

## **Oregon Institute of Technology Response to Nonconsensual Sexual Activity**

A critical factor for our community is the safety of its citizens. Nonconsensual Sexual Activity is inconsistent with the purposes of an academic community and is a violation of the Student Code of Conduct. Perpetrators will be subject to campus discipline and can be referred to law enforcement agencies. The OIT campus is committed to providing services to victims of sexual assault. Contact the Office of Student Affairs at 541-885-1011 or Campus Safety at 541-885-1111 for more information and resources.

The Student Conduct Code includes the following definitions:

1. Sex Offense, Forcible or Non-forcible:
  - A. Forcible: any sexual act directed against another person, forcibly, and/or against that person's will, or not forcibly or against the person's will where the victim is incapable of giving consent. This would include forcible rape, forcible sodomy, sexual assault with an object and forcible fondling.
  - B. Non forcible: unlawful, non-forcible sexual intercourse, e.g., incest and statutory rape.
2. "Sexual assault" is the imposition of non-consensual sexual conduct, excluding rape and including but not limited to oral copulation, penetration by a foreign object, or caressing, fondling or touching, or forcing someone to touch a person's genitalia, buttocks or breasts.
3. "Acquaintance Rape" is forced, manipulated or coerced sexual intercourse by a friend or an acquaintance. It is an act of violence, aggression and power wherein a person is forced to have sex through verbal coercion, threats, physical restraint and/or physical violence, and whose protests are ignored by the assailant.
4. "Consent" is active agreement, including verbal assent in a context of free will. The person consenting must act freely and voluntarily and with knowledge of the nature of the act. Consent may not be assumed from silence or passivity. The determination regarding the presence or absence of consent shall be based on the totality of the circumstance, including the context in which the incident occurred. Substance intoxication of either party during the incident is not a defense for the offender.

### **Statement of Purpose**

This Protocol is designed to assist staff members to provide a comprehensive and consistent response to incidents of nonconsensual sexual activity involving students. This Protocol seeks to promote a timely response to incidents of nonconsensual sexual activity, including comprehensive crisis response, medical treatment, and ongoing counseling and support for survivors. The Protocol also seeks to foster appropriate involvement of law enforcement officials such as Campus Safety, the Klamath Falls City and County Police, or any other law enforcement agency that may need to be involved. This Protocol also seeks institutional compliance with applicable laws, regulations, and enabling agreements; promotion of a safe campus environment, and support for fundamentally fair, educationally focused adjudication of nonconsensual sexual activity claims through the appropriate judicial process. These internal procedures should provide the person who receives a report to immediately notify a professional staff member who has been trained to execute the duties described in the Protocol.

## **Rights of Victims**

Students who have been sexually assaulted have the right to receive medical and counseling services; to report offenses to campus authorities without pursuing further action; and to initiate action through law enforcement and/or the University disciplinary process. Students similarly have the right to refuse medical and counseling care, and to not report offenses. OIT seeks to ensure that appropriate services are available to students who have been assaulted, and that students understand available services. Please note that in situations where it is determined that there is significant risk to other students, OIT reserves the right to take necessary action to protect the campus community from harm.

## **Reporting an Incident**

Making a report offers the victim the chance to be in control of their situation and empowers the student to take action. It is also important for the safety of the campus community. Students may report sexual assaults to Campus Safety; the Dean of Students; the Director of Campus Access and Equal Opportunity, or to off-campus law enforcement officials.

- Students can file reports with campus officials, through the legal system or both.
- All involved students will be interviewed in a confidential and respectful manner.
- The victim will be encouraged to seek medical, psychological and legal assistance.
- The disposition of each case will be handled individually and with sensitivity.
- The victim may have someone with them during all of the steps of filing and processing a complaint. While the complaint is being reviewed, the University has the right to take all measures necessary to protect the safety and individual rights of all campus community members.

## **Rights of Accused Students**

A student accused of nonconsensual sexual activity and/or a violation of the Student Conduct Code has the right to timely adjudication through University disciplinary process. The accused student has a right to be presumed not guilty of the charges until such time as responsibility is determined. A student charged with an assault may be subject to reprimand, suspension or dismissal, but has the right to appeal. In some circumstances immediate intervention may be appropriate to avoid ongoing disruptions to the campus community and/or further violations of policy. Such action will be consistent with the procedures of the Student Conduct Code.

## **Response of a Faculty or Staff Member**

If you are approached by a student who reports they have been a victim of sexual assault, keep these considerations in mind:

- The victim's sense of control is important. Minimize feelings of loss of control, and allow the victim to direct the flow of conversation.
- Believe what the student is sharing.
- Be consistent with the message that the assault is not the victim's fault.

Upon disclosure of an incident of nonconsensual sexual activity, please work with the student in the following manner:

- Help the victim feel in control.
- Provide the victim with a safe and confidential environment for conversation.

- Assess the victim's need for immediate medical attention. Offer to walk with the victim to Student Health or Merle West Medical Center's emergency room if medical attention is needed.
- Offer assistance in reporting the assault to the appropriate authorities on campus and in the community. Students may report sexual assaults to Campus Safety; the Dean of Students; the Director of Campus Access and Equal Opportunity, or to off-campus law enforcement officials (see also Sexual Assault Resource List).
- Confidentiality should be maintained, but never promised. Under the Campus Security Act, certain OIT faculty and staff members have a legal duty to report crime. Any individual who has significant responsibility for student and campus activities (this includes faculty advisors) must report any sexual offense which is brought to their attention. At the victim's request, reports may be made which omit information which would lead to the identification of the victim. Even if you are not required under the Campus Security Act to report an offense, you are encouraged to do so, especially when the safety of other students may be an issue. Any legal duty you have to report the crime will be satisfied by your contacting the Sexual Assault Hotline at 891-00IT (0648) and reporting details of the incident.
- Make sure to share with the victim your responsibilities and/or choices to disclose pertinent information to third parties. Share the *Sexual Assault: Getting Help* brochure with the victim and offer to accompany the victim to whatever resources the victim chooses to utilize.
- Share that confidential counseling is available through the OIT Counseling Service (541-885-1800) and other off campus resources. Offer to accompany the victim to a counselor's office. It is best to phone ahead to the agency to see when staff members are available.
- Contact the Sexual Assault Hotline at 541-891-00IT(0648) to report the situation.
- Access consultation services to manage your own anxiety or uncertainty. Consultation is available through:
  - Counseling Services: 541-885-1800
  - Integrated Student Health Center: 541-885-1800
  - Sexual Assault Hotline: 541-891-00IT (0648)