated resolution process or the process is otherwise terminated for any reason, any statements or disclosures made by the parties during the course of the facilitated resolution may be considered in a subsequent investigation.

1. To begin the facilitated resolution process, the complainant should inform the Equity Associate or any other appropriate EOA staff member that they want to engage in the facilitated resolution process. The Equity Associate will inform the complainant of the range of possible outcomes, including Interim Measures, and provide information about the procedures leading to those outcomes.
2. The facilitated resolution process may include an inquiry into the facts, but does not include an investigation.
3. EOA will attempt to resolve the complainant’s concern(s) quickly and effectively. The assigned Equity Associate or other EOA staff member will meet with the complainant, the respondent, if applicable, and any other persons the Equity Associate or other EOA staff member may determine to be necessary.
4. If a mutually agreed resolution is reached, a written record of the resolution shall be documented by the Equity Associate and maintained in accordance with applicable EOA recordkeeping policies. The university shall consider the facilitated resolution to be the final outcome and the matter is then considered closed. No appeals of a facilitated resolution outcome are possible.
5. Either the complainant or respondent may at any time elect to withdraw from the facilitated resolution process. Additionally, if the Equity Associate determines that a mutually agreeable resolution is not possible, or if the Equity Associate learns of information that requires an investigation, the Equity Associate may terminate the facilitated resolution process. In that event, the Equity Associate will promptly notify the parties, in writing, that the facilitated resolution process has terminated, and inform the parties of the right to request an investigation. If an investigation is requested, EOA will consider that request based on EOA's review of the complaint and the information gathered in the facilitated resolution process, taking into consideration whether complainant has asserted information that, if true, would constitute a violation of the Policy and/or the Code.

The facilitated resolution process will typically be completed within sixty (60) calendar days of the initial complaint.

L. Investigation Process.

Once EOA has determined that a complaint raises a potential violation of the Policy and/or Discriminatory Misconduct provisions, EOA will initiate an investigation at the request of the complainant or when the Title IX Coordinator or their designee independently determines an investigation is warranted. EOA may initiate an investigation even without a complaint or participation by a complainant. Additionally, an investigation may be initiated when a facilitated resolution process has
been terminated.

1. **Overview.** EOA will conduct a prompt and equitable investigation to gather information relevant to the determination of whether there is sufficient information, by a preponderance of the evidence, to determine that a Policy and/or Code violation occurred. The investigation will be impartial and will be conducted by trained individuals who have no actual bias or conflict of interest for or against the complainant or respondent. During the investigation and adjudication, both the complainant and respondent have equitable opportunities, including the opportunity to receive a written notice of allegations; to participate in the investigation; to review and present information and evidence; to be accompanied by an advisor of their choice at any stage of the process; to timely and equal access to information that will be used in making a decision about responsibility; to timely notice of meetings at which their presence will be requested or required; to simultaneous written notice of the outcome, sanction, and rationale; and to receive information about available appeals.

The university, not the parties, is responsible for gathering relevant evidence. The complainant and respondent will be asked to identify witnesses and provide other relevant information, such as documents, communications, and other evidence, if available. The parties are encouraged to provide all relevant information as promptly as possible to facilitate prompt resolution. In the event that a party declines to voluntarily provide material information, the university’s ability to conduct a prompt, thorough, and equitable investigation may be impacted.

2. **Investigator.** When the decision is made to initiate an investigation, EOA will designate an investigator to conduct a prompt, thorough, fair, and impartial investigation. The investigator is typically an Equity Associate, but may also be an experienced external professional investigator. All EOA investigators have received training on issues related to sexual and gender-based harassment, sexual assault, dating violence, domestic violence, and stalking and on how to conduct an investigation that is fair and impartial, that provides parties with notice and a meaningful opportunity to be heard, and that promotes the safety of the parties and all participants while promoting accountability.

3. **Notice of Allegations.** EOA, in consultation with the Director of SCCS or their designee, will issue a notice of allegations to the parties via OSU email or U.S. mail.
   a. The notice will provide a summary of the allegations, including: the names of the parties; the date, time, and location of the alleged violation, if known; a brief summary of the nature of the reported conduct; the specific sections of university Policy and/or Code that are alleged to have been violated; the rights of each party, and on-campus resources available to each party; the prohibition against retaliation; the importance of preserving any potentially relevant evidence; the name of the EOA investigator; how to challenge the participation of the investigator on the basis of a conflict of interest or bias; and, a copy of the Policy, the Code, and the Student Process. If the investigation reveals the existence of additional or different potential violations of the Policy and/or Code, EOA will issue a supplemental notice of allegations.
   b. Upon receiving the notice of allegations, the respondent is expected to contact EOA within three (3) business days to schedule a meeting with the Equity Associate or to notify EOA that they do not wish to meet. The investigation will continue even if the respondent does not choose to participate. Respondents can choose to participate at any point in the investigation, but may not be permitted to offer evidence to EOA once the Final Investigation Report is provided to the Director, SCCS.

4. **Evidentiary Standard.** The applicable evidentiary standard for all violations of the Policy and Code is a preponderance of the evidence. This standard is met when the evidence shows that it is “more likely than not” that the alleged misconduct occurred. A respondent is presumed to be not responsible unless and until the investigation has concluded and there is a preponderance of the evidence that a Policy and/or Code violation has occurred.

5. **Consolidation of Investigation.** EOA has the discretion to consolidate multiple complaints into a single investigation if evidence relevant to one incident is relevant to the others. Consolidation might involve multiple complainants and a single respondent, multiple respondents, or conduct that is logically
connected. Where the conduct is related or part of the same incident or series of incidents, EOA may investigate alleged violations of other university policies, rules, and/or Code provisions.

6. Investigation/Evidence Gathering. After the notice of allegations is sent, the Equity Associate will conduct a thorough and impartial investigation, gathering relevant and necessary information about the alleged misconduct. During the investigation, the complainant and the respondent will have equitable opportunities to provide the Equity Associate with the names and contact information of fact witnesses, documentation, and any other relevant evidence related to the alleged misconduct.

The Equity Associate will invite both the complainant and the respondent to meet separately with them.

Before or during the initial meeting with the complainant, the Equity Associate will ensure that the complainant has information regarding rights and options generally addressed during the Intake Meeting, as set forth in section G, Initial Assessment. In addition, the Equity Associate will address the following:

- Explain the investigation process and timelines and answer any related questions.
- Provide a document explaining the complainant’s rights and options under this Student Process, including the right to be accompanied at any step of the process by an advisor of their choice.
- Provide the complainant a full opportunity to provide information regarding the allegations, including providing the Equity Associate with relevant documentary evidence and the identity of potential witnesses;
- Provide the complainant the opportunity to complete and sign a complaint form;
- Provide the complainant a full opportunity to provide information regarding the allegations, including providing the Equity Associate with relevant documentary evidence and the identity of potential witnesses;
- Explain the university’s policy prohibiting retaliation;
- Confirm with the complainant the process for requesting any Interim Support or Protective Measures; and
- Schedule other meetings, if necessary.

The initial meeting with the respondent is typically for the purpose of informing the respondent about the allegations and investigation process, including the right to submit a written response to the allegations, and about available support and resource options. Before or during the initial meeting with the respondent, the Equity Associate will address the following:

- Advise the respondent of available on-campus and off-campus advocacy, support and healthcare resources, including confidential resources;
- Provide the respondent with a copy of the Policy, the Code, and this Student Process;
- Explain the investigation process and timelines, and answer any related questions.
- Provide a document explaining the respondent’s rights and options under the Student Process, including the right to be accompanied at any step of the process by an advisor of their choice;
- Provide the respondent with a written summary of the complaint against respondent, if not already provided. If the summary complaint is not available at the time of the initial meeting with the respondent, the Equity Associate will provide it as soon as it is available;
- Provide the respondent full opportunity to respond to the allegations, at their election, and to provide information regarding the allegations, including providing the Equity Associate with relevant documentary evidence and the identity of potential witnesses;
- Explain the university’s policy prohibiting retaliation;
- Confirm with the respondent the process for requesting any Interim Support or Protective Measures;
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- Inform the respondent that although they are not required to do so, they have the option to provide a written response to the allegations, and have 10 business days to provide that written response; and
- Schedule other meetings, if necessary.

The Equity Associate will also arrange to meet with relevant witnesses. Witnesses are individuals who may have information relevant to the incident, including individuals who may have observed the acts in question, may be able to provide contextual information, or may have other information related to the incident, the disclosure, the parties, or related matters. Witnesses may not participate solely to speak about an individual’s character. Where witnesses are interviewed as part of the investigation, the name of the witness and the information gathered in the interviews will be included in or attached to the written investigation record, which the parties will have the opportunity to review at the conclusion of the investigation.

The Equity Associate will also gather and consider other relevant information or evidence, including documents, photographs, communications between the parties, medical records (subject to the consent of the individual who is the subject of the records), and other electronic records as appropriate.

The following apply to the Investigation/Evidence Gathering process conducted by Equity Associates:

a. All statements made to the Equity Associate during the investigation will be documented in writing and offered for review for accuracy by the individual who provides the information. Individuals who review the accuracy of their statements may provide clarifications or additions, or submit alternative language that they believe more accurately reflects what was said during the investigation interview; this information will supplement, not replace, the individual’s earlier statement. Individuals who elect to review their statements must provide a response to the Equity Associate within five (5) business days of receiving the written record.

b. The Equity Associate may consider information publicly available from online sources that is brought to the attention of EOA. The university does not actively monitor online sources, however, and as with all potentially relevant information, the complainant, respondent, or witness should bring online/publicly available information to the attention of the Equity Associate if they believe it is relevant. The Equity Associate may also consider communications involving or relating to one or both parties that either party brings to the attention of the Equity Associate or that is provided by the parties in response to a request by the Equity Associate. The Equity Associate may also seek review of information available on university devices or servers, to the extent permissible and consistent with the university’s information technology policies.

c. The Equity Associate may visit relevant sites or locations, as appropriate, and record observations through written, photographic, or other means. In some cases, the Equity Associate may consult medical, forensic, technological, or other experts when expertise on a topic is relevant in order to achieve a fuller understanding of the issues under investigation. The university generally will not consider polygraph results.

d. In general, a person’s medical and counseling records are confidential and not accessible to EOA unless the person voluntarily chooses to share those records with the Equity Associate. As noted above, to the extent medical or counseling records shared by a party are determined relevant to and relied on in the investigation, relevant information from the records will be made available for review by the other party.

e. The Equity Associate will review all information identified or provided by the parties and will determine the appropriateness, relevance, and probative value of the information developed or received during the investigation. In general, the Equity Associate will not consider statements of personal opinion or statements as to any party’s general reputation for any character trait. All information considered relevant by the Equity Associate will be provided to the parties for their review and comment, as described in the Student Process.

f. Prior or subsequent conduct may be considered in determining pattern, knowledge, intent or motive. For example, evidence of a pattern of misconduct by the respondent, either before or after the incident in question, regardless of whether there has been a prior finding of a Policy and/or Code violation, may
be deemed relevant to the determination of responsibility for the conduct under investigation. The determination of relevance of pattern evidence will be based on an assessment of whether the previous or subsequent conduct was substantially similar to the conduct under investigation or indicates a pattern of similar prohibited conduct. The Equity Associate will determine the relevance of this information, which may involve additional investigative steps, and both parties will be informed if evidence of prior or subsequent conduct is deemed relevant.

g. The sexual history of the complainant or respondent will never be used to prove character or reputation. Evidence related to the prior sexual history of the parties is generally not used in determining whether a violation of the Policy and/or Code has occurred and will only be considered when a determination is made that the evidence is directly relevant to the investigation. For example, if consent is at issue, the sexual history between the parties may be relevant to determine the nature and manner of communications between the parties, which may inform the determination whether consent was sought and reasonably appeared to have been given during the incident in question. As set forth in the consent definition, even in the context of a relationship, consent on one occasion does not constitute consent on a subsequent occasion. In addition, prior sexual history may be relevant to explain injury, to provide proof of a pattern, or to address another specific issue raised in the investigation. The Equity Associate will determine the relevance of this information and both parties will be informed if evidence of prior sexual history is deemed relevant.

h. If evidence of additional possible Policy and/or Code violations is found during the investigation, the party accused of that violation will be notified of those allegations in writing through a new or an amended notice of allegations. An amnesty provision applies in some circumstances. (See D. Amnesty)

i. If a respondent appears to be within a year of degree completion at the time EOA commences an investigation of sexual misconduct and/or discrimination under the Policy and/or Discriminatory Misconduct provisions, EOA will request that the Registrar place a hold restricting conferral of the party’s degree in order to preserve the university’s ability to appropriately address the alleged conduct.

j. If either party leaves or graduates from the university during the investigation, EOA may proceed with the investigation or further action as necessary to eliminate, prevent or address any impacts of the reported conduct. The Student Process will continue to the extent necessary to ensure that the university has taken appropriate action in response to the complaint. In some instances, the imposition of Interim Measures may be sufficient to resolve the reported concerns. EOA will continue to offer a party who has left or graduated the opportunity to participate in the process.

k. Failure to offer evidence known during the process does not constitute grounds for appeal on the basis of new evidence.

7. Investigation Record and Final Investigation Report. At the completion of the fact-gathering and before findings are reached, the Equity Associate will prepare an investigation record that provides the complainant and the respondent equal and timely access to information that will be used in making factual findings relevant to the allegations and Policy and/or Code violations with which the respondent has been charged. The investigation record will summarize the information gathered in the investigation, and will contain all relevant information relied upon in the course of the investigation, including statements by the parties and witnesses, relevant evidence submitted by the parties and witnesses, and any other evidence determined to be relevant by the Equity Associate. The Equity Associate will prepare a draft investigation report, without any findings, summarizing all relevant information gathered in the fact-gathering phase of the investigation.

a. EOA will offer the complainant and the respondent equal opportunity to review the draft investigation report and investigation record in person in the EOA office or through a secure online platform. No copies, photographs, saving, or sharing of the investigation record or draft investigation report will be permitted.

b. The parties will have the opportunity to respond to the draft investigation report and investigation record within ten (10) business days of the date they became available for review. Either party may request an extension of the ten (10) day timeline in writing for good cause. The party’s response may: (1) provide written comments or feedback to information within the draft investigation report or investigation record, (2) submit additional information or follow up questions to be asked of the other party or any witness, (3) identify additional witnesses, and/or (4) request the Equity Associate collect other
relevant information. The Equity Associate will determine the appropriateness of additional investigative steps and the relevance of additional information. If either party provides a written response or makes a request for additional investigation, the written response and any additional substantive information gathered by the Equity Associate will be incorporated as appropriate in the final investigation report.

c. The parties will be offered the opportunity to submit written questions for the other party involved in the matter. At the discretion of the Equity Associate, the questions submitted may be asked as provided, asked as modified by the Equity Associate, or not asked at all, based on the Equity Associate’s determination of whether or not the questions are relevant or may provide clarity to the investigation. A written record of the questions asked by the Equity Associate and the answers to those questions will be provided to each party.

d. Unless there are significant additional investigative steps requested by the parties, the Equity Associate will prepare a final investigation report, normally within ten (10) business days after receipt and consideration of additional comments, questions, and/or information from the parties. The final investigation report will include the relevant information contained in the investigation record, the parties’ responses to the investigation record, an overview of areas of contested or uncontested information, the Equity Associate’s findings as to contested information, including the Equity Associate’s assessment of credibility, if relevant, in reaching those findings, and findings of fact.

e. The final investigation report and all relevant evidence, including the investigation record, will be made available to the Director of SCCS. The Director of SCCS, or their designee, will review all information contained within the final investigation report and investigation record developed by the Equity Associate. The Director of SCCS, in consultation with the Title IX Coordinator, may request that the Equity Associate provide additional information or investigation.

8. Administrative Conference.

The administrative conference is the administrative process intended to provide an opportunity for each party to respond to information in the final investigation report. The university uses the administrative conference to determine whether the Policy and/or Code have been violated and, if applicable, impose sanctions. The administrative conference provides an opportunity for the parties to discuss with the Director of SCCS, or designee, either in-person or in writing, information provided in the final investigation report as well as issues relevant to the finding of responsibility, if any.

a. The administrative conference process will be conducted by the Director, SCCS or their designee. The Director, SCCS and any individual designated by the Director, SCCS must be free from actual bias or conflict of interest.

b. The Director, SCCS, or designee, will issue a Notice of Administrative Conference to the parties, generally within two (2) business days of receipt of the final investigation report. In that notice, the Director, SCCS, or designee, will provide each party with electronic access to the final investigation report. The investigation report will be anonymized and will be watermarked in a manner that identifies which party is receiving the report copy. The investigation report will be made available through completion of the Administrative Conference process, unless the process is placed on hold by SCCS.

c. All parties will be given the opportunity to submit written statements that address the charges and investigation report. The written statement must be submitted within ten (10) business days of the Notice of Administrative Conference. The statements of each party will be provided to the other. Each party will then be provided ten (10) business days to provide a written response to the other party’s statement. The parties may also submit rebuttal evidence and witnesses for the Director, SCCS’s, or designee’s review.

d. Either party may choose not to submit a written statement and/or response. If a party chooses not to submit a written statement and/or response, the Director, SCCS, or designee, will make a determination based upon the available information.

e. At their election, either party may meet with the Director, SCCS, or designee, to discuss the information provided in their written statement. The request
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for an in-person meeting must be made within five (5) business days of submission of the written statement.

f. The timelines the administrative conference process sets for the parties are firm. However, if a party wishes to modify a timeline, the party should submit a written request to the Director, SCCS, or designee, for the requested modification. The written request must show good cause for modifying the timeline and must be submitted before the deadline. While the Director, SCCS, or designee, has sole authority to grant or deny a request to modify a timeline, the Director, SCCS, or designee, may consult with the Title IX Coordinator or their designee, if necessary. The Director, SCCS, or designee, will send simultaneous notices of timeline modifications to the parties. The parties may request periodic updates from the Director, SCCS, or designee, as to the status of the administrative conference process.

g. Once the deadline for both parties to submit a written response to the other party’s statement has passed, or the deadline for requesting an in-person meeting has passed, the administrative conference process will be considered concluded.


In keeping with the university’s commitment to foster and maintain an environment that is safe, inclusive, and free from sexual misconduct and discrimination, the Director, SCCS, or their designee, has great latitude in the imposition of sanctions tailored to the facts and circumstances of each complaint of sexual misconduct and discrimination, the impact of the conduct on the complainant, the impact on the campus or surrounding community, and whether or not the respondent has acknowledged any responsibility. The imposition of sanctions is designed to eliminate sexual misconduct and discrimination, prevent its recurrence, and remedy its effects, while supporting the university’s educational mission, and state and federal obligations. Sanctions may include educational, restorative, and rehabilitative components. Some conduct, however, is so egregious in nature, harmful to the individuals involved, or so detrimental to the educational process that it requires severe sanctions, including suspension or expulsion.

The Director SCCS, or their designee, may solicit information from the complainant, the respondent, or any university administrator who can provide information relevant to a determination regarding potential sanctions. The Director SCCS, or their designee may also review any written impact or mitigation statement submitted by the parties.

In imposing sanctions in cases where a respondent has been found responsible for violating the Policy or Code, the Director SCCS, or their designee, shall consider the following factors in order to reach a sanction proportionate to the violation committed in each reported incident:

• the nature and violence of the conduct at issue;
• the impact of the conduct on the complainant;
• the impact or implications of the conduct on the community or the university;
• prior misconduct by the respondent, including the respondent’s relevant prior discipline history, both at the university or elsewhere (if available), including criminal convictions that are relevant to the alleged Policy and/or Code violations with which the respondent has been charged;
• whether the respondent has accepted responsibility for the conduct;
• fostering a safe and respectful environment conducive to learning;
• protection of the campus community; and
• any other mitigating, aggravating, or compelling circumstances.

As set forth in more detail in Section 6 of the Code, potential sanctions for student respondents may include, but are not limited to: warnings, educational activities, behavioral expectations, restitution, restrictions/exclusions, no contact directives, suspension, and expulsion. Sanctions may be imposed.
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individually or in combination. See Section 6 of Code of Student Conduct for the entire list of possible university sanctions. The Director, SCCS, or designee, has final decision-making authority with regard to sanctions, subject to available appeals. Any sanctions will be determined in accordance with the Code or other applicable university policy. Where the respondent is assigned sanctions, SCCS will monitor compliance with the sanctions imposed. Where no violation is found, the investigation will be closed unless the complainant files an appeal.


After the conclusion of the administrative conference process, the Director, SCCS, or designee, will make a decision as to whether there has been a policy and/or Code violation based on the investigation record, the final investigation report, the written statements and responses of the parties and any other relevant documents submitted during the administrative conference. The Director, SCCS, or designee, will prepare the written notice of decision summarizing the administrative conference process, the Director’s or designee’s decision regarding the alleged violations of Policy and/or the Code including the rationale that shaped that decision, and appropriate sanctions, if any, and the rationale for each. This document will serve as the determination of the university on the matter. The notice of decision will also include information on the availability of appeals. The Director, SCCS, or designee, generally will issue a notice of decision, to be delivered to both parties simultaneously, within ten (10) business days from conclusion of the Administrative Conference process.

11. Appeal.

The complainant and respondent may appeal the determination and any outcome imposed by the Director, SCCS or their designee, on one of three grounds outlined in 8.2 of the Code, Grounds for Appeal.

a. An action or omission that occurred that was not in accordance with the procedures outlined in or referenced by the Code, or was fundamentally unfair, which substantially impacted the outcome;

b. New evidence exists that was unavailable at the time of the original hearing that could substantially impact the original finding or sanction (a summary of this new evidence and its potential impact must be included); failure to participate or otherwise present available information in the original hearing does not constitute new evidence; or

c. The sanctions imposed are disproportionate given the context of the violation.

If an appeal is filed by either party, the Director of SCCS, or designee, will notify the opposite party of the appeal and will provide information on how to submit information in response to the appeal. All appeals follow the appeals process contained within the Code (See Code of Student Conduct, Section 8: Appeals), and shall be submitted according to the Code. Following Section 8 of the Code, the appeal will be considered in a neutral and impartial manner by either appellate authority (the Vice Provost for Student Affairs or the Associate Vice Provost and Dean of Students), both impartial decision-makers trained in issues related to sexual misconduct and state and federal law.

The appellate authority has the authority to sustain, alter, or reverse the findings and/or sanctions in part or entirely. The appellate authority may also remand the matter to the appropriate review level, either Director, SCCS, or EOA, for further consideration. The decision of the appellate authority serves as the final decision of the university on the matter; no additional appeals are available. Following the conclusion of any appeal process, the matter will be closed.

M. Additional Provisions.

1. Advisors.

The parties and witnesses may each elect to be accompanied by one advisor to any meeting or interview conducted under the Student Process. An advisor
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can be a friend, family member, attorney, or any individual of the party's choosing. However, a witness to the alleged misconduct is not eligible to be an advisor for either party.

The role of the advisor is to support and/or give advice regarding the process. An advisor may observe, take notes, request breaks to consult with the party, and ask for clarification about the process.

An advisor may not directly participate in the process, answer questions for the party or witness, interject comments that disrupt the meeting, or interrupt the process to such an extent that the educational purpose of the meeting is impaired, as determined in the sole discretion of the Equity Associate or Director of SCCS, or designee. If an advisor violates these restrictions, they will be given one warning, then, if the disruptive conduct continues, they will be requested and expected to leave the meeting. The party or witness can then elect and be accompanied by a new advisor.

2. Participation.

Students are strongly encouraged to directly participate in all stages of the Student Process. Because the process is educational in nature, and because information related to mitigating and aggravating circumstances is considered, students are best positioned to provide the information and enhance their own learning through direct participation. If students choose to not participate in the Student Process, the matter may proceed without them and a decision may be made in the absence of any input from the student.

3. Safeguarding Privacy.

All parties involved in this process are expected to keep all detailed information relevant to the proceedings private during the process. Reproduction of documents and disclosure of information contained in documents made available by EOA for review in the process are prohibited, and any breach of this restriction is subject to disciplinary action by SCCS. All parties are encouraged to exercise discretion in sharing information in order to safeguard the integrity of the process and to avoid the appearance of retaliation. While discretion regarding the process is important, complainants and respondents are not restricted from discussing or sharing information with others who may support or assist them during the process.

The expectation of privacy during the investigation and resolution process should not be understood to limit the legal rights of the parties during or after resolution. The university may not, by federal law, prohibit either party from disclosing the final outcome (after any appeal is concluded). All other conditions for disclosure of administrative conference records and outcomes are governed by the Family Educational Rights and Privacy Act (“FERPA”) and any other applicable laws.

All records of completed facilitated resolutions and investigations are considered education records of the involved students and retained by EOA in compliance with its records retention policy. These records are only available for review by the parties as provided by and during this process. Access to records of facilitated resolutions or investigations is substantially limited after the completion of the matter. Redacted records may be available to a party, as determined by the university, in compliance with FERPA and other applicable law.


Witnesses are expected to cooperate with and participate in the investigation. Any witness who declines to participate in, or cooperate with, an investigation may, in the sole discretion of the Equity Associate, be permitted to offer evidence or testimony later. Witnesses are encouraged to make themselves available to answer questions by phone, Skype, or similar technology if they cannot be interviewed in person.

Witnesses who refuse to participate or obstruct an investigation conducted by EOA may be referred to SCCS, if a student, and/or the Office of Human Resources, if an employee or student employee.

5. Coordination with Law Enforcement.
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If there is a concurrent criminal investigation, the university will seek to work in a collaborative manner in order to respect the integrity of both the external criminal investigation and the university investigation. This may include contacting the law enforcement agency that is conducting any investigation to inform that agency that a university investigation is also in progress, attempting to ascertain the status of the criminal investigation, and seeking to determine the extent to which any evidence collected by law enforcement may be available to the university in its investigation. Although cooperation with law enforcement may require the university to suspend the fact-finding portion of an EOA investigation temporarily, the university will generally resume its investigation as soon as it is notified by the law enforcement agency that the agency has completed the evidence gathering portion of its investigation. The university will not, however, wait for the conclusion of a criminal proceeding to begin or conclude its own investigation and, if needed, will take immediate steps to provide appropriate Interim Support Measures for the parties.

6. Training for University Staff.
   University staff tasked with implementing the Student Process will participate in continuing education on related topics as required by applicable law. All Equity Associates receive training on state and federal laws, regulations, and investigatory techniques and practices.

7. Conflicts of Interest.
   The university is committed to ensuring that its Student Process is free from actual or perceived bias or conflicts of interest that would materially impact the outcome of the investigation or resolution. Any concerns regarding conflict of interest in an EOA process should be submitted promptly to the Executive Director of EOA.

8. Recordkeeping.
   EOA will retain, in accordance with the EOA records retention schedule, records of all complaints, investigations, and resolutions involving alleged violations of the Policy and/or Discriminatory Misconduct provisions of the Code.

Effective: September 15, 2017
Effective: October 22, 2019, revisions
Appendix E: Sexual Misconduct and Discrimination Investigation and Resolution Process for Non-Title IX Complaints against Employees

A. Overview.

Oregon State University ("university") is committed to creating an equitable and inclusive university free of violence, harassment, and discrimination. All individuals who are participating in university programs and activities have the right to do so fully, free from sexual misconduct, discrimination, and retaliation. The university prohibits sexual misconduct, including sexual harassment, non-consensual sexual intercourse or other sexual contact or activity, intimate partner violence, sexual exploitation, and stalking, as set forth in University Policy 05-001 Sexual Misconduct and Discrimination ("Policy").

This Sexual Misconduct and Discrimination Investigation and Resolution Process for Complaints against Employees ("Employee Process") applies in instances in which an Oregon State University employee is alleged to have violated non-Title IX provisions of the Policy, regardless of the status of the complainant.1 For the purposes of this Employee Process, “employee” is as defined in Section 4.2 of the Policy and “student” is as defined in Section 4.7 of the Policy. The rights of complainants articulated in this Employee Process, particularly as to Interim Support and Protective Measures (Section G), are different for complainants who are Oregon State University employees than for complainants who are students, consistent with the expectations of state and federal law that a school take steps to ensure equal access to its educational programs and activities and protect a complainant as necessary before the final outcome of an investigation.

This Employee Process sets forth the procedures that will be used to investigate and resolve complaints that allege non-Title IX violations of the Policy by employees. Additionally, alleged violations of other university policies and rules may also be investigated when the alleged violations arise out of the same incident or pattern of behavior.

This Employee Process is available only to individuals who have a current affiliation with the university. However, the university reserves the right to look into concerns reported to it by and about individuals who do not have a current university affiliation, through whatever process the university determines most appropriate.

This process document includes information about resources and supports available to complainants and respondents, including student complainants.

B. Investigation Office.

The Office of Equal Opportunity & Access ("EOA") is the university office charged with responding to all reported violations of University Policy 05-001 Sexual Misconduct and Discrimination reported by students, employees, third parties, or anyone prevented from participating in a university program. EOA may consult with other university administrators as part of this Employee Process.

C. Reporting.

EOA will respond to all oral, written, and electronic complaints of conduct that may violate the Policy. In some instances, EOA may initiate an investigation in the absence of a formal complaint. The university encourages individuals to bring forward complaints and information as soon as possible after the alleged violation occurs in order to maximize the university’s ability to respond promptly and effectively. There is no timeframe for making a complaint. Even if a significant amount of time has passed, the university encourages individuals to report incidents that may violate the Policy. That said, prompt reporting will better enable EOA to respond to the complaint, determine the relevant issues, and provide an appropriate response and/or action. Delay in making a complaint may impede EOA’s ability to conduct an investigation or take appropriate responsive actions. Depending on the current relationship of the respondent to the university, if any, the university may no longer have the authority to impose disciplinary action. Where the university may not have disciplinary authority, the university will still seek to evaluate the reported conduct, provide reasonably available support resources, assist the complainant in identifying external reporting options, if any, and take reasonably

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1 This process is for university sexual misconduct and discrimination allegations against employees that do not fall within Title IX prohibited conduct. See the Title IX Investigation and Resolution Process for allegations falling within the definitions of Title IX prohibited conduct.

2 References to University Policy 05-001 throughout this document are only for the non-Title IX provisions of the policy. The process for allegations suggesting possible violation of Title IX provisions of University Policy 05-001 are addressed within the Title IX Investigation and Resolution Process.

3 Complaints alleging a violation of University Policy 05-001 by parties who are Oregon State University students or student organizations will be addressed under the Sexual Misconduct and Discrimination Investigation and Resolution Process for Complaints against Students.
Appendix E: Sexual Misconduct and Discrimination Investigation and Resolution Process for Non-Title IX Complaints against Employees

available steps to end the misconduct, prevent its recurrence and address its effects. While EOA will respond to all oral, written or electronic complaints, submission of a complaint does not always result in either an investigation or a facilitated resolution, as described in Section F, Initial Assessment.

Amnesty: Oregon State University encourages all campus community members to report behavior associated with sexual misconduct and discrimination. To support such reporting, the university will not pursue student conduct proceedings against a student complainant or student witness for their personal use of alcohol, marijuana or other drugs at or near the time of the incident provided their use did not place the health or safety of any other person at risk. Oregon State University may, however, initiate an educational discussion with any student regarding their personal use of alcohol, marijuana or other drugs.

Anonymous Complaints: With the exception of a “Responsible Employee” (which includes most university employees, including faculty), an individual can choose to make a complaint anonymously. However, EOA’s ability to investigate complaints or take responsive action may be limited based on the amount of information available to EOA. For example, the possible response may be limited if information contained in the complaint is insufficient to verify violation(s) of the Policy or to identify the parties involved. The Title IX Coordinator or their designee has the discretion to determine how EOA will respond to an anonymous complaint. In general, providing any information, even anonymously, may help the university maintain accurate records regarding the number of incidents involving students, employees, and third parties; determine if there is a pattern of conduct with regard to a particular location or respondent; and alert the campus community to potential dangers when appropriate.

Third Party Complaints: If an alleged violation is reported by a Responsible Employee, witness, bystander, or other person, EOA will treat the person impacted by the reported violation as the complainant for purposes of this Employee Process.

D. Privacy.

All complaints made to EOA are treated in the most private manner possible. Information regarding the complaint will be shared only on a “need to know” basis with other university offices and employees, for instance, to facilitate requests for support resources. When information is shared with university offices and employees, the amount and type of information will also be limited to only that required for the office or employee to carry out their tasks.

Medical and counseling records are considered privileged and confidential documents. Individuals reporting violations of the Policy may, but are not required to, disclose those types of documents to EOA as part of this process. To the extent medical and counseling records shared by a complainant with EOA are determined relevant to and are relied upon by EOA in connection with an investigation, they will be made available for review by the other party as the Process requires.

E. Timeframe for Resolution.

The process for resolution begins when EOA is notified of a complaint. EOA will attempt to resolve all complaints as promptly as possible, consistent with the need to conduct sensitive and informed fact-gathering to ensure an equitable resolution. The Employee Process designates reasonably prompt timeframes for the major stages of the investigation and resolution process, but the university may extend any timeframe in this Employee Process for good cause. An extension may be required: to ensure the integrity and thoroughness of the investigation; to comply with a request by law enforcement; in response to the unavailability of the parties or witnesses; or for other legitimate reasons, such as intervening breaks in the academic calendar, university finals periods, the complexity of the investigation, the volume of information, number of witnesses, length of the written record, and/or the severity and extent of the alleged misconduct. Investigations will proceed according to the timeframes in this Employee Process to the extent possible during the summer and at other times when university classes are not in session. EOA will work with the parties to balance the need for promptness and the preference for in-person meetings regarding the investigation.

Timeframes for all phases of the investigation process, including disciplinary proceedings, and any related appeal process, apply equally to both complainants and respondents. While requests for delays in the investigative process by the parties may be considered, the university cannot unduly or unreasonably delay the prompt resolution of a complaint under this Employee Process. EOA has the sole authority to determine whether an extension is required or warranted by the circumstances.

4 A Responsible Employee, as defined in University Policy 05-005, includes university employees who have the duty to report incidents of sexual misconduct and discrimination. Most university employees are responsible employees unless otherwise specified in the policy.
Appendix E: Sexual Misconduct and Discrimination Investigation and Resolution Process for Non-Title IX Complaints against Employees

The university will keep the parties advised of the progress of the process.

Although cooperation with law enforcement may require the university to temporarily suspend the fact-finding portion of a sexual misconduct and discrimination investigation, the university will generally resume its investigation as soon as it is notified by the law enforcement agency that the agency has completed its evidence gathering process. However, there may be circumstances where the university cannot wait for the law enforcement agency notification in order to comply with its legal requirements, but the university will strive to coordinate with law enforcement when possible. The university generally will not wait for the conclusion of a criminal proceeding to begin or commence its own investigation and, if needed, will take immediate steps to provide appropriate support resources for the parties.

F. Initial Assessment.

Upon receipt of a complaint, EOA will take immediate and appropriate steps to review and resolve the matter promptly and equitably. The first step in this process is called the Initial Assessment.

As part of the Initial Assessment, EOA will gather information about the reported conduct, respond to any immediate health or safety concerns raised by the complaint and evaluate if the reported conduct is within the scope of EOA’s jurisdiction.

Once immediate health or safety concerns have been addressed and EOA has determined that the reported concern is within EOA’s jurisdiction, EOA will conduct its initial assessment, taking the following steps:

• assess the nature and circumstances of the complaint, including whether it provides the names and/or any other information that identifies the complainant, the respondent, any witness, and/or any other individual with knowledge of the reported incident;
• address ongoing physical safety and emotional well-being concerns of the complainant and/or the campus community;
• notify the complainant of their right to contact (or decline to contact) law enforcement or seek a civil protection order, and that EOA will coordinate with law enforcement, as appropriate, to minimize delay in its action on the matter;
• notify the complainant of the right to seek medical and/or counseling treatment to address physical or mental health issues;
• notify the complainant of the importance of preservation of evidence, including a sexual assault forensic examination and any relevant documentary evidence;
• provide the complainant with a written copy of EOA’s Student or Employee Campus/Community Resources and Rights document, as applicable, which contains information about their rights to report, civil and legal options, campus-based services and disciplinary processes, privacy policy information and state and community resources and services, including on and off campus advocacy, support, healthcare and confidential resources;
• notify the complainant, whether a student or employee, of the range of available Interim Measures, including both supportive and protective, including the right to reasonable Interim Support Measures regardless of whether they choose to participate in a university or law enforcement investigation;
• provide the complainant with a copy of the Policy and this Employee Process and an explanation of the procedural options, including the facilitated resolution process and the investigation process;
• notify the complainant of the right to be accompanied at any step of the process by an advisor of their choice;
• discuss the complainant’s expressed preference for manner of resolution and any barriers to proceeding (e.g., privacy or retaliation concerns); and
• explain the university’s Policy prohibiting retaliation and how to report acts of retaliation.

EOA will seek to complete the Initial Assessment within ten (10) business days after EOA is notified of a complaint, if the complainant chooses to engage in the process. However, there may be circumstances where the Initial Assessment takes longer based on the availability or participation of the complainant, the availability of other necessary information, a complainant’s request to maintain privacy or not seek disciplinary action, or other factors outside of the university’s control. EOA understands that a complainant may engage in delayed decision-making, which may impact the timing of the conclusion of the Initial Assessment.
Appendix E: Sexual Misconduct and Discrimination Investigation and Resolution Process for Non-Title IX Complaints against Employees

In matters where the complainant does not wish to pursue an investigation, EOA will inform the complainant that the ability to take disciplinary action against the respondent may be limited. EOA may independently determine that an investigation should proceed separate from the intent or wishes of the complainant (see Section H. Requests for EOA Not to Investigate an Allegation).

When an alleged violation is reported by a third party, Responsible Employee, witness, bystander, or other person, EOA will treat the person impacted by the reported violation as the complainant for purposes of this Employee Process and will attempt to contact the complainant three times. If the complainant does not respond to EOA contact after the third attempt, EOA will conclude the complainant does not wish to pursue an investigation or resolution process, and generally, close the matter. In cases with certain fact patterns, the Title IX Coordinator, or their designee, may decide that EOA will conduct an investigation without the participation of the complainant (see Section H, Requests for EOA Not to Investigate an Allegation). The complainant can later make EOA aware that they want to participate and EOA will generally allow them to participate if EOA is still in the information gathering phase of the investigation.

If EOA determines the complainant has submitted a complaint that is not within the scope of the Policy or should be processed through another campus office or university procedure available to the complainant, EOA will provide the complainant written notice of this determination in a timely manner and direct the complainant to other appropriate procedure(s) or office(s) for assistance. EOA will maintain a record of the complaint and the reason(s) the complaint was deemed not within the scope of the Policy.

At the conclusion of the Initial Assessment, EOA will:

1. Proceed with an investigation. This will occur when a complaint is determined to be within the scope of the Policy, alleges facts that, if true, would constitute a Policy violation, and the complainant has requested an investigation; when EOA makes a determination to proceed with an investigation even when a complainant requests that no investigation be pursued; or when facilitated resolution is requested but determined by EOA to not be appropriate or available;
2. Proceed with facilitated resolution. This will require the consent of the complainant. The consent of the respondent is also required when the proposed resolution requires action by or imposes restrictions on the respondent. Facilitated resolution can include a situation where a complainant who is a student or employee requests Interim Support Measures only; or
3. Refer the matter elsewhere or close the case. If outside the scope of the Policy, EOA will refer the matter to another appropriate office or department for resolution and close EOA’s file on the matter. If there is no other available process or office to which the matter can be referred, EOA will close the file and notify the complainant.

When EOA decides to initiate an investigation, impose Interim Protective Measures, or take any other action that impacts a respondent, EOA will ensure that the respondent is notified and receives written information on available resources and procedural options, as provided in this Employee Process.

G. Interim Measures.

When a complaint is made to EOA alleging a violation of the Policy, the university is committed to taking immediate steps to stop any inappropriate behavior and to remedy the effects of that behavior. In support of that commitment, interim measures, either supportive or protective, are sometimes necessary and appropriate to address safety concerns of the complainant, the respondent, or the broader university community; to preserve access to educational, research, and employment opportunities; to maintain the integrity of the investigative and/or resolution process; or to deter retaliation.

Interim Support Measures and Interim Protective Measures are both intended to reduce and/or eliminate any negative impact, stop any wrong-doing, and prevent further harm to the complainant or the campus community. The availability of Interim Support and Protective Measures will be determined by the specific circumstances of each complaint and, where possible, will be tailored to avoid depriving any party access to their educational opportunity or employment. The university will consider a number of factors in determining which measures to take, including the needs of the complainant seeking supportive and/or protective measures; the severity or pervasiveness of the alleged conduct; whether the complainant has been credibly negatively impacted; any continuing effects on the
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complainant; whether the complainant and the respondent share the same academic course(s), or on-campus work location(s); and whether either party has sought court protection from the other (e.g., protective orders). The university will work in good faith to implement the requirements of judicially-issued protective orders and similar orders, to the extent that doing so is within its authority.

Examples of Interim Support Measures include, but are not limited to:

- Providing information about campus and community-based advocacy support and counseling and health services.
- Referring a party to resources to assist in obtaining a judicially-issued protective order.
- In consultation with Employee and Labor Relations ("ELR"), as appropriate, working with the parties to limit unnecessary interactions.
- Assisting student complainants who may feel unable to continue with a course to withdraw or make alternative arrangements for completing the course.
- Other reasonable measures that do not interfere with either party’s access to the workplace and/or educational program or activity.

Examples of Interim Protective Measures include, but are not limited to:

- In consultation with ELR, as appropriate, make alternative work arrangements for either or both parties to limit unnecessary interactions.
- Other reasonable measures as are determined necessary to address safety concerns, concerns about significant disruption to university business or concerns about continuing Policy violations; to preserve access to educational, research, and employment opportunities; to maintain the integrity of the investigative and/or resolution process; and to deter retaliation.

EOA is available to discuss additional support and protective measures that may be available.

To promote the safety and well-being of members of the campus community and/or secure university property, the Title IX Coordinator or their designee may request that the university initiate an interim change in the employment arrangements of a complainant or respondent, including reassignment to work from home or in a location other than the complainant’s or respondent’s usual workplace, for the duration of an investigation under this Employee Process. To implement a change in employment arrangements, the Title IX Coordinator or their designee must make a request to the Associate Vice Provost and Senior Director (“AVP/SD”) of ELR. The AVP/SD of ELR or designee has the authority to initiate an interim change in employment arrangements, consistent with applicable policy and/or any collective bargaining agreements.

EOA is responsible for ensuring the implementation of Interim Measures and coordinating the university’s response with the appropriate offices on campus. EOA, in consultation with the AVP/SD of ELR as appropriate, has the discretion to impose and/or modify any Interim Measure based on all available information and is available to meet with a complainant or respondent to address any concerns about the provisions of Interim Measures. The university will maintain the privacy of any Support or Protective Measures provided under the Employee Process to the extent practicable and will promptly address any violation of an Interim Measure, with EOA investigating alleged violations and referring its findings to the Office of Student Conduct and Community Standards (for any violations by students) or to ELR (for any violations by employees).

H. Requests for EOA Not to Investigate an Allegation.

A complainant may request that their name or other personally identifiable information not be shared with a respondent, that no investigation be pursued, or that no disciplinary action be taken. In these instances, before taking any further investigative steps that would involve notifying the respondent, EOA will discuss any concerns with the complainant and seek to address and remedy barriers to reporting based upon concerns about retaliation or questions about procedural options and potential outcomes.

In order to protect the safety of the campus community, EOA may need to proceed with an investigation (which would include sharing their name with a respondent) or other appropriate action even if a complainant specifically requests that the matter not be pursued or that their name not be shared. EOA may also initiate an investigation of potential violations of the Policy even absent a formal complaint or identified complainant or respondent and even if a complaint has been
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withdrawn. In such circumstances, EOA will take into account the following factors:

1. The totality of the known circumstances;
2. The nature and scope of the alleged conduct, including whether the reported conduct involves the use of a weapon;
3. The risk that the respondent will commit additional acts of sexual misconduct, as informed by previous or multiple sexual misconduct complaints involving the respondent; a history of violence by the respondent; or, threatened further sexual misconduct against the complainant or others by the respondent;
4. Allegations that the sexual misconduct was committed by multiple perpetrators;
5. Whether the complaint reveals a pattern of misconduct (e.g., via illicit use of drugs or alcohol) at a given location or by a particular respondent;
6. The respective ages and roles of the complainant and respondent, including whether the conduct involves a complaint of sexual misconduct perpetrated against a minor;
7. The complainant's interest in the university not pursuing an investigation or disciplinary action and the impact of such actions on the complainant;
8. The availability of other means to obtain relevant evidence of the sexual misconduct without the participation of the complainant (e.g., security cameras or personnel, physical evidence, criminal process, etc.);
9. Fairness considerations for both the complainant and respondent;
10. The university's commitment to a safe and non-discriminatory environment; and
11. Any other available and relevant information.

Where EOA determines that a complainant's request(s) to not investigate an allegation can be honored, the university may nevertheless take other appropriate steps to stop the reported conduct, prevent its recurrence, and address its effects on the complainant and the campus community. Those steps may include offering appropriate support resources to the complainant, providing targeted training and prevention programs, and/or providing or imposing other remedies. The Title IX Coordinator or their designee may also re-open a complaint under the Employee Process if any new or additional information becomes available, and/or if the complainant later decides that they would like to pursue an investigation.

In those instances when EOA determines that it must proceed with an investigation despite the complainant's request, EOA will notify the complainant that it intends to initiate an investigation. The complainant is not required to participate in the investigation or in any of the actions taken by the university.

The university's ability to investigate and respond fully to a complaint may be limited if the complainant requests anonymity or declines to participate in an investigation. The university will, however, pursue other steps to limit the effects of the reported conduct and prevent its recurrence. In all cases, the final decision on whether, how, and to what extent EOA will conduct an investigation and whether Interim Support or Protective Measures will be taken in connection with a complaint of sexual misconduct and discrimination will be made in a manner consistent with the Policy, and will be documented.

I. Facilitated Resolution Process.

The facilitated resolution process is a voluntary and remedies-based approach to resolution that does not involve taking disciplinary action against a respondent. Complainants who report sexual misconduct or discrimination under the Policy may request the facilitated resolution process prior to, instead of, or during an investigation, although a decision to honor a request made during an investigation will be at the discretion of the Equity Associate in consultation with the Title IX Coordinator. In some forms of facilitated resolution, the remedies implemented will focus on supporting the complainant with no participation or involvement by the respondent. In other forms of facilitated resolution that involve or impact the respondent, the respondent must agree to participate. Depending on the form of facilitated resolution, it may be possible for a complainant to maintain anonymity. Any form of facilitated resolution and any combination of interventions and remedies may be utilized. Where an initial assessment concludes that facilitated resolution may be appropriate, the university will take prompt action, through the implementation of individual remedies, to maintain the parties' access to the programs and activities of the university and to remedy the impacts of inappropriate
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conduct on members of the campus community. In some instances, EOA may determine, in consultation with a complainant, that the implementation of Interim Support Measures is an appropriate form of facilitated resolution. EOA will consult with ELR, as appropriate, on proposed facilitated resolutions, particularly any that directly affect a respondent.

In some cases, based on the complaint made to EOA or on information gathered in the facilitated resolution process, for instance if information suggests a pattern of substantively similar behavior by the respondent or behavior affecting multiple individuals, EOA may determine the matter is most appropriate for an investigation, even if neither party requests an investigation. If EOA determines an investigation is required, EOA will notify the parties in writing through a Notice of Allegations (See Section J. Investigation Process).

Other forms of facilitated resolution include discussions with the parties, a resolution facilitated by the Equity Associate implementing an arrangement that provides separation between the parties, targeted or broad-based educational programming or training, facilitated conversation or interaction with the respondent and/or indirect action by the Equity Associate. As part of the facilitated resolution process, EOA will not compel a complainant and respondent to engage in facilitated conversation with each other, to confront each other directly, or to participate in any particular form of facilitated resolution. Where a facilitated conversation is requested, no meeting between the complainant and the respondent should occur without involvement by appropriate university staff. The facilitated resolution process is typically not used to resolve complaints of non-consensual sexual intercourse or when a complainant has reported sexual harassment by an employee in a position of authority over the complainant. In appropriate circumstances, however, the Title IX Coordinator or their designee may determine that facilitated resolution is appropriate.

Where the complainant or respondent withdraws from the facilitated resolution process or the process is otherwise terminated for any reason, any statements or disclosures made by the parties during the course of the facilitated resolution may be considered in a subsequent investigation.

1. To begin the facilitated resolution process, the complainant should inform the Equity Associate or any other appropriate EOA staff member that they want to engage in the facilitated resolution process. The Equity Associate will inform the complainant of the range of possible outcomes, including Interim Measures, and provide information about the procedures leading to those outcomes.

2. The facilitated resolution process may include an inquiry into the facts, but does not include an investigation.

3. EOA will attempt to resolve the complainant’s concern(s) quickly and effectively. The assigned Equity Associate or other EOA staff member will meet with the complainant, the respondent, if applicable, and any other persons the Equity Associate determines are necessary.

4. If a mutually agreed resolution is reached, a written record of the resolution will be documented by the Equity Associate or other EOA staff member and maintained in accordance with applicable EOA recordkeeping policies. The university will consider the facilitated resolution to be the final outcome and the matter is then considered closed. No appeals of a facilitated resolution outcome are possible.

5. Either the complainant or respondent may at any time elect to withdraw from the facilitated resolution process. Additionally, if the Equity Associate determines that a mutually agreeable resolution is not possible, or if the Equity Associate learns of information that requires an investigation, the Equity Associate may terminate the facilitated resolution process. In that event, the Equity Associate will promptly notify the parties, in writing, that the facilitated resolution process has terminated, and inform the parties of the right to request an investigation. If an investigation is requested, EOA will consider that request based on EOA’s review of the complaint and the information gathered in the facilitated resolution process, taking into consideration whether the complainant has asserted information that, if true, would constitute a violation of the Policy.

The facilitated resolution process will typically be completed within forty-five (45) calendar days of the initial complaint.

J. Investigation Process.

1. **Overview.** EOA will conduct a prompt and equitable investigation to gather relevant information necessary for the adjudicator to make a determination as to
whether or not a Policy violation occurred. The determination will be made based on a preponderance of the evidence (more likely than not) that the behavior occurred as alleged. The investigation will be impartial and will be conducted by trained investigators who have no actual bias or conflict of interest for or against the complainant or respondent.

During the investigation and adjudication, both the complainant and respondent have equitable opportunities, including the opportunity to receive written notice of the investigation; to participate in the investigation; to present and review information and evidence; to be accompanied by an advisor of their choice at any stage of the process; to timely and equal access to information that will be used in making a decision about responsibility; to timely notice of meetings at which their presence will be requested or required; to simultaneous written notice of the outcome and rationale; and to receive information about available appeals.

The university, not the parties, is responsible for gathering relevant evidence. The complainant and respondent will be asked to identify witnesses and provide other relevant information, such as documents, communications, and other evidence, if available. The parties are encouraged to provide all relevant information as promptly as possible. In the event that a party declines to voluntarily provide relevant information, the university's ability to conduct a prompt, thorough, and equitable investigation may be impacted.

2. **Investigator.** When the decision is made to initiate an investigation, EOA will designate an investigator to conduct a prompt, thorough, fair, and impartial investigation. The investigator is typically an Equity Associate, but may also be an experienced external professional investigator.

3. **Evidentiary Standard.** The applicable evidentiary standard for all violations of the Policy is a preponderance of the evidence. This standard is met when the evidence shows that it is “more likely than not” that the alleged misconduct occurred.

A respondent is presumed not to have violated the Policy until the investigation has concluded and a preponderance of the evidence establishes it is more likely than not that a Policy violation has occurred.

4. **Consolidation of Investigation.** EOA has the discretion to consolidate multiple complaints into a single investigation if evidence relevant to one incident is relevant to the others. Consolidation might involve multiple complainants and a single respondent, multiple respondents, or conduct that is logically connected. Where the conduct is related or part of the same incident or series of incidents, EOA may investigate alleged violations of other university standards, policies, or rules.

Should a complainant elect to file a substantively similar complaint with the Oregon Bureau of Labor and Industry (“BOLI”), the U.S. Equal Employment Opportunity Commission (“EEOC”), or the U.S. Department of Education Office for Civil Rights (“OCR”), or file a civil lawsuit, either simultaneously or while EOA is conducting an investigation, EOA reserves the right to continue its investigation or to terminate its investigation and have the response to BOLI, EEOC or OCR, or to the civil lawsuit, constitute the university’s response to the reported complaint.

5. **Notice of Allegations.** EOA will issue a notice of allegations to the respondent and a notice of acknowledgment of investigation to the complainant via their university e-mail accounts or via U.S. mail.

a. The notice will provide a summary of the allegations, including: the names of the parties; the date, time, and location of the alleged violation, if known; a brief summary of the nature of the reported conduct; the specific sections of university Policy that are alleged to have been violated; the party’s rights, and on-campus resources; the prohibition against retaliation; the importance of preserving any potentially relevant evidence; the name of the EOA Equity Associate; how to challenge the participation of the Equity Associate on the basis of a conflict of interest or bias; and, a copy of the Policy and this Employee Process. If the investigation reveals the existence of additional or different potential violations of the Policy, EOA will issue a supplemental or new notice of allegations, as applicable.

b. The notice of allegations will request that the respondent contact EOA within three (3) business days to schedule a meeting with the Equity Associate.
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The investigation will continue even if the respondent does not choose to actively participate.

6. **Evidence Gathering.** After the notice of allegations is sent, the Equity Associate will conduct a thorough and impartial investigation, gathering relevant information about the alleged misconduct. During the investigation, the complainant and the respondent will have equitable opportunities to provide the Equity Associate with the names and contact information of fact (not character) witnesses, documentation, and any other relevant evidence related to the alleged misconduct. Witnesses whose only information is about an individual's character, with no information about the allegations, will not be considered. Both the complainant and the respondent will be invited by the Equity Associate to meet separately with the Equity Associate.

**Initial Meeting with Complainant**

Before or during the Equity Associate's initial meeting with the complainant, which typically takes place before the Notice of Allegations is issued, the Equity Associate will ensure that the complainant has information regarding rights and options, as set forth in Section F, Initial Assessment, some of which may already have been provided during the intake meeting. In addition, the Equity Associate will address the following:

- Explain the investigation process and timelines and answer any related questions;
- Provide a document explaining the complainant's rights and options under this Employee Process, including the right to be accompanied at any step of the process by an advisor of their choice;
- Provide the complainant a full opportunity to provide information regarding the allegations, including providing the Equity Associate with relevant documentary evidence and the identity of potential fact witnesses;
- Provide the complainant the opportunity to submit a written and signed document setting forth the substance of their complaint, including the date and location of the reported behavior, the person responsible for the reported behavior, the nature of the reported behavior, any witnesses to the reported behavior, and any supporting documentary evidence;
- Discuss the complainant's expressed preference for manner of resolution and any barriers to proceeding, including explanation of the facilitated resolution process versus an investigation process;
- Explain the university's policy prohibiting retaliation;
- Confirm with the complainant the process for requesting any Interim Support or Protective Measures; and
- Schedule other meetings, if necessary.

**Initial Meeting with Respondent**

The Equity Associate's initial meeting with a respondent, which takes place after the notice of allegations has been issued, is typically for the purpose of informing the respondent about the allegations and investigation process, including the right to submit a written response to the allegations, and about available support and resource options. Before or during the initial meeting with the respondent, the Equity Associate will address the following:

- Advise the respondent of available on-campus and off-campus advocacy and support resources, including confidential resources;
- Provide the respondent with a copy of the Policy and this Employee Process;
- Explain the investigation process and timelines, and answer any related questions;
- Provide a document explaining the respondent's rights and options under the Employee Process, including the right to be accompanied at any step of the process by an advisor of their choice;
- Provide the respondent with a written summary of the complaint against respondent, if not already provided. If the summary complaint is not available at the time of the initial meeting with the respondent, the Equity Associate will provide it as soon as it is available;
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- Provide the respondent full opportunity to respond to the allegations and to provide information regarding the allegations, including providing the Equity Associate with relevant documentary evidence and the identity of potential fact witnesses;
- Explain the university's policy prohibiting retaliation;
- Inform the respondent that although they are not required to do so, they have the option to provide a written response to the allegations, and have ten (10) business days to provide that written response;
- Confirm with the respondent the process for requesting any Interim Support or Protective Measures, if applicable; and
- Schedule other meetings, if necessary.

Witnesses

In addition to meeting with the complainant and respondent, the Equity Associate will meet with fact witnesses who may have information relevant to the incident, who may have observed the acts in question, who may be able to provide contextual information, or who may have other information related to the incident or related matters, either directly or based on reports from either of the parties. Witnesses may not participate solely to provide information about an individual's character. Where witnesses are interviewed as part of the investigation, relevant information gathered in the interviews will be included in the Investigation Report, which the parties will have the opportunity to review at the conclusion of the investigation.

Witnesses are expected to cooperate with and participate in the investigation. Any witness who declines to participate in, or cooperate with, an investigation may, at the sole discretion of the Equity Associate, be permitted to offer evidence or testimony later. Witnesses are expected to make themselves available to answer questions by phone, Skype, or similar technology if they cannot be interviewed in person.

Witnesses who refuse to participate or obstruct an investigation conducted by EOA may be referred to SCCS and/or the Office of Human Resources or Office of Faculty Affairs, as appropriate.

Evidence

The Equity Associate will also gather and consider other relevant information or evidence, including documents, photographs, communications between the parties, medical records (if provided to EOA by the individual who is the subject of the records), and other electronic records as appropriate.

Investigation/Evidence Gathering Process

The following apply to the investigation/evidence gathering process conducted by Equity Associates:

a. Statements made to the Equity Associate during the investigation will be documented in writing and offered for review for accuracy by the individual who provided the information. Individuals who review the accuracy of their statements may suggest clarifications, additions, or alternative language that they believe more accurately reflects what was said during the investigation interview; this information will supplement, not replace, the individual's earlier statement. Individuals who elect to review their statements must provide a response to the Equity Associate within five (5) business days of receiving the written record.

b. The Equity Associate may consider information publicly available from online sources that is brought to the attention of EOA. The university does not actively monitor online sources, however, and as with all potentially relevant information, the complainant, respondent, or witness should bring publicly available/online information to the attention of the Equity Associate if they believe it is relevant. The Equity Associate may also consider communications involving or relating to one or both parties that either party brings to the attention of the Equity Associate or that is provided by the parties in response to a request by the Equity Associate. The Equity Associate may also seek review of information available on university devices or servers, to the extent permissible and consistent with the university's information technology policies.
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c. The Equity Associate may visit relevant physical sites or locations, as appropriate, and record observations through written, photographic, or other means. In some cases, the Equity Associate may consult medical, forensic, technological, or other experts when expertise on a topic is relevant in order to achieve a fuller understanding of the issues under investigation. The university generally will not consider polygraph results.

d. In general, a person’s medical and counseling records are confidential and not accessible to EOA unless the person voluntarily chooses to share those records with the Equity Associate. If medical or counseling records are shared by a party and are determined to be relevant to and relied on in the investigation, relevant information from the records will be included in the Investigation Report which will be made available for review by both parties.

e. The Equity Associate will consider all information identified or provided by the parties and will determine the appropriateness, relevance, and probative value of the information developed or received during the investigation. In general, the Equity Associate will not consider statements of personal opinion or statements as to any party’s general reputation for any character trait. All information considered relevant by the Equity Associate will be included in the Investigation Report, which will be made available to both parties, both of whom will have the right to submit a rebuttal statement, as described in section J.7.b. of this Employee Process, below.

f. Prior or subsequent conduct may be considered in determining pattern, knowledge, intent or motive. For example, evidence of a pattern of misconduct by the respondent, either before or after the incident in question, regardless of whether there has been a prior finding of a Policy violation, may be deemed relevant to the determination of responsibility for the conduct under investigation. The determination of relevance of pattern evidence will be based on an assessment of whether the previous or subsequent conduct was substantially similar to the conduct under investigation or indicates a pattern of similar prohibited conduct. The Equity Associate will determine the relevance of this information, which may involve additional investigative steps, and both parties will be informed, by way of the Investigation Report, if evidence of prior or subsequent conduct is deemed relevant.

g. The sexual history of the complainant or respondent will never be used to prove character, reputation, or credibility. Evidence related to the prior sexual history of the parties is generally not used in determining whether a violation of the Policy has occurred and will only be considered when a determination is made that the evidence is directly relevant to the investigation. For example, if consent is at issue, the sexual history between the parties may be relevant to determine the nature and manner of communications between the parties, which may inform the determination of whether consent was sought and reasonably appeared to have been given during the incident in question. As set forth in the consent definition in the Policy, even in the context of a relationship, consent on one occasion does not constitute consent on a subsequent occasion. In addition, prior sexual history may be relevant to explain injury, to provide proof of a pattern, or to address another specific issue raised in the investigation. The Equity Associate will determine the relevance of this information and both parties will be informed, by way of the Investigation Report, if evidence of prior sexual history is deemed relevant.

h. If either party leaves or graduates from the university during the investigation, EOA may proceed with the investigation or take further action as necessary to eliminate, prevent or address any impacts of the reported misconduct. This Employee Process will continue to the extent necessary to ensure that the university has taken appropriate action in response to the complaint. In some instances, the imposition of Interim Measures may be sufficient to resolve the reported concerns. EOA may continue to offer a complainant who was affiliated with the university at the time the complaint was made, but who has since left or graduated, the opportunity to participate in the process.

7. **Investigation Report.** At the completion of the evidence-gathering phase, the Equity Associate will prepare an Investigation Report summarizing all relevant information gathered in the investigation. Specifically, the Investigation Report will include a statement of the allegations and Policy violations with which the respondent has been charged, an overview of areas of relevant contested or uncontested information, the Equity Associate’s findings as to contested information, including the Equity Associate’s assessment of credibility, if relevant, in reaching those findings, and findings of fact.
The following apply to the Investigation Report prepared by the Equity Associate:

a. The Equity Associate will make available via electronic means a draft Investigation Report, with any supporting exhibits, to the complainant and respondent concurrently, cautioning both parties about any further unauthorized dissemination of the draft report. In support of the university's effort to safeguard the privacy of all parties, the draft Investigation Report will be anonymized and will be watermarked in a manner that identifies which party is receiving the report copy. In addition to the draft Investigation Report and supporting exhibits, each party will receive a Witness Key, allowing each to know who provided what information in the draft Investigation Report.

b. Both complainant and respondent will have the opportunity to provide a rebuttal statement in response to the draft Investigation Report. Any rebuttal statement is to be provided to the Equity Associate, and must be provided within ten (10) business days of the party's receipt of the Investigation Report.

c. Either party may request an extension of the ten (10) business day timeline to submit a rebuttal statement in writing for good cause. If a party wishes to modify the timeline, the party should submit a written request to the Equity Associate with the requested modification. The written request must provide good cause for modifying the timeline and must be submitted before the deadline. While the Equity Associate has sole authority to grant or deny a request to modify the timeline, the Equity Associate may consult with the Title IX Coordinator, or their designee, if necessary. The Equity Associate will send concurrent notice of their decision regarding the requested modification to both parties.

d. The party's rebuttal statement may: (1) address the charges, (2) provide written comments or feedback regarding information within the draft Investigation Report, (3) submit additional information, (4) identify additional witnesses, and/or (5) ask that the Equity Associate collect other relevant information, indicating generally what additional relevant information the party believes is available. The Equity Associate will determine whether additional information submitted by a party, additional witnesses identified by a party, or a party's request that the Equity Associate collect further information, are relevant and if additional investigation is required.

e. Unless additional investigation is required, the Equity Associate will prepare a Final Investigation Report, incorporating any relevant additional substantive information submitted by either party via a rebuttal statement or gathered by the Equity Associate at the request of either party, normally within ten (10) business days after the close of the timeframe for the parties to submit rebuttal statements. That timeframe may be extended by the Equity Associate for good cause, with the Equity Associate providing concurrent notice to both parties of any extension.

f. If additional investigation is determined relevant, the Equity Associate will conduct that additional investigation, review any new information with the parties, as appropriate. Any relevant substantive information gathered in the additional investigation will be incorporated into the Final Investigation Report, which normally will be issued within ten (10) business days after the completion of the additional investigation.

g. Either party may choose not to submit a rebuttal statement. If neither party chooses to submit a rebuttal statement, the draft Investigation Report will become the Final Investigation Report. The Final Investigation Report, with supporting exhibits and Witness Key, will be made available concurrently to the parties and to the AVP/SD of ELR, or designee, to adjudicate and determine whether the facts gathered by the Equity Associate establish a violation of the Policy. Hereafter the term “Adjudicator” will be used to refer to the AVP/SD of ELR.

8. **Adjudication and Determination of Policy Violation.** The Adjudicator will review the information in the Final Investigation Report and supporting exhibits. To the extent the Adjudicator determines that additional information or clarification is needed in order to make a decision whether, by a preponderance of the evidence, there has been a violation of university Policy as alleged, the Adjudicator, in consultation with the Title IX Coordinator, may request that the Equity Associate gather and provide additional information. If the Adjudicator requests additional information or clarification, the Equity Associate will incorporate any relevant additional information or clarified information into a Revised Final Investigation Report, and make available the Revised Final Investigation Report concurrently to the parties and the Adjudicator.
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When the Adjudicator has received and reviewed the Final Investigation Report and supporting exhibits, or the Revised Final Investigation Report, the Adjudicator, or designee, will make a decision as to whether there has been a Policy violation based on the information provided.

9. **Notice of Decision.** The Adjudicator, or designee, will issue a written Notice of Decision to both parties simultaneously, with a copy sent to the respondent's supervisory chain and to the Title IX Coordinator. The Notice of Decision will summarize the Adjudicator's, or designee's, decision regarding the alleged violations of Policy, including the rationale that shaped their decision. The Notice of Decision generally will be issued within ten (10) business days from the date of the Final Investigation Report. That timeframe may be extended for good cause, with the Adjudicator providing concurrent notice to both parties of any extension. The Notice of Decision will include information on the appeal process, and identify the university administrator to be designated as the appellate authority (see Section J.10).

Where no violation of Policy is found, the investigation will be closed unless the complainant files an appeal.

10. **Appeal.** The complainant and respondent may appeal the Policy violation determination made by the Adjudicator, or their designee, on one or both of the grounds set forth below. The appeal process is available ONLY for the determination as to whether there has been a violation of Policy. A respondent who wishes to contest any future disciplinary action imposed by the supervisory chain in response to a determination that there was a violation of Policy, must do so through any applicable university grievance process or collective bargaining agreement.

a. Allowable grounds for appeal are:

   i. An action or omission occurred that was not in accordance with the procedures outlined in or referenced in this Employee Process, or was fundamentally unfair, which substantially impacted the outcome; or

   ii. New evidence exists that was unavailable at the time of the Final Investigation Report, or Revised Final Investigation Report. Failure of a party to participate or otherwise present available information during the investigation process does not constitute new evidence.

Appeals are to be filed electronically with the Title IX Coordinator/Executive Director of EOA at eoa@oregonstate.edu. Appeals must be filed within five (5) business days of the date of the Notice of Decision. Appeals that are not submitted within five (5) business days, that do not list specific grounds, or that do not fall under one of the listed grounds will not be considered.

If an appeal is filed by either party, the Title IX Coordinator, or designee, will notify and share the appeal with the non-appealing party and provide an opportunity for that party to submit a rebuttal to the Title IX Coordinator or designee for consideration by the appellate authority. Any rebuttal by the non-appealing party must be submitted within five (5) business days of the date the non-appealing party was notified of and provided a copy of the appeal. The Title IX Coordinator will refer the appeal to the appellate authority after receipt of a rebuttal by the non-appealing party, or the time for submission of a rebuttal by the non-appealing party has passed.

b. **Review by appellate authority.**

   The appeal and any rebuttal will be considered in a neutral and impartial manner by the designated appellate authority, or their designee.

   The appeal process is not a new review of the allegations. The appellate authority will review the matter on the established record, unless new evidence exists that was previously unavailable.

   Generally, the appellate authority, or designee, will issue a decision on the appeal within ten (10) business days of the date an appeal is forwarded to the appellate authority, unless an extension is required based on extenuating circumstances. That timeframe may be extended for good cause, with the appellate authority providing concurrent notice to both parties of any extension. The appellate authority, or their designee, has the authority to do any of the following:
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i. Sustain the original Policy decision;
ii. Remand the matter to the Adjudicator or to the Equity Associate for further consideration or further investigation; or
iii. Reverse all or part of the Adjudicator's Policy decision.

The decision of the appellate authority serves as the final decision of the university in the matter as to whether there was a violation of Policy. No additional appeals as to whether there was a violation of Policy are available. Following the conclusion of any appeal process, the investigation will be closed.

K. Disciplinary Action.

When the Adjudicator determines that available information establishes that the respondent engaged in conduct that violated Policy, disciplinary action may be imposed. The Adjudicator will confer with the respondent's supervisory chain in determining what disciplinary action is appropriate, consistent with university policy and any applicable collective bargaining agreement.

Disciplinary action is designed to eliminate sexual misconduct and discrimination, prevent its recurrence, and remedy its effects, while supporting the university's educational mission, and state and federal obligations. The disciplinary action process is outside the scope of this Employee Process. More information about the corrective action process and possible sanctions is available from the Adjudicator and in applicable collective bargaining agreements and other university policies.

L. Additional Provisions.

1. Advisors.

The parties and witnesses may each elect to be accompanied by one advisor to any meeting or interview conducted under the Employee Process. An advisor can be a friend, family member, union representative, attorney, or any individual of the party's choosing. However, a witness to the alleged misconduct is not eligible to be an advisor for either party. An attorney may serve as the advisor and attend meetings up through and including the appeal process, if any, but not extending to the disciplinary action process, if any.

The role of the advisor is to support and/or give advice regarding the process. An advisor may observe, take notes, request breaks to consult with the party, and ask for clarification about the process.

An advisor may not directly participate in the process, answer questions for the party or witness, interject comments that disrupt the meeting, or interrupt the process to such an extent that the purpose of the meeting is impaired. If an advisor violates these restrictions, as determined by the Equity Associate, they will be given one warning. If the disruptive conduct continues, they will be requested and expected to leave the meeting or interview. The party or witness can then elect to be accompanied by a new advisor.

2. Participation.

Parties, whether employees or students, are strongly encouraged to directly participate in all stages of the Employee Process. If a respondent chooses to not participate in the Employee Process, the matter may proceed without them and a decision may be made in the absence of any input from the respondent.

3. Accessibility.

It is the policy of the university to comply with Sections 503 and 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (“ADA”), as amended by the ADA Amendments Act of 2008, and other applicable federal and state law that prohibits discrimination on the basis of a disability. EOA is committed to making the Employee Process as accessible as is reasonable and practicable for all employees and other involved parties, which may include students. Employees or other involved parties who are off-campus or otherwise unable to participate in-person may request arrangements to participate in other ways (including by providing written statements, through telephonic or online means, etc.). EOA will offer reasonable accommodations to
employees and students whose ability to participate in the process is limited or constrained because of a qualifying disability. Employees or students who require a disability accommodation, language support, or who may have other factors that could impact their ability to participate should contact EOA as early as possible in the process to make a request for assistance, which will then be reviewed by EOA. EOA’s ability to meet requests may be limited without enough advance notice.

4. **Safeguarding Privacy.**

All parties involved in this process are expected to keep all detailed information relevant to the proceedings private during the process, except that complainant and respondent are not restricted from discussing or sharing information with others who may support or assist them during the process, nor are they prohibited from seeking resolution in court or an applicable state or federal agency.

Reproduction of documents and disclosure of information contained in documents made available for review in the process are prohibited, and any breach of this restriction is subject to disciplinary action by ELR and/or Student Conduct and Community Standards ("SCCS"), as appropriate.

All parties are encouraged to exercise discretion in sharing information in order to safeguard the integrity of the process and to avoid retaliation or the appearance of retaliation.

The expectation of privacy during the investigation and resolution process should not be understood to limit the legal rights of the parties during or after resolution. The university may not, by federal law, prohibit either party from disclosing the final outcome (after any appeal is concluded). All other conditions for disclosure are governed by the Faculty Records policy or the Family Educational Rights and Privacy Act ("FERPA"), as applicable, and any other applicable laws.

All records of completed facilitated resolutions and investigations are considered faculty/employee records of the involved employees and education records of the involved students and retained by the relevant office in compliance with the university's policies. These records are available for review only by the parties as provided by and during this process. Access to records of facilitated resolutions or investigations is substantially limited after the completion of the matter. Redacted records may be available to a party, as determined by the university, in compliance with the Faculty Records policy and FERPA, as applicable, and other applicable law.

5. **Coordination with Law Enforcement.**

If there is a concurrent criminal investigation, the university will seek to work in a collaborative manner in order to respect the integrity of both the external criminal investigation and the university investigation. This may include (where consistent with other federal or state privacy laws) contacting the law enforcement agency that is conducting an investigation to inform that agency that a university investigation is also in progress, attempting to ascertain the status of the criminal investigation, and seeking to determine the extent to which any evidence collected by law enforcement may be available to the university in its investigation.

6. **Training for University Staff.**

All university staff tasked with implementing the Employee Process, including investigators, adjudicators, and appellate authorities, will participate in annual continuing education on related topics as required by applicable law. All Equity Associates who serve as investigators for allegations of a Policy violation receive training on issues related to sexual and gender-based harassment, sexual assault, dating violence, domestic violence, and stalking. This training includes how to conduct a fair and impartial investigation that provides parties with notice and a meaningful opportunity to be heard, and that protects the safety of the parties and all participants while promoting accountability.

7. **Conflicts of Interest.**

The university is committed to ensuring that this Employee Process is free from actual or perceived bias or conflicts of interest that would materially impact
Appendix E: Sexual Misconduct and Discrimination Investigation and Resolution Process for Non-Title IX Complaints against Employees

the outcome or resolution. Any concerns regarding conflict of interest in an EOA process should be submitted promptly to the Title IX Coordinator/Executive Director of EOA.

8. **Recordkeeping.**
   All offices involved in this Employee Process will retain, in accordance with the university’s records retention schedule, records of all complaints, investigations, and resolutions involving alleged violations of the Policy.