



**WILLAMETTE
UNIVERSITY**

Pacific Northwest
College of Art

Annual Campus Safety and Security Report and Fire Safety Report 2020 Clery Report

Assembled by
Campus Safety + Student Services

A paper copy may be requested by emailing pnca-campus-safety@willamette.edu or by mailing:
Campus Safety, 511 NW Broadway Portland, OR 97209

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Introduction

Merger between Pacific Northwest College of Art (PNCA) and Willamette University

In September 2020, Willamette University and the Pacific Northwest College of Art (PNCA) announced that they have entered into an agreement for the Northwest's oldest professional school of art and design to become an integral part of the region's premier liberal arts university.

While plans to implement the merger began immediately, the merger was not approved by the Department of Education until July 1, 2021. Clery crime statistics for the year 2020 are reported in this document as PNCA, which was fully independent during calendar year 2020. This *Annual Campus Safety and Security Report and Fire Safety Report* contain Clery Crime Statistics, Clery Geography and the Annual Fire Safety report for the PNCA properties.

The *Annual Campus Safety and Security Report and Fire Safety Report*, as defined by the Department of Education is multi-purpose. It is a report of crimes that occurred on and near campus in the prior years, and it is also a statement of current policies for the institution. These current policies are now those of the larger combined colleges of Willamette University, of which the Pacific Northwest College of Art is now incorporated. Therefore the policies and procedures that govern PNCA are those of Willamette University and for the purposes of this report, these policies and procedures are reported in the *Annual Campus Safety and Security Report and Fire Safety Report* of Willamette University. This report can be viewed at: <https://willamette.edu/offices/safety/clery-act-archives/cleryreport2020.pdf>

Clery Act Reporting Requirements

This annual report is produced by the Pacific Northwest College of Art Campus Safety Team, and Student Services, in accordance with The Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act [20 U.S.C. § 1092 (f), and HEA §485 (f)]. The Clery Act, as it is commonly known, is a Federal law, enacted in 1990, requiring all post-secondary institutions participating in Title IV student financial assistance programs, to publish a statistical report of crimes on or near the institution's campus, as well as information about security policies and procedures.

The Violence Against Women Reauthorization Act of 2013 (VAWA) amends the Clery Act to require such institutions to disclose statistics, policies and procedures relating specifically to dating violence, domestic violence, stalking, sexual assault, and hate

crimes.

This annual report is available to all current and prospective students and employees is distributed in accordance with the Clery Act, and includes data for the calendar years 2018, 2019, and 2020. This report can be viewed at:

<https://pnca.edu/pdf/PNCA-Clery-Report-for-year-2020.pdf>. Upon request, a paper copy of this report can also be provided by contacting the office of the Campus Safety Manager, Room #166, 511 NW Broadway, Portland, OR. 97209, 503-621-2061.

Campus Safety Overview

Campus and residence hall safety is currently handled by a team of PNCA employee safety officers. All safety officers at PNCA are unarmed, uniformed, non-sworn officers trained in hands-off non-violent crisis intervention. While safety officers are not law enforcement, they may make a citizen's arrest in accordance with state law. Officers respond to the Arlene Harold Schnitzer Center for Art and Design, and Art House.

Willamette University's Campus Safety Director directs and coordinates campus security, and is overseen by the Vice President of Student Affairs. One or more representatives from Campus Safety are available 24 hours a day, seven days a week to respond to emergencies on campus. Upon receipt of a criminal complaint or report of an emergency, a security officer will contact law enforcement or emergency services as needed, ensure the immediate safety of persons and property, contact leadership as needed, and interview any available witnesses to obtain information about the incident. An incident report is filed as soon as possible. This report includes the date, time, place, subject, victim and witnesses, if any.

All incidents are investigated, and in instances of criminal activity, a report will be filed with the Portland Police Department. The crime statistics listed below are determined based on incidents reported to Campus Safety and statistics received from the City of Portland.

Crime and Emergency Reporting Procedures

Students and employees of PNCA are encouraged to take an active role in their own personal safety and that of their fellow students and coworkers when on campus and when traveling between campus buildings or at school-sponsored, off-campus events. Awareness of one's surroundings and familiarity with campus buildings and the neighborhood are strongly promoted. Individuals are expected to conduct themselves responsibly with regard to their own safety, as well as the safety of their colleagues. Individuals, to the extent that it is possible, should not allow themselves to be found or placed in situations that might leave them vulnerable to bodily harm and are responsible for securing their personal belongings, keeping them safe from potential theft or damage at all times.

PNCA strongly encourages the prompt and accurate reporting of all crimes and concerns related to public safety and takes all such reports seriously. Reports should not be limited to crimes, but should also include any suspicious persons or activity on or near campus. Anyone who observes a situation they perceive as unsafe should immediately notify a Campus Safety Officer at one of the numbers listed below. These and other emergency numbers are listed on business cards distributed at Orientation and available upon request at the Campus Safety Office.

Campus Contacts

Campus Safety Numbers

Campus Safety Duty Phone.....	503-621-2061
Campus Safety Director	503-370-6911

Other Campus Contacts

Students and employees can also contact any of the following administrators and managers for assistance in evaluating and reporting dangerous conditions:

VP for Student Affairs.....	503-370-6139
Academic Dean.....	503-242-8951
Title IX Coordinator... ..	541-292-9404
Associate Director of Student Life.....	503-821-8920
Associate Housing Director.....	503-370-6212
Director of Facilities.....	503-841-2890
Director of Campus Safety.....	503-370-6911
3D Labs Manager.....	503-242-3859
WU Talk.....	503-375-5353

Students or employees who are victims or witnesses to crimes and wish to voluntarily file a report confidentially should contact the Campus Safety Manager or the VP of Student Affairs who will respect their anonymity to the greatest extent possible.

Student Reporting

Students can report incidents and concerns to Willamette University online by filling out these forms. Students can always report directly to Campus Safety Authorities and Campus Safety team members.

Sexual Misconduct Reporting Form. Can be Filled out anonymously.

https://cm.maxient.com/reportingform.php?WillametteUniv&layout_id=5

Bias Report Form. Can be Filled out anonymously.

https://cm.maxient.com/reportingform.php?WillametteUniv&layout_id=1

CARE Reporting Form

https://cm.maxient.com/reportingform.php?WillametteUniv&layout_id=3

Other helpful contacts:

PNCA (511) INFORMATION DESK.....	503-226-4391
OFFICE OF FACILITIES + MAINTENANCE	971-242-3882
PORTLAND POLICE (NON-EMERGENCY).....	503-823-3333
GOOD SAMARITAN HOSPITAL.....	503-431-7711
MENTAL HEALTH CRISIS LINE	503-988-4888
SUICIDE HOTLINE.....	800-273-8255
POISON CONTROL CENTER.....	800-222-1222
CALL TO SAFETY (Support for Domestic Violence).....	503-235-5333
DOWNTOWN CLEAN + SAFE	503-224-7383

In the event of an emergency involving an immediate or imminent threat to persons or property, always call 911.

Emergency Notification Procedures

In the event of a campus emergency, if a situation is deemed dangerous, or seen to present an immediate threat to the health and/or safety of students or employees, an emergency notification will be sent via text and over email, over the PA system, and/or placed on the Home page of the PNCA website. This would include, but not be limited to, any of the following: Fire, gas leak, an outbreak of disease, chemical spill, active violence scenario, and any Clery-reportable crime. More information regarding emergency notifications can be found in the PNCA Emergency Response Plan.

Timely Warnings

In compliance with Clery requirements, the University issues timely warning reports to notify the campus community of Clery Act crimes or other serious incidents that the University determines to represent a serious and ongoing threat to the campus. The University will issue timely warning reports using a variety of means, including emails, the emergency notification system, flyers, and website announcements posted on the Campus Safety website <http://willamette.edu/offices/safety/>. To report an incident that may warrant the issuing of a timely warning, immediately contact Campus Safety at 503-370-6911.

Timely warnings are typically issued on a case-by-case basis for Clery Act crimes or other serious incidents reported to Campus Safety, campus security authorities or local police agencies, and that pose serious or continuing threat to students and employees on or within the Willamette University's Clery Geography (On Campus, Public Property and Noncampus property). In deciding whether to issue a timely warning, the University considers all of the available facts surrounding the incident such as the

nature of the crime, the continuing danger to the campus community, and the possible risk of compromising law enforcement efforts. Incidents that may result in issuing a timely warning include the following Clery Act crimes:

- Murder/Non-Negligent Manslaughter
- Manslaughter by negligence
- Sexual Assault
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson

The University will issue a timely warning when it determines there is a serious or continuing threat to students or employees within the WU Clery Geography. The determination will be made based on the information that Campus Safety or the Salem Police Department has available to it at the time. The Director of Campus Safety or his/her designee is responsible for writing and distributing timely warning reports. Campus Safety may be reached at 503-370-6911.

The intent of a timely warning is to enable members of the campus community to protect themselves. A timely warning will include information that promotes safety and aids in the prevention of similar crimes, such as the following information:

- A brief statement of the incident
- Possible connection to other incidents, if applicable
- Physical description of the suspect, if available
- Composite drawing of the suspect, if available
- Date and time of the incident
- Other relevant information

Timely warnings are not issued for disclosures of information to privileged professional counseling and pastoral staff.

Timely Warning Notices will be distributed as soon as pertinent information is available, in a manner that withholds the names of victims as confidential, and with the goal of aiding in the prevention of similar occurrences.

Campus Geography

For the purposes of this survey, PNCA's campus shall include the following locations:

- **511 NW Broadway** - Arlene and Harold Schnitzer Center for Art and Design, Center of PNCA Operations and administrative offices, primarily known as the “511 Building” or the “Main Building”
- **2139 N Kerby Ave** - 3D fabrication labs and MFA studios, known as the “Glass Building”
- **33 NW Park** - Art House student housing

Building Access

The Arlene Harold Schnitzer Center for Art and Design (511 Building) has a keyless point of entry overseen by Campus Safety. The first floor, second floor and Mezzanine floors of the 511 Building are open to visitors for select events and gallery access. Visitors must check in and out at the Front Desk with Campus Safety. **The Glass Building** requires card swipe to gain access, except during select events or exhibitions. **Art House** requires a key fob to enter the Lobby and to operate the elevator. The front desk is staffed in shifts by an RA during the day and a Campus Safety Officer at night. Generally, Art House residents are allowed to have guests for no longer than 72 hours. No visitors are allowed in Art House during the COVID-19 pandemic. Exceptions can be made subject to approval by the Housing Director

Non-Campus Buildings & Off-Campus Student Organizations

PNCA does not own or control any non-campus buildings, housing or facilities. The properties at 33 NW Park and 2139 N Kerby are not owned by PNCA, but are considered as "under the control" of PNCA for the purposes of this report. While student clubs may choose to meet or gather off-campus, PNCA does not have any recognized Off-Campus Student Organizations.

Public Property

Public property: is defined as the sidewalks and streets immediately surrounding each campus building, and includes the pavement lot in the west side of the 511 NW Broadway building

Clery Crimes and Definitions

The Clery Act requires crimes to be reported which fall into four general categories:

- **Criminal Offenses, or Primary Crimes:** criminal homicide, including murder and non-negligent manslaughter, and manslaughter by negligence; sexual assault, including rape, fondling, incest and statutory rape; Robbery; aggravated assault; burglary; motor vehicle theft; and arson.
- **Hate Crimes:** Any of the above-mentioned offenses, and any incidents of larceny-theft, simple assault, intimidation, or destruction/damage/vandalism of property that were motivated by bias.
- **VAWA Offenses:** Any incidents of domestic violence, dating violence and stalking (with the exception of sexual assault, which falls under primary crimes).
- **Arrests and Referrals for Disciplinary Action:** For weapons (carrying, possessing, etc.), law violations, drug abuse violations and liquor law violations.

The Clery Act requires institutions to use FBI UCR(Universal Crime Reporting) Definitions when disclosing crime Statistics, those definitions are as listed below

Criminal Offenses

Murder & Non-negligent Manslaughter: The willful killing of one human being by another

Manslaughter by Negligence: The killing of another person through gross negligence

Sexual Assault (Sex Offense): Any sexual act directed against another person without the consent of the victim, including instances where the victim is incapable of giving consent

Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim

Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity

Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law

Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent

Robbery: Taking or attempting to take anything of value from the care, custody, or control of a person(s) by force or threat of force or violence and/or by putting the victim in fear

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

Burglary: The unlawful entry of a structure to commit a felony or a theft
Motor Vehicle Theft: The theft or attempted theft of a motor vehicle

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 or personal property of another

Hate Crimes

Hate Crime: A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Include any of the above crimes and any incidents of larceny-theft, simple assault, intimidation, or destruction/damage/vandalism of property that manifest evidence that the victim was intentionally selected because of the perpetrator's bias

Larceny-theft: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another

Simple Assault: An unlawful physical attack by one person on another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness

Intimidation: To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack

Destruction/damage/vandalism of property: To willfully and maliciously destroy, damage, deface or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it

Bias Categories

Race: A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, Blacks or African Americans, Whites.

Gender: A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.

Gender Identity: A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming

individuals. Gender non-conforming describes a person who does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing or a man wearing makeup. A gender non-conforming person may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived as such.

Religion: A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.

Sexual Orientation: A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual Orientation is the term for a person's physical, romantic, and/ or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.

Ethnicity: A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term "race" in that "race" refers to a grouping based mostly upon biological criteria, while "ethnicity" also encompasses additional cultural factors.

National Origin: A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.

Disability: A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

Registered Sex Offender Information/Access Related Information

The federal Campus Sex Crimes Prevention Act requires institutions of higher education to issue a statement advising the campus community where to find information concerning registered sex offenders.

PNCA is not a law enforcement agency, therefore the sex offender registration process must be conducted through the Oregon State Police, which notifies Willamette if a sex offender is enrolled or employed. PNCA Campus Safety provides a link to the local sex offender registry that may be accessed for free at: <http://sexoffenders.oregon.gov/>. In the State of Oregon, convicted sex offenders must register with their local law enforcement agencies. Megan's Law allows the public to access the registry. It also authorizes local law enforcement to notify the public about high-risk and serious sex offenders who reside in, are employed in, or frequent the community.

VAWA Offenses (Violence Against Women Act)

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. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of:

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship

For the purposes of this definition, 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.

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

- By a current or former spouse or intimate partner of the victim • By a person with whom the victim shares a child in common
- By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner
- By a person similarly situated to a spouse of a victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred

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

- Fear for the person's safety or the safety of others or
- Suffer substantial emotional distress

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 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.

Arrests and Referrals for Disciplinary Action

Statistics for arrests and referrals for disciplinary action are only in reference to those that violate state and local laws and not a violation of building or PNCA Policy, lease agreement, or other institutional policy.

Weapons: Carrying, Possessing, etc: The violation of laws or ordinances 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.

Drug Abuse Violations: The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation 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 laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

Liquor Law 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.

Arrest: Persons processed by arrest, citation or summons

Referred for Disciplinary Action: The referral of any person to any official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction

Reportable Clery Act Crimes

There are five standards that need to be met for an incident to be included in the annual safety report. In some cases, an incident that is reported as a crime may not be included in the annual report.:

- The incident must be considered a reportable crime according to the Clery Act.
- The incident must be reported to law enforcement personnel or a person who, in accordance with Clery Act requirements, is defined as a Campus Security Authority. This could be a safety officer or anyone working for the institution who has "significant responsibility for student and campus activities"
- The incident must have occurred within campus boundaries that define our "reportable area".
- The incident must be determined to have been reported in good faith, with supporting evidence, if available.
- The incident must be considered factual and true by law enforcement.

Daily Crime Log

PNCA Campus Safety Officers maintain an ongoing log of all criminal activity, suspicious and excluded persons, and otherwise notable incidents at the front desk of the main campus at 511 NW Broadway. The log will include any relevant information known at the time of an incident. This log is available for viewing by members of the public during normal business hours. Some information may be redacted or

withheld, at the discretion of the Officer or any Safety Team member, in the case of ongoing investigations or where such disclosure would compromise a victim's confidentiality.

Crime Statistics

Crime Statistics were collected from incident reports made by Campus Safety, Student Services, Residence Assistants as well as the Daily Crime Log. Some Statistics were collected from the Portland Clery Team with the Portland Police Bureau.

Clery Reportable Crime Statistics by Year

2020	On Campus 511	On Campus Glass	On Campus Student Housing	Non Campus	Public
Murder	0	0	0	0	0
Non Negligent Manslaughter	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0
Aggravated Assault	0	0	0	0	0
Hate Crimes	0	0	0	0	0
Person crimes Total	0	0	0	0	0
Robbery	0	0	0	0	0
Burglary	0	1	0	0	0
Motor Vehicle Theft	0	0	0	0	1
Arson	0	0	0	0	0
Weapon Possession	0	0	0	0	0
Property Crimes Total	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0
Drug Law Violations	4	0	0	0	0

2019	On campus 511	On Campus Student Housing	On campus Glass	Non Campus	Public
Murder total	0	0	0	0	0
Non Negligent Manslaughter	0	0	0	0	0

Negligent Manslaughter	0	0	0	0	0
Aggravated Assault	0	0	0	0	0
Hate Crimes	0	0	0	0	0
Person crimes Total	0	0	0	0	0
Robbery	0	0	0	0	0
Burglary	3	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0
Arson	2	0	0	0	0
Weapon Possession	0	0	0	0	0
Property Crimes Total	5	0	0	0	0
Liquor Law Violations	0	0	0	0	0
Drug Law Violations	1	0	0	0	1
Society Crimes Total	1	0	0	0	1

	On Campus 2018 511	On Campus Student Housing	On Campus Glass	Non Campus	Public
Murder	0	0	0	0	0
Non Negligent Manslaughter	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0
Aggravated Assault	0	0	0	0	6
Hate Crimes	0	0	0	0	0
Person crimes Total	0	0	0	0	7
Robbery	0	0	0	0	0
Burglary	2	0	0	1	0
Motor Vehicle Theft	0	0	0	0	1
Arson	0	0	0	0	0
Weapon Possession	0	0	0	0	0
Property Crimes Total	2	0	0	1	1
Liquor Law Violations	0	0	0	0	0
Drug Law Violations	0	0	0	0	0

VAWA Offenses Statistics by Year

Vawa Offences 2020	On Campus 511	ON Campus Glass	On Campus Student Housing	Non Campus	Public
Forcible	0	0	0	0	0
Non Forcible	0	0	0	0	0
Stalking	0	0	0	0	0
Intimidation	0	0	0	0	0
Dating violence	0	0	0	0	0
Domestic Violence	0	0	0	0	0
Sexual Assault	0	0	0	0	0
Fondling	0	0	0	0	0
Vawa Offences Total	0	0	0	0	0

Vawa Offences 2019	On campus 511	On Campus Student Housing	On campus Glass	Non Campus	Public
Rape(Forcible)	0	0	0	0	0
Statutory Rape(Non Forcible)	0	0	0	0	0
Stalking	0	0	0	0	0
Intimidation	1	0	0	0	0
Dating violence	0	0	0	0	0
Domestic Violence	0	0	0	0	0
Sexual Assault	0	0	0	0	0
Fondling	0	0	0	0	0
Vawa Offences Total	1	0	0	0	0

Vawa Offences 2018	On Campus 511	On Campus Student Housing	On Campus Glass	Non Campus	Public
Forcible	0	0	0	0	0
Non Forcible	0	0	0	0	0
Stalking	0	0	0	0	0
Intimidation	0	0	0	0	0

Dating violence	0	0	0	0	0
Domestic Violence	0	0	0	0	0
Sexual Assault	0	0	0	0	0
Fondling	0	0	0	0	1
Vawa Offences Total	0	0	0	0	1

Arrest Statistics by Year

Arrest 2020	On Campus 511	ON CAmpus Glass	On Campus Student Housing	Non Campus	Public
Weapons law Arrests	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0
Arrests Total	0	0	0	0	0

Arrests 2019	On campus 511	On Campus Student Housing	On campus Glass	Non Campus	Public
Weapons law Arrests	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0
Drug Law Arrests	0	0	0	0	1
Arrests Total	0	0	0	0	1

Arrest 2018	On Campus 511	On Campus Student Housing	On Campus Glass	Non Campus	Public
Weapons law Arrests	0	0	0	0	1
Liquor Law Arrests	0	0	0	0	3
Drug Law Arrests	0	0	0	0	20
Arrests Total	0	0	0	0	30

Hate Crime Statistics by Year

2020	On Campus 511	On Campus Glass	On Campus Student Housing	Non Campus	Public
Hate Crimes					
Simple Assault	0	0	0	0	0
Larceny Theft	0	1	0	0	0
Intimidation	0	0	0	0	0
Destruction/Dam age/Vandalism	0	0	0	0	0

2019	On campus 511	On campus Glass	On Campus Student Housing	Non Campus	Public
Hate Crimes					
Simple Assault	0	0	0	0	0
Larceny Theft	0	0	0	0	0
Intimidation	0	0	0	0	0
Destruction/Da mage/Vandalis m	0	0	0	0	0

2018	On Campus 511	On Campus Student Housing	On Campus Glass	Non Campus	Public
Hate Crimes					
Simple Assault	0	0	0	0	0
Larceny Theft	0	0	0	0	0
Intimidation	0	0	0	0	0
Destruction/Da mage/Vandalis m	0	0	0	0	0

Disciplinary Actions by Year

2020 Disciplinary actions	On Campus 511	On Campus Glass	On Campus Student Housing?	Non Campus	Public
Drug Law Violations and referrals	0	0	0	0	0
Alcohol Law Violations and Referrals	0	0	0	0	0
Weapons Law Violations and Referrals	0	0	0	0	0
Total	0	0	0	0	0

2019 Disciplinary actions	On Campus 511	On Campus Glass	On Campus Student Housing?	Non Campus	Public
Drug Law Violations and referrals	2	0	2	0	0
Alcohol Law Violations and Referrals	0	0	0	0	0
Weapons Law Violations and Referrals	0	0	0	0	0
Total	2	0	2	0	0

2018 Disciplinary actions	On Campus 511	On Campus Glass	On Campus Student Housing?	Non Campus	Public
Drug Law Violations and referrals	0	0	0	0	0
Alcohol Law Violations and Referrals	0	0	0	0	0
Weapons Law Violations and Referrals	0	0	0	0	0
Total	0	0	0	0	0

City of Portland Related Crime Statistics

These statistics are taken from <https://www.portlandoregon.gov/police/>

These statistics cover more than the PNCA Campus Geography. The crime definitions used by the City of Portland may not be the FBI UCR definitions. These statistics were chosen because they represent the areas where PNCA students are likely to travel, socialize, and shop for necessities.

2020	Pearl	Old town	2019	Pearl	Old town	2018	Pearl	Old town
Assault	204	353	Assault	172	539	Assault	196	547
Homicide	0	1	Homicide	1	1	Homicide	1	2
Sex Offenses	6	12	Sex Offenses	16	20	Sex Offenses	15	30
Arson	12	29	Arson	7	19	Arson	5	20
Burglary	172	55	Burglary	84	39	Burglary	105	42
Counterfeiting/Forgery	16	2	Counterfeiting/Forgery	14	5	Counterfeiting/Forgery	9	6
Embezzlement	2	1	Embezzlement	2	1	Embezzlement	0	4
Extortion/Blackmail	1	1	Extortion/Blackmail	0	0	Extortion/Blackmail	0	2
Fraud Offenses	69	36	Fraud Offenses	74	47	Fraud Offenses	85	92
Larceny Offenses	826	257	Larceny Offenses	999	370	Larceny Offenses	1,196	513
Motor Vehicle Theft	77	30	Motor Vehicle Theft	46	52	Motor Vehicle Theft	60	54
Robbery	49	31	Robbery	39	50	Robbery	37	52
Stolen Property Offenses	1	4	Stolen Property Offenses	3	4	Stolen Property Offenses	1	6
Vandalism	274	237	Vandalism	174	147	Vandalism	194	183
Animal Cruelty Offenses	0	1	Animal Cruelty Offenses	0	1	Animal Cruelty Offenses	0	1
Drug/Narcotics Offenses	59	97	Drug/Narcotics Offenses	78	237	Drug/Narcotics Offenses	95	368
Weapon Law violations	17	50	Weapon Law violations	15	54	Weapon Law violations	3	53

Fire Safety and Emergency Response

PNCA students living in Art House, located at 33 NW Park Avenue, are considered to be on campus. PNCA staff mitigate risks associated with fire through education and training. Building ownership, PTLA Inc., is responsible for the annual fire suppression system and fire alarm inspections. All units in Art House are inspected annually, prior to student move-in to ensure fire alarms, smoke detectors and carbon monoxide detectors are functioning properly. Students are trained on fire evacuation procedures during their floor meetings, which are conducted by Resident Advisors (RA's). In the event of a fire, students are trained to exit the building via the east/west stairwell and gather at the Da Tung and Xi'an Bao Bao (Elephant) statue located in the North Park Blocks directly across Park Avenue.

Housing staff conducts health and safety inspections of living units each semester. The purpose of these inspections is to identify and resolve hazardous conditions such as unsafe or prohibited items, obstructed egress routes, or tapestries on the ceilings. RA's also conduct spot inspections when there is suspicion or evidence of smoking in the building. Students found in violation of the smoking ban are referred to the Student Life conduct process. Fire drills are conducted once per semester by Residence Life Staff. All Residence Life Staff are trained and certified in: First Aid, Automated External Defibrillator (AED) use, Cardiopulmonary Resuscitation (CPR) and Blood Borne Pathogens

Arthouse Fire Emergency Procedures

All residents and guests must evacuate their apartments when a fire alarm sounds.

1. If you have a fire in your apartment: exit if you can, shut the door, and activate a hand pull alarm in the hallway. Then, move with others down the stairwell to the designated evacuation location in the park across from the building (near the elephant statue). Report the fire's location to Residence Life staff and also let them know if you are aware of the location of any other residents who are unaccounted for at the evacuation location.
2. If the smoke detector goes off and you smell smoke, exit your apartment, stay near the floor, shut the apartment door, and activate the hand-pull alarm in the stairwell. Then move with others down the stairwell and to the designated evacuation area. Report the fire's location to your RA or other Residence Life staff and also let them know if you are aware of the location of any residents who are unaccounted for at the evacuation location.
3. If the smoke detector goes off and you know that the source of the smoke is not dangerous (for example, burned toast), air the apartment out by opening the window. DO NOT open the door because the hallway alarm will sound, triggering evacuation and a visit from the Fire Department. The smoke detector in your apartment will end on its own once enough smoke has cleared. DO NOT dismantle the detector. Notify the RA about what happened, as concerned neighbors may call 911 if they hear a smoke detector sounding.

4. If you think that your smoke detector is defective, submit a maintenance request immediately. If it is beeping periodically, staff may simply need to replace the battery. Do not turn off or cover your smoke detector. Tampering with or disconnecting a smoke detector or other fire equipment is prohibited because it endangers you and others. Tampering with any safety equipment will result in disciplinary action.
5. All fires should be reported by contacting the Portland Fire Department by activating the 911 emergency system.

Other Fire Safety Rules

For the safety of our community and proper care of ArtHouse, residents may NOT:

- Complete your own repairs to the facility, furniture, or appliances
- Hang anything from or affix anything to the outside of your windows, including signs, flags, air conditioning units, antennae, and satellite dishes
- Run wires beneath carpeting or duct tape wire to the carpet
- Use extension cords without a UL approved circuit breaker
- Use space heaters or personal air conditioning units
- Replace light bulbs in the apartment (only Maintenance Staff, via the work order system, may replace light bulbs)
- Possess hookah, pipes, incense, candles, or other items that require a flame to ignite.

Firearm/Weapons Policy and Explosives

The possession or use of weapons including, but not limited to firearms, explosives of any type (including fireworks), and knives (other than those typically used in artwork or food preparation) are prohibited on campus. Violators will be subject to disciplinary action and weapons or explosives will be confiscated.

Willamette University has a zero-tolerance policy regarding firearms, weapons, and simulated weapons on campus. Firearms and other types of weapons, including simulated weapons, are not allowed on Willamette University property, in University vehicles, or at University-sponsored events off-campus. Possession, use, or threatened use of firearms, ammunition, explosives, or other objects used as weapons is prohibited. Standard pocket knives are not considered weapons.

1. Persons who possess a concealed weapons permit are NOT exempt from this policy.
2. Weapons for the purpose of sport, hunting, games, or any benign reason may be stored at the Office of Campus Safety by pre-arrangement.
3. Anyone who observes or has knowledge of someone violating this policy should immediately report the incident to Campus Safety.
4. Campus Safety officers have the right to confiscate weapons from persons in violation of this policy. These weapons will be secured in the Campus Safety office while an investigation is conducted.

5. Failure to adhere to the University's firearms/weapons policy or failure to cooperate in an investigation is grounds for disciplinary action, up to and including termination or dismissal.

Flame-Free/ No-Smoking Environment

Arthouse is a flame-free/no-smoking facility. This includes e-cigarettes.

Smoking is not allowed within 25 feet of the building. You may not inhale, exhale, or possess any lighted product in any form that produces smoke or vapor. Candles, incense, sage, marijuana, or similar may not be burned in your apartment as they pose a potential fire threat as well as smoke

Violation will result in a fine. Repeated violations may result in termination of the lease with full financial obligation for any balance on the full term of the lease. Residents will be responsible for the costs of removing smoke odor or residue, which may include deodorizing or replacing the carpets and painting the walls.

PNCA Residence Hall Fire Statistics

Arthouse - 33 NW Park Ave

Year	Number of Fires	Cause of Fire	Injuries	Deaths	Damages
2020	0	0	0	0	0
2019	0	0	0	0	0
2018	0	0	0	0	0

Fire Safety Systems in Residential Facilities (2020)

1) Partial Sprinkler Systems is defined as having sprinklers in common areas only.

2) Full Sprinkler Systems is defined as having sprinklers in both common areas and in individual rooms.

Housing Facility	Fire Alarm Monitoring Done on Site	Partial Sprinkler System ¹	Full Sprinkler System ²	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans and Placards	Number of evacuation (fire) drills each calendar year
Art House 33 NW Park Avenue	XX		XX	XX	XX	XX	1

Missing Student Notification Policy

In compliance with the Missing Student Notification Policy and Procedures 20 USC 1092 C; (Section 488 of the Higher Education Opportunity Act of 2008). It is the policy of Pacific Northwest College of Art to actively investigate any report of a missing student who is enrolled at PNCA as either a full or part-time student.

Most missing-person reports in college environments result from students changing their routines without informing roommates and friends of the change. For purposes of this policy, a student will be considered missing if a roommate, classmate, faculty member, friend, family member, or other campus person has not seen or heard from the person in a reasonable amount of time. In general, a reasonable amount of time is 24 hours or more, but may vary with the time of day and information available regarding the missing person's daily schedule, habits, and reliability. Individuals will also be considered missing immediately if their absence has occurred under circumstances that are suspicious or cause concern for their safety.

Investigation & Notification

Any missing student report must be referred to PNCA's Campus Safety Department. All efforts will be made immediately (no waiting period) to locate the student to determine their state of health and well-being. If a member of the PNCA community has reason to believe that a student is missing, that person should immediately notify one or all of the following individuals:

- Ross Stout Director of Campus Safety: 503-370-6911 rstout@willamette.edu
- Kevin Gastelum Campus Safety Supervisor: kagastelum@willamette.edu
- Lisa Landreman, VP of Student Affairs: 503-370-6139 llandreman@willamette.edu
- Kate Copeland, Academic Dean: 503.821.8900 kcopeland@pnca.edu
- Jackson Seemayer, Director of Student Life: 503.821.8920 jseemayer@willamette.edu
- V Maldonado, Asst. Director of Intercultural Engagement, Equity and Inclusion: 503.360.8562 vmaldonado@willamette.edu

Actions that will be taken by PNCA's Campus Safety Team include (but are not limited to):

- Call or text the student's home/cell phones or other numbers on record
- Email the student
- Contact the student's roommates and neighbors (residential students only), and the student's faculty or academic advisors
- Contact any other on-campus or off-campus friends or contacts that are made known including the student's emergency contact
- Review the student's network print or email accounts to determine the most recent activity

- Check a student's social networking sites such as Homeroom, Facebook, Instagram, Snapchat, Tik Tok, Tumblr, and Twitter.

If after investigation a student is determined missing for at least 24 hours, the appropriate law enforcement agencies will be notified. If a student is under age 18 and not an emancipated individual, or has failed to designate an emergency contact, PNCA is required to notify a parent or guardian. If a student is over age 18, PNCA is required to notify the emergency contact of the student identified to PNCA.

Missing Residential Student Notification Policy

All students who live on campus are advised annually that they have access to a website where they can provide the university with a confidential contact person. Only authorized Campus Safety officials and law enforcement officers, in the furtherance of a missing person investigation, may use this information. When students are informed of their option to provide a confidential contact, they are advised that their contact information will be registered confidentially, and that this information will be accessible only to authorized campus officials and law enforcement and that it may not be disclosed outside of a missing person investigation.

Students are able to access a webpage to add this information through the university's web portal. Their confidential contact person by accessing this webpage:

<https://collsfsrv.willamette.edu/Student/Account/Login?ReturnUrl=%2fStudent%2fUserProfile%2fEmergencyInformation%3fhideProxyDialog%3dfalse&hideProxyDialog=false>

Once the university has been informed that a residential student has been missing for over 24 hours, the university will attempt to contact the student and verify their whereabouts. If the university is not successful in reaching the student, the Office of Campus Safety will contact the Portland Police Bureau. This communication will include the status of the investigation, including all prior attempts to contact the student.

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

<http://willamette.edu/offices/housing/handbook/missing-res-student/index.html>

Designating Emergency Contacts

All PNCA students will be given an opportunity to identify an emergency contact. The contact information will be registered confidentially as part of the student's official record. Students can update their emergency phone contact by linking to this website:

<https://willamette.edu/go/emergency-broadcast-phone>

To add your cell phone number:

- Select "add"
- Scroll down to Phone Numbers and select "+Add New Phone"
- Enter your phone number (cell phone)
- Select "Emergency Broadcast Phone" under "Type"
- Click the "Add Phone" button

To update your cell phone number:

- Scroll down to Phone Numbers and click the pencil icon in the row where the Type is "Emergency Broadcast Phone"
- Update your Emergency Contact phone number (cell phone)
- Click the "Update Phone" button.

For students who live on campus, Residential Life staff will request that each residential student, upon checking into his or her assigned on campus room, complete an emergency contact form to designate the name and contact number of the individual(s) to be contacted in case of an emergency, including in the event of the resident being determined missing for at least 24 hours.

For students who live off campus, ALL PNCA students are strongly encouraged to complete the emergency contacts form to designate the name and contact number of the individual(s) to be contacted in case of an emergency, including in the event of the student being determined missing for at least 24 hours. The contact information of the person(s) reporting will be registered confidentially and will only be accessible to authorized campus officials.

Alcohol and Drug Policies

PNCA is committed to maintaining a safe learning and work environment free from the effects of alcohol, drug and controlled substance abuse. Such abuse affects performance as well as employee and student safety. To this end, PNCA discourages the use of chemical substances for social and recreational purposes. PNCA does not permit the use, manufacture, or sale of illegal (State and/or Federal) drugs on campus, or as part of any official PNCA business or activity held off campus.

Drug-Free Schools and Community Act Amendments

The Pacific Northwest College of Art and Willamette University abides by the Drug-Free Schools and Communities Act Amendments of 1989, Public Law 101-226, as a condition of receiving funds or any other form of financial assistance under any federal program, to certify that it has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees. At a minimum, the University must annually distribute the following to each student and employee:

- Standards of Conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of drugs and alcohol by students and employees on University property or as any part of University activities;
- A description of the applicable legal sanctions under local, State, and Federal law for unlawful possession, use, or distribution of illicit drugs and alcohol;
- A description of the health risks associated with the use of illicit drugs and the abuse of alcohol;
- A description of any drug and alcohol counseling, treatment, or rehabilitation programs that are available to students and employees; and
- A clear statement that the University will impose sanctions on students and employees (consistent with local, State, and Federal law) and a description of these sanctions, up to and including expulsion or termination of employment and referral for prosecution for violations of the Standards of Conduct.

Alcohol and Other Drug Policy

The Pacific Northwest College of Art and Willamette University are committed to the health, safety, and well-being of each member of the university community. In order to further student learning, development and success and to promote the University's academic mission, the University fosters an environment of personal and collective responsibility and respectful citizenship. All members of the university community have a role in safeguarding a healthy learning and work environment free of the consequences of alcohol misuse.

The Alcohol on Campus and at University Events Policy contains the regulation on when and how alcohol can be served at University sponsored events. That policy can be found at: <https://willamette.edu/offices/policies/selected/all-campus/alcohol-on-campus/index.html>. It can also be viewed in Appendix B2 of this document.

The University's policy on Alcohol and Drug Abuse is available at: <https://willamette.edu/offices/policies/selected/all-campus/alcohol-on-campus/index.html>. It can also be viewed in Appendix B1 of this document.

PNCA and Willamette University do not approve of the illegal consumption of alcoholic beverages by underage persons, and condemns the abuse of alcoholic beverages. No person under the age of 21 years shall attempt to purchase or acquire an alcoholic beverage, and no person under the age of 21 years shall have personal possession of an alcoholic beverage.

Due to the persistence of underage consumption of alcoholic beverages, Willamette University's policy and procedures use an educational and a regulatory standard for addressing the use of alcohol. This alcohol policy is intended to serve the following objectives:

- To promote legal and responsible behavior among all members of the university community;
- To create programs and services that educate students concerning the use and effects of alcoholic beverages with an intent to encourage responsible decision-making;
- To aid individuals experiencing difficulties associated with the use of alcohol.

Although the personal use of marijuana is now legal in Oregon for people over the age of 21, assuming they follow the requirements of the law, marijuana is still illegal under federal law. Willamette University adheres to federal law and prohibits the possession or use of marijuana on any of its properties or at its sponsored events.

Smoking/Vaping Policy

Smoking and vaping are not permitted in any of PNCA's buildings, within 50 feet of a posted no smoking sign, or within 50 feet of any college entrance or window.

Oregon's Indoor Clean Air Act (ICAA) prohibits smoking in the workplace and within 10 feet of all entrances, exits and windows or air vents. The ICAA includes the use of "inhalant delivery systems" including vape pens and e-cigarettes that can be used to deliver cannabinoids, nicotine and other substances.

Prohibition of Harassment Including Sexual Harassment

The Pacific Northwest College of Art and Willamette University will not tolerate harassment of any individual. Tolerance and respect for dignity and worth should be the guiding principles for our relations with each other. The University strives to provide a community where students, faculty, staff and others work and live together in an environment free of all forms of harassment, exploitation, intimidation and discrimination. Harassment is demeaning to all persons involved, and subverts the mission of the University.

The University can fulfill its distinctive mission only in an arena where ideas are vigorously debated, including those which some find offensive, and in an arena where staff, students, and faculty respect one another's dignity in their common membership in a community of inquiry. We must take great care neither to stifle discussion nor to make it dangerous to speak one's mind. However, harassment compromises academic freedom and damages the trust that we must all repose in one another and will not be tolerated. Furthermore, harassment is a violation of state and federal law.

Acts of violence and harassment based on sex or gender, including sexual orientation, gender identity, and gender expression, may also constitute crimes. Individuals who have experienced incidents involving one or more of these behaviors are protected by federal laws, specifically Title IX <https://pnca.edu/lifeatpnca/safety-security/title-ix>, and the Clery Act, which mandates the contents of this report.

Harassment

Harassment is verbal or physical conduct that demeans or shows hostility toward an individual because of his/her race, color, religion, gender, national origin, age, disability, sexual orientation, or that of his/her relatives, friends, or associates, and that: (1) has the purpose or effect of creating an intimidating, hostile, or offensive working environment; (2) has the purpose or effect of unreasonably interfering with an individual's work performance; or (3) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to, the following: (1) epithets, slurs, negative stereotyping, demeaning comments or labels, or threatening, intimidating or hostile acts that relate to race, color, religion, gender, national origin, age, disability, or sexual orientation and (2) written or graphic material that demeans or shows hostility or aversion toward an individual or group because of race, color, religion, gender, national origin, age, disability or sexual orientation and that is placed on walls, bulletin boards, or elsewhere on the University's premises, or circulated in the workplace.

Sexual Harassment

Sexual harassment is a form of gender (sex) discrimination. The Equal Employment Opportunity Commission has defined sexual harassment as follows:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to sexual conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic advancement, (2) submission to or rejection of sexual conduct influences employment or academic decisions affecting the individual, or (3) sexual conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive work or academic environment.

Prohibited sexual harassment may include but is not limited to sexual jokes, calendars, posters, cartoons, magazines; derogatory or physically descriptive comments about or towards another individual; sexually suggestive comments; inappropriate use of University communications including e-mail and telephone, unwelcome touching or physical contact; punishment or favoritism on the basis of an individual's sex; sexual slurs; negative sexual stereotyping.

Harassment will not be tolerated at Willamette University. It is against the policies of the University for any individual to harass another individual. This includes acts between supervisors and employees, between fellow employees or between employees and students, and between third parties such as vendors or visitors and employees or students.

Where one party is in a position to extend academic or employment benefits to another, even a completely welcome, consensual, romantic or sexual relationship raises at least the appearance of impropriety and can create an unwelcome appearance of favoritism and bias. Such a relationship can lead to sexual harassment allegations if it later becomes unwelcome. Sexual harassment is not limited

to situations where there is an unequal power relationship between parties, but such a relationship may make sexual harassment more likely.

Any staff member, faculty member or student who believes he or she has been the subject of harassment by an employee of the University should report the circumstances immediately to his/her supervisor, the supervisor of the person with whom he/she is having difficulty, or the Director of Human Resources. A staff member, faculty member or student may contact the Director of Human Resources without first contacting his/her supervisor. The University will not tolerate any retaliatory treatment or adverse consequences as a result of acting in good faith to report harassment or participating in an investigation.

Reports of harassment or retaliation will be promptly, thoroughly and impartially investigated. Consistent with the University's need to conduct an adequate investigation and, where a reasonable person would consider an action to be in violation of this policy, prompt corrective action to rectify any harassment or retaliation will take place. Confidentiality will be maintained to the extent possible. Inquiries will proceed pursuant to the Procedural Guidelines for [Addressing Claims of Harassment Involving Staff or Faculty at Willamette University](#), provided below.

Any supervisor who sees or hears about conduct that may constitute harassment under this policy must immediately report such conduct to the Office of Human Resources. Any staff or faculty member found in violation of this policy will be subject to discipline up to and including discharge.

Support and Advocacy for Victims & Survivors of Sexual Misconduct

If you or someone you know may be the victim of any form of sexual misconduct, you are strongly urged to seek immediate assistance. During PNCA operating hours you should call **Campus Safety at 503.621.2061** or by calling the **Campus Safety Director, at 503.370.6911**. Assistance can be obtained 24 hours a day, seven days a week, from the **Portland Police by calling 911**.

Students, faculty, and staff are strongly urged to report any sexual misconduct you believe may have occurred to the Title IX Coordinator as soon as reasonably possible. Reports can be made to any of the following school officials to begin the Title IX process.

TitleIX-info@willamette.edu

Darci Heroy, Title IX Coordinator: 541.292.9404 dheroy@willamette.edu

Sue Minder, Director of Accessible Education Services: 503.370.6737 sminder@willamette.edu

Ross Stout, Director of Campus Safety: 503.370.6395 rstout@willamette.edu

Dana Monaghan, Associate Vice President for Human Resources: 503.375.5445

dmonaghan@willamette.edu

How to Report

For initial inquiries or reports related to Equal Opportunity or Discrimination in the academic environment, direction as to who to contact regarding Title IX issues/concerns, or for student-related ADA appeals of initial determinations made by the Accessible Education Services Coordinator, contact:

Willamette University's **Title IX Coordinator Darci Heroy** dheroy@willamette.edu 503-370-6447

An anonymous written report can be submitted via the Discrimination and Harassment Reporting Form. This Form can be found on the Willamette website or at this link:

https://cm.maxient.com/reportingform.php?WillametteUniv&layout_id=5

Bias Incident Report

An incident involving bias behavior can be reported at:

https://cm.maxient.com/reportingform.php?WillametteUniv&layout_id=1

Further information about Title IX and sex discrimination in education is available from the Office for Civil Rights, 400 Maryland Avenue SW, Washington, DC 20202-1100 (or by Customer Service Hotline: 800.421.3481; fax: 202.453.6012; TDD: 877.521.2172; email: OCR@ed.gov or www.ed.gov/ocr

Title IX requires that PNCA have a statement of policy and procedure for handling complaints of Sexual Misconduct. Our full policy and procedures model can be found on the PNCA website at

<https://pnca.edu/lifeatpnca/safety-security/title-ix>

Willamette university's information for non-discrimination can be found at

<https://willamette.edu/offices/hr/policies/nondisctitleix/contacts/index.html>

Immediate Care and Preservation of Evidence

If you experience sex- or gender-based discrimination, harassment, or violence; or incidents of rape, acquaintance rape, sexual assault, sexual harassment, stalking, dating violence, or domestic some or all of these safety suggestions may guide you after an incident has occurred.

1. Go to a safe place and speak with someone you trust. Tell this person what happened. If there is any immediate danger, contact Campus Safety, 503-821-8897 if you are on campus and the building is open, or call 911 if you are off campus.
2. Consider securing immediate support from a professional (e.g., counseling, victim advocacy, medical services, etc.) to assist you in the crisis. PNCA recommends the Multnomah County Crisis Line for 24/7 support at 503-988-4888. Further resources for counseling and support can be requested from pnca-student-life@willamette.edu or from kmcanally@willamette.edu.

3. On campus, confidential reports may be made to Serenity Ibsen sribsen@willamette.edu 503.821.8953. Local resources are also available and may be able to provide confidential assistance, for 24-hour free anonymous support, call the Oregon Sexual Assault Resource Center 503-640-5311 or 1-888-640-5311
4. For your safety and well-being, immediate medical attention is encouraged. Further, being examined as soon as possible, ideally within 120 hours, is important in the case of rape or sexual assault. OHSU hosts a Sexual Assault Nurse Examiners (SANE) program, and advocates from “[Call to Safety](#)” and the Multnomah County District Attorney’s Office [Victim Assistance Program](#) are available to support you through the medical process. You do not have to make a police report to receive SANE services. For more information, contact the 24-hour hotline at Call to Safety (503-235-5333).
 - ☐ To preserve evidence, it is recommended that you do not bathe, shower, douche, eat, drink, smoke, brush your teeth, urinate, defecate, or change clothes before receiving medical attention. Even if you have already taken any of these actions, you are still encouraged to have prompt medical care, and evidence may still be recoverable.
 - ☐ Typically, if police are involved or will be involved, they will obtain evidence from the scene, and it is best to leave things undisturbed until their arrival. They will gather bedding, linens or unlaundered clothing, and any other pertinent items that may be used for evidence. It is best to allow police to secure items in evidence containers, but if you are involved in the transmission of items of evidence, such as to the hospital, secure them in a clean paper bag or clean bed sheet to avoid contamination.
 - ☐ If you have physical injuries, photograph or have them photographed, with a date stamp on the photo.
 - ☐ Record the names of any witnesses and their contact information. This information may be helpful as proof of a crime, to obtain an order of protection, or to offer proof of a campus policy violation.
 - ☐ Try to memorize details (e.g., physical description, names, license plate number, car description, etc.), or even better, write notes to remind you of details, if you have time and the ability to do so.
 - ☐ If you obtain external orders of protection (e.g., restraining orders, injunctions, protection from abuse), please notify Campus Safety or the campus Title IX Coordinator so that those orders can be observed on campus.
5. Even after the immediate crisis has passed, consider seeking support from our counseling Center by contacting pnca-student-life@willamette.edu, or the Title IX Coordinator.
6. Contact the Deputy Title IX Coordinator and Associate Dean of Students, Olivia Munoz or the Title IX Coordinator, Darci Heroy, dheroy@willamette.edu if you need assistance with PNCA

related concerns, such as no-contact orders or other supportive measures. The Title IX Coordinator will also assist in any needed advocacy for students who wish to obtain protective or restraining orders from local authorities. PNCA is able to offer reasonable academic support, changes to living arrangements, transportation resources or modifications, safety escorts, no contact orders, counseling services access, and other supports and resources as needed by a victim. PNCA is able to offer information about legal assistance, visa/immigration assistance, and student financial aid considerations for victims.

Reporting to Law Enforcement

It is the policy of PNCA to only notify local law enforcement if it is the wishes of the Complainant when sex or gender-based discrimination, harassment, or violence occurs. We reserve the right to report to local law enforcement in the event that there is a clear and present danger to the health or safety of the PNCA community, if the complainant is unknown or if the victim is a minor. Complainants have the option to notify law enforcement directly, or to be assisted in doing so by campus authorities. If requested, campus officials can facilitate reporting to campus or local law enforcement but may also respect a Complainant's request not to do so.

Reporting in PNCA

In the event that sex or gender-based discrimination, harassment, or violence or the crimes of sexual assault, stalking, dating violence, or domestic violence does occur, PNCA takes the matter very seriously. PNCA employs supportive and protective measures such as no contact orders or emergency removal in cases in which a violence risk assessment indicates such action is warranted.

If a student is a respondent of sex or gender-based discrimination, harassment, or violence, they are subject to action in accordance with the Sexual Misconduct Policy in the Student Handbook. A student wishing to officially report such an incident may do so by contacting the Title IX Coordinator.

Anyone with knowledge about sex- or gender-based discrimination, harassment, or violence, or the crimes of rape, sexual assault, sexual harassment, stalking, dating violence, or domestic violence is encouraged to report it immediately to the Title IX Coordinator.

Supportive and protective measures for individuals who have experienced these incidents are available from the campus whether the individual chooses to report to local and/or campus law enforcement, and irrespective of whether the individual pursues a formal complaint through the PNCA resolution process.

Confidential Resources

An individual who seeks completely confidential assistance may do so by speaking with professionals who have legally protected confidentiality. On campus, confidential reports may be made to Serenity Ibsen sribsen@willamette.edu 503.821.8953. Information shared with these resources will remain confidential and will not be shared with PNCA or anyone else without express, written permission of the

individual seeking services unless required by law or court order.

Prevention and Education

PNCA offers a range of campaigns, strategies, and initiatives to promote awareness, education, risk reduction, and prevention in an effort to reduce the frequency of sex or gender-based discrimination, harassment, and violence amongst members of the campus community.

It is the policy of PNCA to offer programming to identify and prevent domestic violence, dating violence, sexual assault (including stranger and known offender assaults), and stalking each year.

Educational programs are offered to raise awareness for all incoming students and employees and are often conducted during new student and new employee orientation and throughout an incoming student's first semester.

Programs and other campaigns offered throughout the year to all students and employees include strong messages regarding not just awareness, but also primary prevention (including normative messaging, environmental management, and bystander intervention), and discuss institutional policies on sex or gender-based discrimination, harassment, and violence as well as the Oregon definitions of domestic violence, dating violence, sexual assault, stalking, and consent in reference to sexual activity. Bystander engagement is encouraged through safe and positive intervention techniques and by empowering third-party intervention and prevention such as calling for help, using intervention-based apps, identifying allies, and/or creating distractions.

Campus and Community Resources

PNCA shall 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 Complainants, both within PNCA and outside in the community.

On-campus counseling, health, mental health, and intervention resources are available in Student Life. You may schedule an appointment during business hours with one of our Campus Counselors by emailing pnca-student-life@willamette.edu or calling 503-821-8920.

Off-campus resources that offer advocacy services and counseling can be obtained 24/7 by calling Sexual Assault Resource Center 503-640-5311 or 1-888-640-5311 the Multnomah County Crisis Line can connect you to a licensed therapist 24/7 by calling 503-988-4888.

Appendix A1

Title IX Policy and Procedures

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Policy Statement

Under the Department of Education's Title IX Regulations, published May 19, 2020, the following policy will apply **only** to a narrow category of cases. Those cases meeting the definitions and jurisdictional elements below will follow the procedures in this policy. Those cases that do not fit within this policy will be handled through the University's [Sexual Misconduct Resolution Procedures for Students](#) or [Discriminatory Misconduct Policy for Employees](#).

This is not to suggest that any case is more or less important, but instead a reflection of federal regulations that apply only to a specifically-identified set of cases.

If you are unclear about any of the provisions below and would like to get more information, you may speak on a non-confidential basis with the Title IX Coordinator.

If you would like to have more information about this policy and procedures, but prefer to speak with someone confidentially, you may speak with a [Confidential Advocate](#).

Throughout this policy, various University officials are assigned responsibility for performing specific functions. Named officials are authorized to delegate responsibility to other appropriate University officials and non-university consultants except where such delegation contravenes University policy. Additionally, named officials and their designees may consult with appropriate University officials, the Office of General Counsel, non-university consultants and subject matter experts in making a determination if the incident meets the definitions and jurisdictional elements outlined in the Title IX federal policy or the University Sexual Misconduct policy.

Terms specific to this policy are defined in the Definitions section below. This includes defining 'days' as business days unless otherwise specified.

If there is a conflict between any definition in this procedure and the definition- assigned terms in other University policies, the specific definitions in this policy control.

Effective Date of the Title IX Policy

The effective date of this policy is August 14, 2020. This policy will apply to prohibited conduct that occurred after August 14, 2020, and where a Formal Complaint is made after August 14, 2020.

Title IX Jurisdiction

The University is committed to fostering a fair and equitable environment for individuals to study, learn and work and a prompt and equitable process for investigation and resolution of complaints covered by Title IX. This Policy applies to students, faculty, staff who are (1) employed by, attending, or affiliated with the University; (2) participating in, or attempting to participate in, any University education program or activity in the United States; or (3) visiting the University's campus(es) or any property owned or leased by the University, or any building owned or controlled by an officially recognized student organization in the United States. This Policy also covers acts of Prohibited Conduct occurring in the United States and committed by third parties, including visitors, guests, vendors, and contractors who are affiliated with the University, or accessing, or attempting to access, a University program or activity; complaints against such third-parties may be handled in accordance with existing contracts and agreements, and third parties may not be eligible for the procedural protections provided within this Policy.

The procedures in this policy are in accordance with the Department of Education's Title IX Regulations, published May 19, 2020. They apply only to complaints of sexual harassment, sexual assault, dating violence, domestic violence and stalking on the basis of sex as defined by this Policy.

The University will have the discretion to refer complaints of misconduct not covered by this Policy to any other appropriate office for handling or resolve other complaints of misconduct under any other applicable University policy or code.

Definition of Title IX Sexual Harassment (Prohibited Conduct)

1. Prohibited Conduct will be defined as:

Conduct on the basis of sex committed by any person upon any other person, regardless of the sex, sexual orientation, or gender identity of those involved which is one of the following:

1. When a University employee conditions the provision of an aid, educational benefit or service on an individual's participation in unwelcome sexual conduct (quid pro quo); or
2. Unwelcome conduct^[1] determined by a reasonable person to be so severe, and pervasive, and objectively offensive, that it effectively denies a person equal access to an educational program or activity of the University;
3. "Sexual assault" as defined in 20 U.S.C. § 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30). *See below.*

2. Sexual Assault:

1. Sexual Offenses, Forcible: Any sexual act directed against another person/Complainant without the consent of the Complainant, including instances in which the Complainant is incapable of giving consent:

1. Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the Complainant.
2. Oral or anal sexual intercourse with another person, forcibly, or against that person's will (non-consensual), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
3. The use of an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly, or against that person's will (non-consensually) or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
4. The touching of the private body parts of another person (buttocks, groin, breasts), for the purpose of sexual gratification, forcibly, or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because

of temporary or permanent mental or physical incapacity.

2. Sex Offenses, Non-forcible, Includes any of the following:
 1. Incest: Non-forcible sexual intercourse between persons who are related to each other, within the degrees wherein marriage is prohibited by Oregon Law.
 2. Statutory Rape: Non-forcible sexual intercourse, with a person who is under the statutory age of consent.
3. Dating Violence: Violence committed by a person, who is in or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship will be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
4. Domestic Violence: Violence, on the basis of sex, committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, or by a person who is cohabitating with, or has cohabitated with the Complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Oregon, or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence law of Oregon.
5. Sex-Based Stalking: Engaging in a course of conduct on the basis of sex 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. This policy covers instances of stalking based on sex, including stalking that occurs online or through messaging platforms, commonly known as cyber-stalking, when it occurs in the school's education program or activity.

General Definitions

All terms not defined here will continue to have their meaning derived from the Sexual Misconduct Resolution Procedures for Students and Discriminatory Misconduct Procedures for Employees.

Advisor: All persons who are a Complainant or a Respondent are permitted to bring an advisor of their own choosing to any meeting or interview to provide support. The advisor may be any person, including a family member or an attorney. The Advisor may accompany the Party to any and all portions of the grievance process. Other than asking questions of the other Party, or of witnesses, at the hearing, the Advisor may not participate directly in, or interfere with, the proceedings. Although reasonable attempts

will be made to schedule proceedings consistent with an Advisor's availability, the process will not be delayed to schedule the proceedings at the convenience of the Advisor. The Title IX Coordinator has the discretion to remove the Advisor from the proceedings if the Advisor interferes with the proceedings. For any Complainant or Respondent who does not have an advisor at the hearing, a Hearing Advisor will be provided, at no charge, for purposes of cross-examination of the other Party or witnesses.

Hearing Advisor: Each party is entitled to one Hearing Advisor at the hearing. The Hearing Advisor may be the same person who serves as the Advisor during the investigation process. The role of the Hearing Advisor is to ask questions of the other Party and of witnesses, but not to advocate for, or otherwise speak on behalf of, the advisee during the hearing. No party will be permitted to ask questions of the other Party, or of a witness. An advisor of the University's choosing will be provided for any party who does not have an advisor for the purpose of asking questions of the other party and witnesses at the hearing. The advisor will still attend the hearing even if the party chooses not to be present at the hearing.

Alternative Resolution: An informal resolution of the complaint that does not necessitate a full investigation or adjudication, where both parties wish to resolve the case without a completed investigation or adjudication, and where the Respondent has admitted or wishes to admit responsibility.

Complainant: An individual (enrolled student, University employee, applicant or alum) who files a complaint to report a violation of this policy. It also includes any person who is reported to have experienced a violation of this policy in cases where some other person has made a report on that person's behalf.

Consent: The University defines consent as an informed agreement between participants to willingly and actively engage in sexual activity established through continuous communication using mutually understandable words or actions, with the understanding that consent is revocable and must be given free of force or coercion.

For More Information About How Consent is Analyzed [See the Sexual Misconduct Policy for Students.](#)

Days: Any reference to days within this Policy will be counted as the University business days unless otherwise specified.

Formal Complaint: The term “Formal Complaint” has a very specific definition within this Policy, as further defined below at Section H. Whether one is filed does not depend on the label applied, but instead on whether the specific elements listed are met. A Formal Complaint is the act that initiates an investigation or resolution. Individuals who would like more information about filing a Formal Complaint are invited to contact the Title IX Coordinator for additional information.

Hearing Administrator: A trained and impartial person or persons designated by the University to conduct the Live Hearing or Panel Review, make a decision regarding the alleged violations based upon a preponderance of the evidence, and impose sanctions, if applicable. Also called a Decision-maker.

Investigator: A trained and impartial person designated by the University to investigate allegations of Prohibited Conduct.

Incapacitation: A state where an individual cannot make an informed and rational decision to engage in sexual activity because of a lack of conscious understanding of the fact, nature, or extent of the act (e.g., to understand the who, what, when, where, why, or how of the sexual interaction) or is physically helpless. An individual asleep or unconscious is considered to be incapacitated and unable to consent to sexual activity. An individual will also be considered incapacitated if the person cannot understand the nature of the activity or communicate due to a mental or physical condition. Incapacitation may result from the use of alcohol, drugs, or other medication. 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 or drugs impacts an individual's: (a) decision-making ability; (b) awareness of consequences; (c) ability to make informed judgments; or (d) capacity to appreciate the nature and the quality of the act.

It will not be a valid excuse that the Respondent believed that the Complainant consented to the sexual activity if the Respondent knew or reasonably should have known that the Complainant was unable to consent to the sexual activity under any of the following circumstances: (a) the Complainant was asleep or unconscious; (b) the Complainant was incapacitated due to the influence of alcohol or drugs, including medication, so that the Complainant could not understand the fact, nature, or extent of the sexual activity; or (c) the Complainant was unable to communicate due to a mental or physical condition.

Whether the Respondent reasonably should have known that the Complainant was incapacitated will be evaluated using an objectively reasonable person standard. The fact that the Respondent was actually unaware of the Complainant's incapacity is irrelevant to this analysis, particularly where the Respondent's failure to appreciate the Complainant's incapacitation resulted from the Respondent's failure to take reasonable steps to determine the Complainant's capacity or where the Respondent's own capacity was impaired (from alcohol or drugs) and caused the Respondent to misjudge the Complainant's capacity.

It is the responsibility of the individual initiating the sexual activity to be aware of the intoxication level of the other party before engaging in sexual activity. In general, sexual activity while under the influence of alcohol or other drugs poses a risk to all parties. If there is any doubt as to the level or extent of the other individual's intoxication, it is safest to forgo or cease any sexual contact or activity.

Party: A Complainant or Respondent in a case.

Preponderance of Evidence: The standard of evidence used during the investigation to determine whether the alleged conduct occurred and whether this Policy was violated. It means "more likely than not."

Protected Activity: Exercising any right or privilege under this policy. Examples of protected activities include reporting (internally or externally) a complaint of Prohibited Conduct in good faith, assisting others in making such a report, participating in a grievance process, acting in good faith to oppose conduct that constitutes a violation of this Policy, honestly participating as an investigator, witness, decision maker, or otherwise assisting in, an investigation or proceeding related to an alleged violation of this Policy.

Respondent: An individual against whom a complaint is filed.

Responsible Employee: An employee who has been designated by the University as required to report all information relating to reports of Prohibited Conduct to the Title IX Coordinator.

Standard of Evidence: The decision regarding a Respondent's responsibility will be determined by a preponderance of the evidence, meaning "more likely than not."

Third-Party Reporter: A person other than the Complainant who reports an incident or allegation of Prohibited Conduct.

Title IX Coordinator/Deputy Title IX Coordinator: The University officials or designees charged with ensuring the University's overall compliance with Title IX and related University policies and procedures.

Seeking Support or Assistance

The University supports an individual's decision not to pursue Formal Complaints under these or any other procedures, or a desire for anonymity. Prior to reporting, individuals may first seek support and information from a confidential staff or community member in considering whether to file a formal or informal report.

Supportive Measures

To receive supportive measures a person must disclose a concern to a Willamette University confidential or non-confidential resource. This means that in order to receive any supportive measures, the Complainant's name and some additional details will need to be disclosed, and the Title IX Coordinator must be informed so as to approve whether or not the supportive measures are sufficient to ensure that they are appropriately designed to provide or restore equal access to Willamette's educational programs or activities. For individuals seeking supportive measures or confidential assistance who have not yet decided to report to the University, please seek assistance from a Willamette University confidential resource.

Supportive Measures are non-disciplinary, non-punitive, free of charge individualized services offered to a Complainant or a Respondent by the University as appropriate and reasonably available. Such measures are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other party. Supportive measures are also available whether or not a Formal Complaint has been filed.

Supportive Measures may include, but are not limited to:

- Mutual No contact/Restricted contact order.
- Dorm room changes.
- Assistance with arrangements with faculty for academic work (extended deadlines, rescheduled exams, etc.).

- Taking an “incomplete” in a course.
- Increased safety or escorts on campus.
- Work schedule changes.
- Other measures on a case-by-case basis.

Note: Any Supportive Measures put in place will be kept confidential, except to the extent that doing so impairs the ability of the University to provide the Supportive Measures.

Students who are considering or wanting to report prohibited conduct are encouraged to meet with a Confidential Advocate to review options, discuss the processes available and advocate for students who need supportive resources or measures on campus.

Information shared with any of the confidential resources listed below will be kept confidential, and will not be disclosed to other campus offices or individuals without the written consent of the individual.

Confidentiality, Privilege and Privacy: Confidentiality, Privilege and Privacy have distinct meanings under this Policy.

“Confidentiality” generally means that information shared with a campus designated confidential resource will not be revealed to any other person or office, including during an investigation, unless written permission is granted by the individual to share their information. However, not all confidential resources have a legal privilege that protects information from disclosure in other settings.

“Privilege” generally refers to licensed professionals including mental health and health care providers, ordained clergy and personal attorneys all of whom must keep information confidential as required by their professions and licenses. These individuals are prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others, or if a report involves suspected abuse of a minor under the age of 18. Confidential Advocates do have a legal privilege but are, however, required by state law to notify Child Protective Services or local law enforcement in cases of suspected child abuse. This is a 24/7 responsibility. In addition, the legal privilege they have protects communications made between the professional and the student, and records created or maintained in the course of providing services to the student from disclosure in court.

“Privacy” generally means that information related to a report of Prohibited Conduct will only be shared with a limited circle of trained individuals who “need to know” in order to assist in the assessment,

investigation, or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.

The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act (“FERPA”), as outlined in the University’s FERPA Policy. The privacy of an individual’s medical and related records may be protected by the Health Insurance Portability and Accountability Act (“HIPAA”), excepting health records protected by FERPA. Access to an employee’s personnel records may be restricted by applicable state and federal law.

While there are certain limitations on privacy, the University generally will not release the names of the Complainant or Respondent to the general public without express written consent or absent another exception consistent with the law. The release of names will be guided by applicable law, including the Family Educational Rights and Privacy Act (FERPA) and the Clery Act.

In addition, no information will be released from a proceeding to enforce this Policy except as required or permitted by law and The University Policy.

Anonymous Reports: Any individual may make an anonymous report concerning an act of Prohibited Conduct. The Title IX Coordinator will receive the anonymous report and will determine any appropriate steps, including individual or community remedies as may be appropriate, and in compliance with all Clery Act obligations.

Depending on the extent of information available about the incident or the individuals involved, however, the University’s ability to respond to an anonymous report may be limited. This means that unless identifiable information is shared with the Title IX Coordinator or a responsible employee, the University may not be able to take any action to stop the discrimination or harassment, remedy its effects, or prevent future instances of discrimination and harassment, because it will not be able to engage in the appropriate procedures under this policy.

Please note that a Formal Complaint cannot be filed anonymously, and is only considered to have been filed when the complaint contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint.

Amnesty for Students: A student Complainant or Third Party who reports a violation of this policy, or any student participant in an investigation or hearing under this policy will not be subject to the University’s

policy concerning alcohol or other drug use for personal consumption at or near the time of Prohibited Conduct, unless the violation placed the health or safety of another at risk.

Reporting Prohibited Conduct

The University encourages individuals who believe they are experiencing sexual harassment to report the harassment. Those who are aware or reasonably believe that another person is being sexually harassed, may also make a report through this process, or seek support from confidential resources. Please note that a report is not the same as a Formal Complaint, and therefore a report alone, does not start the formal resolution process (investigation and hearing).

Reports of potential violations of this policy will be kept private to the extent possible for the University to respond to the report, but reports made to those listed below are not confidential.

Reports of potential violations of this Policy may be made to the Title IX Coordinator, the VP of Student Affairs' designee or to the AVP of Human Resources or designee, and via the [Sexual Misconduct Report Form](#).

In addition to, or instead of, filling out the Sexual Misconduct Report Form, individuals may choose to speak with any non-confidential Willamette University employee to initiate a report of sexual misconduct, or may submit a written statement by email or regular mail (see information below on filing a Formal Complaint).

Upon being notified of a report the Title IX Coordinator or designee will reach out to the individual who experienced the alleged misconduct to schedule an Intake Interview and will also provide the individual information regarding resources, rights, Supportive Measures and reporting options, and will explain that Supportive Measures are available without filing a Formal Complaint (defined below). The Title IX Coordinator will also explain the process for filing a Formal Complaint, which is needed in order to start either the investigation or Informal Resolution processes.

Individuals may also notify the University if they believe someone else may have experienced conduct that would be a violation of this Policy.

Duty to Report Allegations of Sexual Harassment (Responsible Employees).

Any University employee (other than the Confidential Advocates, Student Health and Counseling Centers staff and Chaplains working within the scope of their employment) who observes sexual harassment or who knows of, or is informed of alleged sexual harassment, must promptly notify the Title IX Coordinator or designee of the allegation.

University employees should not attempt to resolve a complaint of sexual harassment without assistance from the Title IX Coordinator. Employees must also comply with their obligations to report any [child abuse or neglect](#) consistent with state law, as well as [Campus Security Authority](#) reporting obligations.

Timely Warning.

If a report of sexual misconduct presents a serious and continuing threat to the community, Willamette University may issue a campus-wide timely warning to protect the health and safety of community members. The timely warning will not include any identifying information about the person who experienced the unwanted behavior as defined by the Policy.

Timeline for Reporting.

The University does not limit the timeframe for reporting an incident regardless of when the incident occurred. However, individuals are encouraged to report as soon as practical, as memories may fade and evidence may be lost over time.

Retaliation Prohibited.

Retaliation is prohibited by University policy. The University will not tolerate any materially adverse action against a person who reports, complains about, or who otherwise participates in good faith in any manner related to this policy. Retaliation includes but is not limited to, confirmed or implied behaviors or actions (including electronic or on-line activity) which intimidate, threaten, or harass, or result in other adverse actions threatened or taken. Retaliation does not include petty slights or trivial annoyances.

An individual reporting sexual misconduct is entitled to protection from any form of retaliation following a report that is made in good faith, even if the report is later not substantiated based on the available evidence. Retaliation does not include good faith actions pursued in response to a report of prohibited

conduct. Any person who believes they have experienced retaliation under this policy should contact the Title IX Coordinator who forward any complaint of retaliation to the appropriate office for handling. Retaliation may subject the person who retaliates to disciplinary action up to and including expulsion or termination.

It is critical that a person responding to a claim of harassment or discrimination (the Respondent), and those who may be supportive of the Respondent, recognize that many behaviors may be perceived as retaliatory. When in doubt about whether a certain action, communication, or behavior might be viewed as retaliatory, please consult with the Title IX Coordinator.

No Conflict of Interest or Bias.

Any individual carrying out this Policy will be free from any actual conflict of interest or demonstrated bias that would impact the handling of this matter. Should the Title IX Coordinator have a conflict of interest, the Title IX Coordinator is to immediately notify the VP for Student Affairs or the VP for Human Resources who will designate the role of Acting Title IX Coordinator for purposes of carrying out the handling and finalization of the matter at issue. Should any investigator, Hearing Administrator or Appeals Officer have a conflict of interest, the individual is to notify the Title IX Coordinator upon discovery of the conflict.

Provision of False Information.

It is a violation of University policies for anyone to intentionally provide false information to the University. Any employee or student who is found to have done so as part of this process may be subject to appropriate disciplinary or corrective action.

Outreach and Initial Assessment

Outreach and Intake Interview

Upon receipt of information or a report alleging a potential violation of this Policy, the Title IX Coordinator or designee will reach out to the individual who experienced the misconduct to schedule an Intake or Informational Interview and provide a copy of this policy and the following information:

- Availability of supportive measures with or without filing a Formal Complaint;
- How to file a [Formal Complaint](#);

- Right to notify law enforcement and the right not to notify law enforcement, their right to decline to do so, and, when applicable, information about seeking a personal protection order from the local courts;
- Importance of preserving evidence;
- Resources for counseling, health care, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other available services; and,
- Right to an advisor of their choice.

That individual may choose to receive Supportive Measures only and not proceed with the filing of a Formal Complaint. They may also request an [Alternative Resolution](#) or an [Investigation](#) and Hearing. For any resolution other than supportive measures, a Formal Complaint is required.

The Title IX Coordinator or designee will discuss the individual's rights and options, and will also assess for, and provide, appropriate supportive measures, which are available with, or without, the filing of a Formal Complaint. If a Formal Complaint has not already been filed, the Title IX Coordinator will explain to the individual the process for filing a Formal Complaint.

For those who wish to proceed with any resolution process, the Title IX Coordinator will assess the facts as presented to determine whether the information provided suggests a potential violation of this Policy. If the report does not meet the required definitions of this Policy, then the Title IX Coordinator will not initiate the Formal Process

Student Emergency Removal Provisions/Interim Safety Measures

If at any time the University determines that the conduct, as alleged, poses a risk of immediate physical harm arising from the sexual harassment, to one or more members of the University community or to the University's educational environment, the University may instruct that a Respondent be removed or placed on leave, on an interim basis, from specific programs or activities.

Any such risk assessment will be made on a case-by-case basis, based on an individualized safety and risk analysis including consideration of applicable disability procedures, less restrictive alternatives and supportive measures, and will be determined by the Title IX Coordinator in consultation with appropriate University officials.

The decision to do so will be provided to the Respondent in writing.

Opportunity to Respond

Students should contact the Vice President of Student Affairs/Dean of Students within 3 business days of the interim suspension, who will explain the University's process for challenging the emergency removal.

Employee Administrative Leave: The University will have the authority to place any employee Respondent on an administrative leave of absence pending the outcome of an investigation and hearing.

Employees may contact the AVP for Human Resources if they wish to discuss the emergency removal.

The decision to place any Respondent on an interim suspension or administrative leave will not be considered as evidence that any determination has been made regarding potential responsibility for violating this Policy.

Filing a Formal Complaint

In order to proceed to a resolution process, a Formal Complaint must be filed and signed by either a Complainant or the Title IX Coordinator. A Formal Complaint has a very specific definition under this policy and differs from solely making a report to the Title IX Coordinator.

Complainant Status: At the time of filing a Formal Complaint, the Complainant must be participating in or attempting to participate in a University program or activity. A Formal Complaint may not be filed anonymously.

A Formal Complaint must include:

1. The Complainant's digital or physical signature, or an indication that the Complainant is the person filing the Formal Complaint
2. An allegation of prohibited conduct as defined under this Policy. This may include the following, if known:
 1. Where the incident(s) occurred
 2. What incident(s) occurred
 3. When the incident(s) occurred
3. Identity of Respondent, if known

4. A request for an investigation

Formal Complaints may be made to the Title IX Coordinator by US Mail, email, or in person:

Darci Heroy

University Center, Office of Student Affairs

Willamette University

900 State St.

Salem, OR 97301

503-370-6447

dheroy@willamette.edu

If a complaint is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to confirm a Complainant's intent to file a Formal Complaint. Further, if the Formal Complaint does not have sufficient information to determine whether the conduct as alleged will fall under this policy, the Title IX Coordinator will contact the Complainant to schedule an Intake Interview.

Non-participating Complainant

In the event that the individual declines to participate in an Intake Interview, and if the complaint contains an allegation meeting all of the jurisdictional elements of this Policy, the complaint is signed or includes an electronic submission from the Complainant, and requests an investigation, that will constitute a Formal Complaint. If a Complainant chooses not to participate, they will still receive updates regarding the resolution process, unless the Complainant chooses in writing not to receive them.

Title IX Coordinator- Initiated Complaint

The Title IX Coordinator will have the discretion to sign a Formal Complaint and initiate an investigation and will be evaluated in the context of the University's responsibility to provide a safe and nondiscriminatory environment for its employees and students. The factors that the University may consider in this regard include the seriousness of the alleged harassment, whether there have been other complaints or reports of harassment against the alleged harasser, and the nature of the allegations such as use of weapons, drugs or intoxicants, serial violations or other threats to the Complainant or the

community. When the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator does not become the “Complainant” for purposes of this Policy.

Consolidation of Cases: In the event that the allegations under this policy also involve allegations of a violation of a separate policy, the Title IX Coordinator in consultation with the VP of Student Affairs or AVP of Human Resources will have the discretion to consolidate those other allegations within one investigation or hearing. Allegations of a violation of a separate policy are not required to be handled using the procedural requirements set forth in this policy.

If the Title IX Coordinator determines that the report does not meet the standards of the Formal Complaint, the Complainant will be notified. The Complainant may appeal this determination within five (5) business days as described in the Appeals section below.

If the Formal Complaint meets the above standards, it will result in written notification to the Respondent and the commencement of a Resolution Process, as described below.

Title IX Resolution Methods

After a Formal Complaint is filed, the University will issue Notice to the Complainant and the Respondent which will include information on the below methods of resolution. The University may then determine one of these three methods to resolve a potential violation of this policy:

- 1) alternative resolution;
- 2) investigation and hearing; or
- 3) dismissal.

1. Title IX Alternative Resolution

The Title IX Coordinator may offer to the parties the option of Alternative Resolution at any time during the Resolution Process. Either party may also request, in writing, to proceed with an Alternative Resolution. Participation in the Alternative Resolution process is voluntary for both Complainant and Respondent. Both parties and the Title IX Coordinator must agree to the use of Alternative Resolution to resolve the complaint. If an Alternative Resolution option is preferred, the Title IX Coordinator will assess whether the complaint is suitable for Alternative Resolution and will then take steps to determine if the other party is also willing to engage in Alternative

Resolution. Both parties must agree, in writing, to an Alternative Resolution.

The Title IX Coordinator may determine that Alternative Resolution is not appropriate, for example, where other formal action may be reasonably necessary to prevent continuing or future Prohibited Conduct, where there is a threat to the safety of the complainant or campus community, or where multiple reports have occurred against the same respondent.

Note: Allegations that an employee has engaged in Prohibited Conduct toward a student will not be handled through the Alternative Resolution process, and instead be resolved only through the Investigation and Hearing process.

When either party requests an Alternative Resolution, the Title IX Coordinator will provide the Complainant and Respondent written notice that includes:

1. The specific allegation and the specific conduct that is alleged to have occurred;
 2. The requirements of the Alternative Resolution process including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations;
 3. The right of either party to end the Alternative Resolution process at any time and instead choose to pursue a formal investigation process;
 4. Any consequences resulting from participating in the Alternative Resolution process, including the records that will be maintained or could be shared;
 5. A statement indicating that the decision to accept a complaint does not presume that the conduct at issue has occurred, and that the Respondent is presumed not responsible, unless and until, at the conclusion of the formal investigation and adjudication processes, there is a determination of responsibility;
 6. An explanation that each party may be accompanied by an Advisor and a support person) of their choice, who may be a parent, friend, or attorney;
 7. The date and time of the initial meeting with the Title IX Coordinator, with a minimum of 2 days' notice;
 8. Information regarding Supportive Measures, which are available equally to the Respondent and to the Complainant.
2. If either party does not voluntarily agree in writing to pursue an Alternative Resolution, or if the Complainant, Respondent, or Title IX Coordinator, at any time, determines that Alternative Resolution is no longer appropriate, the Title IX Coordinator will promptly inform the Complainant and Respondent in writing that the complaint will proceed through the Investigation and Hearing Process.

For employees (i.e., an employee allegation against another employee), the terms of Alternative Resolution may lead to non-disciplinary outcomes such as additional training for a unit or area, agreements for how to continue working together, ongoing no-contact directives or meetings with the Respondent to discuss the conduct at issue.

Once the final terms of an Alternative Resolution have been agreed upon by both parties, in writing, the matter will be considered closed, and no further action will be taken. Voluntary agreements under the Alternative Resolution process are not subject to appeal.

The Alternative Resolution process is generally expected to be completed within thirty (30) days and may be extended for good cause by the Title IX Coordinator. Both parties will be notified, in writing, of any extension and the reason for the extension.

Records of any Alternative Resolution will be maintained and may be shared with other offices as appropriate.

Title IX Investigation and Hearing Process

The University expects that all individuals who participate in the investigation process do so truthfully and that all who have a responsibility for carrying out one or more aspects of the investigation and hearing process do so fairly and without prejudice or bias.

1. Prohibition on False Evidence Provided During Process

Each party and every witness is expected to provide truthful information to the investigator, Hearing Administrator, and the Appeals Officer. Providing intentionally false or misleading information may result in charges for possible violations of the Code of Conduct or University policy.

2. Notice of Investigation, and Investigation Process

Within a reasonable period of time from the filing of a Formal Complaint and prior to the start of an investigation, the Respondent and Complainant will be provided, in writing, with a Notice of Investigation. Such notice will include:

- The specific allegation and the specific conduct that is alleged to have occurred;
- The identities of the Complainant and Respondent;
- The date and location (if known) of the conduct that is alleged to have occurred;
- A copy of this Policy, which contains the process that will be followed, including an explanation that each party will have the right to inspect and review all evidence prior to the completion of the investigation;
- A statement indicating that the decision to accept a complaint does not presume that the conduct at issue has occurred, and that the Respondent is presumed not

responsible, unless and until, at the conclusion of the process below, there is a determination of responsibility;

- An explanation that each party may be accompanied by an advisor of their choice, who may be a parent, friend, attorney;
- The date and time of the initial interview with the investigator, with a minimum of five (5) days notice;
- Information regarding amnesty granted during this process;
- The name and contact information for the assigned investigator;
- Information regarding supportive measures.

3. Challenging for Conflict of Interest or Bias

After a Formal Notice of Investigation is issued to Complainant and Respondent, each party may object to the Title IX Coordinator or designated investigator on the grounds of a demonstrated bias or actual conflict of interest. Both parties will have three (3) business days from the date of the Notice of Investigation to object to the selection of the investigator or the Title IX Coordinator on those grounds. Objections to the Title IX Coordinator will be made, in writing, to either the Vice President for Student Affairs or the AVP for Human Resources. Objections to the appointment of the investigator will be made, in writing, to the Title IX Coordinator. If the objection is substantiated as to either the Title IX Coordinator or the Investigator, that individual will be replaced.

A conflict of interest may include, for example, situations where an assigned official is a party's family member, close friend, current or former faculty member, advisor or has other similar relationships with a party. The fact that an individual is the same or different gender, race, etc., of a party or individual involved in the process, or regarding someone's professional experience (e.g. former prosecutor or defense attorney) is not considered a conflict or bias and requests for changes in staffing on these bases will not be considered.

Evidentiary Standard

The preponderance of the evidence standard is used in determining whether or not a Respondent charged with an allegation of sexual misconduct is responsible for a violation. The Respondent is presumed not responsible for any violation unless responsibility is established by a conscientious and rational judgment on the whole record indicating it is more likely than not the alleged behavior occurred.

Timeline

The University strives to complete the investigation process, up to evidence review, within 40 days, which may be extended for good cause by the Title IX Coordinator. Both parties will be notified, in writing, of any extension granted, the reason for the extension and the new anticipated date of conclusion of the investigation.

Interviews

The Investigator will interview all parties and relevant witnesses and gather relevant documentary evidence provided by the parties and any identified witnesses. Interviews

may be conducted in person, or via video conference. The investigator will prepare a summary of each interview.

Each party will be provided with an opportunity to offer relevant witnesses and evidence. Information or evidence that is not provided to the investigator will not generally be allowed during the hearing, unless it can be clearly demonstrated that such information was not reasonably known to or available to the parties at the time of the investigation.

Site Visit(s): The Investigator(s) may visit relevant sites or locations and record observations through written, photographic, or other means.

Expert Consultation(s): The Investigator(s) may consult medical, forensic, technological or other experts when expertise on a topic is needed in order to achieve a fuller understanding of the issues under Investigation.

Coordination with Law Enforcement: The Investigator will contact any law enforcement agency that is conducting its own investigation to inform that agency that a university Investigation is also in progress; to ascertain the status of the criminal investigation; or to determine the extent to which any evidence collected by law enforcement may be available to the university in its investigation.

4. Evidence Review and Investigation Report

Evidence Review: At the conclusion of all interviews and fact gathering, and when the evidence has been gathered, the investigator will provide each party, and their Advisor, the opportunity to review all of the evidence gathered that is directly related to the allegation(s). This will include both incubatory and exculpatory evidence, meaning evidence both supporting or not supporting the allegations at issue.

Given the sensitive nature of the information provided, the information will be provided in a secure manner (for example, by providing digital copies of the materials through a protected, “read-only” web portal or utilizing other safeguards). Neither the Complainant nor the Respondent (nor their Advisors) may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided. Any student or employee who fails to abide by this Policy may be subject to discipline. Any Advisor who fails to abide by this Policy may be subject to discipline and/or may be excluded from further participation in the process.

Response to Evidence: Each party will have ten (10) days in which to respond to the evidence, in writing, and submit it to the investigator. The written response may not be longer than ten (10) pages, unless an exception is provided for good cause. The investigator will incorporate any response provided by the parties into the Final Investigation Report. Along with their response to the evidence, each party may also submit a written request for additional investigation, such as a request for a follow-up interview(s) with existing witnesses to clarify or provide additional information, including offering questions to the investigator to pose to witnesses or to the other party. This response may include written, relevant questions that a party would like the investigator

to ask of any party or witness. If any of the questions posed will be excluded as not relevant, or not likely to lead to relevant information, the investigator will explain to the party who proposed the questions any decision to exclude a question as not relevant and those questions will still be included in the final report as an appendix.

Additional Submissions After Evidence Review: Upon receipt of each party's response to the evidence reviewed, the investigator will determine if any additional investigation is needed. In addition, either party may offer new witnesses or other new evidence. This is the final opportunity for parties to offer evidence. The investigator will consider the responses provided, may pose questions to parties or witnesses as appropriate, and may interview new relevant witnesses, or accept new, relevant, evidence.

If new relevant evidence is provided by either party, or gathered by the investigator, the newly-gathered evidence (including answers to clarifying questions) will be made available for review by each party. Each party will have ten (10) days in which to respond to the new evidence. Each may provide a response in writing to the investigator, and the investigator will incorporate any written response provided by the parties into the Final Investigation Report.

Any evidence to be considered by the Hearing Administrator must be provided to the Investigator. Information that was not provided to the Investigator will not be allowed during the hearing itself, unless it can be clearly demonstrated that such information was not reasonably known to, or available to, the parties at the time of the investigation.

Should new evidence be presented at the hearing, the Hearing Administrator will have the authority to delay the hearing and send the matter back for further, limited investigation.

Exclusion of Questions Regarding Complainant's Past Sexual Behavior, or Predisposition

Questions and evidence about a Complainant's sexual predisposition or prior sexual behavior are not relevant and will not be permitted, unless such questions and evidence about the Complainant's prior sexual behavior are offered: (a) to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or (b) 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.

Final Investigation Report

The investigator will prepare a written report summarizing all of the relevant evidence gathered and all investigative steps taken to date. For those cases in which there are also allegations of non-Title IX policies, the investigator will also make preliminary factual findings as to those policies if requested to do so by the Title IX Coordinator.

The investigator will not make any findings regarding credibility or determination of policy violations for any Title IX Policy allegations. The investigator may suggest preliminary factual findings based on relevant evidence.

The investigator will attach to the Final Investigation Report any responses received in

writing from the parties, and will include as an attachment all relevant evidence gathered during the investigation, as well as all interview transcripts and interview summaries.

5. Conclusion of Investigation, Threshold Review of Report

Threshold Review of the Report

Prior to issuing the Final Investigative Report to the Parties, the VPSA/Dean of Students or AVP of Human Resources and Title IX Coordinator, in consultation with the Investigator, will review the draft Final Investigation Report and make a threshold determination either to dismiss the Formal Complaint or certain allegations within the Formal Complaint, or to proceed to adjudication. Dismissal is appropriate only when required (as described in the Dismissal Section below). A dismissal decision under this provision may not be based on an assessment of the credibility of a Party or Witness and may be appealed within 5 business days, using one of the permissible grounds for appeal.

The Hearing phase of the Formal Process begins when the Title IX Coordinator or designee sends the Notice of Administrative Hearing and concludes when the Hearing Administrator issues a written Final Determination. Specific deadlines and dates calculated according to these procedures will be outlined in communications from the University.

6. Post-Investigation Resolution Options

Within five (5) business days of receiving the Final Investigation Report, the Parties will receive a Notice of Resolution Options from the Title IX Coordinator, and either AVP of Human Resources or VP/Dean of Student Affairs or their designee. The parties will then determine their preferred manner of resolution.

Alternative Resolution

Within five (5) business days of the Notice of Resolution Options, the parties may choose to not proceed to a Live Hearing, and instead proceed with an Alternative Resolution, as described above in Section X(1). Both parties must voluntarily agree in writing to the Alternative Resolution, and if so, the Formal Complaint will be resolved by the Alternative Resolution agreement. An Alternative Resolution agreement is final and not subject to appeal.

Unless both parties agree to Alternative Resolution, the Formal Complaint will proceed to a Violation Agreement or Administrative Hearing.

Violation Agreement

If the Respondent agrees to acknowledge the violation(s) occurred, and neither party chooses to proceed to a Live Hearing, both parties will be sent a Violation Agreement, which includes the Final Investigation Report and the written determination of the appropriate discipline/sanction. Only the sanction may be appealed, and there is no right to appeal on other grounds. This Notice will also describe any right to appeal the sanction.

Unless resolved through an Alternative Resolution or Violation Agreement, then an Administrative Hearing will proceed as outlined below.

Live Administrative Hearing

Each party will be provided with a Notice of Hearing, which will include information regarding the date of the hearing, the names of the assigned Hearing Administrator, and any deadlines for submission of evidence, names of witnesses, or questions to be reviewed by the Hearing Administrator to ensure relevance. The hearing will be scheduled no less than ten (10) business days from the date of the Notice of Hearing. Within three (3) days of receipt of the Notice of Hearing, either party may object to a Hearing Administrator on the basis of a demonstrated bias or actual conflict of interest. Any objection is to be in writing and sent to Title IX Coordinator. Should the Title IX Coordinator determine that there is an actual bias or conflict of interest, the Title IX Coordinator will remove the Hearing Administrator and appoint another.

7. Administrative Hearing Procedures and Hearing, Final Determination

Hearing Advisor

Each party is entitled to one Advisor at the hearing which will be referred to as the Hearing Advisor. The role of the Hearing Advisor is to ask questions of the other party and of witnesses, but not to advocate for, or otherwise speak on behalf of, the advisee during the hearing. No party will be permitted to ask questions of the other party, or of a witness. A Hearing Advisor of the University's choosing will be provided for any party who does not have a Hearing Advisor. If the party does not appear, the Hearing Advisor will still appear to ask questions of the other party and any witnesses.

There will be a pre-hearing meeting with each party and Hearing Advisor at which time, should the Complainant or Respondent not have a Hearing Advisor, one will be assigned.

Administrative Hearing

Hearings will be scheduled as far in advance as possible. The Hearing Administrator will provide three possible hearing dates to the Parties and their Advisors; one of those dates must be chosen. Exceptions may be granted for good cause.

Pre-Hearing Conference: There will be a pre-hearing meeting with each party at which time, should the Complainant or Respondent not have an Advisor, one shall be assigned for the purpose of cross-examination at the Hearing. At the meeting, each party may submit to the Decision-maker a preliminary list of witnesses, and questions they wish to pose to the other party, or to a witness.

General Structure of the Hearing: Hearings may be conducted in person or via videoconferencing. If by videoconferencing, prior to the hearing, the Hearing Administrator will have received instruction regarding the operation of any audio-visual equipment for the hearing. The Hearing Administrator will also provide the participants instructions on how to participate in the video-conference hearing. No Complainant or Respondent or witness will be compelled to participate in the hearing. However, the Title

IX Coordinator may choose to continue with the hearing in the absence of the Complainant, Respondent or any witness. The general structure of the Hearing will be as follows:

- The Hearing Administrator provides information about the process and addresses any issues that need to be resolved prior to the Hearing (such as evidentiary questions or requests for exceptions to the rules that may be asked by the parties).
- The Hearing Administrator will ask questions of the Complainant.
- The Respondent's Advisor may ask relevant follow-up questions of the Complainant.
- The Hearing Administrator will ask questions of the Respondent.
- The Complainant's Advisor may ask relevant follow-up questions of the Respondent.
- This same process is then repeated for each witness, with an opportunity for each party's Hearing Advisor to ask relevant follow-up questions of (cross-examine) the witnesses.
- The Hearing Administrator may follow up with further questioning for either parties or any witness based on any statements at the Hearing.
- The Hearing Administrator will ensure that each party is provided with equitable opportunities to respond and question during the Hearing.

8. Rules of the Hearing: The Advisors and Parties will be provided with additional rules of decorum for the Hearing at the Pre-Hearing Conference. In addition to the rules that specifically apply during the Hearing listed below, parties and advisors will be expected to continue to adhere to all other expectations outlined in these procedures.

- Recordings: Each hearing will be recorded by the Hearing Administrator and this recording will be considered the only official recording of the hearing. No other individual is permitted to record while the hearing is taking place. The recording is the property of the University but will be made available for listening by contacting the Title IX Coordinator.
- Witnesses: The Complainant, Respondent, and the Hearing Administrator all have the right to call witnesses. No Party will be permitted to call as a witness any one who was not interviewed by the investigator as part of the University's investigation, unless good cause can be demonstrated. Each Party will submit to the Hearing Administrator the names of witnesses they would like to call no less than five (5) days in advance.
- Question Submission: The Hearing Administrator will strongly encourage Parties to submit to them a preliminary list of questions for the other Party and witnesses three days prior to the hearing. This is not required, but it leads to far greater efficiency and a smoother hearing experience. If the Hearing Administrator

determines that any submitted questions are not relevant, the Hearing Administrator will explain the reason for the exclusion of the question at the hearing. Each Party, through their Advisor, will also be permitted to ask additional questions at the hearing. In the event that a Party does not appear for the Hearing, the Advisor for that Party will appear and question the other Party, and witnesses.

- **Questioning Parties and Witnesses:** Each party's Advisor may ask the other Party and any witnesses all relevant questions and follow-up questions, including questions challenging credibility. Such cross-examination will be conducted after the Hearing Administrator asks introductory questions of the Witness. The Parties themselves may not ask questions of the other Party or Witness.
- Before a Party or Witness answers a cross-examination question, the Hearing Administrator must determine whether the question is relevant and, if the Hearing Administrator refuses to allow a given question, they must explain the decision to the Parties. Parties and witnesses will only answer questions allowed by the Hearing Administrator. Questions may be limited by the Hearing Administrator only if they are irrelevant, including if they are repetitive, harassing or abusive. Questions proposed by the Parties but not asked will become part of the file available during an appeal.
- **Time for Hearing:** The Hearing Administrator will have the authority to limit the time allotted to any phase of the hearing, or to limit the time allotted to the full hearing. Any such limitation will be communicated to the parties no later than three (3) days before the hearing, and exceptions can be made for good cause.
- **Evidence at the Hearing:** The Hearing Administrator will determine which evidence is admitted, including information from witnesses and documentary evidence. Evidence is relevant if it has any tendency to make a fact that is of consequence more or less probable than it would be without the evidence.
- **Non-Title IX Allegations:** Where there are non-Title IX allegations addressed at the same Hearing, the Hearing Administrator may consider all information they deem relevant for the non-Title IX allegations, however, in all other regards, when Title IX and non-Title IX allegations are addressed together at a Hearing, the procedures applicable to Title IX allegations will be used for all allegations.
- **Further Investigation:** If the Hearing Administrator determines that unresolved issues exist that would be clarified by the presentation of additional information, they may, at their discretion, suspend the Administrative Hearing in order to obtain such information. The Hearing Administrator may ask the Investigator to conduct further investigation. The Hearing Administrator will reconvene the Hearing in a timely manner.

9. Non-Participation: The Hearing Administrator will not draw any inference regarding responsibility based solely on a party's non-appearance at the hearing or refusal to answer questions.

Final Determination

Following the hearing, the Hearing Administrator will then prepare a Final Determination. To the extent credibility determination needs to be made, it will not be based on a person's status as Complainant, Respondent, or witness.

The Hearing Administrator's Final Determination will include:

- The allegations;
- Description of all procedural steps;
- Findings of fact;
- Conclusion of application of facts to the Policy; and
- Rationale for each allegation.

10. The Hearing Administrator's Final Determination will be provided to the Title IX Coordinator, and as appropriate to the AVP for Human Resources and Respondent's supervisor, or Vice President for Student Affairs. If there is no finding of responsibility, the Hearing Administrator will communicate the findings, along with a copy of the Final Determination, to the parties, together with [procedures for appeal](#). If there is a finding of responsibility, the Hearing Administrator will contact the appropriate sanctioning officer (AVP of Human Resources and Respondent's supervisor, or VP of Student Affairs) who will determine the sanction and notify the Hearing Administrator of the sanctioning determination. The Hearing Administrator will then provide each party with the Final Determination, including the determination of the appropriate sanction, will inform the Complainant of any appropriate remedies, and will inform both parties of the [procedure for appeals](#).

3. Title IX Dismissal

The University also has the discretion to dismiss a Formal Complaint, and in some cases an obligation to dismiss, as follows:

Mandatory Dismissal

At any time prior to the commencement of a hearing, any case proceeding under this policy will be dismissed if it is determined that the conduct at issue does not meet the definitional or jurisdictional requirements of this policy. If the alleged conduct would, if true, support a finding that another University policy or code has been violated, the University may, in its sole authority, transfer the case for further handling under the appropriate policy or code. The University may use evidence already gathered during the Title IX process for the further handling of the complaint. Upon dismissal, both parties will be notified in writing of the decision and the rationale for the decision. The decision to dismiss is subject to [appeal](#). Both parties will be notified in writing of any determination made following the appeal.

Discretionary Dismissal

At any time during an investigation or prior to the commencement of a hearing, any case when: a) Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations within the Formal Complaint; b) the Respondent is no longer enrolled or employed at the University; or c) circumstances prevent the University from gathering evidence sufficient to reach a determination. If the alleged conduct would, if true, support a finding that another University policy or code has been violated, the University may, in its sole authority, transfer the case for further handling under the appropriate policy or code. The University may use evidence already gathered during the Title IX process for the further handling of the complaint. Upon dismissal, both parties will be notified in writing of the decision and the rationale for the decision. The decision to dismiss is subject to [appeal](#). Both parties will be notified in writing of any determination made following the appeal.

Sanctions and Remedies

Upon conclusion of the hearing process, when there is a finding of responsibility, the Complainant will be offered such remedies designed to restore or preserve equal access to the institution's education program or activity. The Title IX Coordinator is responsible for ensuring overall implementation of remedies.

Sanctions for students will follow the Sanctioning Process outlined in Section XIV of the Resolution Procedures for Sexual Misconduct for Students. Sanctions will be determined on a case-by-case basis, intended to preserve equal access for the Complainant and in the best interest of the University's educational environment.

Discipline for employees will follow the relevant university policies and procedures for employees.

Appeals

A written request for an appeal may be filed by either party:

- within five (5) days of a decision that the investigation does not meet requirements of a Formal Complaint; OR
- within five (5) days of the Violation Agreement; OR
- within five (5) days of receipt of the Final Determination; OR
- within five (5) days of Dismissal

Appeals will be sent to the Title IX Coordinator, who will then send the appeal to the designated Appeals Officer. When an appeal is filed, the other Party will be notified, in writing, within one business day, and will then have five (5) business days to respond to the appeal. Any Party's decision not to submit a reply to an appeal is not evidence that the non-appealing party agreed with the appeal.

The Appeals Officer will not have any actual conflict of interest or bias. Within three (3) days of assigning the Appeals Officer, either party may object to the Appeals Officer on the basis of an actual bias or conflict of interest. Any objection is to be in writing and sent to the Title IX Coordinator. Should the Title IX Coordinator determine that there is an actual bias or conflict of interest, the Title IX Coordinator will remove the Appeals Officer and appoint another.

While an appeal process is pending, a student or employee found responsible for violating the Policy or other Standards of Conduct must comply with the sanctions previously imposed and deemed necessary. A party may request a stay of the sanction during the appeal process, and should direct that request to the Title IX Coordinator.

If either party submits an appeal request, that appeal request will be shared with the other party who will then have five (5) business days to submit a response if they so choose. Appeal requests and responses to appeal requests will be shared with the Complainant and the Respondent.

The hearing record, which includes all hearing documents, the Investigation Report, the hearing recording, and appeal materials from both parties, will be submitted by the Title IX Coordinator to the Appeals Officer for review.

The appeal process is a closed process, limited to the review of the hearing record and appeal materials. There are no additional meetings with the involved parties unless there are exceptional circumstances as determined by the VP of Student Affairs or the VP of Human Resources, in consultation with the Title IX Coordinator.

Appeals May be Filed Only on the Following Grounds:

1. *Procedural Error*: A procedural error occurred that significantly impacted the outcome of the investigation or hearing. A description of the error and its impact on the outcome of the case must be included in the written appeal; or
2. *New Evidence*: New evidence or information has arisen that was not available or known to the party during the investigation or hearing, and that could significantly impact the findings.

Information that was known to the Appellant during the investigation or hearing but which they chose not to present is not new information. A summary of this new evidence and its potential impact on the investigation findings must be included in the written appeal; or

3. *Actual Conflict of Interest or Demonstrated Bias*: The Title IX Coordinator, investigator, or decision-maker had an actual conflict of interest or demonstrated bias for or against Complainants or Respondents generally, or the individual Complainant or Respondent, that affected the outcome of the matter; or
4. *Disproportionate to the Violation or previous disciplinary measures*. That the sanction or discipline should be either increased or decreased in light of all the information available including prior sanctions or discipline assigned for comparable violations.

If a party appeals the discipline or sanction, both parties may provide to the Appeals Officer a mitigation or impact statement to explain the appeal of the discipline or sanction. Anything submitted to the Appeals Officer will be shared with the other party.

The written appeals decision will be sent simultaneously to both Parties and will describe the result of the appeal including the rationale.

Rights, Expectations & Responsibilities

Individuals making a complaint to the Title IX Coordinator (“Complainant”) and individuals responding to a complaint (“Respondent”) each have rights throughout the complaint, resolution, and adjudication process, and may expect a fair, neutral process that will follow this policy.

Complainant and Respondent Rights

- Be treated with respect by all University officials throughout this process;
- Be informed of the available support resources or measures available;
- Be free of any form of retaliation and free to report such retaliation for disciplinary action;
- Obtain a mutual no contact or restricted contact directive with the other party upon request;
- Be accompanied by one Advisor throughout the process, including at any interviews or hearing;
- An adequate, reliable, impartial and prompt investigation of the allegations conducted within a reasonable period of time after a Formal Complaint is filed;
- Receive written notice of the date, time and location of any interview scheduled with the investigator;
- Be informed of the status of the investigation, to the extent possible;
- Review all evidence which is directly related to the allegations prior to the conclusion of the investigation;

- Meet with the investigator and present information on their own behalf, identify witnesses or other third parties who might have relevant information and identify or provide relevant documents or other information that may be helpful to the investigation;
- Have past unrelated behavior excluded from the investigation process as specified above;
- Question the selection of the investigator or Hearing Administrator on the basis of an actual conflict of interest or demonstrated bias;
- Have a Hearing Advisor of the University's choosing provided, at no charge, for purposes of asking questions of the other party or witnesses during the hearing proceeding;
- Be notified of the hearing outcome and any sanctions applied, if applicable;
- Initiate and participate in an appeal process;
- Waive any of the rights contained herein.

Respecting Privacy

The University is committed to protecting the privacy of all individuals involved in the investigation and resolution of reports under this Policy. With respect to any report under this Policy, the University will make reasonable efforts to protect the privacy of participants, in accordance with applicable state and federal law, while balancing the need to gather information to take steps to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects. All University employees who are involved in the University's Title IX response receive specific instruction about respecting and safeguarding private information.

Presumption of Non-Responsibility

The decision to proceed with an investigation is not in and of itself a determination that the Respondent has engaged in the conduct as alleged. Any Respondent is presumed not responsible for the conduct that is the subject of the investigation, unless and until a decision of responsibility has been made upon the completion of the adjudication process.

Requests for Delays, and Extensions of Time

The Title IX Coordinator may extend any deadlines within this Policy, for good cause. The Complainant and Respondent will be notified in writing of any extension, the reasons for it, and projected new timelines.

Resources

On-campus

Confidential Advocates for Students:

University [Confidential Advocate](#) 503-375-5361

[Sexual Assault Response Advocates](#) (SARAs) 503-851-4245
-specially-trained student volunteers

Confidential Health & Counseling for Students:

[University Chaplain](#) 503-370-6213

Bishop Wellness Center ([Health](#) & [Counseling](#)) 503-370-6062

[WUTalk](#)/ProtoCall 24-Hour phone crisis support 503-375-5353

Confidential Counseling for Employees:

Employees may seek out confidential resources through the [Employee Assistance Program](#) or other local health and counseling [resources](#).

Information shared with a confidential resource is not considered a report to the University.

Private Resources for Students (Non-confidential)

Title IX Coordinator 503-370-6195

[Student Care and Conduct Manager](#), Student Affairs 503-370-6447

Housing [Staff](#)

503-370-6212

[Campus Safety](#)

503-621-2061

Off-campus resources

[CALL TO SAFETY \(Support for Domestic Violence\)](#)

503-235-5333

[Legacy Emanuel Medical Center](#)

- Sexual Assault Nurse Examiner (SANE Program)
- Medical exam for injury and forensic evidence collection post assault
- Free Medications for possible STI exposure and pregnancy prevention offered to survivors
- A trained advocate offered to support survivors during the visit
- Reporting to law enforcement is NOT REQUIRED to access care

[Oregon Coalition Against Domestic & Sexual Assault](#)

[Multnomah County District Attorney's Office](#)

503-988-3222

- 24- hour response for victims regardless of survivors intention to report to law enforcement
- Ongoing support and advocacy throughout the investigation and prosecution of cases brought to the District Attorney's Office

1. A Resource Handbook for Campus Sexual Assault Survivors, Friends, and Family:
https://www.Oregon.gov/documents/campussexualassault/Campus_Sexual_Assault_Book_613695_7.pdf

Training for Investigators, Hearing Administrator, Hearing Panel, Appeals Officers, Title IX Coordinator

The Title IX Coordinator, Hearing Administrator, Sanctioning Official, and Appeals Officer must have had the following training prior to commencing any role in any case under this policy:

- the definition of sexual harassment under § 106.30(a) and Oregon HB 3415
- the scope of the University's education program or activity as defined by the same regulations
- how to conduct investigations (not required for Hearings Administrators or Appeals Officers), hearings, appeals, and Alternative resolution processes
- how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Hearing Administrator must have training on the following:

- the definition of sexual harassment under Oregon HB 3415 and § 34 C.F.R. § 106.30(a), and the scope of the University's education program or activity as defined by the same regulations
- how to conduct investigations (not required for hearings or Appeals Officers), hearings, appeals, and Alternative resolution processes
- how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias
- issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant per the regulations

Any individual who will be coordinating any hearing under this process must also have training on how to use any technology that will be used at a live hearing, such as recording equipment, or platforms designed to permit virtual attendance at a live hearing.

Investigators will receive the following training:

- the regulations' and Oregon's definition of sexual harassment
- the scope of the University's "education program or activity" as defined by the regulations
- how to conduct investigations, hearings, appeals, and Alternative resolution processes

- how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias
- issues of relevance
- how to create an investigative report that fairly summarizes relevant evidence

All individuals involved in assisting with the University's obligations under Title IX and State law, also receive annual training in relevant prevalence information, best practices in trauma-informed, anti-oppression and student-centered frameworks, due process, principles related to culturally responsive, procedures and services, gender responsive but non-stereotypical, and accounting for the unique needs of individuals who identify as LGBTQ+, nonconforming and nonbinary. The University also partners with its student-government on defining terms for its training purposes related to "anti-oppression," "culturally responsive," "gender-responsive," and "trauma-informed."

Record Retention

The Office of the Title IX Coordinator will maintain all records relating to complaints and resolutions under this Policy for a period of a minimum of seven (7) years.

Review of Title IX Sexual Harassment Policy

The Title IX Coordinator will initiate a review of the policy every two years seeking comments and suggestions from relevant campus stakeholders.

[1] Unwelcome is subjective and determined by the Complainant (except when the Complainant is below the age of consent). Severity, pervasiveness, and offensiveness are evaluated objectively based on the totality of the circumstances by a reasonable person in the same or similar circumstances ("in the shoes of the Complainant"), including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

Appendix A2

NON-TITLE IX SEXUAL OR GENDER-BASED MISCONDUCT

This policy applies to complaints of sexual harassment and other sexual or gender-based misconduct that does not meet the scope or jurisdiction as outlined in the Department of Education's Title IX Regulations, published May 19, 2020 which applies a narrow category of cases to Title IX.

If Title IX is applicable, charges and procedures under this section of the student code of conduct will be addressed through the [Title IX policy and Procedures](#).

Relevant Definitions for Sexual and Gender-based Misconduct

Consent - The University defines consent as “an informed *agreement between participants* to willingly and actively participate in sexual activity established through continuous communication using mutually understandable words or actions *that create clear permission*.”

Consent, as defined above, may be also considered in light of the following:

- It is the responsibility of all parties to obtain consent prior to sexual activity and to ensure consent is conveyed throughout the entirety of the experience.
- The use of force or coercion, whether actual or inferred, immediate or future, physical harm, threat, or intimidation may invalidate consent.
- Silence, or a lack of physical or other resistance on the part of a participant, does not itself constitute consent.
- If any participant communicates a desire to end a sexual activity or withdraws consent, it should be stopped immediately.
- The use of alcohol or other drugs by any participant does not change the need to obtain consent for sexual activity.
- Incapacitation can be a result of a mental or physical condition or state (such as being asleep), a voluntary or involuntary consumption of alcohol, or other drugs.
- Consent cannot be given by someone who is under the age of 18 years of age unless where allowed by law (Ore. Rev. Stat. § 163.345 (2018)).

- Consent cannot be given by someone who is known to be or should have known to be mentally or physically incapacitated.
- Consent is required regardless of current or previous dating relationship or history of sexual contact between participants.

Coercion - the use of an unreasonable amount of pressure to gain sexual access. Coercion is more than an effort to persuade, entice, or attract another person to engage in sexual behavior. When a person makes a clear decision not to participate in a particular form of sexual contact or sexual intercourse, a decision to stop, or a decision not to go beyond a certain sexual interaction, continued pressure can be coercive. In evaluating whether coercion was used, the University may consider factors including:

1. the frequency of the application of the pressure;
2. the intensity of the pressure;
3. the degree of isolation of the person being pressured; and
4. the duration of the pressure.

Force - Force includes the use of (a) physical violence, (b) threats, (c) intimidation, or (d) coercion.

Incapacitation - occurs when an individual lacks the ability to knowingly choose to participate in sexual or other conduct. A person who is incapacitated cannot make a rational, reasonable decision because the person lacks the ability to understand their decision.

- Incapacitation may be associated with a person lacking consciousness; being asleep; being involuntarily restrained; or having a disability or condition that impedes consent.
- Under Oregon State law, a person under the age of 18 lacks the capacity to give consent.
- Whether misconduct with an incapacitated person constitutes misconduct depends on whether the respondent knew or should have known of the complainant's incapacitation, based on objectively and reasonably apparent indications when viewed from the perspective of a sober, reasonable person in the respondent's position.
- Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.

See the following for additional information on how drugs and alcohol can affect consent and which may be considered in analyzing incapacitation.

In evaluating whether a person is incapacitated due to the consumption of alcohol, drugs or intoxicants:

1. Whether the individual understood the “who, what, when, where, why or how” of the sexual conduct; and
2. How the individual was physically affected by the consumption of alcohol or drugs, which may include, but is not limited to, warning signs such as having slurred or incomprehensible speech, vomiting, unsteady gait, imbalance, bloodshot eyes, combativeness, emotional volatility, or notable change in personality.

How drugs and alcohol affect consent may be considered:

- The use of alcohol or other drugs is never an excuse for committing misconduct and never diminishes anyone’s responsibility to obtain informed and freely given consent.
- The use of alcohol or other drugs never makes someone at fault for experiencing gender-based misconduct.
- The impact of alcohol and other drugs varies from person to person and there is no specific amount of alcohol or drugs consumed that leads to incapacitation.
- Another effect of alcohol consumption can be memory impairment or forgetting entire or partial events (sometimes referred to as “blackout” or “brown-out”). A person may experience this symptom while appearing to be functioning “normally,” including communicating through actions or words that seem to express an interest in engaging in conduct.
- Whether misconduct with a person who is incapacitated constitutes misconduct may depend on the presence or absence of the observable factors that would indicate to another reasonable, sober person that a person is incapacitated, as described above.
- The use of alcohol or drugs can create an atmosphere of confusion and can lower inhibitions. All students should be aware of, and carefully consider, the potential consequences of the use of alcohol or drugs, and of the potential consequences of engaging in sexual activity when anyone involved in the activity may have been affected by alcohol or drugs.
- Every individual is responsible for ensuring there is consent as defined above prior to engaging in conduct regardless of whether their judgment may be impaired by the use of alcohol or drugs.

Physical violence - means that a person is exerting control over another person through the use of physical force without consent. Examples of physical violence include hitting, punching, slapping, kicking, restraining, choking/strangulation, and brandishing or using any weapon.

Threats - words or actions that would compel a reasonable person in similar circumstances to engage in unwanted sexual activity. Examples include threats to harm a person physically, to reveal private information to harm a person's reputation, or to cause a person academic or economic harm.

Intimidation - an implied threat that menaces or causes reasonable fear in another person. A person's size, alone, does not constitute intimidation; however, a person's size may be used in a way that constitutes intimidation (e.g., blocking access to an exit).

Unwelcome - subjective and determined by the complainant (except when the complainant is below the age of consent).

1. **Non-Title IX Sexual or Gender-Based Harassment**

Scope: Although Title IX regulations require that the alleged conduct meet a certain threshold before it is considered Title IX sexual harassment, the University also prohibits unwelcome conduct of a sexual nature or based on sex (1) that may not rise to the level of Title IX sexual harassment (as defined in [Title IX policy](#)) (2) that did not occur in the University's education program or activity, but may nevertheless cause or threaten to cause an unacceptable disruption at the University or interfere with an individual's right to a non-discriminatory educational or work environment, or (3) occurs outside of the United States.

Definition: Non-Title IX Sexual or Gender-Based Harassment is unwelcome conduct of a sexual nature or unwelcome conduct based on sex or gender, including sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal, nonverbal, or physical conduct or communication of a sexual nature when:

- a. Submission to or rejection of that conduct or communication is made a term or condition, either explicitly or implicitly, of an individual's educational experience or employment; [i.e. quid pro quo];
- b. Submission to or rejection of that conduct or communication is used as the basis for an educational program decision or employment decision affecting that individual; [i.e. quid pro quo]; or

c. Such conduct is sufficiently severe or pervasive that it has the effect, intended or unintended, of unreasonably interfering with an individual's education or by creating an intimidating, hostile, or offensive educational environment.

Severity, pervasiveness, and offensiveness are evaluated objectively based on the totality of the circumstances by a reasonable person in the same or similar circumstances.

In analyzing the conduct, the University may consider:

- The fact that an individual may have accepted the conduct does not mean that they welcomed it or actively participated in the conduct.
- That a person welcomes some conduct does not necessarily mean that person welcomes other conduct.
- Similarly, that a person willingly participates in conduct on one occasion does not necessarily mean that the same conduct is welcome on a subsequent occasion.

Non-Title IX sexual or gender-based harassment does not include conduct covered under the definition of Title IX sexual harassment.

2. **Non-Title IX Sexual Assault** - Any sexual act directed against another person without the consent of the person, including instances in which the person is incapable of giving consent:
 - a. Nonconsensual Penetration: 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 or object, without consent (as defined in this policy).
 - b. Nonconsensual Sexual Contact: The touching of the private body parts of another person (buttocks, groin, breasts, mouth), for the purpose of sexual gratification, without consent (as defined in this policy).
3. **Dating and Relationship Violence** - Violence committed by a person, who is in or has been in a social relationship of a romantic, sexual, or intimate nature with the complainant. The existence of such a relationship will be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
4. **Domestic Violence** - Violence, on the basis of sex or gender, committed by a current or former spouse or intimate partner of the complainant, by a person with whom the complainant shares a child in common, or by a person who is cohabitating with, or has cohabitated with the

complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the complainant under the domestic or family violence laws of Oregon, or by any other person against an adult or youth complainant who is protected from that person's acts under the domestic or family violence law of Oregon.

5. **Sex-Based Stalking** - Engaging in a course of conduct on the basis of sex 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. This policy covers instances of stalking based on sex, including stalking that occurs online or through messaging platforms, commonly known as cyber-stalking, when it occurs in the school's education program or activity. This incorporates the definition of "course of conduct" from above.
6. **Sexual Exploitation** - Sexual exploitation occurs when a person takes sexual advantage of another for their own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, without that person's consent. Examples of sexual exploitation include, but are not limited to:
 - a. Prostituting another person;
 - b. Non-consensual video- or audio-recording or photographing of sexual activity, sexually explicit content, or intimate body parts, including sharing or posting such materials without the consent of those depicted;
 - c. Engaging in voyeurism (e.g. viewing or permitting someone else to view/hear another's sexual activity or intimate body parts, in a place where that person would have a reasonable expectation of privacy, without consent);
 - d. Intentional removal or attempted removal of clothing covering an individual's intimate body parts or exposing an individual's undergarments, or that is otherwise sexual in nature, without consent;
 - e. Intentional and repeated invasion of sexual privacy (e.g., walking into another person's room or private space);
 - f. Indecent exposure (such as exposing one's genitals or breasts to others without consent);
 - g. Ejaculating on another person without consent;
 - h. Knowingly transmitting a sexually transmitted infection ("STI") or Human Immunodeficiency Virus ("HIV") without prior knowledge and consent of the person being exposed;
 - i. Distributing or displaying pornography to another without that individual's consent;

- j. Possession of child pornography.

Sexual exploitation does not include conduct covered under the definition of Title IX sexual harassment.

Appendix A3

Human Resources Policies

Discriminatory Misconduct Policy and Protocol for Employees (1.08) (Including Harassment, Sexual Harassment/Misconduct or Illegal Discrimination)

Purpose:

Willamette University strives to provide a community where students, faculty, staff and others work, learn, and live together in an environment free of all forms of harassment, exploitation, intimidation and discrimination. Harassment and discrimination are demeaning to all persons involved, and subverts the mission of the University. Tolerance and respect for individual dignity and worth are guiding principles for our relations with each other.

The University can fulfill its distinctive mission only in an arena where ideas are vigorously debated, including those which some may find offensive, and where staff, students, and faculty respect one another's dignity in their common membership in a community of inquiry. We must take great care neither to stifle discussion nor to make it dangerous to speak one's mind. However, discriminatory harassment, as described herein, creates the potential of hostile employment or educational environments, compromising academic freedom and damaging the trust that we place in one another and will not be tolerated. Furthermore, discriminatory harassment is a violation of state and federal law.

Policy:

Willamette University prohibits and will not tolerate harassment or discrimination against any individual in the University community, including employees, applicants for employment or admission, students, volunteers, visitors, contractors, or other people engaged in University activities. This policy applies to all Willamette University employees and addresses all types of discriminatory misconduct, including harassment based on race, color, religion, sex, national origin, marital status, veteran status, actual or perceived sexual orientation, gender identity, gender expression or status with regard to pregnancy, disability, age, or any other basis protected by applicable local, state or federal law. This prohibition includes sexual harassment and discrimination.

The University also prohibits other forms of sexual misconduct including non-consensual sexual contact, non-consensual sexual intercourse and sexual exploitation, which includes domestic violence, sexual assault, dating violence, and stalking. These prohibitions may extend to reports of such behaviors outside Willamette's employment environment such that employees may be subject to adverse employment actions for these violations even if occurring away from the workplace.

This policy addresses discriminatory misconduct between supervisors and employees, between fellow employees, between employees and students, between employees and candidates for employment, and between third parties such as vendors or visitors and employees or students. Willamette expects contractors and other third-party employers doing business on Willamette's campus to abide by this policy. This policy applies to conduct which is or could be a violation of Title IX (gender), Title VI (race, color and national origin-based discrimination), Title VII of the Civil Rights Act, the Rehabilitation Act and Americans with Disabilities Act (disability-based discrimination), and to any other classifications protected by federal, state law, or Willamette University policy.

Procedure:

1. Policies concerning discriminatory misconduct involving Willamette University students, whether enrolled or visiting, may be found under the student policy titled (and linked) "[Sexual Misconduct Policy & Protocol for Students](#)." If a complaint involves both employee(s) and student(s), or a student who is also an employee of the University, a determination will be made as to the applicable policy and process. In general, if the respondent in a complaint is an employee, this policy shall govern. If the respondent is a student, the student policy shall govern. If the complaint is made by or about a student employee involved in a potential violation that has occurred in the course of his/her job, this policy will also govern. In any of these cases, both the Office of Human Resources and Student Affairs will typically be involved in the process of inquiry and any investigation where both students and employees are involved in the matter as respondents or complainants.
2. Any staff member, faculty member or student who believes he or she has been the subject of discrimination or harassment by an employee of the University should report the circumstances immediately to his/her supervisor, the supervisor of the person with whom he/she is having difficulty, or the Director of Human Resources. Likewise, any employee who feels that he/she has been harassed by a student or another member of the community should report such circumstances to his/her supervisor and/or Human Resources.

3. The University will not tolerate any retaliatory treatment or adverse consequences against a person who in good faith reports harassment or discrimination, provides information related to an incident, or participates in an investigation of an incident. Retaliation is a very serious violation and will result in disciplinary action if a person is found to be in violation of this policy, up to and including discharge.
4. Reports of harassment or retaliation will be promptly, thoroughly and impartially investigated. The University may be required to act upon receiving a report, even if the claimant does not want the University to take action. Inquiries will proceed pursuant to the [Procedural Guidelines for Addressing Claims of Harassment Involving Staff or Faculty at Willamette University](#) (1.08a), which are considered part of this policy.
5. Prompt and appropriate corrective action will be taken for any conduct determined to be in violation of this policy. Sanctions for policy violations will take into account the respondent's history including any other policy violations, as well as the severity of the conduct found to be a policy violation and could include termination of employment. The university will take remedial action to protect against and eliminate the adverse effects of policy violations. Sanctions may include, but are not limited to warning (verbal or written), performance improvement plan, required counseling, required training or education, probation, loss of annual pay increase, loss of position or demotion, suspension with pay, suspension without pay, or termination.
6. Confidentiality will be maintained to the extent possible. Dissemination of information concerning complaints, investigations, and corrective actions will be limited to those with a legitimate operational need to know.
7. Any employee affected by prohibited conduct may contact the following confidential resources for aid or assistance, including assistance in deciding whether or not to come forward with a complaint:
 1. University Employee Assistance Program: (800) 433-2320
 2. Salem Hospital: Sexual Assault Nurse Examiner (SANE Program): Confidential medical response, 24/7, at the Emergency Department. No appointment is necessary. Location: 890 Oak St. Salem (across Bellevue St. on the south side of campus. You have a right to have a support person during the process. Support advocates are available from the Marion County District Attorney's Office and Mid-Valley Women's Crisis Service.

3. Center for Hope & Safety: which provides support for people of all genders, is an off-campus resource that is also confidential – their 24-hour hotline is 503-399-7722 or toll-free in Oregon at 866-399-7722.
 4. National Sexual Assault Hotline provides anonymous and confidential support – their 24-hour hotline is 800-656-4673.
 5. National Domestic Violence Hotline and online chat 800-799-7233
-
8. This policy is in addition to any other remedies available to a person affected by prohibited conduct which includes the right to file a criminal or civil complaint. The university will support a person's decision to file such complaints and will provide assistance if desired. This policy is also in addition to the right to file complaints with the Office for Civil Rights of the Department of Education, the EEOC or Oregon's Bureau of Labor and Industries (BOLI).
 9. Supervisors and other University officials receiving complaints of potential harassment or other discriminatory misconduct are required to consult with the Director of Human Resources, or a responsible Vice President or Dean, immediately upon receiving a complaint. A supervisor should not attempt to resolve a complaint of harassment without assistance from the Director of Human Resources, a Vice-President or Dean, or other Human Resources designee. Managers and supervisors are encouraged to take prompt and appropriate action to address isolated instances of conduct that might, if repeated or continued, become a policy violation. Any supervisor who has reason to suspect conduct that may constitute harassment or discrimination under this policy has happened must likewise immediately report such conduct to the Director of Human Resources, or designee. The standard in determining whether isolated instances constitute a more serious violation of our policy is based on the severity, pervasiveness, and frequency of occurrences.
 10. If an employee hears about sexual misconduct occurring in the student environment (non-work), all employees are required to report it to a [Title IX officer](#). Any reports of sexual misconduct may also be made through the University's online sexual misconduct reporting form.
 11. If the report involves the sexual abuse of a minor (under the age of 18), in accordance with state law, employees have additional responsibilities as mandatory reporters of suspected child abuse (see [Duty to Report Suspected Child Abuse and Sexual Assault/Harassment](#)).
 12. While non-supervisory employees are not required to report incidents between fellow employees in the employment environment (that do not involve a student), we strongly

encourage that you refer coworkers to confidential resources that can assist them in assessing their situation.

Definitions related to this Policy:

Discrimination – Discrimination is treatment or consideration of, or making a distinction in favor of or against, a person based on the group, class, or category to which that person belongs, as defined in the University's [Non-Discrimination Policy](#), such that the distinction has an adverse effect on employment or access to educational services.

Harassment – Harassment is verbal or physical conduct that demeans or shows hostility toward an individual because of his/her race, color, religion, gender or gender identity, national origin, age, disability, sexual orientation, or that of his/her relatives, friends, or associates, or any other category protected by law and that:

- (1) has the purpose or effect of creating an intimidating, hostile, or offensive working environment;
- (2) has the purpose or effect of unreasonably interfering with an individual's work performance; or
- (3) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to, the following:

- (1) epithets, slurs, negative stereotyping, demeaning comments or labels, threatening, intimidating or hostile acts that relate to race, color, religion, gender or gender identity, national origin, age, disability, sexual orientation or any other category protected by law and:
- (2) written or graphic material that demeans or shows hostility or aversion toward an individual or group because of race, color, religion, gender or gender identity, national origin, age, disability, sexual orientation or any other category protected by law and that is placed on walls, bulletin boards, or elsewhere on the University's premises, or circulated in the workplace.

Sexual Harassment – Sexual harassment is a particular form of harassment as described above, but it is gender (sex) based. For the purposes of this policy, and utilizing the definitions established by the Equal Employment Opportunity Commission (EEOC), Willamette defines sexual harassment as follows:

1. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to sexual conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic advancement, (2) submission to or rejection of sexual conduct influences employment or

academic decisions affecting the individual, or (3) sexual conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive work or academic environment.

2. Sexual harassment, like the broader "harassment", may also include behaviors that create a hostile work or educational environment. Such behaviors include, but are not limited to, sexual jokes, calendars, posters, cartoons or magazines; derogatory or physically descriptive comments about or towards another individual; sexually suggestive comments; inappropriate use of University communications including e-mail and telephone, unwelcome touching or physical contact; sexual slurs; or comments that are demeaning which involve negative sexual stereotyping. Sexual misconduct may also take the form of more severe behaviors.

Where one party is in a position to extend academic or employment benefits to another, even a welcome, consensual, romantic or sexual relationship may raise, at a minimum, the appearance of impropriety and can create an unwelcome appearance of favoritism and bias. Such a relationship can lead to sexual harassment allegations if it later becomes unwelcome. Sexual harassment is not limited to situations where there is an unequal power relationship between parties, but such a relationship may make sexual harassment more likely. See Willamette's [Consensual Relationships Policy](#) for more information about specific prohibitions and process.

Domestic Violence – Domestic violence is defined as a pattern of abusive behavior that is used by an intimate partner to gain or maintain power and control over the other intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

Sexual Assault – Sexual assault is defined as any type of sexual contact or behavior that occurs by force or without consent of the recipient of the unwanted sexual activity. Falling under the definition of sexual assault is sexual activity including forced sexual intercourse, sodomy, child molestation, incest, fondling, and attempted rape. It includes sexual acts against people who are unable to consent either due to age or lack of capacity.

Dating Violence – Dating violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on 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

Stalking – Stalking is defined as a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear or suffer emotional distress.

Willamette University Institution-Wide Policy Statement of Non-Discrimination

Willamette University is committed to the principle that its educational facilities, activities and employment opportunities shall be offered without regard to race, color, religion, sex, national origin, marital status, veteran status, actual or perceived sexual orientation, gender identity, gender expression, or status with regard to pregnancy, disability or age. Willamette is firmly committed to adhering to the letter and spirit of all federal and state equal opportunity and civil rights laws, including but not limited to Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967 (ADEA), the Age Discrimination Act of 1975, the Americans with Disabilities Act (ADA) of 1990, and their implementing regulations.

Reporting and Possible Sanctions

Unlawful discrimination is strictly prohibited by the University. Treating an employee or student differently in the terms or conditions of his or her employment or education on the basis of any protected status described above, or otherwise defined by law, constitutes unlawful discrimination and may result in disciplinary action, up to and including discharge. Further, retaliation against any individual for making a complaint of harassment or of any unlawful discrimination, or for assisting in the investigation of such a complaint, is strictly forbidden and will likewise result in disciplinary action.

For information on this or any other policy, contact the Office of Human Resources, Willamette University, 900 State Street, Salem, OR 97301, 503-370-6210. Reports of violations of this policy may be made to the Director of Human Resources, or through our online [Bias Incident Reporting system](#).

Statement of Title IX Compliance

Title IX of the Education Amendments of 1972 (Title IX) prohibits discrimination based on gender in educational programs which receive federal financial assistance. Areas of the institution where Title IX may have application include athletics, student recruitment and admissions, financial aid, scholarships, course offerings and access, employment, and housing and residential services. Title IX also protects students and employees, both male and female, from unlawful sexual harassment in school programs and activities, as well as sexual assault, which are both forms of unlawful discrimination under Title IX.

Willamette has established a committee of Title IX Coordinators each of whom have specific knowledge to respond to concerns in all areas described herein. Inquiries related to this policy can be directed to the Associate Dean of Student Affairs, who serves as chair of the Title IX Coordinating Committee and is the University's central Title IX Coordinator.

HARASSMENT POLICY (2.7)

This policy addresses harassment involving staff and/or faculty of Willamette University only. Policies related to student-student harassment may be found in the Selected Policies Manual issued by the Office of Campus Life.

Prohibition of Harassment Including Sexual Harassment

Willamette University will not tolerate harassment of any individual. Tolerance and respect for dignity and worth should be the guiding principles for our relations with each other. The University strives to provide a community where students, faculty, staff and others work and live together in an environment free of all forms of harassment, exploitation, intimidation and discrimination.

Harassment is demeaning to all persons involved, and subverts the mission of the University.

The University can fulfill its distinctive mission only in an arena where ideas are vigorously debated, including those which some find offensive, and in an arena where staff, students, and faculty respect one another's dignity in their common membership in a community of inquiry. We must take great care neither to stifle discussion nor to make it dangerous to speak one's mind. However, harassment compromises academic freedom and damages the trust that we must all repose in one another and will not be tolerated. Furthermore, harassment is a violation of state and federal law.

(a) Harassment

Harassment is verbal or physical conduct that demeans or shows hostility toward an individual because of his/her race, color, religion, gender, national origin, age, disability, sexual orientation, or that of his/her relatives, friends, or associates, and that: (1) has the purpose or effect of creating an intimidating, hostile, or offensive working environment; (2) has the purpose or effect of unreasonably interfering with an individual's work performance; or (3) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to, the following: (1) epithets, slurs, negative stereotyping, demeaning comments or labels, or threatening, intimidating or hostile acts that relate to race, color, religion, gender, national origin, age, disability, or sexual orientation and (2) written or graphic material that demeans or shows hostility or aversion toward an individual or group because of race, color, religion, gender, national origin, age, disability or sexual orientation and that is placed on

walls, bulletin boards, or elsewhere on the University's premises, or circulated in the workplace.

(b) Sexual Harassment

Sexual harassment is a form of gender (sex) discrimination. The Equal Employment Opportunity Commission has defined sexual harassment as follows:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when (1) submission to sexual conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic advancement, (2) submission to or rejection of sexual conduct influences employment or academic decisions affecting the individual, or (3) sexual conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive work or academic environment.

Prohibited sexual harassment may include, but is not limited to sexual jokes, calendars, posters, cartoons, magazines; derogatory or physically descriptive comments about or towards another individual; sexually suggestive comments; inappropriate use of University communications including e-mail and telephone, unwelcome touching or physical contact; punishment or favoritism on the basis of an individual's sex; sexual slurs; negative sexual stereotyping.

Harassment will not be tolerated at Willamette University. It is against the policies of the University for any individual to harass another individual. This includes acts between supervisors and employees, between fellow employees or between employees and students, and between third parties such as vendors or visitors and employees or students.

Where one party is in a position to extend academic or employment benefits to another, even a completely welcome, consensual, romantic or sexual relationship raises at least the appearance of impropriety and can create an unwelcome appearance of favoritism and bias. Such a relationship can lead to sexual harassment allegations if it later becomes unwelcome. Sexual harassment is not limited to situations where there is an unequal power relationship between parties, but such a relationship may make sexual harassment more likely.

Any staff member, faculty member or student who believes he or she has been the subject of harassment by an employee of the University should report the circumstances immediately to his/her supervisor, the supervisor of the person with whom he/she is having difficulty, or the Director of

Human Resources. A staff member, faculty member or student may contact the Director of Human Resources without first contacting his/her supervisor. The University will not tolerate any retaliatory treatment or adverse consequences as a result of acting in good faith to report harassment or participating in an investigation.

Reports of harassment or retaliation will be promptly, thoroughly and impartially investigated. Consistent with the University's need to conduct an adequate investigation and, where a reasonable person would consider an action to be in violation of this policy, prompt corrective action to rectify any harassment or retaliation will take place. Confidentiality will be maintained to the extent possible. Inquiries will proceed pursuant to the Procedural Guidelines for Addressing Claims of Harassment Involving Staff or Faculty at Willamette University, provided as an appendix to this policy manual. Any supervisor who sees or hears about conduct that may constitute harassment under this policy must immediately report such conduct to the Office of Human Resources.

Any staff or faculty member found in violation of this policy will be subject to discipline up to and including discharge.

WORKPLACE VIOLENCE POLICY (2.11)

Willamette University is committed to maintaining a safe environment for all faculty, staff and students, and will not tolerate any form of workplace violence committed by or against its employees. Any observed or reported form of workplace violence will be taken seriously and thoroughly investigated. Any confirmed offenders will be dealt with through the current Willamette University disciplinary process, and local law enforcement procedures, as appropriate. Workplace violence includes, but is not limited to, the following: harassment; stalking; physical violence; the use of weapons of any kind; the direct or implied threat of physical violence toward any member of the student body, staff or faculty of Willamette University. This list of behaviors, while not inclusive, provides examples of conduct that is prohibited by this policy:

- Causing physical injury to another person;
- Making threatening remarks; • Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
- Intentionally damaging employer property or property of another employee;

- Committing acts motivated by, or related to, sexual harassment or domestic violence. Any potentially dangerous situations must be reported immediately to a supervisor, the Campus Safety office, or the Director of Human Resources. Reports or incidents warranting confidentiality will be handled appropriately and confidentiality will be maintained to the extent possible.

Human Resources Drug-Free Workplace Policy

2.8 DRUG-FREE WORKPLACE POLICY

Willamette University is committed to maintaining a safe, healthful and drug-free professional and educational environment for all faculty, staff and students. While few at the University are involved with illegal drugs, those who are involved in usage or trafficking at the University adversely affect the University's professional and educational environment. Such individuals impair our ability to maintain a safe campus that is free from the effects of drugs. To carry out this commitment, and to comply with our obligation under the Drug-Free Workplace Act of 1988, the unlawful use, sale, possession, manufacture, distribution, dispensation, or being under the influence of illegal drugs or controlled substances while on the job, on University property or at University-sponsored activities is strictly prohibited, and will be subject to immediate disciplinary action. The type of disciplinary action taken will depend on the situation. However, it might include termination, suspension, probationary conditions, required rehabilitation, referral for prosecution or a combination of these measures. As a condition of employment on government contracts (Federal grants), employees must abide by the terms of this statement and must notify the employer of any criminal drug conviction within five days of the conviction. Recognizing that there may be employees who have a drug problem, the University stands willing to assist in the resolution of that problem and encourages anyone to seek help. The University's employee medical insurance plans may include coverage for treatment of chemical dependencies. Additionally, the University's employee assistance program (EAP) provides free, confidential alcohol and drug assessment and counseling services for employees and their family members. See the complete text of the *University's Alcohol on Campus at University Events* policy at:

<https://www.willamette.edu/offices/policies/selected/all-campus/alcohol-on-campus/>

Appendix B1

Alcohol and Drug Abuse

Drug-Free Schools and Community Act Amendments

Willamette University abides by the Drug-Free Schools and Communities Act Amendments of 1989, Public Law 101-226, as a condition of receiving funds or any other form of financial assistance under any federal program, to certify that it has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees. At a minimum, the University must annually distribute the following to each student and employee:

- Standards of Conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of drugs and alcohol by students and employees on University property or as any part of University activities;
- A description of the applicable legal sanctions under local, State, and Federal law for unlawful possession, use, or distribution of illicit drugs and alcohol;
- A description of the health risks associated with the use of illicit drugs and the abuse of alcohol;
- A description of any drug and alcohol counseling, treatment, or rehabilitation programs that are available to students and employees; and
- A clear statement that the University will impose sanctions on students and employees (consistent with local, State, and Federal law) and a description of these sanctions, up to and including expulsion or termination of employment and referral for prosecution for violations of the Standards of Conduct.

Alcohol and Drugs: An Informational Guide

The use of mood-altering chemicals is common in our society. Willamette University takes seriously its responsibility to educate and inform members of its community – students, faculty and staff – about the hazards of chemical use. The following text describes various drugs of abuse, hazards and short and long-term effects. For further information, you may wish to check out the website at:

www.drugfreeamerica.org. For further information, contact the staff of the Bishop Wellness Center or any of the resources listed below.

1. Self-Help Groups

The following resources can be of help to people with substance abuse problems or to their friends and family. In Salem, call these self-help groups:

- Alcoholics Anonymous 503-399-0599
- Alcohol Abuse 24 Hour Assistance and Treatment 1-800-234-1253
- Alcohol & Drug Helpline/Youthline 1-800-923-HELP

- Alanon/Alateen (for friends, family) 503-370-7363
- Cocaine Anonymous503-662-2463
- Substance Abuse Helpline800-888-9383
- Narcotics Anonymous 503-990-0861
- Crisis Hotline-NW Human Services 503-581-5535 or
800-560-5535
- TDD 503-588-5833

2. Outpatient Treatment

- Bishop Wellness Center Health Services (for students) 503-370-6062
- Counseling Services (for students) 503-370-6471
- Employee Assistance Program, Cascade Centers, Inc.....503-588-0777
- (for Willamette University employees) 1-800-433-2320
- Creekside Counseling (in Salem)..... 503-371-4160

3. Inpatient Treatment

- Pacific Recovery, Inc. (Dana Point, CA)..... 800-793-5596
- Pacific Ridge (Jefferson, OR)..... 503-361-7758
- Serenity Lane (Salem, OR)..... 503-588-2804
- Serenity Lane (Eugene, OR)..... 800-453-9905
- Sundown Ranch (near Yakima, WA) 1-800-326-7444

4. Where to go for help

Students

If you believe that you, a friend, or a family member is harmfully involved with alcohol or other drugs, seek help. There are resources available. Willamette University offers no-cost professional assessment, counseling and referral services to all students. There is an on-campus group for Adult Children of Alcoholics, an abstinence support group, and members of Alcoholics Anonymous willing to talk with you. We can work with you to find appropriate treatment services in Salem or in your hometown if you prefer.

Counseling Services is located in the Bishop Wellness Center, Southside of the Baxter Complex, and is open Monday through Friday, 8 a.m.-5 p.m. Students may call 503-370-6471 for an appointment. Indicate if it is urgent and you will be seen immediately. In case of an after hours emergency, contact your Resident Assistant for immediate help. Counseling staff will be contacted. Senior Residence Life staff are also available 24 hours a day in case of an emergency.

In an after-hours emergency, call Campus Safety, 503-370-6911, or go directly to Salem Hospital, 890 Oak Street SE (phone 503-5200 or 503-814-1572). If someone needs medical help immediately, call 911.

5.

Employees

For employees, the University provides counseling and referral services through Cascade

Counseling Center. This is a completely confidential service. An employee or family member can call directly for an appointment, 503-588-0777. In case of an after-hours emergency, call 1-800-826-9231.

Index

<u>Type of Drug</u>	<u>Classification</u>
Alcohol	depressant
Amphetamine	stimulant
Cocaine	stimulant
Codeine	narcotic
Dalmane	narcotic
Demoral	narcotic
Dextroamphetamine	stimulant
Ecstasy/MDMA (3-4 methylenedioxymethamphetamine)	stimulant
Heroin	narcotic
Librium	depressant (barbiturate/sedative)

Lysergic Acid Diethylam (LSD)	hallucinogen
Marijuana	hallucinogen
Mescaline	hallucinogen
Methamphetamine	stimulant
Morphine	narcotic
Mushrooms	hallucinogen
Peyote	hallucinogen
Psilocybin	hallucinogen
Rohypnol	depressant (barbiturate/sedative)
Valium	depressant (barbiturate/sedative)
Xanax	depressant (barbiturate/sedative)

A significant risk of all drug and alcohol use is accidental injury. Alcohol or drug use impairs perception and motor coordination. Driving and operating motorized equipment under the influence of drugs and alcohol is the leading cause of accidents and Emergency Room admissions in all age groups. Purity of street drugs is always suspect as drugs are almost always cut with other substances, including rat poison and baking soda.

- Depressants

Barbiturates, sedatives and alcohol are central nervous system depressants. There are over 2500 different forms of barbiturates. Barbiturates and sedatives have long been used for medical reasons. The medical use ranges from treatment of migraine headaches, peptic ulcers and as an anticonvulsant. Method of administration is oral,

intravenous or intramuscular. Examples: Valium, Librium, Xanax, Rohypnol.

- **Psychological effects**

- Calming effects ranging from less tension and anxiety to the euphoria of a “high”
- Hypnotizing effect, which impairs judgment
- Sense of “no worry”
- Disinhibition

- With the progression of use there are increased mood swings, depression, irritability, manipulation, abusive behavior and drug-seeking behavior.

Physical effects

Short term:

- Calm anxiety
- Relax muscles
- Induce sleep
- Affect brain stem-inducing sleep
- Speech and movement
- Affect brain stem, including heart and lungs
- Tolerance (develops quickly)

- Long term:

- Cardiovascular: bradycardia, hypertension
- Digestive: nausea, vomiting and constipation
- Nervous: agitation, confusion, ataxia, nightmares and nervousness
- Reproductive: fetal abnormalities, infant will experience withdrawal symptoms
- Respiratory: hypoventilation, apnea
- Other: liver damage, anemia

- **Psychological and physical dependence and addiction**

High potential for both

When combined with alcohol, there is a high potential for toxic overdose and death because the combined effect is stronger than either alone.

- Alcohol

Alcohol is the oldest and most commonly used central nervous system depressant. Within the last month approximately 98 million Americans consumed some form of alcoholic beverage. About 5,000,000 college students also had a drink, as did approximately one half of the 2,500,000 high school students. Last week 1,500,000 college students had 5 or more drinks during one sitting. Yesterday about \$200,000,000 was spent on alcoholic beverages.

Psychological effects

Alcohol affects the body and mind upon consumption. Effects include:

- Euphoria
- Increased risk-taking behavior
- Aggressive humor/behavior
- Feeling of decreased inhibitions
- Delusion
- Denial
- Tolerance
- Blackouts (amnesiac state during which individual appears to be functioning with awareness, but has no memory of any events at a later time)
- Tolerance, blackouts and morning tremors are signs of the development of physical dependency.

Physical effects

Short term:

- Alteration of perception
- Feelings of no fear
- Sleepiness
- Increased urine output
- Elevated heart rate
- Lowered motor coordination
- High levels can cause coma and death.
- Long term:
 - Mouth oral lesions run the risk of becoming cancerous
 - Deterioration of the stomach lining, can cause hemorrhage and ulceration
 - Kidney: inflammation and possibility of waste accumulating in the body
 - Increased risk of high blood pressure, strokes and arteriosclerosis
 - Calcium depletion causing brittle bones and increased fractures and back pain
 - Loss of muscle tone
 - Hormonal changes
- **Psychological and physical dependence/addiction**

When combined with sedatives or narcotics, there is a high potential for toxic overdose and death because the combined effect is stronger than either alone.
- Rohypnol

A sedative (related to benzodiazepines, i.e., Valium, Xanax) that is legal in Europe but not in the United States. Its legal use is for sleep disorders and as an anesthetic. It is known currently for its abuse as a drug used to rape, because the victims are quickly incapacitated and have impaired memory. In these instances, it has been put into the drink of the intended victim. It is also taken intentionally for the sedating effects. Street

names are Rophies, LaRoche.

Physical effects

Same as other sedatives, but impaired memory, especially when used with alcohol, is severe, and may last 8-24 hours.

Physical dependence and addiction

High potential. When combined with alcohol, there is a high potential for toxic overdose and death.

Psychological dependence

Moderate to high dependence potential.

- **Hallucinogens**

The only approved medical use of hallucinogens was as an anesthetic. The medical use of PCP was discontinued due to the hallucinogenic side effects. Native Americans use the hallucinogens, peyote and mescaline, during religious ceremonies. Examples: LSD, mushrooms, psilocybin, PCP.

General symptoms of users

- Trance-like states
- Confusion
- Hallucinations
- Euphoria
- Depression
- Dilated pupils
- Increased pulse
- Incoordination
- Labile mood
- Time/space distortion
- **Psychological effects**
 - Distortions in perceptions
 - Euphoria
 - Disturbed judgment
 - Impaired short term memory
 - Depression
- **Physical effects**
 - Increased pulse
 - Withdrawal
 - Tolerance
- **Severe adverse effects**
 - Anxiety reaction

- Flashbacks
- Accidents
- Schizophrenia-like episode; sometimes long-lasting and difficult to treat
- Irrational acts done while under the influence

- **Physical dependence and addiction**

None or low potential

Psychological dependence

Low to moderate potential

- **Marijuana**

The psychoactive components of marijuana are actually hallucinogens; the difference lies in their effective dose. Cannabis is less potent and must be taken in very large doses to obtain all the effects caused by the other hallucinogens. Method of ingestion is smoking or eating.

Psychological effects

- Mild euphoria
- Decreased inhibitions
- Depression
- Acute panic reactions
- Toxic psychosis
- Amotivational syndrome

- **Neurological effects**

- Incoordination
- Involuntary movements
- Tremors
- Headaches
- Light sensitivity
- Short-term memory impairment
- Numbness Mild slowing in alpha-wave frequency
- Dizziness
- Increase in stage 4 sleep and decrease in REM sleep

- **Physical effects**

- Disruption of menstrual cycle
- Possible infertility or difficulty with conception
- Long-term use may result in birth defects similar to Fetal Alcohol Syndrome
- Lowering of body temperature (compounding problem of infectious disease)

- **Physical and psychological dependence and addiction**

Low to moderate potential. (Withdrawal effects reported. Moderate to high potential for psychological dependence.)

- Narcotics

Narcotics vary in potency, speed by which effects are produced, the degree to which they are effective, and the duration of action. They are unique in their ability to reduce or eliminate severe physical pain, which is their major medical use. Ingested by smoking, orally or intravenously. Examples: morphine, codeine, dalmane, demoral, heroin (see below).

Psychological effects

- Euphoria

- **Physical effects**

- Drowsiness
- Lethargy
- Slurred speech
- Bobbing head
- Constipation
- Flushing skin, face, neck, chest, pupils
- Nausea Rapid tolerance

- **High and rapid physical and psychological dependence and addiction**

High potential for both. When combined with sedatives or alcohol, there is a high potential for toxic overdose and death because the combined effect is stronger than either alone.

- Heroin

Heroin is a highly addictive drug derived from morphine, which is obtained from the opium poppy. It is a “downer” that affects the brain’s pleasure systems and interferes with the brain’s ability to perceive pain.

Psychological effects

- Euphoria
- Clouded mental functioning

- **Physical effects**

Short term:

- Flushing of the skin
- Heavy extremities
- Dry mouth
- Alternating wakeful/drowsy
- Slowed, slurred speech

- Constricted pupils
- Slow gait
- Vomiting
- Constipation
- Long term:
 - Collapsed veins
 - Infection of the heart lining/valves
 - Abscesses
 - Cellulite
 - Liver disease
- **Physical dependence and addiction**

Highly addictive – with regular use, tolerance develops and the abuser must use more heroin to achieve the same effect
- Steroids

These are psychoactive chemicals made of male hormones.

Effects

- Elevated mood
- Aggressiveness, rage
- Difficulty concentrating
- Paranoia
- Liver cancer
- Females – increase in body hair, lowered voice
- Males – testicular atrophy
- High risk of injury because muscle mass is all that increases; tendon strength remains the same.

Physical and psychological dependence and addiction

High potential

- Stimulants

Synthetic CNS stimulants consist of amphetamines, methamphetamines, Ecstasy and dextroamphetamine. These include diet pills, Cylert, Ritalin and Preludin.

Natural CNS stimulants are caffeine:

- Chocolate
- Coffee
- Colas
- No Doz, Alert, Vivarin Tea
- Chai

- **Nicotine:**
 - Chewing tobacco
 - Cigarettes, cigars
 - Pipe tobacco
 - Snuff
- (Cocaine is the best known CNS stimulant and will be addressed below.)
Methods of administration are drinking, snorting, injecting and smoking.

Psychological effects

- Anxiety
- Irritability
- Insomnia
- Loss of appetite
- Paranoia
- Excitability
- Toxic psychosis
- **Physical effects**
 - Increased motor activity
 - Increased and rapid speech
 - Dilated pupils
 - Dry mouth
 - Tolerance develops quickly
- **Physical and psychological dependence and addiction**
High potential for both
- Cocaine

Cocaine is sometimes cut with amphetamine or local anesthetics such as benzocaine or lidocaine. It is also sometimes mixed with heroin to intensify effects; this is called “speedballing.” The reactions to cocaine and route of ingestion are similar to other CNS stimulants.

Chronic high dose use:

- Hyperstimulation
- Intense paranoia
- Headaches
- Auditory and visual hallucinations
- Loss of appetite
- Nosebleeds
- Irregular heartbeat
- Seizures/convulsions

- Shortness of breath
 - Intense anxiety and depression
 - Cardiac arrest
- These reactions can occur the second or third time a person uses cocaine. Some individuals are highly sensitive to cocaine.

Physical and psychological dependence and addiction

High potential for both

- MDMA-Ecstasy (3-4 methylenedioxymethamphetamine)

This amphetamine-like drug is an analogue of MDA. Street names include MDMA, MDA, Adam, Ecstasy and XTC. It produces LSD effects (minus the hallucinations) such as increased self-awareness, removes communication barriers and seems to remove fear response. Synthesized about 70 years ago for use as an appetite suppressant, Ecstasy is now sold in tablets and capsules. The effects last about six hours. Recent studies suggest usage of this drug may have long-term damaging effects on the brain.

Physical effects

- Increased heart rate
 - Increased blood pressure
 - Irregular heartbeat
- **Psychological effects**
 - Panic attacks
 - Anxiety
 - Sleep disorders
 - Drug craving
 - Rebound depression
- Methamphetamine

Methamphetamine (meth) is a synthetic drug manufactured in clandestine labs, and is categorized as a central nervous system stimulant. It is known as “speed” or “crystal” when it is swallowed or sniffed; as “crank” when it is injected; and as “ice” when it is smoked. All forms are extremely dangerous and induce long-lasting, debilitating effects.

Physical effects

- Increased blood pressure
 - Increased pulse/heartbeat
 - Increased respiration
 - Sweating
 - Dry mouth
- **Psychological effects**
 - Mental confusion

- Severe anxiety
- Paranoia
- Potential for violent behavior
- Depression
- **Physical and psychological dependence and addiction**
 - High potential for both
 - What Is Dependence?
 - Dependence results from continued, prolonged use of alcohol and/or other mood-altering drugs. Genetic predisposition is an additional risk factor.
 - Experimentation: learning the mood swing
 - Use of a mind-altering chemical two-three times.
 - **Social use: seeking the mood swing**
 - One knows the effect of the chemical and uses to feel the related effect.
 - Use of chemicals with others and/or at social events.
 - Controlled use of mind-altering chemicals.
 - Chemical use does not interfere in any aspect of one's life.
 - Chemical use does not interfere with relationships.
 - Chemical use is open.
 - **Abuse: harmful use**
 - Socializing is increasingly focused on the chemical of choice being available.
 - Chemical abuse is interfering with many aspects of a person's life.
 - Use is interfering with relationships (people are voicing concern about use).
 - Chemical user is hiding his/her use, minimizing amount and time spent using.
 - Thinking errors are being employed to continue one's use (justifying, rationalizing, minimizing, denial of level of use and its consequences).
 - Chemical user is developing self-made contracts (i.e., "I will only use on weekends").
 - Positive social activities are being discontinued.
 - Tolerance and preoccupation are occurring.
 - **Dependence: using to feel normal**
 - Failing self-made promises to reduce or quit use.
 - Social activities are replaced or consumed with chemical use.
 - Use is interfering with relationships and major areas of life (school, work, etc).
 - Chemical use is occurring when one is alone and prior to attending social events.
 - Tolerance, physical and/or psychological dependence exists.

Appendix B2

Alcohol on Campus and at University Events

Willamette University is committed to the health, safety, and well-being of each member of the university community. In order to further student learning, development and success and to promote the University's academic mission, the University fosters an environment of personal and collective responsibility and respectful citizenship. All members of the university community have a role in safeguarding a healthy learning and work environment free of the consequences of alcohol misuse. This alcohol policy is intended to support this environment and serve the following objectives:

- To promote legal and responsible behavior around alcohol use by members of the University community;
- To provide standards for the use and service of alcohol in our community, with an intent to encourage responsible decision-making;
- To aid individuals experiencing difficulties associated with the use of alcohol.

Definitions

Residential Space - For the purpose of this policy, a "residential space" is defined as a student's contracted room, suite, or apartment in a residence hall.

Non-Residential Space-A "non-residential space" is defined as any location on campus other than a residential space as defined above. non-residential spaces include, but are not limited to, hallways, kitchens, lounges, bathrooms, and study rooms in residential facilities, campus grounds, athletic fields, student organization offices and facilities, faculty/staff offices, and all other University buildings, grounds, and vehicles.

Registered Event - A registered event is an event on the University campus or sponsored by the University, its employees, or students as part of their employment, education, or student activities, that has been approved through the process outlined in this policy.

Policy

Prohibited Use and Possession of Alcohol

1. The University prohibits the unlawful use, abuse, sale, purchase, transfer, possession, manufacture, distribution, or dispensing of alcohol by students and employees on University property or as part of any University activity. The legal drinking age in the state of Oregon is twenty-one (21) years of age. In accordance with Oregon law, providing alcohol to any person who is under the age of 21 or who is visibly intoxicated is prohibited. Any person under 21 years of age is likewise prohibited from possessing or consuming alcohol.
2. The University prohibits the use of common source containers, such as kegs, on campus except with the prior written permission as outlined below.

Permitted Use of Alcohol on Campus and at University Events

1. Alcohol use and possession are allowed only in the following circumstances: residential spaces on campus if all individuals present are over the age of 21. Persons under 21 years of age are not permitted to host or participate in events involving alcohol in residential spaces. Common source containers are prohibited in residential spaces.
2. Employees over the age of 21 may consume alcohol at Registered Events or in the course of official University business. Employees must exhibit responsible behavior and good judgment when representing Willamette University and must always be fit to perform their duties during working hours and at University events.
3. Alcohol may be served and consumed in non-residential spaces at registered events that have been approved by the Alcohol Review Committee. The Alcohol Review Committee is comprised of representatives from: Student Affairs, Campus Safety, University Scheduling, and the University's food service partner (e.g., Bon Appetit), and other members as deemed appropriate by the Vice President for Student Affairs.

How to Register an Event:

Alcohol may be served and consumed at an approved Registered Event. To register an event for approval:

1. Each event must identify a host/organizer. A host must submit an [Alcohol Request Form](#) for review by the Alcohol Review Committee.
2. For students: Only currently registered students and employees at least 21 years of age may register an employment-related or student-affiliated event that includes alcohol. Proof of age may be required. For student-affiliated events, the university assigned advisor and department/school (e.g., WUCL, CAS, AGSM) must approve the request in advance prior to advancing to the Alcohol Review Committee.
3. Requests must be submitted at least twelve (12) days in advance of the event. Scheduling, licensing with Oregon Liquor Control Commission (OLCC), and other considerations determine how much time is necessary for planning. Any proposal submitted less than 14 days before the planned event is not guaranteed a review.
4. The request must confirm the following University rules will be followed:
 1. If there are any charges (for entry, alcohol, etc.), event planners must explicitly outline this in their request in advance of the planned event.
 2. Student Fees at Willamette University will not be used to purchase alcoholic beverages (although they may be used to pay set-up and other fees associated). Alcoholic beverages must be sold on a "no-host" basis and may not be included in the price of admission for events hosted by student organizations.

3. Alcohol will not be the sole focus of the event. Non-alcoholic drinks (excluding mixers) must be made available in quantity, prominence, and accessibility at least equal to that of the alcoholic beverages to be served.
4. Food in sufficient quantity and quality is available for the number of guests anticipated whenever alcoholic beverages are to be served and will be a consideration in the approval process. (Please see the [OLCC requirements](#) for more information.)
5. The Alcohol Review Committee shall respond in writing informing the host whether the event has been approved as a Registered Event or has been denied. Notes: Advertised events involving the distribution of alcoholic beverages must be approved before publicity is distributed. In an event of sufficient size and/or depending on the location (example: Hallie Ford), security may be required as part of the approval process in order to ensure the safety of others and property.

Host Responsibilities:

An event's host(s) is/are responsible for the event and must be available and able to respond to concerns for the duration of the event. In the case of a student-organized event, at the discretion of the approving administrative office, an event of sufficient size may be required to have multiple individuals fulfilling host responsibilities.

Specifically, for all events the host(s) agrees to ensure:

1. All applicable laws, policies, and procedures are followed.
2. Alcoholic beverages are served and consumed in approved designated spaces that have been reserved and approved for the function. The area where alcohol is consumed must be clearly marked and controlled entrances/exits.
3. The Registered Event only occurs during the approved time period.

For on-campus events, the host agrees to ensure:

1. A copy of the approved registration form (and, if applicable, the OLCC special events permit) must be posted in a readily visible place (i.e., in close proximity to the place where alcohol is likely to be present) at all registered events for the duration of the event.
2. The entity licensed by OLCC and contracted by the University (e.g., Bon Appetit) is utilized in the sale or distribution of alcohol at an on-campus event. Sale in this context is broadly defined to include any charge or fee for service, membership, admission, cups, club dues, donations, beverages, etc. An OLCC certified server must be present to dispense drinks. The server is responsible for checking proof of legal age for anyone who wishes to drink alcoholic beverages.
3. The area used for an activity at which alcohol is served or consumed will be cleaned by users immediately following the activity unless an alternative written arrangement has been made. This includes removal of all alcohol from public areas. The host, or the host's department or student organization is responsible for damages and cleaning expenses.

For off-campus events, the host agrees to ensure:

1. The entity serving alcohol is licensed by OLCC for the sale or distribution of alcohol. Sale in this context is broadly defined to include any charge or fee for service, membership, admission,

cups, club dues, donations, beverages, etc. An OLCC certified server must be present to dispense drinks. The server is responsible for checking proof of legal age for anyone who wishes to drink alcoholic beverages.

2. Alcohol will not be contracted for without an approved alcohol permit and an approved certificate of insurance.

Note: For further information or questions on this policy and the procedures described, please consult with the Office of Student Affairs. Campus Safety officers or other authorized University staff members may terminate any event if they determine that the event does not adhere to this policy or other Campus rules.

University Resources for Community Members

The University has resources to educate members of the University community about the dangers of alcohol abuse and available resources for alcohol counseling, rehabilitation, and employee assistance programs.