





appropriate individual at that





the harassment rises to the level of creating a hostile environment. When harassment rises to the level of creating a hostile environment, the University may also impose sanctions on the harasser. The University's policy against harassment explicitly prohibits any form of harassment, defined as unwelcome conduct on the basis of actual or perceived membership in a protected class, by any membermember

sufficiently severe, persistent/pervasive and objectively offensive that it (a) has the effect of unreasonably interfering with, denying or limiting employment opportunities or the ability to participate in or benefit from the University's educational, social or residential program,

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relationship shall be determined based on the statement and with consideration of the length of relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. 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.

- 11) **Domestic Violence** is a type of Intimate Partner Violence and is defined as violence, on the basis of sex, committed by a current or former spouse or intimate partner of the Complainant; by a person with whom the Complainant shares a child in common; by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner; by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Oregon; or by another person against an adult or youth Complainant who is protected against

c) Consent

Consent is knowing, voluntary and clear permission, by word or action, to engage in mutually agreed upon sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in

Certain acts are prohibited when they are based upon the status of an individual's protected class. The sections below describe specific types of these legally prohibited acts that are also prohibited under University policy.

Such prohibited acts include threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person on the basis of their actual or perceived membership in a protected class. It is also important to note that all forms of Sexual Harassment listed above (pp. 7-9) that are not within the jurisdiction of the Title IX laws and regulations may be adjudicated as violations of this University Policy as Prohibited Harassment on the basis of sex.

- a) **Discrimination** is defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of their actual or perceived membership in a protected class;
- b) **Intimidation** is defined as implied threats or acts that cause a reasonable fear of harm in another on the basis of actual or perceived membership in a protected class;
- c) **Hazing** is defined as acts likely to cause physical or psychological harm to any person within the SOU community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity on the basis of actual or perceived membership in a protected class;
- d) **Bullying** is defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically

Sexual voyeurism (such as watching a person undressing, using the bathroom or engaging in sexual acts without the consent of the person observed);

Exceeding the boundaries of consent (e.g., taking pictures of or recording another in a sexual act, or in any other private activity without the consent of all involved in the activity, allowing another person to hide and observe sexual activity, or disseminating sexual pictures without the photographed person's consent);

Prostitution of another person;

Exposing one's genitals in non-consensual circumstances or inducing another to do so;

Sexually-based stalking and/or bullying of another person;

campus escort, accommodating alterations to academic or work schedules and/or

immediacy of threat or danger to a person or abuse of a minor. The Student Health and Wellness Center counselors and medical providers are available to help students free of charge and can be seen on an emergency basis during normal business hours. Campus

with SOU can confidentially report through Confidential Advising in the Office of Equity Grievance. Advisors are able to maintain confidentiality and provide information on available options for students, staff, and faculty. Certified Confidential Advocates may also be available in the Multicultural Resource Center, Women's Resource Center and Queer Resource Center to provide support for complainants through an advocacy role. These employees will submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to the person they are advising.

After a grievance is submitted, both complainant and respondent will have access to a Process Advisor within the EGP. The Process Advisor is a member of the Equity Grievance Team, who will guide the parties in what to expect throughout the process. The Process Advisor does not provide confidential support or advocacy.

### 3) Formal Reporting Options

A formal report will be a signed complaint by the complainant or, in some circumstances, the Director of Equity Grievance/Title IX Coordinator. The party bringing a grievance is encouraged to speak to University officials, such as the Director of Equity Grievance/Title IX Coordinator, members of the Equity Grievance Team, and/or Confidential Advisors, to make formal reports of incidents of sexual misconduct, discrimination, harassment or retaliation. All reports are taken seriously by the University and will be investigated and properly resolved through these procedures. Formal reporting still affords privacy to the reporter, and only a small group of officials who need to know will be told. Information will be shared as necessary with investigators, witnesses and the responding party. The circle of people with this knowledge will be kept as tight as possible to preserve the rights and privacy of the party bringing a grievance.

Reporting or sharing information with the University will trigger the formal reporting process, except as specified in section A.7.a 2 (Confidential Reporting).

### b) Campus Choice

Campus Choice is Southern Oregon University's system of addressing sexual assault, domestic violence, stalking, and intimate partner violence. Campus Choice serves students, staff and faculty.

Through Campus Choice, reporting parties receive coordination of care, help with whatever they need, options, information, care and education related to their specific situation. One does not need to make a report to receive help through Campus Choice.

#### Campus Choice Element #1

A person reporting a sexual assault is offered three options for reporting: Anonymous, Confidential and Formal.

a. An Anonymous Report can be submitted by a reporting party through an online report that is directed to a Confidential Advisor. An Anonymous Report can also be

limitations of the Anonymous and Confidential Reports.

Campus Choice Element #3

A victim or other reporting party may have questions answered regarding options for reporting, including an explanation of an administrative investigation and/or a criminal investigation, prior to providing any identifying or incident information.

a. A Confidential Advisor will make inquiries to appropriate University personnel and outside agencies, including law enforcement, in order to answer questions of the reporting party regardless of whether they have provided identifying or incident information.

Campus Choice Element



and responding parties.

a. Reasonable efforts shall be made to limit the number of times a complainant or respondent is interviewed regarding the assault.

b. The safety, cognitive

b. As barriers arise during an administrative or criminal justice investigation, reasonable

respondents.

### Campus Choice Element #13

University officials will collaborate with victims during the investigative process. As the law allows, investigations will be conducted at a pace set by the victim, not the University.

- a. The investigator will keep the victim of sexual assault informed regarding the status of the investigation.
- b. The investigator assigned to the responding party will keep the respondent informed regarding the status of the investigation.
- c. Reporting parties will be informed that no case can proceed without a complete investigative process. They will be adequately informed about the limitations of the information only report.

### Campus Choice Element # 14

Campuses will have monthly collaborative meetings, including, but not limited to, Title IX Officials, Confidential Advisors, Campus Law Enforcement, Municipal Law Enforcement and Community Based Advocacy.

- a. The intention of these meetings is information sharing relating to sexual assault perpetration on campus while still respecting the requested level of confidentiality of victims.
- b. Information from these meetings can be used to formulate specific educational and prevention activities to increase the safety of the entire campus community.
- c. Information from these meetings can be used to take steps to eliminate a hostile environment and prevent further occurrences of sexual violence.
- d. These meetings will provide a venue for continuous evaluation to ensure that the University is providing adequate, reliable and impartial investigation for complaints.

## **8. Federal and State Timely Warning Obligations**

Victims of sexual misconduct should be aware that SOU must issue timely warnings for reported incidents that pose a substantial threat of bodily harm or danger to members of the campus community. The University will make every effort to ensure that a victim's name and other identifying information are not disclosed, while still providing enough information for community members to make safety decisions in light of the potential

In addition, employees of SOU are considered by law to be mandatory reporters of child abuse, elder abuse or abuse of persons with disabilities. SOU employees are required by law

members receive annual training organized by the



investigation and hearing process described in this policy for all other (non-







designee may provide interim remedies intended to address the short-term effects of harassment, discrimination and/or retaliation (i.e., to redress harm to the alleged victim and the campus community and to prevent further violations). These remedies may include, but are not limited to:

- referral to counseling and health services or to the Employee Assistance Program, education for the campus community or individuals,
- altering the housing situation of an accused student or resident employee (or the reporting party, if desired),
- altering work arrangements for employees,
- providing campus escorts,
- implementing contact limitations between the parties, and
- and offering adjustments to academic deadlines, course schedules, etc.

The University may suspend a student or student organization on an interim basis pending the completion of the investigation and procedures. In all cases in which an interim suspension is contemplated, the University will provide written notice to the student or student organization, conduct an individualized safety and risk analysis to determine whether an immediate threat exists to the physical health or safety of a student or other individual, and provide the opportunity to meet with the Director of Equity Grievance/Title IX and/or a designee to challenge the suspension being imposed.

The University may place an employee on administrative leave with pay, on an interim basis pending the completion of the investigation and procedures.

The Director of Equity Grievance/Title IX Coordinator has the discretion to implement or stay an interim suspension or administrative leave under this policy on Equal Opportunity, Harassment, and Sexual Misconduct, and to determine its conditions and duration. Violation of an interim suspension or administrative leave under this policy will be grounds for expulsion or termination.

Interim suspension or administrative leave will only be used when there is sufficient cause to







### c. Hearing Procedures

EGP Hearings will be convened on a timely basis following completion of the investigation and will be conducted in private. The EGP has the authority to hear all collateral misconduct, meaning that it hears all allegations of discrimination, harassment and retaliation, but also may hear any additional alleged policy violations that have occurred in concert with the discrimination, harassment or retaliation, even though those collateral allegations may not specifically fall within EGP jurisdiction (e.g., Code of Student Conduct). Accordingly, investigations should be conducted with as wide a scope as necessary.

The Respondent is presumed to be not responsible for the alleged conduct until a determination is made by the panel. The University, not the parties, has the burden of collecting evidence and proving a violation of policy.

Hearing participants will include the Director of Equity Grievance/Title IX Coordinator, the three members of the panel, the investigator(s) who conducted the investigation on the grievance, the party bringing a grievance and responding party (ies) (or three organizational representatives in a case where an organization is charged), advisors to the parties, and any called witnesses. The Director of Equity Grievance/Title IX Coordinator will disclose to the parties the names of witnesses the University intends to call, all pertinent documentary evidence, written statements to be presented at the hearing, and any written summaries from the investigators at least ten (10) business days prior to the hearing. Information not disclosed prior to the hearing shall be excluded from the hearing; the parties have a responsibility to clearly identify directly relevant witnesses and evidence to investigators reasonably in advance of the hearing so that participants can receive access to such information at least ten (10) business days prior to the hearing and witnesses can be contacted. <sup>7</sup> In addition, the parties will be given a list of the names of each of the EGP panel members at least ten (10) business days in advance of the hearing. Should either (any) party object to any panelist, they must raise all







determination of the EGP within ten (10) business days of the hearing. Notification will include information on the outcome, when it becomes final, and the right of each party to appeal. Similar notifications will be provided in the event there is any change to the results prior to the decision becoming final.

Notification will be made in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in official University records; or emailed to the parties' University-issued email account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

**e. Sanctions**

Sanctions or responsive actions will be determined by the Director of Equity Grievance/Title IX Coordinator. Factors considered when determining a sanction/responsive action may include:

The nature, severity of, and circumstances surrounding the violation

An individual's disciplinary history



harassment, discrimination and/or retaliation. The student who withdraws or leaves while the process is pending may not return to SOU without first resolving any pending matters. Such exclusion applies to all SOU campuses. Admissions will be notified that they cannot be readmitted. They may also be barred from SOU





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## **8. Workplace Fairness Requirements**

State law makes it an unlawful employment practice for employers to discriminate on the basis of an individual's race, color, religion, sex, sexual orientation, national origin, marital status, age, and/or disability, and such claims are subject to a five-year statute of limitations. A victim of workplace harassment may seek redress from the University by submitting a complaint to the Office of Equity Grievance where the matter will be assigned for investigation by the Office of Equity Grievance to the appropriate investigator(s) identified in this policy. The University promptly investigates all reports of workplace harassment pursuant to the processes set forth above. The University shall follow up with complainants who allege workplace harassment once every three months for the calendar year following the date on which the University receives the report of harassment, to determine whether the alleged harassment has stopped or if the complainant has experienced retaliation, unless the complainant objects to such action in writing. Individuals who experience workplace harassment may also seek relief through the Bureau of Labor and Industries complaint resolution process under ORS 659A.820 to 659A.865, or in a court of law. Legal claims

### C. Policy Consultation

Consultation on original policy with Policy Council, Faculty Senate, Provost's Advisory Council, Business Affairs Council, University Planning Board and ASSOU.

Consultation on revision to policy with Policy Council and ASSOU, and posted for community comment on September 11, 2020.

### D. Other Information

Inquiries about this policy and procedure may be made internally to:

Director of Equity Grievance/Title IX Coordinator

Stevenson Union 321

(541) 552-7079

[fleischa@sou.edu](mailto:fleischa@sou.edu)

#### **Director of Equity Grievance/Title IX Coordinator**

Angela Fleischer, MSW, LCSW

Stevenson Union 321

(541) 552-7079

[fleischa@sou.edu](mailto:fleischa@sou.edu)

#### **Deputy Title IX Coordinators**

Jody Waters, Associate Provost

Deputy Coordinator for Faculty

Provost Office

Churchill Hall 113

(541) 552-6121

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Taylor Burke, Dean of Students

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Alana Lardizabal, Director of Human Resources

Deputy Coordinator for Employees

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**Confidential Advisors/Investigators**

Executive Director  
Student Health and Wellness Center  
(541) 552-8464  
[damatoa@sou.edu](mailto:damatoa@sou.edu)

Paul Matthews, Equity Grievance/Title IX Investigator  
Stevenson Union 321  
(541) 552-7163  
matthewsp@sou.edu

Inquiries may be made externally to:  
Office for Civil Rights / P / MCID 86