



ANNUAL SECURITY AND FIRE SAFETY REPORT



2022

Table of Contents

PREPARATION OF THE ANNUAL DISCLOSURE OF CRIME STATISTICS.....	2
CAMPUS SAFETY RESPONSE	2
EMERGENCY RESPONSE	3
REPORTING CRIMES.....	4
SECURITY AND ACCESS TO CAMPUS FACILITIES	4
FEDERAL CAMPUS CRIME AWARENESS AND CAMPUS SECURITY ACT	5
POLICE AUTHORITY	5
ALCOHOL AND/OR CONTROLLED SUBSTANCES EDUCATIONAL PROGRAMMING & ASSISTANCE.....	6
ALCOHOL AND CONTROLLED SUBSTANCES	6
ALCOHOL/SUBSTANCE DRUG TESTING POLICY	7
POLICIES & PROCEDURES REGARDING SEXUAL ASSAULT & TITLE IX.....	8
SEXUAL HARASSMENT	14
SEXUAL MISCONDUCT PROCEDURES.....	15
SEX OFFENDER REGISTRATION	35
CRIME PREVENTION.....	35
MISSING STUDENT GUIDELINES	36
CAMPUS FIRE SAFETY ANNUAL REPORT	37
CAMPUS CRIME STATISTICS	41
DEFINITIONS OF VAWA OFFENSES	43
DEFINITIONS OF SEX CRIMES	44

PREPARATION OF THE ANNUAL DISCLOSURE OF CRIME STATISTICS

Bushnell University is committed to the safety and welfare of all campus members and visitors. Bushnell contracts campus security with Premier Security. The Dean of Students and the Director of Residence Life & Student Services work closely with Premier to provide a comprehensive campus security program for our campus.

Campus Security tracks and records crimes that occur on or near campus. A written request is sent to the Eugene Police Department for police reports from Bushnell's Clery geography. The Dean of Students (or his/her designee) combines those records with reports from Campus Security, the Title IX Coordinator, and conduct records to produce the Clery crime statistics for the previous three calendar years (2019, 2020, and 2021). These statistics are located on page 42.

CAMPUS SAFETY RESPONSE

For Emergency help, dial 911.

Campus Safety and Security, 24 hours/day, 7 days/week: call 541-517-5197.

Campus Security is provided by Premier Security. Premier provides a number of services to students, staff, and faculty. Included are checking buildings to ensure they are locked after hours, responding to trespassers on University property, providing escort to or from various places on campus after dark, and assisting with any safety-related incident on campus. Premier officers are equipped with a cellular phone so they can be reached in an emergency, as well as call 911 for emergency assistance. Campus security procedures and practices are reviewed annually at hall meetings and can be found in the Bushnell Student Handbook.

Residence Life at 541-517-1379.

Additionally, the Residence Life staff has a Resident Assistant (RA) on call every evening and on weekends. RAs can be reached by cell phone at 541-517-1379.

Local Police, 24 hours/day emergency services.

Because of our proximity to the University of Oregon, police patrols of the campus neighborhoods are frequent and on a 24-hour-a-day basis. Our local police substation may be called during the daytime from 9:00 a.m. to 5:00 p.m. at 541-682-8350. Lane County operates a 911 emergency phone service for police, fire and medical assistance.

EMERGENCY RESPONSE

Bushnell University utilizes the Informacast Emergency Messaging System for text message alerts, along with emails, website alerts, and postings to immediately notify the campus community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus.

The Dean of Students (or his/her designee) will confirm there is a significant emergency or dangerous situation in collaboration with and assessment from police officers, fire officials, local law enforcement, or Campus Security. The Dean of Students will use this information to determine the content of the notification and initiate the emergency notification. The university uses the Informacast Emergency Messaging System to notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus. The Dean of Students will determine the appropriate segment(s) of the campus community to notify in consultation with Campus Security or the Executive Campus Incident Response Team (CIRT). The Dean of Students and Campus Security also work closely with the University of Oregon and PeaceHealth officials in order to prepare and protect the Bushnell campus in the event that an emergency is happening on either of their campuses.

In the event that a situation arises that constitutes an ongoing continuing threat, the Dean of Students (or his/her designee) will compose and issue a campus-wide “timely warning.” The warning will be issued through the University Emergency Messaging System, an email to students, faculty, staff, and/or through postings in prominent locations throughout campus buildings.

A timely warning typically includes a summary of the incident, a physical description, resources, safety and prevention tips, and who to contact to report additional information. Names and personally identifying information of crime survivors are kept confidential and will not be released in a timely warning. The purpose of a timely warning is to provide the community with important information and equip members to protect themselves and aid in the prevention of similar crimes.

Anyone with information warranting a timely warning should report the circumstances to the Student Life Office at 541-684-7345 or Campus Security at 541-517-5197.

REPORTING CRIMES

Reporting crimes on a voluntary, confidential basis

If you are the victim of a crime and do not want to pursue action within the University judicial system or the criminal justice system, you may still want to consider making a confidential report. With your permission, Campus Security or the Dean of Students (or his/her designee) can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the University can keep accurate records of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the institution.

As a result of the negotiated rulemaking process which followed the signing into law, the 1998 amendments to 20 U.S.C. Section 1092 (f), clarification was given to those considered to be campus security authorities. Campus "Pastoral Counselors" and Campus "Professional Counselors," when acting as such, are not considered to be a campus security authority and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged; if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics.

SECURITY AND ACCESS TO CAMPUS FACILITIES

During business hours, the University (excluding certain residence halls) will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours access to all University facilities is by key, if issued.

Residence halls are monitored 24 hours a day. Campus Security and Residence Life Staff patrol and respond to security, safety, and livability issues. The Facilities Department maintains buildings and grounds with a concern for safety. University will test emergency response and evacuation across campus through unannounced annual drills. Emergency response and evacuation procedures are outlined in the Bushnell Emergency Response Plan.

Over extended breaks, the doors of all halls will be secured 24/7. Some facilities may have individual hours, which may vary at different times of the year. In these cases, facilities will

be secured according to schedules developed by the department responsible for the facility. Emergencies may necessitate changes or alterations to any posted schedules.

Security Considerations for the Maintenance of Campus Facilities

Bushnell University's Maintenance and Groundskeeping team maintain university buildings and grounds to promote the safety and wellbeing of the campus community. Campus Security consistently tracks any unsafe conditions around campus, including repairs or replacements for lights, locks, and injury hazards. These reports are regularly submitted to the Maintenance team by the Director of Residence Life.

FEDERAL CAMPUS CRIME AWARENESS AND CAMPUS SECURITY ACT

This brochure and summary of policies have been provided in an effort to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (1990; last amended 1998) and the Drug-Free School and Communities Act Amendments of 1989 (PL 101-226). Information is reviewed and updated annually. If you have information you want included or have questions, comments or remarks, please contact the Dean of Students at (541) 684-7345.

POLICE AUTHORITY

The Eugene Police Department has law enforcement jurisdiction over all parts of the Bushnell campus. Students and staff must cooperate with officers investigating an accident or crime.

Bushnell Campus Security officers have the authority to ask persons for identification and to determine whether individuals have lawful business at Bushnell. Officers do not possess arrest power. Criminal incidents are referred to the local police who have jurisdiction on the campus. Officers maintain a professional working relationship with the Eugene Police Department.

Students and staff are urged to promptly contact Campus Security (541-517-5197) and/or the Director of Residence Life & Student Services (541-684-7345) regarding a crime on campus. Failure to do so will compromise the security and safety of the campus community and perhaps the community at large.

ALCOHOL AND/OR CONTROLLED SUBSTANCES EDUCATIONAL PROGRAMMING & ASSISTANCE

Bushnell's Student Life Office offers educational programming regarding alcohol/illegal drugs in the form of informational programs and bulletin boards. Bushnell's Counseling Clinic offers assessment and counseling for faculty, staff, or students who seek help with substance abuse or addiction. Students found in violation of the Bushnell Student Handbook policies related to drugs or alcohol may be asked to complete a substance abuse assessment in the Counseling Clinic.

ALCOHOL AND CONTROLLED SUBSTANCES

Bushnell requires students to conduct themselves as role models in faith and practice in the church and world. As a result, promotion, distribution, sale, possession, underage use of alcohol, use of controlled substances, or misuse of prescription medications is prohibited. Intoxication on campus or at University-sponsored events is prohibited.

- Campus standards do not allow alcoholic beverages, including empty alcohol containers, on campus. Any incident in which a student is found to be in possession of alcohol will be documented as a policy violation. All alcohol and items containing alcohol will be disposed and/or confiscated by University officials (e.g. Resident Assistants and Security).
- Use or possession of alcohol by students off campus is subject to local laws and University disciplinary policies.
- Undesirable behavior resulting from on or off -campus use of alcohol is subject to University disciplinary action.
- No alcohol, drug-related, or similarly offensive posters, stickers, caps, lights, etc. may be displayed in campus housing windows or on the outside of doors. Bottle caps are not allowed on ceilings or walls.
- Due to the risks involved to the health and safety of Bushnell students, competitive drinking events are prohibited both on and off campus. Planning or participating in such events will result in University disciplinary action for organizers and all participants.
- Controlled substances include all recreational/street drugs, including marijuana, plus the NCAA banned drug list (adopted by the NAIA). The use, possession, or trafficking of non-prescription amphetamines and barbiturates, narcotics, LSD, and/or other hallucinogenic agents is a violation of state and/or federal laws. The possession, usage and/or trafficking of any of the above agents is in violation

Bushnell policies and can result in suspension, dismissal, or expulsion from the University. All drugs will be confiscated and/or destroyed.

- Possession of drug-related paraphernalia is considered a violation of this policy and will be confiscated and destroyed. Other sanctions may also be imposed at Bushnell's discretion.
- Being under the influence of illicit drugs is considered a violation of this policy.

Hosting Gatherings Involving Drugs/Alcohol

Persons who host or in any way assist or promote a gathering (on or off campus) that includes alcohol given to underage persons, underage consumption of alcohol, illegal drug usage, or any drunkenness will be subject to disciplinary action. Those living at the location where the party is held may be held responsible as host regardless of who provides the alcohol.

Marijuana

Marijuana use or smoking of any kind, including edibles and all vapor products is prohibited according to federal law.

Tobacco

Tobacco use or smoking of any kind, including smokeless tobacco and all vapor products is prohibited on campus.

ALCOHOL/SUBSTANCE DRUG TESTING POLICY

The intent of this policy is to prevent substance use and abuse by students through education, testing, and professional guidance. The University recognizes its responsibility to provide educational programming that will support a positive decision-making process. Bushnell University and the Athletic Department believe that drug testing based on reasonable suspicion is appropriate to ensure the health, safety, and welfare of students; to promote fair competition in intercollegiate athletics; to affirm compliance with applicable rules and regulations on drug and alcohol abuse; to identify students who are improperly using drugs or alcohol; and to assist them before they harm themselves or others.

Professional counseling is an essential element of an effective program of treatment and rehabilitation.

- **Education** – providing students and athletic staff with accurate information about problems associated with substance use in general and in sport, promoting health and safety.
- **Testing** – analyzing biological specimens to detect prohibited substances students may introduce to their bodies and punitive consequences resulting from use.

- **Professional Referral** – facilitating appropriate treatment and rehabilitation of students.

Dietary Supplements

The University or Athletic Department personnel shall not encourage or advise any student to take performance-enhancing or non-therapeutic drugs. Furthermore, they shall not issue or assist students in obtaining any performance-enhancing or non-therapeutic drugs. Many dietary supplements or ergogenic aids contain banned substances and could result in a positive drug test. Often times the labeling of dietary supplements is not accurate and is misleading. Student athletes currently taking dietary supplements or intending to take any should review the product with the team physicians and/or athletic training staff prior to use. Additional information about dietary supplements may be found at www.drugfreesport.com/.

POLICIES & PROCEDURES REGARDING SEXUAL ASSAULT & TITLE IX

What is Title IX?

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” (20 U.S.C. Sec. 1691)

Title IX of the Education Amendments of 1972 is a federal law that prohibits sex discrimination on the basis of sex in federally funded education programs and activities, including but not limited to athletic programs that receive federal funding. Under Title IX, discrimination on the basis of sex can include sexual harassment, sexual assault and sexual violence.

Institutional Compliance with Title IX

It is Bushnell University’s policy to provide an educational environment free of all forms of sex discrimination, including but not limited to unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct or communications constituting sexual harassment, as defined in this policy and as otherwise prohibited by state and federal statutes. Sexual harassment, including acts of sexual assault and sexual violence, is a form of sex discrimination and is prohibited at Bushnell. This prohibition against discrimination on the basis of sex applies to all students, faculty and staff, to other members of the Bushnell community, and to contractors, consultants, and vendors doing business or providing services to the school.

In accordance with Title IX, the president of Bushnell University has designated the following Title IX Coordinator as the primary contacts responsible for implementing and monitoring Bushnell's compliance with Title IX:

Jocelyn Hubbs, Assistant Vice President for Financial Services
541-684-7291
jhubbs@bushnell.edu
Richardson Hall 2nd Floor

The Title IX Coordinator is responsible for the coordination of training, education, communications, and administration of the complaint and grievance procedures for the handling of suspected or alleged violations of Title IX. Bushnell's Student Life Office in partnership with the Title IX Coordinator offers educational programming to prevent dating violence, domestic violence, sexual assault, and stalking. These programs also include training on survivor support, bystander intervention, and bulletin board interactive displays. All Student Life Student Leaders are trained every August in bystander intervention techniques, campus and local resources, and how to respond and report a Title IX violation.

One of Bushnell's ongoing prevention and awareness campaigns for students and employees utilizes the 3 D's of Bystander Intervention and risk reduction to encourage safe, but practical, intervention strategies for students/employees. Bystander intervention strategies are covered in student/employee trainings and displayed through educational posters in prominent on campus locations.

- Direct – If you see, know, or hear something – say something, speak up, address inappropriate behaviors head on, be firm
- Distract – disrupt the situation, connect with the targeted individual, be creative
- Delegate – Alert others, ask for help, report the event to Campus Security/Student Life, call 911

Every April, Bushnell's Student Life Office and the Title IX Coordinator coordinate various activities in conjunction with Sexual Assault Awareness Month. Students, faculty, and staff are invited to participate in the Take Back the Night walk in partnership with the University of Oregon. The Student Life Counselor and Wellness Coordinator hosts an annual Survivors Vigil and Support Group.

The following section identifies procedures victims should follow if a crime of domestic violence, dating violence, sexual assault, or stalking has occurred.

When Should I Contact a Title IX Coordinator?

Any student, faculty or staff member who has concerns about sex discrimination, including but not limited to acts of sexual harassment, sexual assault, or sexual violence, is encouraged to seek the assistance of the Title IX Coordinator identified above.

Contact a Title IX Coordinator if you:

- Wish to understand your options if you think that you may have encountered sex discrimination, sexual harassment, sexual assault, or sexual violence.
- Learn of a situation that you feel may warrant an institutional investigation.
- Need help on how to handle a situation in which you are indirectly affected.
- Want information about possible informal remedies or administrative measures to de-escalate or alleviate a difficult situation.
- Have questions about Bushnell's policies and procedures.
- Have experienced the crime of dating violence, domestic violence, sexual assault, or stalking.

Abusive sexual behavior is harmful to both the learning environment and the sense of community the University seeks to foster among students, faculty, staff and administration. All members of the University community have an obligation to act responsibly in the realm of sexuality. Any student who, either individually or in concert with others, participates in any of the following misconduct is subject to University discipline including suspension, dismissal, and/or expulsion.

Confidentiality

Conversations with all University employees that are related to Title IX are kept as confidential as possible, but information about incidents of suspected violations of Title IX are legally mandated to be shared to the extent necessary to conduct an investigation and take any corrective action deemed appropriate by the University. The only two categories exempt from reporting a suspected violation of Title IX are counseling sessions that take place within the Counseling Center and pastoral counseling sessions with the Campus Pastor in the Office of Student Life.

Confidential On-Campus Support

- Counseling Center
- Pastoral Support via Office of Student Life

Off-Campus Support

- Sexual Assault Support Services (SASS) 24/7 Hotline (541-343-7277, 1-800-788-4727)
- Lane County Victim's Assistance Programs (541-682-4523)
- Department of Human Services (541-686-7555)
- Eugene City Victim's Assistance Program (541-682-8432)

Reporting Options

- Title IX Coordinator:
Jocelyn Hubbs, Assistant Vice President for Financial Services (541-684-7219)
- Office of Student Life (541-684-7345)
- Security (541-517-5197)
- Non-Emergency Eugene Police (541-682-5111)

Filing a Report

To initiate an investigation regarding a Title IX violation or sexual assault, please contact one of the reporting options above or submit an online report via the website or on MyBushnell. For more information on Bushnell's Title IX procedures, please visit www.bushnell.edu/knowmore.

Consent

Consent means informed, freely and actively given, mutually understandable words or communications by a person capable of giving consent that indicate a willingness to participate in mutually agreed upon sexual activity. Consent obtained through use of force (actual or implied, immediate or future), whether that force consists of physical force, threats, intimidation, or coercion, is invalid. Consent may not be demonstrated by lack of resistance, silence, a previous relationship, or a current relationship. Intoxication may invalidate consent and does not negate the need to obtain consent. A person who is not of legal age, who is incapacitated by physical or mental illness, who is mentally or physically incapacitated, or who is unconscious or unaware, is incapable of giving consent.

Remember: Sexual assault is NEVER the survivor's fault.

Sexual assault can happen to anyone. There is no typical survivor. Statistics indicate that anywhere from 85-90% of all sexual assaults occur between people who know each other.

If a friend has been assaulted or raped:

- Listen and be supportive.
- Encourage your friend to immediately contact the appropriate resources.

- Stay with your friend during interviews and examinations if she or he wants you to do so.
- Take care of yourself. You may need to talk with someone about how this has affected you. The resources listed in this section are for you as well.

If you have been assaulted or raped, you have control of the choices you can make.

Following are recommendations to assist you in dealing with this crime:

- Do not blame yourself. Sexual assault is NEVER the survivor's fault.
- Go to a safe location.
- Seek medical attention immediately.

Reporting Sexual Misconduct to Law Enforcement

If you have experienced sexual misconduct, know that Bushell is here to help. You have choices in who you report the incident to, if you report the incident, and the steps you choose to take.

Students are encouraged to report any prohibited conduct that may constitute a crime to local law enforcement immediately. Police have unique legal authority to seek and execute search warrants, to collect forensic evidence and to make an arrest when supported by probable cause to believe a crime has been committed. Police can also assist when seeking a Personal Protection Order (PPO).

A Protective Order is a legal order issued by a court which requires one person to stop harming another. PPOs can be requested through the Lane County District Attorney. Forms are available at the Lane County Courthouse information booth located on the second floor of the Lane County Courthouse (125 E. 8th Ave, Eugene). Trained advocates in Victim Services (located on the fourth floor of the Courthouse) are available to provide assistance with the forms and refer you to available community resources. If you are unsure as to what type of protective order you qualify for, please ask. Protective Orders are FREE in Oregon.

For questions about PPOs and the process, please contact the Lane County District Attorney Victim Services Program at (541) 682-4523.

Forensic Sexual Assault Examinations

Forensic and other evidence may be collected even if you chose not to make a report to law enforcement. Having evidence collected before it is lost is very important because it reserves your right to have evidence available until you are ready to make a decision.

If you are interested in a forensic sexual assault examination, please visit PeaceHealth Sacred Heart Medical Center.

Things to Know Before Your Forensic Exam

If the sexual assault occurred within the past 72 hours, it is important that you do **NOT**:

- Bathe
- Douche
- Smoke
- Discard or wash clothing (store in a paper bag)
- Clean the bed/linen/area where you were assaulted (if applicable)

Refraining from the above will preserve evidence which could strengthen your case if you decide to obtain a personal protection order or in proving that the alleged criminal offense occurred or is occurring.

Support Measures and Accommodations

The Director of Residence Life and Dean of Students will work with all parties involved to make academic or housing accommodations to provide for the wellbeing of each student during and after an investigation. Upon receipt of a report or formal complaint of a violation of the sexual misconduct or Title IX harassment policies, the University, through the Title IX Coordinator, will promptly contact the complainant to discuss the availability of supportive measures and will provide a printed copy of Bushnell's Title IX Rights and Resources for Survivors brochure which includes resource contact information on and off campus, the outline of the grievance process, and options for, available assistance in, and how to request changes to academic/living/transportation/working situations or protective measures. The University will maintain the privacy of any support measures provided under this policy to the extent practicable and will promptly address any violation of the protective measures.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or deter sexual harassment.

Supportive measures may include:

- Counseling
- Extensions of deadlines or other course-related adjustments
- Modifications of work or class schedules
- Campus escort services

- Mutual restrictions on contact between the parties
- Changes in work or housing locations
- Leaves of absence
- Increased security and monitoring of certain areas of the campus

The University must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

SEXUAL HARASSMENT

Any sexual advances, requests or demands for sexual favors and/or other physical, verbal or visual conduct of a sexual nature constitute sexual harassment when:

1. Such conduct has the purpose or effect of substantially interfering with an individual's work or academic performance, creating an intimidating, hostile or offensive work, learning, living, or campus environment.
2. Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting the individual.
3. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic program.

The University prohibits the following behaviors:

Verbal Sexual Harassment:

- Conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments, obscene phone calls or voice mail or e-mail messages.
- Threats or demands to submit to sexual requests as a condition of continued employment or academic advancement, or to avoid some other loss.
- Offers of preferential treatment in return for sexual favors and/or retaliation for having reported or threatened to report harassment.

Non-verbal/Visual Sexual Harassment:

- Display of or references to derogatory and/or sexuality-oriented posters, photographs, cartoons, drawings or gestures.
- Exposure (i.e. "mooning", "streaking"), or other lewd behaviors.

Physical Sexual Harassment:

- Conduct such as unwanted touching, blocking normal movement or interfering with work or study.

Pertinent Federal Legislation

The Student Right-to-Know and Campus Security Act of 1990 and the Campus Sexual Assault Victim's Bill of Rights Amendment of the 1992 Higher Education Reauthorization Act (copies of which can be found in the Residence Life Office) require Universities to report accurate statistics regarding sexual assaults and rapes.

SEXUAL MISCONDUCT PROCEDURES

It is Bushnell University's policy to provide an educational environment free of all forms of sex discrimination, including but not limited to unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct or communications constituting sexual harassment. Sexual harassment, including acts of sexual assault, is a form of sex discrimination and is prohibited by Bushnell. The University's goal is to foster an open and safe community where these behaviors are deemed unacceptable, where those who are affected are provided support, and where a fair and impartial grievance process is provided to all parties. All forms of prohibited conduct under this policy are regarded as serious, and violations may result in discipline, including the possibility of separation from the University.

In order to address incidents of sexual misconduct that do and do not fall within the definition of Title IX Sexual Harassment (which is a definition set forth in regulations promulgated by the U.S. Department of Education under Title IX of the Education Amendments Act of 1972), the University has two policies that address sexual misconduct: (1) the Title IX Sexual Harassment policy, and (2) this policy. These policies are inter-related and must be read together. If allegations that are the basis of a formal complaint would constitute prohibited conduct under both this University Sexual Misconduct policy and the Title IX Sexual Harassment policy, the grievance process set forth in the Title IX Sexual Harassment policy will be applied in the investigation and adjudication of all of the allegations.

This University Sexual Misconduct policy applies only to certain conduct defined under this policy. Conduct not falling under the scope of this policy may be addressed under other University policies. Specifically, this policy applies to forms of sexual misconduct that do not fall under the scope of the Title IX Sexual Harassment policy, including Sexual

Exploitation, Improper Conduct related to Sex, and University Sexual Harassment. The University Sexual Misconduct Policy also applies to complaints alleging certain conduct that would otherwise be prohibited under the Title IX Sexual Harassment policy (e.g., Quid Pro Quo Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking under the Title IX Sexual Harassment policy), but which must be dismissed under the Title IX Sexual Harassment policy because they do not meet that policy's and the federal government's jurisdictional requirements.

The University will respond to reports or formal complaints (as defined in section 3) of conduct prohibited under this policy with measures designed to stop the prohibited conduct, prevent its recurrence, and remediate any adverse effects of such conduct on campus or in University-related programs or activities.

1. Designation of Title IX Coordinator

Federal regulations require the University to designate and authorize at least one employee to coordinate its efforts to comply with its responsibilities under Title IX and 34 CFR Part 106, which employee must be referred to as the "Title IX Coordinator." For Bushnell University, those individuals are:

Jocelyn Hubbs, Assistant VP for Financial Services, Title IX Coordinator
jhubbs@bushnell.edu
541-684-7291
Office is located in Richardson Hall, 2nd floor

Jennifer Little, Director of Residence Life & Student Services, Deputy Coordinator
jlittle@bushnell.edu
541-349-7487
Office is located in Womack Hall 121

Chad Meadors, Assistant Athletic Director & Women's Basketball Coach, Deputy Coordinator
cmeadors@bushnell.edu
541-684-7201
Office is located in Morse Center Gym 1st Floor

The mailing address for each of these persons is 828 E. 11th Ave., Eugene, Oregon 97401.

The University's Title IX Coordinator must be informed of all reports or formal complaints of violations of this policy.

2. Reporting

- a. **Report to the University.** Any person may report University Sexual Misconduct (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute University Sexual Misconduct), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the pertinent telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.
- b. **Report to Law Enforcement.** A complainant may always report sexual misconduct such as sexual assault or other potentially criminal activity to law enforcement by calling 911. The University supports any complainant who wishes to file a police report and will assist the complainant with reporting if needed. Complainants are encouraged to contact local police in the jurisdiction where the incident occurred, but it is their choice whether or not to report to law enforcement. If an individual reports an alleged incident to law enforcement, the University will cooperate with any investigation to the extent permitted under applicable law.
- c. **EMERGENCIES.** In emergency situations, if there is a suspected crime in progress or imminent or serious threats to the safety of anyone, employees must, and students are encouraged to, immediately contact the Eugene Police Department by dialing 911.
- d. **Non-emergency Situations.** In non-emergency situations, employees (other than those formally designated as Confidential Resources, must promptly report suspected violations of this policy or the Title IX Sexual Harassment policy to the Title IX Coordinator. Some students with special responsibilities, including Resident Assistants (RAs), must report suspected violations of this policy or the Title IX Sexual Harassment policy to the Title IX Coordinator.
- e. **Timeliness of Reporting.** Complainants and other reporting individuals are encouraged to report any violation of this policy or the Title IX Sexual Harassment policy as soon as possible in order to maximize the University's ability to respond promptly and effectively. Reports and formal complaints may be made at any time without regard to how much time has elapsed since the incident(s) in question. If the respondent is no longer a student or employee at the time of the report or formal complaint, the University may not be in a position to gather evidence sufficient to reach a determination as to the formal complaint or the University may not be able to take disciplinary action against the respondent. However, the University will still seek to provide support for the complainant

and seek to take steps to end the prohibited behavior, prevent its recurrence, and address its effects.

f. Amnesty. To encourage and support the reporting of University Sexual Misconduct and Title IX Sexual Harassment, students who participate as witnesses or complainants in investigations under this policy will not be subject to student conduct charges for conduct like under-age drinking or use of illegal drugs that may have occurred at the time of or as a result of the sexual misconduct in question.

3. Terminology Used in this Policy

The following definitions clarify key terminology as used in this policy.

a. Complainant means an individual who is alleged to be the victim of conduct that could constitute University Sexual Misconduct.

b. Consent means informed, freely and actively given, mutually understandable words or communications by a person capable of giving consent that indicate a willingness to participate in mutually agreed upon sexual activity. Consent obtained through use of force (actual or implied, immediate or future), whether that force consists of physical force, threats, intimidation, or coercion, is invalid. Consent may not be demonstrated by lack of resistance, silence, a previous relationship, or a current relationship. Intoxication may invalidate consent and does not negate the need to obtain consent. A person who is not of legal age, who is incapacitated by physical or mental illness, who is mentally or physically incapacitated, or who is unconscious or unaware, is incapable of giving consent.

c. Employee means a person employed by the University.

d. Formal complaint refers to a document filed by a complainant (meaning a document or electronic submission (such as by electronic mail) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the individual filing the formal complaint) alleging University Sexual Misconduct against a respondent and requesting that the University investigate the allegation of University Sexual Misconduct. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information provided in this policy, and by any additional method identified in this policy. Formal complaint may also refer to a document signed by the Title IX Coordinator alleging University Sexual Misconduct against a respondent. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party.

- e. Official with Authority refers to the University's Title IX Coordinator, the Director of Residence Life, the Dean of Students, any Vice President, and the President.
- f. Report refers to information brought to the attention of an Official with Authority alleging conduct prohibited under this policy; a report is not considered to be a formal complaint. A party may bring a report and then subsequently file a formal complaint.
- g. Respondent refers to the individual(s) who has been alleged to be the perpetrator of conduct that could constitute University Sexual Misconduct.
- h. Third party refers to any individual who is not a University student, a faculty member, or a staff member (e.g., vendors, alumni/ae, or local residents).
- i. Witness refers to any individual who shares information relating to an allegation of prohibited conduct under this policy.
- j. Student means a person enrolled in the University. Except as provided in this policy, a person who is not officially enrolled but who has a continuing academic relationship with the University is considered to be enrolled for purposes of this policy. A former student still living in University housing is also considered to be an enrolled student for purposes of this policy, unless this policy provides otherwise. Finally, a person who has been accepted for admission with the University but has not yet begun coursework is considered to be an enrolled student for purposes of this policy.
- k. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or deter sexual harassment.

Supportive measures may include:

counseling,
extensions of deadlines or other course-related adjustments,
modifications of work or class schedules,
campus escort services,
mutual restrictions on contact between the parties,
changes in work or housing locations,
leaves of absence,

increased security and monitoring of certain areas of the campus, and other similar measures.

The University must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

4. Prohibited Conduct

a. This policy addresses “University Sexual Misconduct.” University Sexual Misconduct encompasses all of the prohibited conduct described below that occurs on the basis of sex that does not fall within the definitional or jurisdictional requirements of the federal regulations underlying the Title IX Sexual Harassment policy.

Examples of prohibited conduct under this University Sexual Misconduct policy may include:

Conduct that occurs in the local vicinity but outside of a University program or activity; or

Conduct that occurs outside of the United States when the conduct is associated with a University-sponsored program or activity, such as travel, research, or internship programs; or

Conduct that involves the use of the University’s computing and network resources from a remote location, including but not limited to accessing email accounts.

In determining whether alleged conduct violates this policy, the University will consider the totality of the facts and circumstances involved in the incident, including the nature of the alleged conduct and the context in which it occurred. Any of the prohibited conduct defined in this policy can be committed by individuals of any gender, and it can occur between individuals of the same gender or different genders. It can occur between strangers or acquaintances, as well as people involved in intimate or sexual relationships.

The prohibited behaviors listed below are serious offenses and will result in University discipline. Prohibited conduct involving force, duress, or inducement of incapacitation, or where the perpetrator has deliberately taken advantage of another individual’s state of incapacitation, will be deemed especially egregious and may result in expulsion or termination of employment. The respondent’s consumption of alcohol or the use of illegal

substances does not constitute a mitigating circumstance when it contributes to a violation under this policy.

The following prohibited behaviors fall under the University Sexual Misconduct policy only if they fall outside the jurisdictional requirements of the Title IX Sexual Harassment policy—Conduct on the basis of sex that satisfies one or more of the following:

Quid Pro Quo Sexual Harassment: An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;

Hostile Environment Sexual Harassment: Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity;

Sexual assault, which means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. 20 U.S.C. 1092(f)(6)(A)(v).

The following are forcible sex offences: Any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent.

Forcible Rape—(Except Statutory Rape) The carnal knowledge of a person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity.

Forcible Sodomy—Oral or anal sexual intercourse with another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Sexual Assault With An Object—To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Forcible Fondling—The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person’s will or not forcibly or against the person’s will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

The following are nonforcible sex offenses: Unlawful, nonforcible sexual intercourse:

Incest—Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape—Nonforcible sexual intercourse with a person who is under the statutory age of consent.

Dating violence, which means violence committed by a person--(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship is determined based on a consideration of the following factors: (i) The length of the relationship. (ii) The type of relationship. (iii) The frequency of interaction between the persons involved in the relationship. See 34 U.S.C. 12291(a)(10).

Domestic violence, which includes felony or misdemeanor crimes 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 the victim under the domestic or family violence laws of Oregon, or 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 Oregon. See 34 U.S.C. 12291(a)(8).

Stalking, which means engaging in a course of conduct directed at a specific person that would cause a reasonable person to--(A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress. See 34 U.S.C. 12291(a)(30).

Retaliation. The University expressly prohibits any form of retaliatory action against any member of the University community who in good faith: (1) files a report, complaint or grievance under this policy (or with an external entity); (2) opposes in a reasonable manner an action or policy believed to constitute a violation of this policy; or (3) participates in University investigations, compliance reviews, or discipline proceedings under this policy.

Depending on the circumstances referenced above, retaliatory acts may include (but are not limited to):

Adverse employment action;

Adverse action relating to participation in an educational or work program;

Unreasonably interfering with the academic or professional career of another individual;

Engaging in conduct which constitutes stalking, harassment, or assault;

Engaging in efforts to have others engage in retaliatory behavior on one's behalf.

The University retains the right to charge an individual for making a materially false statement in bad faith during the course of an investigation, or proceeding, under this policy, but will not conclude that any individual has made a materially false statement in bad faith solely based on the determination regarding responsibility.

Complaints alleging retaliation under this policy, including for the exercise of rights under this policy, must be filed in accordance with this policy and will be addressed promptly and equitably. Where the individual allegedly retaliating is not affiliated with the University and not otherwise subject to its policies, the University will process the complaint and take appropriate measures.

Notwithstanding the above, the exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this policy; and charging an individual with a violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy does not constitute retaliation.

b. The jurisdictional requirements of the Title IX Sexual Harassment policy do not apply to the following prohibited behaviors, that is, the following prohibited behaviors do not fall under the Title IX Sexual Harassment policy regardless of where or under what circumstances they occur:

University Sexual Harassment: Sexual harassment is unwelcome conduct of a sexual nature. Sexual harassment can include unwelcome sexual advance, request for sexual favors, or other verbal, nonverbal or physical conduct of a sexual nature where such conduct is sufficiently severe or pervasive that it has the effect, intended or unintended, of unreasonably interfering with an individual's work or academic performance or it has created an intimidating, hostile or offensive environment and would have such an effect on a reasonable person.

Examples of conduct that can constitute sexual harassment if based on an individual's sex include but are not limited to:

Unwelcome jokes or comments (e.g., sexist jokes);

Disparaging remarks about sex, gender identity, or gender expression (e.g., negative or offensive remarks or jokes about an individual's self-presentation);

Displaying negative or offensive posters or pictures about sex;

Electronic communications, such as e-mail, text messaging, and Internet use, that violate this policy.

Sexual Exploitation. Any act whereby one individual violates the sexual privacy of another or takes unjust or abusive sexual advantage of another who has not provided consent, and that does not constitute non-consensual sexual penetration or non-consensual sexual contact. Examples may include: recording, photographing, transmitting, viewing, or distributing intimate or sexual images or sexual information without the knowledge and consent of all parties involved; voyeurism (i.e., spying on others who are in intimate or sexual situations).

Improper Conduct Related to Sex. Unprofessional or inappropriate conduct that does not fall under other forms of Title IX Sexual Harassment or University Sexual Misconduct, but that is sexual and/or sex-based in nature and has the effect of unreasonably interfering with an individual's educational experience, working conditions, or living conditions.

5. Formal Complaints

Upon receipt of a formal complaint, the Title IX Coordinator will respond to any immediate health or safety concerns raised. The Title IX Coordinator will then conduct an initial assessment for the sole purpose of determining whether the alleged conduct, if substantiated, would constitute prohibited conduct under this policy or prohibited conduct under the Title IX Sexual Harassment policy. The University will seek to complete the initial assessment within 14 days of receipt of the formal complaint. Following the initial assessment, the Title IX Coordinator may take any of the following actions:

If the allegations forming the basis of the formal complaint would, if substantiated, constitute prohibited conduct as defined in this policy, the Title IX Coordinator will implement appropriate supportive measures. In addition, the Title IX Coordinator may initiate an investigation of the allegations under this policy in a formal complaint. However, if the Title IX Coordinator deems the formal complaint appropriate for the informal resolution process, upon the consent of both parties, the Title IX Coordinator may instead refer the matter to the informal resolution process.

If the allegations forming the basis of the formal complaint would not, if substantiated, constitute prohibited conduct as defined in this policy, the Title IX Coordinator may dismiss the formal complaint from the University Sexual Misconduct grievance process (and either party may appeal this dismissal, as discussed below). However, if appropriate, the Title IX Coordinator may refer the matter to the Title IX Sexual Harassment process; or, if the Title IX Coordinator deems the formal complaint appropriate for the informal resolution process, upon the consent of both parties, the Title IX Coordinator may instead refer the matter to the informal resolution process.

In addition, at any time prior to the final investigation report, the University may dismiss a formal complaint if:

The complainant notifies the Title IX Coordinator in writing that the complainant wishes to withdraw the formal complaint or any allegations therein;

The respondent is no longer enrolled or employed by the University; or

Specific circumstances prevent the University from gathering sufficient evidence to reach a determination as to the formal complaint or the allegations therein.

Upon dismissal, the University shall send written notice of the dismissal and reason(s) therefor simultaneously to the parties. Both parties will have an equal right to appeal the dismissal through the appeal process described in this policy. The determination regarding dismissal becomes final either on the date that the parties are provided with the written determination of the result of an appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely. Once final, a complainant cannot file a formal complaint under this policy concerning the same alleged conduct.

6. Anonymity and Confidentiality; Clery Act; Preservation of Evidence

a. **Anonymity.** Sometimes complainants request anonymity or that an investigation not be conducted. If a complainant makes such a request, the University will balance the request with its obligation to protect the complainant and provide a safe and non-discriminatory environment. However, complainants should understand that complete anonymity cannot be guaranteed. Granting a request for anonymity may hamper the University's ability to conduct an investigation.

b. **Confidentiality.** Several campus professionals are designated confidential resources, to whom confidentiality attaches. Confidential resources are not obligated to report information that is provided to them. This allows individuals to explore their options in a

non-pressured environment while they make informed decisions. There may be exceptions in cases involving child abuse, imminent risk of serious harm, emergent hospitalization, or a court order. In addition, non-identifying information about violations of this policy may be provided to other University officials for purposes of anonymous statistical reporting under the Clery Act.

An individual who is not prepared to make a report or formal complaint, or who may be unsure how to label what happened, but still seeks information and support, is strongly encouraged to contact a confidential resource.

While complainants, respondents, and witnesses involved in the grievance process under this policy are strongly encouraged to exercise discretion in sharing information in order to safeguard the integrity of the process and to avoid the appearance of retaliation, complainants and respondents are not restricted from discussing the allegations under investigation.

c. Clery Act. Under certain circumstances, the University may be obligated to issue a timely warning notice under the Clery Act about an incident of sexual misconduct. Nothing in this policy prevents the University from complying with this obligation and its other obligations under the Clery Act.

d. Preservation of Evidence. Complainants, respondents, and witnesses should consider whether there is information and evidence to collect that might be helpful to an investigator and should preserve relevant information and evidence. Such information and evidence might include receipts, text messages, pictures, videos, emails, Facebook posts or messages, Snapchats, and other social media posts.

e. Medical Exams. Forensic exams (commonly referred to as rape kits) are conducted at all hospital locations in the Eugene-Springfield area. More information can be gathered from these exams the sooner the exam is performed following the alleged incident. Individuals are encouraged to not bathe, shower, douche, or brush their teeth before the exam. Additionally, individuals are encouraged to maintain any physical objects such as clothing worn during an alleged incident or other relevant materials. If clothing is changed, each garment should be placed in a separate paper (not plastic) bag.

f. Restraining Orders. Should a student or employee obtain a restraining order against another individual, the student or employee is encouraged to share that information with the Title IX Coordinator so that the University can be prepared to assist law enforcement with the enforcement of the restraining order.

7. Supportive Measures

Upon receipt of a report or formal complaint of a violation of this policy, the University, through the Title IX Coordinator, will promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. The University will also consider supportive measures, as appropriate and reasonably available, for the respondent.

Supportive measures may include, but not be limited to, the following options:

Academic Assistance

Transferring to another section of a lecture or laboratory

Rescheduling an academic assignment or test

Accessing academic support (e.g., tutoring)

Arranging for incompletes, a leave of absence, or withdrawal from course(s)

Preserving eligibility for academic, athletic, or other scholarships, financial aid, internships, study abroad, or international student visas

Counseling

Change in campus housing and/or dining locations

Assistance in finding alternative housing

Consultation with Campus Security or local police agency as appropriate

Assistance in arranging for alternative University employment arrangements and/or changing work schedules

Providing an escort to ensure that the student can move safely between school programs and activities

Transportation and parking assistance

Assistance identifying any additional resources including off-campus support and services

No contact orders

8. Emergency Removal (Students)

The University may remove a respondent from the University's education program or activity on an emergency basis, provided that the University undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This section of the policy will not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

9. Administrative Leave (Employees)

The University may place a non-student employee respondent on administrative leave during the pendency of its process under this policy. This section of the policy will not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

10. Informal Resolution Process

a. Subject to the consent of the parties and the approval of the Title IX Coordinator, the University permits informal resolution processes in cases in which a report has been made to or a formal complaint has been filed with the Title IX Coordinator. Subject to approval by the Title IX Coordinator, the informal resolution process is available in matters involving a student complainant and a student respondent, as well as in matters involving an employee complainant and an employee respondent; the informal resolution process is not available in matters involving a student and an employee.

b. At any time prior to reaching a determination regarding responsibility the University may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the University –

(1) Provides to the parties a written notice disclosing: the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared; and

(2) Obtains the parties' voluntary, written consent to the informal resolution process.

11. Grievance Process—In General

a. **Equitable Treatment.** The University's grievance process will treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility has been made against the respondent, and by following this grievance process before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent. Remedies will be designed to restore or preserve equal access to the University's education program or activity. Such remedies may

include the same individualized services described as “supportive measures;” however, remedies may be disciplinary or punitive in nature and need not avoid burdening the respondent. The University generally does not compel students to participate in a grievance process under this policy. However, failure to participate may affect the outcome.

b. **Objective Evaluation of Evidence.** The University’s grievance process will require an objective evaluation of relevant evidence – including both inculpatory and exculpatory evidence – and provide that credibility determinations may not be based on a person’s status as a complainant, respondent, or witness.

c. **Conflict of Interest.** The University’s grievance process requires that any individual designated by the University as a Title IX Coordinator, investigator, decision-maker, or any person designated by the University to facilitate an informal resolution process, not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Parties will be notified at the appropriate junctures of the identities of the individuals serving as investigators, decision maker, and appellate officers. A party who has concerns that one or more of the individuals performing one of the aforementioned roles has a conflict of interest or is biased must report those concerns to the Title IX Coordinator within 48 hours of being notified of their identities and include a brief explanation of the basis for the conflict or bias concern. The Title IX Coordinator will assess the allegations of conflict or bias to determine whether the identified individual(s) can fulfill their duties in an impartial way. If the Title IX Coordinator concludes that the facts and circumstances support the claim of conflict or bias, the pertinent individual(s) will not participate in the case.

d. **Presumption of Non-responsibility.** The University’s grievance process includes a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

e. **Prompt Time Frames.** The University’s grievance process includes reasonably prompt time frames for conclusion of the grievance process, including reasonably prompt time frames for filing and resolving appeals, and a process that allows for the temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party’s advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

f. **Range of Sanctions.** Following any determination of responsibility, the University may implement remedies or sanctions ranging from an educational paper to expulsion.

- g. **Standard of Evidence.** The standard of evidence used is the preponderance of the evidence standard, and the same standard of evidence will be used for formal complaints against students as for formal complaints against employees, including faculty.
- h. **Privileged Information.** The University does not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
- i. **Procedures where One Party is a Member of the University Community and the Other party is Not.** When a third party, (i.e., a non-member of the University community, which could include, for example, alumni) is a party under this policy, the University will use procedures that are generally consistent with the procedures described in this policy, appropriately modified based on the particular circumstances of the case and taking into account privacy requirements and similar considerations. In no case will a member of the University community (i.e., current student, faculty member, or staff member) be afforded lesser rights or lesser opportunities to participate in the disciplinary proceeding than the non-member of the University community.
- j. **Advisers.** Throughout the grievance process, each party may have an adviser of their choice; parties may change their adviser at any time during the grievance process. An adviser is an individual chosen by a complainant or a respondent to provide guidance during the grievance process. An adviser may be a member or non-member of the University community and may be an attorney. The role of the adviser is narrow in scope: the adviser may attend any interview or meeting connected with the grievance process, but the adviser may not actively participate in interviews and may not serve as a proxy for the party. Any individual who serves as an adviser is expected to make themselves available for meetings and interviews throughout the investigation process as scheduled by the University. The University (including any official acting on behalf of the University such as an investigator or a decision maker) has the right at all times to determine what constitutes appropriate behavior on the part of an adviser and to take appropriate steps to ensure compliance with this policy.
- k. **Prior Sexual Behavior.** The complainant's predisposition or prior sexual behavior are not relevant and will not be used during the grievance process, unless offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

l. Consolidation. The Title IX Coordinator has the discretion to consolidate multiple formal complaints as to allegations of University Sexual Misconduct against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of University Sexual Misconduct arise out of the same facts or circumstances.

12. Grievance Procedure—Investigation

a. Notice of Allegations.

(1) In order to protect the safety of the campus community, the Title IX Coordinator may review reports of violations of this policy even absent the filing of a formal complaint, or under certain circumstances, even if a formal complaint has been withdrawn. The Title IX Coordinator may need to themselves file a formal complaint and proceed with an investigation even if a complainant specifically requests that the matter not be pursued. In such a circumstance, the Title IX Coordinator will take into account the complainant's articulated concerns, the best interests of the University community, and fair treatment of all individuals involved.

Upon receipt of a formal complaint, the University will provide the following written notice to the parties who are known: (A) A copy of this policy. (B) Notice of the allegations potentially constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. The written notice must also include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. The written notice must inform the parties that they may have an advisor of their choice, who may be an attorney, and may inspect and review evidence. The written notice must inform the parties of any provision in the University's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

(2) If, in the course of an investigation, the University decides to investigate allegations about the complainant or respondent that are not included in the notice, the University will provide notice of the additional allegations to the parties whose identities are known.

b. Dismissal of a Formal Complaint.

(1) Within 14 days of receipt of a formal complaint, the University will appoint one or more persons to investigate the allegations contained in a formal complaint.

(2) The University may dismiss the formal complaint or any allegations therein, if at any time during the investigation: a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; the respondent is no longer enrolled or employed by the University; or specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

(3) Upon a required or permitted dismissal, the University will promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.

c. Investigation of a Formal Complaint. When investigating a formal complaint and throughout the grievance process, the University will—

(1) Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the University and not on the parties; provided, that the University cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the University obtains that party's voluntary, written consent to do so.

(2) Provide an equal opportunity for the parties to identify fact witnesses and inculpatory and exculpatory evidence.

(3) Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

(4) Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding; however, the advisor may not participate in a meeting or the proceedings.

(5) Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

(6) Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

(7) Prior to completion of the investigative report, the University will meet with each party and the party's advisor, if any, to review the draft report and the evidence relevant to the investigation. The parties will have 10 days to submit a written response including questions of the other party relevant to the investigation, which the investigator will follow-up on and/or consider prior to final completion of the investigative report.

13. Determination regarding Responsibility.

(1) Within 21 days after the conclusion of the final investigation report, the decision-maker will issue a written determination regarding responsibility. To reach this determination, the decision-maker must apply the preponderance of the evidence standard.

(2) The written determination must include—(A) Identification of the allegations potentially constituting University Sexual Misconduct; (B) A description of the procedural steps taken from the receipt of the formal complaint through the written determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence; (C) Findings of fact supporting the determination; (D) Conclusions regarding the application of this policy to the facts; (E) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided by the University to the complainant; and (F) The University's procedures and permissible bases for the complainant and respondent to appeal.

(3) The Title IX Coordinator will provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the University provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

(4) The Title IX Coordinator or designee is responsible for effective implementation of any remedies.

14. Grievance Procedure—Appeals

a. Either or both parties may appeal from a written determination regarding responsibility and from the University’s dismissal of a formal complaint or any allegations therein, within seven calendar days from the date of the pertinent University action. Appeals are on only the following bases: (1) Procedural irregularity that affected the outcome of the matter; (2) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; (3) The Title IX Coordinator, investigator(s), decision-maker(s), or person determining the sanction and remedies had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter; and (4) The sanction is grossly unreasonable.

b. Appeals are decided on the basis of written materials submitted by the parties and, in the discretion of the person considering the appeal, the case file and the record at previous stages of the matter. As to any appeal, the University will: (1) Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties; (2) Ensure that the appellate officer is not the same person as the decision-maker, the investigator(s), or the Title IX Coordinator; (3) Ensure that the decision-maker for the appeal treats the parties equitably; (4) Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome; (5) Issue a written decision within 30 days of receipt of an appeal describing the result of the appeal and the rationale for the result; and (6) Provide the written decision simultaneously to both parties.

c. An appeal in a matter in which a student is the respondent shall be filed with the Dean of Students. An appeal in a matter in which an employee is the respondent shall be filed with the Vice President for Administration and Finance. If the respondent is both a student and employee, the appeal may be filed with either the Dean or the Vice President. In any case, a copy of the appeal shall be provided to the Title IX Coordinator. Appeals should be filed by email.

d. The Dean or Vice President receiving the appeal shall designate a person to consider the appeal, who is called the “appellate officer.” The appellate officer may not be the same person as the decision-maker, the investigator(s), or the Title IX Coordinator.

15. Recordkeeping

The University will maintain an appropriate record of the proceedings undertaken pursuant to this policy in accordance with the University's recordkeeping policy.

SEX OFFENDER REGISTRATION

In accordance with the "Campus Sex Crimes Prevention Act" of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the *Jeanne Clery Act* and the Family Educational Rights and Privacy Act of 1974, Bushnell is providing a link to the Oregon State Police Sex Offender Information website. This act requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice of each institution of higher education in that State at which the person is employed, carries a vocation, or is a student. Registry information provided under this section shall be used for the purposes of the administration of criminal justice, screening of current or prospective employees, volunteers or otherwise for the protection of the public in general and children in particular. Unlawful use of the information for purposes of intimidating or harassing another is prohibited and willful violation shall be punishable by law. The Oregon State Police is responsible for maintaining this registry. Follow the link below to access the Oregon State Police website.
<http://egov.oregon.gov/OSP/SOR/faqs.shtml>

CRIME PREVENTION

Both residential and commuter students are given information about campus security each year after arriving on campus. Additionally, campus security is outlined in the student handbook, which is available online. Campus security is discussed in staff meetings and faculty meetings as needs arise. Annual All-Hall Meetings, which include all residential students, review safety considerations and campus policies, contact information for campus resources and campus security, emergency alert information, and resources for survivors.

Crime prevention programs, alcohol or drug abuse educational programs, and sexual assault prevention programs are offered through the Student Life Office. A common theme of all awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others. When time is of the essence, information is released to the University community through security alerts posted prominently throughout campus and through emails.

ESCORT PROGRAM: Campus Safety will provide escorts to students, faculty, and staff to and from their vehicles or campus buildings.

MISSING STUDENT GUIDELINES

If a person has reason to believe that an on-campus student is missing, efforts will be made to locate the student through the collaboration of the Student Life Office, Campus Security, and the Eugene Police Department.

Individuals may report that a student is missing by calling Campus Security at 541-517-5197, the Dean of Students, or the Director of Residence Life by calling 541-684-7345. Residence Life staff and Campus Security will attempt to reach the student via all contact information, contact the student's roommate or friends, review security footage, and may contact other campus connections (coaches, employers, professors) to determine the time of last contact on campus. Should the University determine that the student is missing, Bushnell will notify the Eugene Police Department immediately, unless the local law enforcement agency was the entity that made the determination that the student is missing. Bushnell University will contact the student's emergency contact no later than 24 hours after the student is determined to be missing. If the missing student is under the age of 18 and is not an emancipated individual, Bushnell University will notify the student's parent or legal guardian no later than 24 hours after the student is determined to be missing, in addition to notifying any additional contact person designated by the student. On-campus residential students have the option to register a confidential contact person to be notified in the case that the student is determined to be missing by contacting the Dean of Students at 541-684-7345. Only authorized campus officials and law enforcement officers may have access to the confidential contact information provided by the residential student.

The local police department with assistance and cooperation of the University will retain status as the primary investigative unit in missing student cases. If located, verification of the student's state of health and intention of returning to campus will be determined. When appropriate, a referral may be made to the Counseling Center.

CAMPUS FIRE SAFETY ANNUAL REPORT

OVERVIEW

The Higher Education Opportunity Act became law in August 2008. Among other things, it requires higher education institutions to produce an annual fire safety report outlining fire safety practices, standards, and all fire-related on-campus statistics. The following public disclosure report details all information required by this law as it relates to Bushnell University.

STATISTICAL REPORT

Below are the fire statistics as reported to Campus Security and the Student Life Office.

BUILDING		ACADEMIC BUILDINGS			RESIDENTIAL BUILDINGS			OTHER BUILDINGS		
YEAR		2019	2020	2021	2019	2020	2021	2019	2020	2021
TOTAL ALARMS/YEAR		0	0	0	0	0	0	0	1	0
FIRES	INJURIES	0	0	0	0	0	0	0	0	0
	DEATHS	0	0	0	0	0	0	0	0	0
	PROPERTY DAMAGE	0	0	0	0	0	0	0	2	0
TOTAL FIRES		0	0	0	0	0	0	0	2	0
FALSE ALARMS	INJURIES	0	0	0	0	0	0	0	0	0
	DEATHS	0	0	0	0	0	0	0	0	0
	PROPERTY DAMAGE	0	0	0	0	0	0	0	0	0
TOTAL FALSE ALARMS		0	0	4	0	0	4	0	0	1

2021 ON-CAMPUS STUDENT HOUSING FACILITIES FIRE STATISTICS						
RESIDENTIAL FACILITY	TOTAL FIRES IN EACH BUILDING	DATE OF FIRE	CAUSE OF FIRE	NUMBER OF INJURIES REQUIRING TREATMENT AT A MEDICAL FACILITY	NUMBER OF DEATHS RELATED TO FIRE	ESTIMATED VALUE OF PROPERTY DAMAGE CAUSED BY FIRE
BURKE-GRIFFETH RESIDENCE HALL	0	N/A	N/A	N/A	N/A	N/A
WOMACK HALL	0	N/A	N/A	N/A	N/A	N/A
MOM RICHART APARTMENTS	0	N/A	N/A	N/A	N/A	N/A
WORKS VILLAGE APARTMENTS	0	N/A	N/A	N/A	N/A	N/A

2020 ON-CAMPUS STUDENT HOUSING FACILITIES FIRE STATISTICS

RESIDENTIAL FACILITY	TOTAL FIRES IN EACH BUILDING	DATE OF FIRE	CAUSE OF FIRE	NUMBER OF INJURIES REQUIRING TREATMENT AT A MEDICAL FACILITY	NUMBER OF DEATHS RELATED TO FIRE	ESTIMATED VALUE OF PROPERTY DAMAGE CAUSED BY FIRE
BURKE-GRIFFETH HALL	0	N/A	N/A	N/A	N/A	N/A
WOMACK HALL	0	N/A	N/A	N/A	N/A	N/A
MOM RICHART APARTMENTS	0	N/A	N/A	N/A	N/A	N/A
WORKS VILLAGE APARTMENTS	0	N/A	N/A	N/A	N/A	N/A

2019 ON-CAMPUS STUDENT HOUSING FACILITIES FIRE STATISTICS

RESIDENTIAL FACILITY	TOTAL FIRES IN EACH BUILDING	DATE OF FIRE	CAUSE OF FIRE	NUMBER OF INJURIES REQUIRING TREATMENT AT A MEDICAL FACILITY	NUMBER OF DEATHS RELATED TO FIRE	ESTIMATED VALUE OF PROPERTY DAMAGE CAUSED BY FIRE
BURKE-GRIFFETH HALL	0	N/A	N/A	N/A	N/A	N/A
WOMACK HALL	0	N/A	N/A	N/A	N/A	N/A
MOM RICHART APARTMENTS	0	N/A	N/A	N/A	N/A	N/A
WORKS VILLAGE APARTMENTS	0	N/A	N/A	N/A	N/A	N/A

On Campus Housing Facilities Fire Safety Systems

Residential Facility	Fire Alarm Monitored	Sprinkler System	Smoke Detector	Fire Extinguishers	Evacuation Plans	Evacuation Drills per Year
Burke-Griffeth Residence Hall	Yes	No	Yes	Yes	Yes	2 2/5/21 and 9/29/21
Mom Richart Apartments	No	No	Yes	Yes	Yes	2 2/5/21 and 9/29/21
Works Village Apartments	No	No	Yes	Yes	Yes	2 2/5/21 and 9/29/21
Womack Hall	Yes	Yes	Yes	Yes	Yes	2 2/5/21 and 9/15/21

FIRE PREVENTION POLICIES

It is the goal of Bushnell to provide a safe and healthy environment for all students, employees, and visitors. This includes fire safety. Specific fire related policies and evacuation locations are displayed throughout campus buildings/classrooms/common areas in the Emergency Response Plan flipchart or in the Student Handbook that is made available for all students online or a paper copy is available by request in the Office of Student Life (541-684-7345). Every year, Bushnell Residence Life staff inspects each residence to identify and resolve safety or fire hazards. The Bushnell Safety Committee (composed of various faculty and staff) meets quarterly for training and fills out Building Checklists to ensure safety and fire hazards are noticed and addressed.

Fire Safety Procedures

The procedures that Bushnell students and employees should follow in the case of a fire are as follows:

All individuals should evacuate the building and proceed to that building's evacuation location.

Individuals should first call 911, and then call Campus Security.

Campus Security includes all reported fires and false alarms in their security tracking and statistics.

Bushnell University Student Handbook policies regarding electrical appliances

For energy and safety reasons, it may not be possible for students to have all the electrical appliances they are accustomed to having at home. Residents of Burke-Griffeth and Womack Hall may not have hot plates, electric skillets/griddles, portable electric heaters, window unit air conditioners, toaster ovens, or ultra-violet/sun lamps. Toasters and toaster ovens are permitted in residence hall kitchens.

Apartment residents may not have portable electric heaters or window unit air conditioners. Other kitchen appliances must be used with caution and be in good working order.

Coffee pots, hot pots and microwave ovens are permitted.

All cords and connections must be in good working condition. Students may only expand electrical outlets with surge protected power strips. Items such as extension cords and six-way wall plugs (unless they are surge protected) are not allowed and will be confiscated.

Satellite dishes or other alterations are prohibited.

For fire prevention and safety reasons, halogen lamps (including lava lamps) and butane canisters are not permitted in any residential living area.

Bushnell University Student Handbook policies regarding fire safety

Fire drills will be held at various times throughout the year. The procedures for student housing evacuation in the event of a fire or emergency are provided in student rooms and on hall bulletin boards. Setting off fire alarms or misusing fire extinguishers is not permitted and will result in disciplinary action, up to and including a \$500 fine and dismissal from the University.

All residents must evacuate their residential building if a fire alarm is activated, whether for the purpose of a drill or in the case of an actual fire. Disciplinary action may be taken if a student does not evacuate.

Fire extinguishers and alarms are installed for resident protection. Residents are urged to read directions on fire extinguishers to be sure they understand the type of fire for which the extinguisher is effective and how to operate it in case of need.

Smoke detectors are present in individual rooms and in common areas in campus housing. Smoke detectors are potential life saving devices. To ensure that the smoke detectors are used appropriately and serve their designed function, students may not dismantle or otherwise alter them. Students found responsible for misusing smoke detectors (hanging things from, tampering with, pulling from the ceiling, taking batteries out of, etc.) will be charged for repair and/or replacement, and may face disciplinary action. Residence Life staff should be notified immediately when a smoke detector needs a new battery.

Smoking, the use of candles or incense, or any open flame is strictly prohibited in campus housing. Flammable materials (gasoline, kerosene, propane, etc.) are not permitted inside buildings.

Due to fire regulations, fire doors are not to be propped open or blocked. Exits, hallways or stairwells may not be blocked.

Residential evacuation locations are as follows:

Burke-Griffeth Hall: Evacuate to the north section of the quad.

Mom Richart and Works Village Apartments: Evacuate to the Womack Hall parking lot.

Womack Hall: Evacuate to the Mom Richart parking lot.

Additional information about student housing expectations and standards can be found in Bushnell's Student Handbook: <https://www.bushnell.edu/life-at-bushnell/student-handbook/>

Plans for Future Improvement in Fire Safety

Bushnell is in the process of renovating our largest classroom building (Goodrich Hall) to include modern fire & life safety systems. Womack Hall had a new fire alarm system recently installed, inspected, and tested.

CAMPUS CRIME STATISTICS

The following categories are listed as required by federal law. The figures are compiled from the Campus Security and Residence Life incident reports and Eugene Police Department crime statistics. Additional information and offense definitions can be reviewed online at the Department of Education Campus Safety and Security website by searching for Bushnell University at the following: <http://ope.ed.gov/security/Index.aspx>

Bushnell Campus Crime Statistics									
Offense Category	On Campus			Residential Facilities			Adjacent Areas/ Non-campus property*		
	19	20	21	19	20	21	19	20	21
January 1 – December 31, Year									
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Robbery	0	1	0	0	1	0	0	0	0
Aggravated Assault	0	0	1	0	0	0	0	0	0
Burglary	0	0	5	0	0	0	0	0	0
Motor Vehicle Theft	0	0	1	0	0	0	0	0	0
Arson	0	1	0	0	0	0	0	1	0
Dating Violence	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
Liquor Law Arrests	0	0	1	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Arrests	0	0	0	0	0	0	0	0	0
Disciplinary Referrals									
Liquor Law Violations Referred for Disciplinary Action	0	0	1	0	0	1	0	0	0
Drug Law Violations Referred for Disciplinary Action	0	0	6	0	0	6	0	0	0
Illegal Weapons Possession Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0	0

*Adjacent areas statistics were taken from the Eugene Police Department reports.

Unfounded Crime Reports: There were no unfounded crimes in 2019, 2020, or 2021.

Hate Crimes:

2021: No reported hate crimes.

2020: No reported hate crimes.

2019: No reported hate crimes.

DEFINITIONS OF VAWA OFFENSES

Bushnell University prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking.

- **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 based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and 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.
 - For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

- **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 cohabiting with, or has cohabited with, the victim as a spouse or intimate partner;
 - By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
 - 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.

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

- Rape: 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 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.
- **Stalking**:
 - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to –
 - Fear for the person’s safety or the safety of others; or
 - Suffer substantial emotional distress.
 - For the purposes of this definition –
 - Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by an 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.

DEFINITIONS OF SEX CRIMES

Sexual Assault Federal Definition

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

- Rape: 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 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.

Sexual Assault State Definition

ORS 163.355 Rape in the third degree

A person commits the crime of rape in the third degree if the person has sexual intercourse with another person under 16 years of age. Class C Felony.

ORS 163.365 Rape in the second degree

A person who has sexual intercourse with another person commits the crime of rape in the second degree if the other person is under 14 years of age. Class B Felony.

ORS 163.375 Rape in the first degree

A person who has sexual intercourse with another person commits the crime of rape in the first degree if: (a) The victim is subjected to forcible compulsion by the person; or (b) The victim is under 12 years of age; or (c) The victim is under 16 years of age and is the person's sibling, of the whole or half blood, the person's child or the person's spouse's child; or (d) The victim is incapable of consent by reason of mental defect, mental incapacitation, or physical helplessness. Class A Felony.

ORS 163.385 Sodomy in the third degree

A person commits the crime of sodomy in the third degree if the person engages in oral or anal sexual intercourse with another person under 16 years of age or causes that person to engage in oral or anal sexual intercourse. Class C Felony.

ORS 163.395 Sodomy in the second degree

A person who engages in oral or anal sexual intercourse with another person or causes another to engage in oral or anal sexual intercourse commits the crime of sodomy in the second degree if the victim is under 14 years of age. Class B Felony.

ORS 163.405 Sodomy in the first degree

A person who engages in oral or anal sexual intercourse with another person or causes another to engage in oral or anal sexual intercourse commits the crime of sodomy in the first degree if: (a) The victim is subjected to forcible compulsion by the actor; or (b) The victim is under 12 years of age; or (c) The victim is under 16 years of age and is the actor's brother or sister, of the whole or half blood, the son or daughter of the actor or the son or daughter of the actor's spouse; or (d) The victim is incapable of consent by

reason of mental defect, mental incapacitation, or physical helplessness. Sodomy in the first degree is a Class A Felony.

ORS 163.408 Unlawful sexual penetration in the second degree

Except as permitted under ORS 163.412, a person commits the crime of unlawful sexual penetration in the second degree if the person penetrates the vagina, anus or penis of another with any object other than the penis or mouth of the actor and the victim is under 14 years of age. Class B Felony.

ORS 163.411 Unlawful sexual penetration in the first degree

Except as permitted under ORS 163.412, a person commits the crime of unlawful sexual penetration in the first degree if the person penetrates the vagina, anus or penis of another with any object other than the penis or mouth of the actor and: (a) The victim is subjected to forcible compulsion; or (b) The victim is under 12 years of age; or (c) The victim is incapable of consent by reason of mental defect, mental incapacitation, or physical helplessness. Class A Felony.

ORS 163.415 Sexual abuse in the third degree

A person commits the crime of sexual abuse in the third degree if: (a) The person subjects another person to sexual contact and: (A) The victim does not consent to the sexual contact; or (B) The victim is incapable of consent by reason of being under 18 years of age; or (b) For the purpose of arousing or gratifying the sexual desire of the person or another person, the person intentionally propels any dangerous substance at a victim without the consent of the victim. Class A Misdemeanor. As used in this section, "dangerous substance" means blood, urine, semen, or feces.

ORS 163.425 Sexual abuse in the second degree

A person commits the crime of sexual abuse in the second degree when: (a) The person subjects another person to sexual intercourse, oral or anal sexual intercourse or, except as provided in ORS 163.412, penetration of the vagina, anus or penis with any object other than the penis or mouth of the actor and the victim does not consent thereto; or (b)(A) The person violates ORS 163.415 (1)(a)(B); (B) the person is 21 years of age or older; and (C) at any time before the commission of the offense, the person was the victim's coach as defined in ORS 163.426. Class C Felony.

ORS 163.427 Sexual abuse in the first degree

A person commits the crime of sexual abuse in the first degree when that person: (a) Subjects another person to sexual contact and: (A) The victim is less than 14 years of age; or (B) The victim is subjected to forcible compulsion by the actor; or (C) The victim is incapable of consent by reason of being mentally defective, mental

incapacitation, or physical helplessness; or (b) Intentionally causes a person under 18 years of age to touch or contact the mouth, anus or sex organs of an animal for the purpose of arousing or gratifying the sexual desire of a person. Class B Felony.

ORS 163.525 Incest

A person commits the crime of incest if the person marries or engages in sexual intercourse or oral or anal sexual intercourse with a person whom the person knows to be related to the person, either legitimately or illegitimately, as an ancestor, descendant or brother or sister of either the whole or half blood. Class C Felony.

Statutory Rape

See ORS 163.355, ORS 163.365, ORS 163.375, ORS 163.415 (listed above).

Dating Violence Federal Definition

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 based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and 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.
 - For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Dating Violence State Definition

The state of Oregon does not have a statute addressing dating violence but includes the definition of Teen Dating Violence in ORS 147.450.

Teen Dating Violence: (a)A pattern of behavior in which a person uses or threatens to use physical, mental or emotional abuse to control another person who is in a dating relationship with the person, where one or both persons are 13 to 19 years of age; or (b)Behavior by which a person uses or threatens to use sexual violence against another person who is in a dating relationship with the person, where one or both persons are 13 to 19 years of age. ORS 147.450 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 147 or any series therein by legislative action.

Domestic Violence Federal Definition

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 cohabiting with, or has cohabited with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- 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.

Domestic Violence State Definition

ORS 135.230 Abuse between family or household members.

Abuse: Attempting to cause or intentionally, knowingly or recklessly causing physical injury; (b) Intentionally, knowingly or recklessly placing another in fear of imminent serious physical injury; or (c) Committing sexual abuse in any degree as defined in ORS 163.415 (Sexual abuse in the third degree), 163.425 (Sexual abuse in the second degree) and 163.427 (Sexual abuse in the first degree).

Family or household members: (a) Spouses, (b) Former spouses, (c) Adult persons related by blood or marriage, (d) Persons cohabiting with each other, (e) Persons who have cohabited with each other or who have been involved in a sexually intimate relationship, (f) Unmarried parents of a minor child.

Stalking Federal Definition

- Engaging in a course of conduct directed at a specific person that would cause a reasonable person to –
 - Fear for the person's safety or the safety of others; or
 - Suffer substantial emotional distress.
- For the purposes of this definition –
 - Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by an action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
 - Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
 - Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Stalking State Definition

ORS 163.732

A person commits the crime of stalking if:

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

Consent

ORS 163.315 Incapacity to Consent

A person is considered incapable of consenting to a sexual act if the person is:

(a)Under 18 years of age; (b)Mentally defective; (c)Mentally incapacitated; or (d)Physically helpless. 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.

Bushnell University Student Handbook Definition of Consent

When determining sexual misconduct in violation of Bushnell University's Student Handbook, the university utilizes this definition of consent: "Consent means informed, freely and actively given, mutually understandable words or communications by a person capable of giving consent that indicate a willingness to participate in mutually agreed upon sexual activity. Consent obtained through use of force (actual or implied, immediate or future), whether that force consists of physical force, threats, intimidation, or coercion, is invalid. Consent may not be demonstrated by lack of resistance, silence, a previous relationship, or a current relationship. Intoxication may invalidate consent and does not negate the need to obtain consent. A person who is not of legal age, who is incapacitated by physical or mental illness, who is mentally or physically incapacitated, or who is unconscious or unaware, is incapable of giving consent."