

# TITLE IX

## SEXUAL ASSAULT/VIOLENCE, DATING VIOLENCE, DOMESTIC VIOLENCE & STALKING

### OVERVIEW

Umpqua Community College (UCC) is a commuter campus with no residence halls. UCC is committed to fostering an educational environment free from discrimination, including sexual misconduct (including sexual violence and sexual harassment), intimate partner violence (including domestic violence and dating violence), and stalking. UCC does not tolerate any form of sexual misconduct, whether physical, mental, or emotional in nature. Unlawful sex discrimination can interfere with a student's ability to participate in or benefit from college academic and non-academic programs, an employee's ability to function in the workplace, or a campus visitor's ability to utilize college programs and services. The college recognizes its responsibility to increase awareness of sexual misconduct, intimate partner violence, and stalking, prevent its occurrence, support victim/survivor, promptly and equitably investigate reports of misconduct, and deal fairly and firmly with those who are found in violation of the policy.

Umpqua Community College has sexual harassment policy and procedures on the Human Resources website regarding how to file a complaint of discrimination/harassment. <http://www.umpqua.edu/title-ix>. In addition, the HR website outlines procedures regarding sexual assault, sexual violence, dating violence, domestic violence, and stalking. In fall 2017, these procedures will be codified into board policy.

### UCC DEFINITIONS

UCC's Policy Prohibiting Sexual Misconduct, Intimate Partner Violence, and Stalking sets forth the following definitions to assist students, faculty, and staff in identifying prohibited behavior. Sexual Misconduct, which includes both sexual harassment and sexual violence, is defined as: Sexual harassment refers to the unwelcome imposition of sexual attention often in the context of a relationship of unequal power. The policy applies to men and women equally and encompasses both heterosexual and same-sex harassment. Sexual harassment is any conduct, physical or verbal, that is sexual in nature and which has the effect of unreasonably interfering with an individual's or a group's educational or work performance, or which creates an intimidating, hostile, or abusive educational or work environment. It can include unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature made by someone from or in the workplace or educational setting.

- **Sexual Violence** is any sexual act that is perpetrated against someone's will. Sexual violence encompasses a range of offenses, including but not limited to a completed or attempted nonconsensual sex act (i.e., rape), abusive sexual contact (i.e., unwanted touching), and non-contact sexual abuse (e.g., threatened sexual violence, exhibitionism, verbal sexual harassment).

All types involve victim/survivor who do not consent, or who are unable to consent or refuse to allow the act.

- **Intimate partner violence**, sometimes referred to as domestic battery or dating violence - describes physical, sexual, or psychological harm by a current or former partner or spouse. This type of violence can occur between individuals of heterosexual or same-sex couples and does not require sexual intimacy. Intimate partner violence can vary in frequency and severity. It occurs on a continuum, ranging from verbal abuse that may or may not impact the victim/survivor to chronic, severe battering. There are four main types of intimate partner violence including but not limited to:
  - **Physical Violence** is the intentional use of physical force with the potential for causing death, disability, or injury. Physical violence includes, but is not limited to, scratching; pushing; shoving; throwing; grabbing; biting; choking; shaking; slapping; punching; burning; use of a weapon; and use of restraints or one's body, size, or strength against another person.
  - **Sexual Violence** as defined above.
  - **Threats of Physical or Sexual Violence** is the use of words, gestures, or weapons to communicate the intent to cause death, disability, or injury.
  - **Psychological/Emotional Violence** involves trauma to the victim/survivor caused by acts, threats of acts, or coercive tactics. Psychological/emotional abuse can include, but is not limited to, humiliating the victim/survivor, controlling what the victim/survivor can and cannot do, withholding information from the victim/survivor, deliberately doing something to make the victim/survivor feel diminished or embarrassed, isolating the victim/survivor from friends and family, and denying the victim/survivor access to money or other basic resources. It is also considered psychological/emotional violence when there has been prior physical or sexual violence or prior threat of physical or sexual violence.
- **Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for the person's safety or the safety of others; or (B) suffer substantial emotional distress. For purposes of determining if stalking has occurred, the Title IX Coordinator will utilize the following definitions:
  - **Course of Conduct.** The term "course of conduct" means two or more acts, including but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
  - **Reasonable Person.** The term "reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim/survivor.
  - **Substantial Emotional Distress.** The term "substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- **Consent** is a knowing, voluntary, and clear mutual agreement to engage in sexual activity. Consent must be freely and actively given, and communicated by clearly and mutually understandable words or actions to participate in each form of sexual activity. Consent may be withdrawn at any time. Consent to some sexual contact cannot be presumed to be consent for other sexual activity

including previous consent or the existence of a current or previous relationship. Silence or the absence of resistance is not the same as consent.

- **Lack of Consent** means the person has not given consent because:
  - The person is incapable of giving consent because of mental, developmental, or physical disability.
  - Force is used or threatened
  - The person is incapable of giving consent as a result judgment-inhibiting intoxication without regard to the intoxicant.
  - The person is not sufficiently conscious to provide consent.
  - The person is not old enough to give consent. In Oregon, any person who has reason to believe that a child is a victim/survivor of child abuse or neglect has a duty to make a report to Department of Human Services or to the police. This is also known as *Mandatory Reporting*.

- **Explanation of Differences in Policy Definitions and Annual Reporting Statistics**

UCC is required to report statistical information about reports of sexual assault, dating violence, domestic violence, and stalking as defined in the Violence against Women Act Amendments of 2013 and its implementing regulations. A full review of the definitions used for UCC's reporting of the annual crime statistics for sexual assault, dating violence, domestic violence and stalking are in Section 6 of this report.

## REPORTING AND RESPONSE TO VICTIMS OF SEXUAL ASSAULT/SEXUAL VIOLENCE, DATING VIOLENCE, DOMESTIC VIOLENCE, AND STALKING

UCC has designed a reporting and response process to assist victim/survivor of sexual assault/sexual misconduct, dating violence, domestic violence and stalking. Individuals involved in the reporting and response process engage in training to assure students and employees that they are receiving information and assistance in a timely and appropriate manner.

- **Steps a Victim/Survivor May Take Immediately:**

- **Get to a safe place** as soon as possible. Your safety is most important.
- **Seek Medical Attention.** After an incident of sexual assault, dating violence, domestic violence, or stalking the victim/survivor should consider seeking medical attention as soon as possible, even if there are no obvious signs of physical injury. You may wish to consult with medical personnel quickly regarding: prevention of sexual transmitted infections, pregnancy; evidence collection, and toxicology testing if there are signs that drugs or alcohol may have facilitated the assault. Individuals of any gender can be victim/survivor of sexual assault, dating violence, domestic violence and stalking. We encourage victim/survivor to go to the emergency room at Mercy Medical Center, and for those age 14 and under, Douglas C.A.R.E.S.

Mercy Medical Center has trained Sexual Assault Nurse Examiners (SANE) nurses who conduct forensic examinations and collect the evidence for the sexual assault kits. In Oregon, evidence

may be collected even if you chose not to make a report to law enforcement. SANE services are provided free of charge to all victim/survivor, regardless of your decision to involve law enforcement.

**Mercy Medical Center**

Sexual Assault Nurse Examiners (SANE) Program

2700 NW Stewart Parkway, Roseburg, OR 97471

<http://mercyrose.org/>

541-673-0611

**Douglas C.A.R.E.S. – Pediatric care for those ages 14 years and under**

545 W. Umpqua Street, Suite 1, Roseburg, OR 97471

<http://www.douglascare.org/>

541-957-5646 -- Contact: Emergency Room Manager

The SANE Program is staffed by registered nurses who have advanced education and instruction in medical-forensic examination and in psychological and emotional trauma. SANE's philosophy of nursing empowers patients to determine their plan of care, including:

- Emotional support
- Physical examination and wellness check
- Collection of medical-forensic evidence
- Assistance with reporting the crime to police, when requested (mandatory reporting for children)
- Assistance with concerns about sexually transmitted infections and pregnancy
- Assistance with safety planning
- Development of a medical follow-up plan

Victim Advocate from Umpqua Community College may also be on-hand for support and advocacy during the SANE exam.

Things to know about the SANE Exam:

- During the exam you can expect to be examined for internal and external injuries, foreign hair samples, and semen/other body fluids.
- If possible bring an extra set of clothes (if you decide to have evidence collected, the police may want the clothes worn during the assault for evidence) and a friend or another supportive person.
- If you think you may want to file a police report in the future, do not shower, drink, eat, douche, or change your clothes prior to the exam. These activities can destroy important physical evidence that is useful should you decide to make a police report. If you've already showered or changed, it's still okay to go to SANE for an exam. Also, document everything you remember happening with as much detail as possible. (This can also help should you decide to take legal action). If you have changed your clothes, please bring the clothes you were wearing to the hospital. (Note that the SANE may ask to keep both sets of clothing.)
- You can choose to have forensic evidence collected without filing a police report immediately.

In the event an adult victim/survivor chooses not to report the sexual assault incident to law enforcement; evidence obtained from the examination will be securely stored for the period of one year using only a confidential number. In circumstances of sexual assault, if victim/survivor do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infections. Victim/survivors of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to College investigators or police.

○ **Preserve Evidence**

Best practices are to preserve evidence include seeking medical attention shortly after the event.

- Do not shower, drink, eat, douche, or change your cloths prior to the exam. Do not bathe, wash your hands, brush your teeth, drink, eat, or even use the restroom – all these things can destroy evidence that may be helpful in a criminal investigation; however if you have done any of these things since the attack, evidence can still be collected.
- Avoid changing your clothes. It is recommended that you bring an extra set of clothes with you to the hospital.
- Do not clean or remove anything from the location where the attack occurred.
- You may consider preserving other relevant information such as communications from the perpetrator in the case of stalking such as social media posts, emails, text or other materials.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim/survivor chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with UCC Security Department or other law enforcement to preserve evidence in the event that the victim/survivor decides to report the incident to law enforcement or the College at a later date to assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protection order. If you wish to press charges or seek a protective order, it is important to preserve and record evidence including recording a description of the perpetrator (including type of clothing, race, age, height, weight, hair color, eye color, distinguishing marks, etc.), details of events, where events occurred, and the direction of travel of any vehicle involved. Best practices to preserve evidence with respect to sexual offenses include seeking medical attention shortly after the event.

- **Report the Alleged Offense to Law Enforcement.** If the victim/survivor of sexual assault/sexual misconduct, dating violence, domestic violence or stalking wishes to have the assistance of law enforcement, the victim/survivor should contact the UCC Security Department immediately by calling 541-440-7777. If the individual is off-campus, immediately call 911 or contact the appropriate law enforcement agency:

Law Enforcement Contact	Phone Number
Douglas County Sheriff	Main Office Number: 541-440-4450
Oregon Department of State Police	Roseburg: 541-440-3334

- **Talk with an Advocate or a Counselor.** Talk with an advocate, a counselor or contact someone you trust to be with you and support you. You may ask UCC Security Department to contact the Victim Advocate. The UCC Victim Advocate is available for confidential consultation in regard to sexual assault/ sexual misconduct, dating violence, domestic violence, and stalking. Both can provide assistance with navigating policies and understanding processes pertaining to academics and the filing of student conduct complaints. Please contact:

**Victim Advocate**

Lynn M. Johnson, Director of Human Resources

Office: 541-440-7690

Email: [Lynn.Johnson@umpqua.edu](mailto:Lynn.Johnson@umpqua.edu)

## CAMPUS AND COMMUNITY RESOURCES FOR VICTIMS OF SEXUAL ASSAULT, DATING VIOLENCE, DOMESTIC VIOLENCE, OR STALKING

- **On Campus Resources**

- Security Department – 541-440-7777
- Victim Advocate – 541-440-7690
- Campus Mental Health, Recovery and Wellness – 541-440-7900
- Title IX Coordinator – 541-541-7690
- Deputy Title IX Coordinator – 541-440-7860
- Dean of Student Services – 541-440-7860

- **Off Campus Resources**

- Douglas County Sheriff - 541-440-4450
- Oregon Department of State Police - Roseburg: 541-440-3334
- Mercy Medical Center – 541-673-0611
- Reliant Behavioral Health – 866-750-1327 ([www.MyRBH.com](http://www.MyRBH.com)) *(Until 8/31/2017 for faculty/staff/students)*
- Community Health Alliance (CHA) – 541-440-3532 or 800-866-9780
- Battered Persons Advocacy (BPA) – 541-673-7867 or 800-464-6543
- National Sexual Assault Helpline - 800-656-HOPE
- National Resources Center on Domestic Violence Hotline - 800-799-SAFE
- Veteran’s crisis Line – 800-279-8255

## REPORTING SEXUAL ASSAULT/SEXUAL VIOLENCE, DATING VIOLENCE, DOMESTIC VIOLENCE, OR STALKING TO THE EQUAL OPPORTUNITY AND TITLE IX OFFICE

Although the College strongly encourages all members of its community to report violations of UCC’s policy to the Security Department, (including Douglas County Sheriff and/or local police), it is the victim/survivor’s choice whether or not to make such a report. Furthermore, victim/survivors have the right to decline to notify law enforcement. UCC’s Campus Security will assist any victim/survivor with

notifying law enforcement if the victim/survivor so desires. Victims/survivors of sexual assault / sexual violence, dating violence, domestic violence, or stalking, have the option of reporting the incident to UCC's Director of Human Resources and Title IX Coordinator.

The Title IX Coordinator has the authority to investigate allegations of sex discrimination and misconduct, including sexual assault / sexual violence, dating violence, domestic violence, and stalking as prohibited by federal and state law. The Title IX Coordinator may appoint the Deputy Title IX Coordinator as the investigator, as necessary, to fulfill the obligations of the Title IX Coordinator as required by this policy. The Title IX Coordinator and / or Deputy Title IX Coordinator is also responsible for providing annual training to members of the UCC community regarding the application and implementation of policies and procedures related to Title IX and the Campus SaVE Act.

Reports of all domestic violence, dating violence, sexual assault and stalking made to UCC's Security Department will automatically be referred to the Title IX Coordinator for investigation regardless of if the complainant chooses to pursue criminal charges. In addition, individuals around the campus who are designated as "Responsible Employees" will make a report to the Title IX Coordinator when they receive a report of sexual assault/sexual violence, dating violence, domestic violence or stalking. The College encourages all members of the school community to report any incidents of sexual misconduct; however, there are several confidential resources available to students [faculty and staff] who are not yet ready to report an incident. These individuals can help a victim/survivor obtain needed resources, explain reporting options, and assist in navigating the reporting process. The resources are required by law to keep all communications confidential without an individual's express consent to release information.

When the Title IX Coordinator receives a report, he/she will meet with the individual identified as the victim/survivor and will make a determination about how to proceed. More information on the procedures utilized by the Title IX Coordinator is listed below.

To contact the Title IX Coordinator/Victim Advocate by telephone, please call **541-440-7690**.

To contact the Title IX Coordinator/Victim Advocate by email, please use: [Lynn.Johnson@umpqua.edu](mailto:Lynn.Johnson@umpqua.edu)

Please note that reports to the Title IX Coordinator will be kept private but they are not confidential. For confidential communications, please contact the Victim Advocate as noted above.

## **ASSISTANCE FOR VICTIMS: RIGHTS & OPTIONS**

Regardless of whether a victim/survivor elects to pursue a criminal complaint, report the matter to the Title IX Coordinator or whether the offense is alleged to have occurred on or off campus, the College will assist victim/survivors of sexual assault/sexual violence, domestic violence, dating violence, and stalking and will provide each victim/survivor with a written explanation of their rights and options. Such written information will include:

- Recommended procedures victims/survivors should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred.
- Information about how the institution will protect the confidentiality of victims/survivors and other necessary parties;
- Written notification about victim/survivor services within the institution and in the community.

- A statement regarding the institution's provisions about options and assistance for, available assistance in, and how to request interim and protective measures.
- Explanation of the procedures for institutional disciplinary action against those found responsible for violations of UCC policy.

Umpqua Community College complies with Oregon law in recognizing Protective Order, No Contact Orders, Restraining Orders, or other similar lawful orders. If a campus community member or visitor has a valid court order, please inform the Security Department. Bring a copy of the valid order to the Security Department and one to the Office of the Title IX Coordinator so that we can keep it on file.

If you need to file a Petition for Restraining Order, you may do so at the Douglas County Court House / Clerk's Office or with the assistance of Battered Persons Alliance (BPA). To learn more about protection orders or to get assistance with filing a request for Petition for Restraining Order, please contact any of the following:

- **Douglas County Court House / Clerk's Office:** 1063 SE Douglas Ave., #221, Roseburg, OR 97470
- **Battered Persons Alliance (BPA):** 541-673-7867 / 800-464-6543, 1202 SE Douglas, Roseburg, OR 97470.
- **Sexual Assault Victims' Rights**  
In order to protect your rights, you must keep the District Attorney's office, or Juvenile Department updated with your contact information.

- **General Rights**

- Your right to justice includes the right to a meaningful role in the criminal or juvenile justice process, to be treated with dignity and respect, to fair and impartial treatment, and to reasonable protection from the offender.
- Many victims/survivors rights are **automatic** although you may need to "tell" someone you want to receive them.
- Other rights you must specifically **request** to receive the right. One way to do this is to contact your District Attorney to **request** these rights.
- You, your attorney, or, upon your **request**, the District Attorney, may assert your rights in court.
- You have the right to have a support person with you.
- If your case involved physical harm or death, you may be able to get financial help for counseling, medical or death related costs: **Crime Victims' Compensation Program – 800-503-7983**
- You can attend open court proceedings.
- You can **get** a copy of a transcript or recording of open court proceedings if one is already made. You may be charged for the transcript or recording.
- Most **"personal identifiers"** can usually be protected from an alleged offender. These include your phone number, address, social security number, date of birth, and bank account and credit card account numbers.
- You can **get** confidential HIV testing, referrals for health care and counseling if the convicted person in your case tests positive for HIV.

- You or the district attorney can **ask** the court to limit distribution of information and recordings in cases involving sexual or invasion of personal privacy offenses.
- **Rights that must be requested**
  - To be notified of certain open court proceedings
  - To get criminal history information about the defendant, convicted criminal, alleged youth offender or youth offender.
  - That the person charged or convicted in your case get testing for HIV or other communicable diseases if the crime involved the transmission of bodily fluids.
- **Following an Arrest**
  - Automatic Rights
    - The judge will consider your safety at a pre-trial release hearing
    - You can refuse to speak to an attorney or private investigator for the defendant or alleged youth offender.
    - You will be notified about early disposition programs that may apply to your case.
    - The prosecutor will consider any of your recommendations about defendant diversion.
  - Rights that must be *requested*
    - To be notified in advance about the release hearing.
    - To be consulted about the plea negotiations or final plea offer in a violent felony case.
- **If your case goes to Trial and Sentencing**
  - Automatic Rights
    - If a pre-sentence investigation report is ordered in your case, you can include a statement in it.
    - The right to express your views at sentencing, in person or in writing.
    - Rape shield laws may apply in your case.
  - Rights that must be *requested*
    - For the court to exclude media television, photography, or recording equipment during sex offense proceedings. The court may deny this request.
- **After Sentencing**
  - Automatic Rights
    - Prompt restitution for your crime-related costs.
    - To be heard at a hearing on a motion to set aside a conviction.
  - Rights that must be *requested*
    - To be notified of the release of a juvenile offender from an OYA Youth Correctional Facility. You must first provide your contact information to OYA.
    - To receive 30 day notice about parole hearings in adult cases. First you must register with the parole board.
    - To be notified when the convicted person is released from prison.
    - To be notified of hearings where probation may be revoked.
    - To receive information about the offender from the Psychiatric Security Review Board (PSRB) if under their jurisdiction. First you must register with the PSRB.

- If your case is ***appealed*** you may have other rights. For more information contact: Oregon Department of Justice / Crime Victims' Services Division, 800-503-7983
- You have a right to not be contacted by the sex offender convicted in your case. For the information about registered sex offenders' call: Oregon State Police – Sex Offender Information, 503-934-1258
- **Other Legal Information**
  - You can ask for a restraining order if you are a victim/survivor of family, elder, or disabled person abuse or are threatened as such abuse, or if you are a victim/survivor of sexual abuse.
  - You can go to the police or to court and ask for a stalking protective order if you have been a victim/survivor of stalking.
  - If you are a victim/survivor of sexual assault, a hospital must give you accurate information and access to emergency contraception.
  - If you are a victim/survivor of domestic violence, you may be able to get financial help from the Department of Human Services through their Oregon Temporary Assistance to Domestic Violence Survivors (TA/DVS) fund.
  - If you are a victim/survivor of domestic violence, sexual assault, or stalking, you may be able to:
    - Take leave from work to attend court proceedings
    - Take leave from work for medical or counseling appointments
    - Get unemployment benefits
    - End a rental agreement early
    - Have your locks changed
    - Get special arrangements for public housing
    - Set up a payment plan with the phone company
  - Your immigration status should not affect your rights as a crime victim/survivor.
  - Immigrant victims/survivors may have additional legal options.
    - If your constitutional rights are not honored, you can assert a claim of violation of crime victims/survivors rights. There are time limits for this right. For more information visit: [www.doj.state.or.us/victims](http://www.doj.state.or.us/victims)

- **Resources**

**Victim Services Contact Information**

**Call to Safety**

**Statewide Referral to Local Crisis Programs**

888-235-5333

**Catholic Charities Immigration Legal Services**

503-542-2855

**Crime Victims' Compensation Program**

800-503-7983

**Oregon Board of Parole & Post-Prison Supervision**

503-945-0907

**Oregon Crime Victim Law Center**  
503-208-8160

**Oregon Department of Justice**  
**Crime Victims' Services Division**  
1162 Court Street NE, Salem, OR 97301  
503-378-5348 (Salem and surrounding areas)  
800-503-7983 (statewide toll free)  
[www.doj.state.or.us/victims](http://www.doj.state.or.us/victims)

**Oregon Psychiatric Security Review Board**  
503-229-5596

**Oregon Sexual Assault Task Force**  
509-990-6541  
[www.oregonsatf.org](http://www.oregonsatf.org)

**Oregon State Bar**  
800-452-7636  
[www.osbar.org/public](http://www.osbar.org/public)

**Oregon State Police - Sex Offender Registry**  
503-934-1258

**Oregon Youth Authority**  
503-373-7205

**Statewide Legal Aid Information**  
[www.oregonlawhelp.org](http://www.oregonlawhelp.org)

**VINE: Victim Information Notification Everyday**  
877-674-8463  
[www.VINELINK.com](http://www.VINELINK.com)

## **UCC'S PROCEDURE FOR INVESTIGATION AND RESOLUTION OF SEXUAL ASSAULT / SEXUAL VIOLENCE, DOMESTIC VIOLENCE, DATING VIOLENCE, OR STALKING**

The Title IX Coordinator will conduct a prompt, adequate, reliable and impartial investigation of complaints, except in cases where a complainant has requested that the investigation not proceed and the Title IX Coordinator has agreed. During the investigation phase, both the complainant and respondent will have the opportunity to give a statement, present witnesses and provide evidence.

The Title IX Coordinator and, in the case of complaints involving student respondents, the Title IX Coordinator will use the following guiding principles to investigate and resolve each report of a violation as follows:

- The investigation and resolution of reports will be conducted in a manner that will protect the rights of all involved, including providing primary participants with timely and equal information and the opportunity to be heard during the investigation.
  - The investigation and resolution of reports will be conducted objectively and impartially. In the event of a conflict of interest, those involved in the investigation or resolution of the complaint will not serve in a decision-making or investigative capacity.
  - The investigation and resolution of reports will be conducted promptly.
  - The investigation and resolution of reports will be conducted with discretion. The dissemination of information will only be done on a need-to-know basis, thus maintaining privacy for the primary participants.
  - The investigation and resolution of reports will be conducted by individuals who have been trained in the investigation and resolution of sexual misconduct, intimate-partner violence, and stalking.
- **Complaints Involving Student Respondents – Investigation and Determination of Policy Violation**

#### **1. Initial Review**

- a. The Title IX Coordinator will meet with the complainant – in person if possible – promptly upon receiving a report that the policy may have been violated. During the initial meeting, the complainant may be accompanied by an advisor of his or her choice (friend, instructor, parent, or attorney). The UCC Victim Advocate will be notified about all initial meetings and will attend upon request by the complainant.
- b. During the initial meeting, the Title IX Coordinator will assess the situation, gather preliminary information, and provide information to the complainant about available options, services and resources.
- c. The Title IX Coordinator will, during this time, discuss possible interim measures with the complainant. Interim measures are intended to provide additional safety of the and the campus community. Interim measures are intended to provide additional safety of the complainant and the campus community. Interim measures may be imposed regardless of whether the Title IX Coordinator pursues an investigation. In some cases the College will implement interim measures without request from the complainant. Interim measures may consist of counseling, academic assistance, no contact orders, or other measures deemed appropriate. Determinations about appropriate interim measures will be made on a case-by-case basis by the Title IX Coordinator.
- d. The Title IX Coordinator will also discuss available options with the complainant, including the process for investigation by the Title IX Coordinator, making a police report, and pursuing a civil protection order through the court system. The Title IX Coordinator will also provide information on privacy and limits on privacy of the investigative materials and conversations.
- e. The Title IX Coordinator may determine that a report would not be a violation of the Sexual Harassment policy. If so, the Title IX Coordinator will refer the matter to the Dean of Student Services, or any other appropriate UCC department.
- f. During the initial meeting, or at any time during the course of the investigation, the complainant may request that an investigation not be pursued. If the complainant makes

such a request, the Title IX Coordinator will review the severity of the report, the possible safety risks to the campus community, prior reports involving the same respondent, and the specific request by the complainant.

- g. The Title IX Coordinator will make the final determination about whether or not to proceed with the investigation. If determination not to proceed with an investigation is made, the Title IX Coordinator will document the reasons for the determination., The initial report will be maintained and will be included as part of the Annual Campus Security Report statistics.
- h. In the event that a complainant will not meet with the Title IX Coordinator, the Title IX Coordinator will use the evaluation criteria listed in 'e.' to make a determination about whether or not an investigation will go forward. In situations where the respondent has other serious conduct violations pending and the complainant hasn't come forward, the Title IX Coordinator may defer to the Dean of Student Services without an investigation.

## 2. Investigation

After the initial report, the Title IX Coordinator will initiate an investigation, except in cases where the complainant has requested that an investigation not proceed and the Title IX Coordinator has agreed, The Title IX Coordinator will notify the complaint(s) and the respondent(s) of the substance of the complaint. The Title IX Coordinator will conduct a prompt, complete, and impartial investigation of the complaint, which shall including the opportunity for the parties to provide the names and contact information of witness and provide other information. Investigative protocols will include the following:

- a. The Title IX Coordinator will conduct interview with both the complainant and respondent and any witnesses that may provide relevant information about the complaint. During the interview, the complainant and respondent may be accompanied by a support person of their choice (Friend, instructor, parent, or attorney). In the case of the complainant, the Victim Advocate may attend to offer support if the complainant chooses. In the case of the respondent, the Dean of Students may attend to offer support if the student chooses. The role of any person accompanying the student is to support the student through the investigatory process. The support person will not be allowed to participate in the interview by answering or asking questions, making comments, or discussing the subject of the complaint.
- b. The title IX investigator has the responsibility to gather additional evidence as may be necessary and available to further the investigation.
- c. During an investigation, both the complainant(s) and respondent(s) will have equal rights to:
  - Protection under applicable laws
  - Information about college policy and procedures related to the investigation
  - Updates regarding the status of the investigation
  - Ability to name witnesses and evidence relevant to complaint
  - Ability to meet with the Title IX Coordinator prior to completion of the investigation to review preliminary report of investigation.
- d. The Title IX Coordinator will provide the complainant and the respondent the opportunity to review the preliminary report of investigation. The Complainant and respondent will have five calendar days in which to respond to the preliminary report.
- e. The Title IX Coordinator will then prepare a final report of investigation that summarized the information gathered and identifies the areas of agreement and disagreement between the parties and any supporting information or accounts. The Coordinator will not the modification to the report that were requested by the parties during the review period.

### 3. Determination and Disciplinary Outcome

- a. The Title IX Coordinator will notify both the complainant and respondent of the three panel members that have been assigned to make the determination on whether or not it is more likely than not that the policy has been violated. Both the complainant and the respondent will have one opportunity to remove one of the assigned panel members. In the event that one or two panel members are identified by the complainant and/or respondent, the Title IX Coordinator will replace the panel member(s) and notify the complainant and respondent of the final panel assignment.
  - b. A hearing will be scheduled by the Title IX Coordinator, to consist of the three panel members, the complainant, the respondent, and any support persons for the parties, and any witnesses that have been named by either party. Both the complainant and the respondent are given the opportunity to address the panel members. The panel is given the opportunity to address any additional questions they may have of either parties or witnesses. The panel is given the final report 24 hours in advance of the hearing. The panel will be empowered to review the investigative finding and request additional likely than not that the respondent violated the student code of conduct.
  - c. The Title IX panel may confer with legal counsel on matters of policy if necessary.
  - d. The determination of the Title IX Review Panel shall be reached on the basis of a simple majority.
  - e. The investigation and determination should result in written finding and recommendations within 60 working days of the date of complaint was received by the Title IX Coordinator. With notice to all complainant(s) and respondent(s), the investigation period may be extended by the Title IX Coordinator if the investigator believes it necessary for a reasonable resolution of the complaint.
  - f. Notification of the determination and disciplinary outcomes (if any) will be provided by the Title IX Coordinator.
  - g. Examples of sanctions/outcomes for student respondents may include but are not limited to:
    - Conduct warning
    - Conduct probation
    - Mandated assessments
    - Educational sanctions
    - No contact order issued by the College restricting communication and contact between parties
    - Reassignment of academic courses to avoid contact with the complainant
    - Probation
    - Suspension or expulsion from the College in accordance with the Student Code of Conduct
- **Complaints Involving Faculty, Staff and Other Respondents**

The determination about whether it is more likely than not that a faculty, staff, or visitor committed a violation of this policy will be made by the Title IX Coordinator after a review of all the evidence presented.

Complainants and Respondents will have the opportunity to have a support person present during the investigation and appeal process. Complainants and respondents shall be given the same opportunities for notice and support during the investigation and appeal.

Then standard of review and determination of a violation of this policy shall be a preponderance of the evidence or whether the respondent more likely than not violated the policy. Both the complainant and the respondent will be notified in writing of the determination from the Title IX Coordinator. The Title IX Coordinator will recommend sanctions to the President or Provost/Executive Vice President to whom the respondent reports. Sanctions may include reprimand, suspension, educational requirements, or termination. Both the complainant and the respondent will be advised simultaneously in writing of the determination of the Title IX Coordinator and of sanctions, if any imposed.

- **Appeal Rights**

In cases involving student respondents, both the complainant and the respondent will have the opportunity to appeal the decisions of the Panel to the Provost/Executive Vice President or designee within then (10) calendar days if notification of the decision.

Than complainant and the respondent will be notified simultaneously in writing, of the procedures for the complainant and respondent to appeal the decision of the panel. When an appeal is filed, the complainant and the respondent will be notified simultaneously in writing of any changes to the decision.

- **Prohibition on Retaliation**

Retaliation against an individual for reporting a violation of this policy, supporting a complainant or respondent, or participating in an investigation is a serious violation of this policy and will be treated as another possible instance of harassment or discrimination.

- **Time Frame for Investigation and Resolution**

The College's disciplinary process includes a prompt, fair, and impartial investigation and resolution process. In all instances, the process will be conducted in a manner that is consistent with the institutions policy and that is transparent to the complainant and the respondent. Usually, the resolution of domestic violence, dating violence, sexual assault and stalking complaints are completed within 60 days of the report. However, each proceeding allows for extensions of timeframes for good cause with written notice to the complainant and the respondent of the delay and the reasons for the delay. College officials involved in the investigation or adjudication of domestic violence, dating violence, sexual assault, and stalking as well as how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability.

- **Disclosure to Victims of a Crime of Violence**

Umpqua Community College will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offence, the results of any disciplinary proceeding conducted by the college against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of a crime or offense, Umpqua Community College will provide the results of the disciplinary hearing to the victim's next of kin, if so requested.

## **5. UCC's Efforts to Prevent and Education about the Issues of Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking**

- **Overview**

Umpqua Community College takes the safety of our students seriously, and we strive to create an environment and culture that is safe for all community members and is respectful of all individuals. Sexual misconduct and intimate partner violence prevention and response are crucial to creating a safe, supportive and healthy environment for student, faculty and staff. The programming provided at UCC includes such topics as sexual assault, sexual violence, domestic violence, dating violence and stalking. The College engages in comprehensive, intentional and integrated programming, initiatives, strategies and campaigns intended to end sexual assault, sexual violence, sexual harassment, dating violence, domestic violence, stalking that are culturally relevant, inclusive to diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome, and considered environmental risk and protection factors as they occur on the individual institutional, community and societal levels.

Our educational programming consists of primary prevention and awareness programs for all incoming students and new employees. New student orientation is ongoing as we prepare for the next term.

Our educational initiatives are as follows:

- Make clear the UCC policy prohibiting domestic violence, dating violence, sexual assault and stalking
- Making available the definitions of domestic violence, dating violence, sexual assault and stalking according to Oregon law.
- Define consent and identify what behavior and actions constitute consent in reference to sexual activity.
- Provide descriptions and examples of safe and positive options for bystander intervention that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognition of situations that may involve potential harm, knowledge of institutional structures and cultural conditions that may facilitate violence, identification of barriers to intervening and safe, effective intervention strategies, and action to intervene.
- Provide information on risk reduction, including options designed to decrease perpetration and bystander in-action and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that may facilitate violence.
- Provide information regarding:
  - Procedures victims should follow if a crime of domestic violence, dating violence, sexual assault and stalking occurs.
  - Confidentiality and privacy as it relates to investigation and assistance.
  - 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 community.
  - Interim modifications to academic, living, transportation, and working situations or protective measures and the process for requesting such modifications or measures.
  - Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking.