

OREGON TECH

Sexual Misconduct Information, Procedures, and Resources [Revised 9/2019]

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Introduction

The following information is intended to educate individuals on gender discrimination, sexual misconduct and sexual harassment, as well as to provide resources to victims of such instances. This information is in compliance with Violence Against Women Reauthorization Act of 2013, Title IX, Campus Security Act, and supported by Oregon Tech.

Sexual misconduct and sexual harassment are two forms of gender discrimination that are not tolerated by Oregon Tech. The University encourages victims to report all instances of gender discrimination in any form. Oregon Tech is committed to providing a productive living and learning community where students can pursue their educational goals. Gender discrimination, sexual harassment and sexual misconduct undermine this commitment and affect the ability of students to focus on their educational goals.

Where there is sufficient information/evidence to believe that the University’s policies prohibiting gender discrimination, sexual harassment or sexual misconduct have been violated, the University will pursue strong disciplinary action through its student conduct system. Even if law enforcement and criminal justice authorities choose not to prosecute a particular incident, the University may still pursue the incident as a student misconduct matter. Where it is determined that sexual misconduct is more likely than not to have occurred, University disciplinary sanctions can include suspension or expulsion. Instances where gender discrimination is not addressed through the student conduct system the University still has the obligation under Title IX to take immediate action to eliminate the harassment, prevent its recurrence and address its effects.

Sexual Assault Victims’ Bill of Rights

- Survivors shall be notified of their options to notify law enforcement.
- Accuser and accused must have the same opportunity to have others present.
- Both parties shall be informed of the outcome of any disciplinary proceeding.
- Survivors shall be notified of counseling services.
- Survivors shall be notified of options for changing academic and living situations.

Victim Amnesty

While the University does not condone underage drinking or violation of other college policies, it considers reporting assaults to be of paramount importance, and will therefore extend limited immunity to victims in order to foster reporting and adjudication of sexual assaults on campus.

Definitions

Gender Discrimination

Gender discrimination is unequal or disadvantageous treatment of an individual or group of individuals based on gender.

Sexual Harassment

Sexual harassment is a form of gender discrimination. Sexual harassment includes unwelcome sexual advances, requests for sexual favors and other verbal or physical contact of a sexual nature when:

- a. Submission to such conduct is made explicitly or implicitly a term or condition of leadership, membership in an organization, student social events, academic standing or participation in any University activity.
- b. Submission to or rejection of such conduct by an individual is used as a basis for evaluation, particularly in making employment or academic decisions affecting the individual; or
- c. Such conduct has the purpose or effect of unreasonably interfering with the other individual's performance or creating an intimidating, hostile or offensive educational and University environment. Sexual harassment can create a hostile environment. Sexual harassment should be reported even if it doesn't reach the point of a hostile environment. A hostile environment is defined as subjectively and objectively offensive and sufficiently severe or pervasive to alter the conditions of the victim's educational, employment or University environment.

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Examples of violations:

- Unwelcomed sexual flirtation, advances or propositions of sexual activities.
- Asking about someone else's personal, social or sexual life or about their sexual fantasies, preferences or history.
- Discussing your own personal sexual fantasies, preferences or history.
- Repeatedly asking for a date from a person who is not interested.
- Whistles, cat calls or insulting sounds.
- Sexually suggestive jokes, innuendoes or turning discussions into sexual topics.
- Sexually offensive or degrading language used to describe an individual or remarks of a sexual nature to describe a person's body or clothing. Calling a person a "hunk," "doll," "babe," "sugar," "honey," or similar descriptive terms.
- Displaying sexually demeaning or offensive objects and pictures.
- Staring repeatedly at someone.
- Invading a person's personal body space.
- Making sexual gestures with hands or body movements.
- Rating a person's sexuality.
- Treating a person differently based upon his/her gender.

- Massaging a person’s neck or shoulders.
- Touching a person’s hair or body.

Sexual Misconduct

Sexual misconduct is a broad term encompassing any non-consensual contact of a sexual nature. Sexual misconduct may vary in its severity and consists of a range of behavior or attempted behavior including, but not limited to, the following examples of prohibited conduct:

- a. Unwelcome sexual touching/exposure
The touch of an unwilling or non-consensual person’s intimate parts (such as genitalia, groin, breast, buttocks, mouth, or clothing covering same); touching an unwilling person with one’s own intimate parts; or forcing an unwilling person to touch another’s intimate parts. This also includes indecent exposure and voyeurism.
- b. Non-consensual sexual assault
Unwilling or non-consensual penetration of any bodily opening with any object or body part. This includes, but is not limited to, penetration of a bodily opening without effective consent through the use of coercion.
- c. Forced sexual assault
Unwilling or non-consensual penetration of any bodily opening with any object or body part that is committed either by force, threat, intimidation, or through exploitation of another’s mental or physical condition (such as lack of consciousness, incapacitation due to drugs or alcohol, age, or disability) of which the assailant was aware or should have been aware.

Consent

Consent is knowing, voluntary, and clear permission by word or action, to engage in mutually agreed upon sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain the other has consented before engaging in the activity. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct.

Effective Consent is:

- informed;
- freely and actively given;
- mutually understandable words or actions; and
- indicates a willingness to participate in mutually agreed upon sexual activity.

Further:

- Initiators of sexual activity are responsible for obtaining effective consent.
- Silence or passivity is not effective consent.
- The use of intimidation, coercion, threats, force or violence negates any consent obtained.
- Consent is not considered effective if obtained from an individual who is incapable of giving consent due to the following:
 - s/he has a mental, developmental, or physical disability; or
 - s/he is under the legal age to give consent [under 18 years old in Oregon]; or
 - s/he is intoxicated by alcohol, beer, or under the influence of drugs.

A person cannot consent if he or she is unable to understand what is happening or is disoriented, helpless, asleep or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is

physically or mentally incapacitated has violated this policy. It is not an excuse that the individual responding party of sexual misconduct was intoxicated and, therefore, did not realize the incapacity of the other individual.

Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of his/her sexual interaction). This policy also covers a person whose incapacity results from mental disability, involuntary physical restraint and/or from taking of incapacitating drugs. A lack of verbal or physical resistance does not, by itself, constitute consent but may be considered by the trier of fact along with all other relevant evidence.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous dating relationship is not sufficient to constitute consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced. Silence or the absence of resistance alone is not consent. A person can withdraw consent at any time during sexual activity by expressing in words or actions that he or she no longer wants the act to continue, and, if that happens, the other person must stop immediately.

Stalking

Stalking includes, but is not limited to, the persistent, severe or pervasive harassment of another person in a manner that would cause a reasonable person to feel frightened (for his/her safety or the safety of others), intimidated, threatened, harassed or molested, or suffer substantial emotional distress. This may include repeatedly contacting another person (through any means, such as in person, by phone, electronic means, text messaging, etc.), following another person, or having others contact another person on your behalf.

Dating Violence

Dating violence is committed by a person who is or has been in a social relationship of a romantic or intimate nature with another person. The existence of such relationship shall be determined based on a consideration of the following factors:

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

Domestic Violence

Domestic violence is a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic or psychological actions or threats of actions that influence another person.

Violations

Individuals who commit acts of sexual misconduct assume responsibility for their behavior and must understand that the use of alcohol or other drugs does not reduce accountability for their actions.

Examples of violations:

- Ignoring an individual’s protest and engaging in sexual activity.

- Convincing somebody to have sex is likely to constitute intimidation or coercion. If someone is coerced, the yes is not effective consent.
- Drinking and/or drug use may render an individual incapable of giving consent for sexual activity. For example, someone who is intoxicated may agree to have sex at the time, but have no memory of the consent. This person may have been functioning in a “blackout” and did not give effective consent.
- Holding a person down or preventing a person from leaving the room and forcing him or her to engage in sexual activity against his/her will.

Retaliation

The University will not tolerate retaliation against a person who brings a complaint forward in good faith. Retaliation against an individual who has brought a complaint forward or against an individual who has participated in an investigation is prohibited.

Reporting

All forms of gender discrimination, sexual harassment or sexual misconduct should be reported, no matter the severity. Options for reporting are 1) to law enforcement; 2) to campus for action(s); 3) to law enforcement and campus; or 4) to campus anonymously. Reporting an incident may prevent further incidents and/or may assist in supporting other reports.

Reporting to the Police

The University strongly encourages you to report sexual violence and any other criminal offenses to the police. This does not commit you to prosecute but will allow the gathering of information and evidence. The information and evidence preserve future options regarding criminal prosecution, university disciplinary actions and/or civil actions against the perpetrator.

If the incident happened on the Klamath Falls campus, it can be reported to Campus Safety in Cornett Hall 231 or at 541-891-2143. If the incident occurred elsewhere, it can be reported to the local law enforcement with jurisdiction in the location where it occurred. Please know that the information you report can be helpful in supporting other reports and/or preventing further incidents.

Reporting for Student Instances

Students, including graduate students, shall report any instances of gender discrimination, sexual harassment and sexual misconduct to the Title IX Coordinator in LRC 257 or at 541-885-1073. A complaint should be filed as soon as possible, preferably within 180 calendar days of the incident. An Anonymous Report Form is available to report incidents of sexual misconduct: hardcopy form is available at several campus offices or it is available online at <http://www.oit.edu/docs/default-source/Student-Affairs-/anonymous-report.pdf?sfvrsn=0>.

If either the victim or the accused are students, the incident will be addressed through the Student Conduct process.

Additionally, as stated above, the University strongly encourages that you report any instance of gender discrimination, sexual harassment, and sexual misconduct to the police and/or the Title IX Coordinator at 541-885-1073 or to Campus Safety at 541-891-2143.

Employee Obligation to Report (Student Instances)

University employees who become aware of a student instance of sexual misconduct, instances of gender discrimination including sexual harassment, shall contact to the Title IX Coordinator in LRC 257 or at 541-885-1073. (See page 13 for information on faculty and staff reporting of criminal offenses.)

Reporting for Faculty and Staff (Non-Student) Instances

Faculty and staff shall report any instances of gender discrimination, sexual harassment and sexual misconduct by another faculty or staff member to the Title IX Coordinator in LRC 257 or at 541-885-1073. As stated above, the University also strongly encourages that you report any instances to the police.

Victim Information

If you are victim of sexual violence, you are not alone and you are in no way responsible for your assault.

What to Do If You Are a Victim of Sexual Violence

- a. If you are not safe and need immediate help, call the police. If the incident happened on the Klamath Falls campus, call Campus Safety at **541-891-2143**. If the incident occurred elsewhere, call the law enforcement agency that has jurisdiction in the location where it occurred or by dialing 911.
- b. Do what you need to do to feel safe. Go to a safe place or contact someone with whom you are comfortable. You can call the Campus Sexual Assault Hotline (**541-891-0648**), the Klamath Crisis Center-Rape Crisis Line (**541-884-0390** or 1-800-452-3669), or a national hotline at **800-656-HOPE (4673)** to get advice and discuss options for how to proceed.
- c. Do not shower, bathe, douche, change or destroy clothes, eat, drink, smoke, chew gum, take any medications or straighten the room or place of the incident. Preserving evidence is critical for criminal prosecution. Although you may not want to prosecute immediately after the incident, that choice will not be available without credible evidence. The evidence collected can also be useful in the campus disciplinary process.
- d. Go to the Sky Lakes Medical Center (or closest medical clinic) to receive care for any physical injuries that may have occurred. While in the emergency room, treatment will be provided for sexually transmitted diseases and to prevent pregnancy.
- e. If you call the Klamath Crisis Center-Rape Crisis Line (**541-884-0390**), a sexual assault nurse examiner (SANE), a police officer and a rape volunteer advocate will be sent to the exam site.
- f. Upon arrival at Sky Lakes Medical Center, you will be taken to a private exam area. The nurse, advocate and police officer will be directed to this same location. You will be examined to treat any injuries and to gather evidence.
- g. The rape advocate will support you throughout the entire exam, which will be performed by the nurse. The advocate will provide a packet of written materials that contains information about common reactions to rape, follow-up medical needs and support services.

On- and Off-Campus Resources

Sexual harassment and sexual violence can be very emotionally disruptive, and it takes time to come to terms with such a major stress. In addition to support that may be found in family and friends, the following agencies and departments can serve as resources for you.

It is important to be aware that different individuals who you may contact for assistance following an incident may have different responsibilities regarding confidentiality, depending on their position. Under state law, some individuals can assure the victim of confidentiality, including counselors and certified victims' advocates. In general, however, any other university employee cannot guarantee complete confidentiality, unless specifically provided by law. As is the case with all colleges and universities, the University must balance the needs of the individual victim with an obligation to protect the safety and well-being of the community at large.

Resources

Oregon Tech Sexual Assault Hotline

541-891-0648

The hotline number is a cellphone carried by Student Affairs staff 24/7 when classes are in session. The person who answers will assist the caller in getting medical assistance, determining reporting options to both campus and law enforcement, and other reasonable accommodations on campus (academic classes, work, housing, and transportation).

Oregon Tech Integrated Student Health Center (counseling and medical services)

541-885-1800; located in Klamath Falls on the south end of the Village apartments

Counseling services are offered at the Integrated Student Health Center Building in front of the Sustainable Village. Counselors offer personal, educational, and crisis counseling to students. Sessions are private and confidential. All students are eligible for a free assessment session. Depending on a student's presenting concerns and the resources available, ongoing counseling is available free of charge to students enrolled in six or more on-campus credits and to other students who have paid the Student Health Fee. Sometimes students are referred to services off-campus to better address their needs.

Students in crisis during our office hours should call for an appointment, or come directly to our office. Our staff will do our best to accommodate the needs of these students as soon as possible. When our office is closed, requests for emergency counseling for Klamath Falls students may be directed to the Klamath Crisis Center at **541-884-0390** or **1-800-452-3669**, or a national hotline at **800-656-HOPE (4673)**. Individuals may also go directly to an Emergency Room or call **911**.

OREGON TECH Campus Safety department – Klamath Falls

541-891-2143 (emergency) or **541-885-1111**; located in Cornett Hall 231

OREGON TECH Office of Student Affairs

541-885-1011; located in College Union 217 (KF)

OREGON TECH Title IX Coordinator (KF)

541-885-1073; located in LRC 257

OREGON TECH Portland-Metro, Student Services

503-821-1250; located on the 1st floor

The Clackamas County Crisis Line is also available for advocacy and consultation. The 24-hour hotline is **503-65-8585** (ask to speak to a crisis counselor).

The Multnomah County Crisis Line is **503-988-4888**.

Additional information on resources as well as educational information on sexual assault violence prevention can be found at www.oit.edu/student-affairs.

How to Support a Friend

If your friend is a victim of gender discrimination, which includes sexual misconduct and sexual harassment, the following information can offer guidance on how to help and support:

- a. Listen and accept what you hear. Do not press for details. Allow your friend to reflect on what has happened and to share some of her/his feelings.
 - b. Keep what is said confidential.
 - c. Let your friend know that she/he is not to blame. Many victims tend to blame themselves for the offender's actions, especially if the perpetrator was an acquaintance.
 - d. Encourage your friend to obtain a medical examination.
 - e. Allow your friend to make their own decision about their next steps.
 - f. Seek emotional support for yourself.
 - g. Accept their choice of solution to the assault even if you disagree with what they have chosen to do. It is more important that they feel empowered to make choices and take back control than it is for you to impose what you feel you think is the correct decision.
 - h. Encourage your friend to file a police report. Filing a report does not commit you to prosecute but will allow the gathering of information and evidence. The information and evidence preserve future options regarding criminal prosecution, university disciplinary actions and/or civil actions against the perpetrator. Information can be helpful in supporting other reports and/or preventing further incidents (even anonymous reports are somewhat useful).
 - i. Remind your friend of campus resources including Office of Student Affairs and the Integrated Student Health Center.
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Preventative Measures

The University encourages students to help in preventing harmful and negative incidences by being responsible for their own personal safety, intervening if they are a bystander of such incidences, and by educating themselves through University sponsored trainings.

Awareness Education

Education on sexual violence can be presented to any group of students, faculty or staff by making a request through the Office of Student Affairs. Topics include but are not limited to sexual assaults, sexual harassment, the conduct process for sexual misconduct, how to support a victim, bystander intervention, prevention strategies and resources available for victims.

Bystander Intervention

An individual can stop an incident before it occurs by being an intervener.

The Bystander Intervention Model predicts that people are more likely to help others under these conditions:

1. **Notice the incident:** Bystanders first must notice the incident. If they don't take note of the situation, they won't see a need to help.
2. **Interpret incident as emergency:** Bystanders also need to evaluate the situation and determine whether it is an emergency or if someone needs assistance. Again, if people do not interpret a situation as one in which someone needs assistance, there is no need to provide help.
3. **Assume responsibility:** Another decision bystanders make is whether they should assume responsibility for giving help. One repeated finding in research studies on helping is that a bystander is less likely to help if other bystanders are present. When other bystanders are present, responsibility for helping is diffused. If a lone bystander is present, he or she is more likely to assume responsibility.
4. **Attempt to help:** This can be to help the person leave the situation, confront a behavior, diffuse a situation or call for other support/security. (See Tips for Intervening and Bystander Playbook below)

The best way bystanders can assist in creating an empowering climate free of interpersonal violence is to diffuse the problem behaviors before they escalate.

Individuals can do that by:

1. Educating themselves about interpersonal violence AND sharing this information with their friends.
2. Confronting friends who make excuses for other people's abusive behavior.
3. Speaking up against racist, sexist and homophobic jokes or remarks.

Tips for Intervening

Specifically, in a situation that potentially involves sexual assault, relationship violence or stalking, consider the following tips when intervening:

1. Approach everyone as a friend.
2. Do not be antagonistic.
3. Avoid using violence.
4. Be honest and direct whenever possible.
5. Recruit help if necessary.
6. Keep yourself safe.
7. If things get out of hand or become too serious, contact the police immediately.

Remember that any situation that threatens physical harm to yourself or another student should be assessed carefully. The police are always an important resource to assist in defusing a situation.

Resource to Learn More about Intervening

STEP UP! www.stepupprogram.org is a social behavior and bystander intervention program that educates students to be pro-active in helping others. Teaching people about the determinants of pro-social behavior makes them more aware of why they sometimes don't help. As a result, they are more likely to help in the future.

The goals of STEP UP! are to:

1. Raise awareness of helping behaviors.
2. Increase motivation to help.
3. Develop skills and confidence when responding to problems or concerns.

4. Ensure the safety and well-being of yourself and others.

Additionally, contact the Title IX Coordinator in LRC 257 or at 541-885-1073 to receive further education and information on bystander intervention.

Campus Safety Tips

Students at college accept new responsibilities, including taking appropriate measures to ensure their own personal safety. In combination with Oregon Tech's efforts to maintain a safe living and learning environment, the University encourages students to follow these safety tips to protect themselves.

At home, in your apartment or in a residence hall:

1. Keep your room door locked when you are napping/sleeping or not in your room.
2. Never let unauthorized persons come into your room, enter residence halls or enter apartment security doors. Always ask to see proper identification.
3. Never prop open doors.
4. Do not hide keys outside your room or apartment. Do not put your name or address on your key rings.
5. Avoid working or studying alone in a campus building.
6. Never dress in front of a window. Close the blinds or curtains after dark.
7. If you are awakened by an intruder inside your room, do not attempt to apprehend the intruder. Try to get an accurate description of the intruder and call the police.
8. Any suspicious activity should be reported to Campus Safety immediately.

Protect your possessions:

1. Always keep your doors locked. Never prop open a door.
2. Secure your vehicle. Close all windows and lock all doors.
3. Adequately protect all valuables in your room, such as wallets, jewelry, credit cards, cash and computers. Do not leave valuables or cash in plain view.
4. Do not lend your keys to anyone.
5. Never hide your keys outside your apartment or room. Do not put your name or address on your key rings.
6. Take all valuable items home with you during vacations.
7. When in a public place, keep valuable possessions out of sight. If you must leave for any length of time, take personal items with you.

When driving:

1. Carry your car keys when approaching your vehicle so you can enter quickly.
2. Always check underneath your car upon approach and in the rear seat for intruders before entering your automobile.
3. Lock your doors and keep windows rolled up whenever possible.
4. Drive on well-traveled and well-lit streets.
5. Never hitchhike, and never pick up hitchhikers.
6. If someone tries to enter your stopped vehicle, sound the horn and drive to a safe area such as a convenience store.
7. If your vehicle breaks down, ask any person who stops to help to call the police. Do not allow any person access to you or inside your car. Roll down your window no more than an inch. Be

aware that an accident may be staged to give the other driver an opportunity to commit a criminal act.

8. Leave enough room between your car and the one ahead so you can drive around it if necessary.
9. Call ahead when driving home late at night and have someone watch you walk from your car to your residence.
10. Limit distractions such as cellphones.

While walking or jogging:

1. Avoid walking or jogging alone, and try not to walk or jog after dark.
2. Avoid dark or vacant areas and walk along well-lit routes.
3. Be alert to your surroundings. If you suspect you are being followed, run in a different direction, go to the other side of the street and yell for help, or move quickly to a lighted area, a group of people or a blue light emergency phone.
4. Have your keys ready when returning home. Keep your personal or valuable items concealed and close to your body.
5. Avoid wearing headphones or earbuds when walking or jogging. Always be aware of your surroundings avoid risky actions.

Socially:

1. Do not give out your personal information such as your phone number, email address, social media usernames, etc., to individuals you don't yet trust.
2. If you perceive communication from another individual to be inappropriate or is making you uncomfortable, threatening, etc., do not respond.
3. Don't put your daily schedule, phone number or address online.
4. Make sure you trust online website where you choose to share your personal information (especially financial information such as credit cards).
5. Before going to a party where alcohol will be present, make a plan, know your limits and appoint a designated driver to remain sober.
6. At a party, stay and leave with the friends you came with.
7. Make your own drink and keep your drink in your hands at all times.
8. If someone is pressuring you into drinking, leave the situation.

For additional information on campus safety tips, contact Campus Safety in Cornett Hall 231 or at 541-885-1111 or visit www.oit.edu/safety.

Student Conduct Resources

How to File a Complaint

There are a number of ways to report an incident to the appropriate official. It is Oregon Tech's expectation that students, faculty and staff will report all violations of which they become aware. If you need assistance determining how or to whom an incident should be reported, contact Office of Student Affairs. A "complaint" is an official report to the university alleging that an Oregon Tech student has violated the Student Code of Conduct.

Provide as much detail as possible in your complaint, giving dates and times of events and a detailed description of what has occurred. If other people observed what happened or are familiar with the situation, you may also complete a witness statement.

Once your complaint has been received, the Office of Student Affairs will contact you and begin an investigation into the situation.

Student Code of Conduct

The Oregon Tech Student Code of Conduct can be found online at www.oit.edu/studentaffairs or by contacting the Office of Student Affairs at 541-885-1011 or studentaffairs@oit.edu for a copy.

Code of Conduct Process

Once You Have Filed a Complaint

The University wants you to be knowledgeable about the process that occurs once you have filed a complaint. The following describes the investigation process, the hearing itself and the outcome of the hearing. The Office of Student Affairs will be available to explain the process to you individually as requested.

Investigation

- a. You will be notified of receipt of your complaint and the actions the University official will take.
- b. A University official will meet with you to discuss the complaint submitted, review the investigation and hearing process, and to determine the outcome you desire from your complaint.
- c. An investigation will be conducted by a University official. This investigation will include:
 - meeting personally with the complainant;
 - meeting personally with the student(s) accused;
 - meeting personally with any witnesses; and
 - reviewing any documentary evidence.
- d. The investigation of complaints will be adequate, reliable, and impartial.
- e. The investigation process can take up to 60 days.
- f. The University official will determine if a discipline hearing is possible.
- g. If it is determined that the University will proceed with a formal disciplinary proceeding, the complainant and the accused student(s) will be notified of the hearing date.

Hearing

- a. You will be notified at least five days in advance of the hearing date, time and location. Hearings will be scheduled around your academic schedule.
- b. A hearing will be conducted by the Student Hearing Commission. The hearing panel will be comprised of at least five members, one of which is a student.
- c. The hearing includes opening statements, providing evidence and witnesses, and closing statements.
- d. You are permitted to have a person of your choosing to accompany you throughout the disciplinary hearing as an adviser.
- e. You are permitted to be present during the disciplinary hearing (except during deliberations of the panel). You and the accused student(s) will be in the same room in a pre-arranged, non-threatening set-up. If there is a known immediate safety risk, communicate this to Office of Student Affairs, and accommodations can be arranged.

- f. You are permitted to make statements, present witnesses and introduce evidence during the disciplinary hearing. Witnesses and evidence need to be directly related to the incident.
- g. The standard of proof used in all university disciplinary cases is preponderance of the evidence, which means the determination to be made is whether it is more likely than not a violation occurred. This is significantly different than proof beyond a reasonable doubt, which is required for a criminal prosecution.

Outcome

- a. Possible outcomes can include the entire range of sanctions listed in the Student Code of Conduct. When it is determined that sexual misconduct is more likely than not to have occurred, the outcome can include separation from the University.
- b. You have the right to be informed of the outcome. You will be notified within two business days after the hearing, at the same time the accused is informed of the outcome.
- c. You have the right to appeal the decision reached through the hearing proceedings within seven days after the hearing.

Accommodations

The Office of Student Affairs and the Title IX Coordinator can provide accommodations to student victims of gender discrimination, sexual harassment, or sexual misconduct as needed.

- a. We can assist you in filing a complaint with the university disciplinary process and the appropriate law enforcement agencies against the student(s) who caused harm.
- b. We can assist you in completing a Campus No Contact Order between you and the accused, which would prohibit contact between you and the accused through any means of communication, as well as having others contacting you on behalf of the accused.
- c. We can assist you in filing for a Restraining Order in court. This is a court-ordered petition that prohibits contact between the complainant and accused.
- d. We can coordinate any reasonable arrangements that are necessary for your ongoing safety. This includes changing your living arrangements or that of the accused, changing your class or work schedule or that of the accused, transportation arrangements or providing an escort.
- e. We can coordinate any reasonable arrangements to address the effects of the sexual violence on you, including connecting you with counseling, health care, or academic support resources.

University Employee Obligation to Reporting

University employees who become aware of a criminal offense shall immediately report it to Campus Safety in Cornett Hall 231 or at 541-885-1111. In addition, University employees shall also report such instances to the Office of Student Affairs in 217 College Union or at 541-885-1011. (Please see page 6 for information on faculty and staff reporting of instances of gender discrimination, sexual harassment and sexual misconduct.)

The Role of an Adviser

You are allowed to have an adviser present with you during a student conduct hearing. Advisers are limited to advising you and may not present information, ask questions or make statements during the hearing. An adviser cannot speak for or on behalf of the student. An adviser may be an Oregon Tech faculty or staff member, another Oregon Tech student, a parent, a friend, an attorney or any other person of the student's choosing. The adviser's role is to support you during the hearing.

If you choose to have your attorney as your adviser, you will need to let the Office of Student Affairs know at least two days in advance. In that case, the University may have an attorney in attendance.