

Sexual and Gender-Based Harassment, Misconduct, and Violence (Students)

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I. SUMMARY

The University of Portland is committed to fostering a community that is safe and respectful for all community members. All students of the University are called to honor and respect the inherent value and dignity of others. Consistent with our values, sexual and gender-based harassment, misconduct, and violence are prohibited in our community. These types of prohibited conduct include: sexual harassment, including cyber harassment; sexual misconduct; sexual assault; dating, relationship, and domestic violence; stalking, including cyberstalking; negative conduct that attempts to prevent reporting of conduct prohibited by this policy or prevent participation in University processes related to this policy; and retaliation.

The University reserves the right to take action when it determines that a student has not met the University's standards in this area. Such conduct may result in discipline, up to and including dismissal from the University.

II. PROHIBITED CONDUCT

The following areas of conduct are prohibited at the University:

- 1) Sexual harassment, including, without limitation, cyber harassment;
- 2) Sexual misconduct;
- 3) Sexual assault;
- 4) Dating, relationship, and domestic violence;
- 5) Stalking, including, without limitation, cyberstalking;
- 6) Negative conduct (such as intimidation, retaliation, threats, harassment, or bribes) that attempts to prevent the reporting of conduct prohibited under this policy or that attempts to prevent participation in an investigation, conduct process, or other University process related to this policy; and
- 7) Retaliation.

III. DEFINITIONS

The following definitions are relevant to this policy and include definitions of prohibited conduct as well as related terms:

A. Sexual and Gender-Based Harassment.

Sexual harassment is a form of discrimination on the basis of sex or gender. Sexual harassment can occur via writings, visual forms, and verbal or physical conduct. Sexual or gender-related

conduct will violate this policy if it is sufficiently severe, pervasive, or persistent that it either (1) denies, interferes with, or limits a person's ability to participate in or benefit from the University's programs or activities; or (2) creates a learning, working, or living environment that a reasonable person would consider intimidating, hostile, or offensive.

The following are some examples of conduct that may be considered sexual harassment:

- Unwanted requests for sexual favors;
- Deliberate unwelcome touching that is sexual in nature;
- Unwanted and persistent sexual looks, gestures, or comments;
- Unwanted letters, telephone calls, texts, emails, or contact through social media of a sexual nature;
- Unwanted and persistent pressure for dates;
- Repeatedly leaving unwanted gifts, cards, or letters;
- Unwanted sexual joking, teasing, remarks, or questions;
- Whistling, leering, cat calls, or kissing sounds;
- Displays of materials, posters, video, or audio recordings of a sexual nature that do not have a research or pedagogical reason for display;
- Asking someone about sexual fantasies, preferences, or history, or talking to someone about yours;
- Telling lies or spreading rumors about a person's sex life;
- Unwelcome and unwanted hugging, touching, kissing, patting, stroking, or massages;
- Rubbing oneself sexually around another person;
- Exposing one's genitals;
- Repeatedly contacting or following someone either physically or through electronic means to demonstrate or make romantic or sexual overtures, including repeatedly asking someone out against their wishes, that causes the person to fear for their safety;
- Allowing other individuals to observe private sexual activity from a hidden location (e.g., closet) or through electronic means (e.g., FaceTime, Snapchat, Skype, or live-streaming images) without consent of the participant(s);
- Watching private sexual activity without the consent of the participants or viewing another person's intimate parts in a place where that person would have a reasonable expectation of privacy;
- Written, verbal, or electronic statements that disparage a person based on a perceived lack of stereotypical masculinity or femininity or perceived sexual orientation; and
- Recording, photographing, disseminating, or transmitting intimate or sexual utterances, sounds, or images of private sexual activity and/or a person's intimate parts.

B. Sexual Misconduct and Sexual Assault.

All forms of sexual contact without consent are considered sexual misconduct. Certain forms of sexual misconduct are also considered sexual assault.

Examples of sexual misconduct and sexual assault include, but are not limited to:

- **Nonconsensual sexual intercourse**, which is any sexual penetration or intercourse, however slight and with any object, by a person to another person that is without consent. This includes oral, anal, and vaginal penetration, to any degree and with any object. This type of conduct is referred to as “sexual assault” in this policy.
- **Nonconsensual sexual contact**, which is any sexual touching, however slight and with any object, by any person upon another without consent. Sexual touching is contact of a sexual nature, however slight. Examples of nonconsensual sexual contact include (but are not limited to): touching of a nonconsenting person’s intimate parts (such as groin, genitals, breast, buttocks, mouth, and/or clothing covering these parts); touching a nonconsenting person with one’s own intimate parts; making a nonconsenting person touch you or another; or any intentional bodily contact in a sexual manner. Depending on the nature or extent of the contact, this form of sexual misconduct may also be considered and referred to as “sexual assault.”
- Sexual misconduct also includes, but is not limited to:
 - Causing another to engage in involuntary sexual acts;
 - Sexual exhibitionism;
 - Stalking, bullying, or harassment;
 - Prostitution or the solicitation of a prostitute;
 - Peeping or other voyeurism;
 - Going beyond the boundaries of consent, e.g., by allowing others to view consensual sex or the non-consensual video or audiotaping of sexual activity; and
 - Causing or trying to cause the incapacitation of another with the intent of initiating sexual activity with or upon that person after incapacitation, regardless of whether sexual activity actually takes place.

C. Consent.

Consent means informed, freely, and voluntarily given mutual agreement understood by both parties and communicated by clearly understandable words or actions, to participate in each form of sexual activity. Consent will not be assumed by silence, incapacitation due to alcohol or drugs, unconsciousness, sleep, cognitive or mental incapacitation, physical impairment, or lack of active resistance.

A current or previous dating or sexual relationship is not sufficient to constitute consent, and consent to one form of sexual activity does not imply consent to other forms of sexual activity. Ultimately, consent must be freely and voluntarily communicated, verbally and/or physically, for every sexual act.

There is no consent where:

- There is coercion, threat, intimidation, or physical force involved (as explained in more detail below);
- One party has taken advantage of a position of authority that he or she has over the other party (as explained in more detail below);
- One party is incapable of giving consent due to incapacitation (as explained in more detail below);
- No verbal and/or physical communication indicating consent has taken place; or
- The reporting party is under the legal age of consent.

“Coercion” is the use of an unreasonable amount of pressure to gain sexual access. It is more than an effort to persuade, entice, or attract another person to engage in sexual activity. To determine whether coercion occurred, factors taken into consideration are: (i) the frequency of the application of pressure, (ii) the intensity of the pressure, (iii) the degree of isolation of the person being pressured, and (iv) the duration of the pressure. A finding of coercion also generally involves either the use of physical force or the threat of harm. Harm can include, but is not limited to, physical harm, harm to social relationships or reputation, financial harm, harm to terms and conditions of employment or academic situation, or other types of leverage created from the threat of harm.

“Threat” is a statement of an intention to inflict pain, injury, damage, or other hostile action on a person in retribution for something done or not done.

“Intimidation” is verbal or physical conduct that forces another person to do or not do some action by inducing fear.

“Physical force” is a physical act of power, violence, or pressure directed against another person.

“Position of authority” generally refers to a position with institutional or institution-related power. Examples are: employment-related supervisor, resident advisor, and athletic team captain.

D. Incapacitation.

An incapacitated person is incapable of giving consent. A person is incapacitated if that person is in a physical or mental state such that he or she lacks the ability to make a knowing and deliberate choice to engage in the sexual interaction. For the purposes of this policy, a person who is asleep or unconscious is incapacitated, without exception. A person may also become incapacitated due to other factors, which may include the use of alcohol and/or drugs to such a

degree that the person no longer has the ability to make a knowing or deliberate choice to engage in the sexual interaction. Engaging in sexual activity with a person whom an individual knows, or should reasonably know, to be incapacitated constitutes a violation. If there is a question about whether the reporting party was incapacitated, the relevant standard is whether the respondent knew, **or a reasonable person not under the influence of a judgment-impairing substance in the respondent's position should have known**, that the reporting party was incapacitated and therefore could not consent to the sexual activity.

Consumption of alcohol or drugs is not by itself sufficient to establish incapacitation. Therefore, each incident will be assessed on a case-by-case basis.

Incapacitation is a state beyond drunkenness or intoxication. An individual who is intoxicated may be able to consent to sexual activity. However, when an individual passes from intoxication to a state of incapacitation, the individual no longer has the ability to give consent.

Some indications of intoxication include, but are not limited to: slurred speech or difficulty communicating; difficulty walking or standing; and/or exaggerated emotions.

Some indications of incapacity include, but are not limited to: indications of intoxication (as set out above); inability to speak coherently; inability to walk unassisted; vomiting; glassy or bloodshot eyes; unable to keep eyes open; unusual behavior; unconsciousness; confusion or lack of understanding of basic facts; and/or disorientation to place, time, and/or location. These indications alone do not necessarily indicate incapacitation.

E. Dating, Relationship, and Domestic Violence.

Dating, relationship, or domestic violence is generally characterized by repeated manipulative behavior aimed at gaining power or control over an intimate or romantic partner. It consists of harassment or violence committed by a person who is or has been in a relationship of a romantic or intimate nature with the recipient of such conduct. The existence of a relationship of a romantic or intimate nature is determined by considering the following factors: length of relationship, type of relationship, and frequency of interaction within the relationship.

Examples of prohibited conduct include, but are not limited to, the following:

- Emotional abuse, which includes words and/or conduct used to manipulate or hurt a romantic or intimate partner (this is subject to application of the reasonable person standard in section IV below);
- Verbal abuse, which includes the use of words or the withholding of communication to manipulate or hurt a romantic or intimate partner (this is subject to application of the reasonable person standard in section IV below);
- Physical abuse, which includes words and/or conduct used to threaten or harm a romantic or intimate partner's physical safety (this is subject to application of the reasonable person standard in section IV below);

- Resource abuse, which includes words and/or conduct aimed at manipulating or harming the financial or legal situation of a romantic or intimate partner (this is subject to application of the reasonable person standard in section IV below).
- Sexual misconduct or sexual assault (as defined in Section III of this policy);
- Physical violence that occurs between individuals in a dating relationship;
- Physical violence that occurs between individuals within the same household or who are related to one another or share a child;
- Within a dating or domestic relationship, attempting to cause or intentionally, knowingly, or recklessly causing bodily injury; and
- Within a dating or domestic relationship, intentionally, knowingly, or recklessly placing another in fear of imminent bodily injury.

Domestic violence includes felony or misdemeanor crimes as defined by any applicable federal, state, or local law.

F. Stalking.

Stalking means engaging in a course of conduct directed at a specific person or persons that would cause a reasonable person to:

- Fear for his/her safety or the safety of others; or
- Suffer substantial emotional distress.

Stalking is generally composed of two or more acts over a period of time, however short. Examples of conduct prohibited under this policy include, but are not limited to:

- Nonconsensual and repeated communications;
- Intentionally following, pursuing, waiting for, or showing up uninvited;
- Surveillance or other types of close observation;
- Direct physical and/or verbal threats against an individual or the individual's loved ones;
- Manipulative and controlling behaviors, including, but not limited to, means via the internet or electronic means; and
- Cyber-stalking, which is the use of the internet or other electronic means to stalk an individual. Cyber-stalking may involve stalking type conduct that involves, but is not limited to, a larger than usual volume of email or text communications, false accusations, monitoring over the internet or via electronic means, making threats via the internet or electronic means, identity theft, intentional damage to data or equipment on the internet or via technology, or gathering information via the internet or via technology in order to harass another.

G. Negative conduct (such as intimidation, retaliation, threats, harassment, or bribes) that attempts to prevent the reporting of conduct prohibited under this policy or that attempts to prevent participation in an investigation, conduct process, or other University process related to this policy.

It is important for individuals to not engage in any actions that might be seen as trying to prevent the report of a potential violation of this policy or interfering with an investigation, including attempting to influence the information provided by potential witnesses. There are various ways individuals can use or engage in to try to prevent a report or interfere with an investigation. Any such conduct is prohibited.

H. Retaliation.

Retaliation occurs when an individual is subjected to certain types of material, adverse treatment because of or as the result of: (i) making a report about conduct potentially prohibited by this policy or participation in an investigation, conduct process; or (ii) other University process related to this policy.

I. Reporting Party and Responding Party.

For situations involving sexual or gender-based harassment, misconduct, and violence, a student who is the alleged victim/survivor is referred to as the “reporting party.” A student who is the alleged perpetrator of the sexual or gender-based harassment, misconduct, or violence is referred to as the “responding party.”

IV. CLARIFICATIONS

A. Strangers and Non-Strangers.

Sexual or gender-based harassment, misconduct, and violence can involve strangers, friends, acquaintances, intimate partners, or others.

B. Intoxication or impairment is not a defense.

Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual or gender-based harassment, misconduct, or violence.

C. Use of Reasonable Person Standard.

Where there is a specific reference to the reasonable person standard in this policy, the University will use a “reasonable person” standard in investigating reports and complaints of violations of this policy, both in determining facts and in assessing culpability.

A “reasonable person” is a hypothetical person who is levelheaded and rational, aware of community norms, and **not under the influence of a judgment-impairing substance**. Further, this person considers all information available to them about the circumstances and actual and

perceived identities of all parties involved in the incident(s). The decision maker may use the reasonable person standard when assessing whether a reasonable person, as defined above, in the same position as the respondent, would believe that they had consent in that context.

This standard can be used in different ways throughout the investigation and student conduct process. For example, because the standard is referred to in the definition of prohibited discriminatory harassment, parties investigating a report or formal complaint of discriminatory harassment will use the reasonable person standard by assessing the situation from the perspective of a reasonable person as defined above to decide if the behavior constitutes a violation of this policy.

D. Amnesty.

To foster the safety and security of the entire community, the University of Portland encourages community members to report all incidents of sexual or gender-based harassment, misconduct, and violence. Students are sometimes afraid to report such incidents for fear of being held accountable for other, lesser policy violations such as intervisitation, alcohol, drug, or sexual intimacy.

In order to encourage students to obtain resources and report incidents, the University will not pursue the conduct process against a student who reports an incident of sexual and gender-based harassment, misconduct, and violence for lesser policy violations that occur in connection with the reported incident. Students who are interviewed as witnesses in such cases will not be subject to the student conduct process for lesser policy violations that occur in connection with the reported incident.

The University of Portland strongly encourages students to report all incidents of sexual or gender-based harassment, misconduct, or violence. The University prohibits intimidation, retaliation, threats, harassment, or other types of conduct that attempts to prevent the reporting of such an incident or participation in an investigation, conduct process, or other University process related to such an incident. Any individual who feels subjected to this type of conduct should immediately report their concerns to the Title IX Office, Student Conduct, or call Public Safety. (Contact information for these offices is in Section V, below.)

V. SUPPORT & RESOURCES

When sexual or gender-based harassment, misconduct, or violence occurs, the University's primary concern is for the safety, health, and wellness of those who are affected. The University offers a variety of resources and support to assist affected students as outlined below. The

University encourages affected students to speak to someone about what happened and to obtain information about types of support that are available.

A. Types of support available to students.

The following types of support are available to students. These are general examples and is not an exhaustive list:

- Emotional, mental health, and general counseling support;
- Medical support;
- Information about the University's investigation and conduct processes;
- Information about restraining orders and no-contact orders;
- Information about the process for obtaining an interim suspension of responding party(s);
- Information about academic accommodations, such as a change in one's academic schedule or accommodations related to timing of class requirements.
- Information about non-academic accommodations, such as a change in on-campus work schedule and alternative housing options.
- Information about other on-campus or off-campus resources.

B. How to access support.

Support can be obtained by contacting an on-campus or off-campus resource.

The two offices on campus that can most directly facilitate the providing of support, particularly in the areas of accommodations, are the Title IX Office and the Health & Counseling Center.

Resources are divided into three groups as follows: (i) On-Campus Confidential Resources; (ii) On-Campus Resources; and (iii) Off-Campus Resources.

ON-CAMPUS CONFIDENTIAL EMPLOYEES

The University recognizes not every individual will want to or be prepared to make a formal report to the University or to law enforcement. Students seeking to talk to someone about an incident of sexual or gender-based harassment, misconduct, or violence in a confidential manner without making a report to the University or initiating any investigation or action by the University or the police can access confidential resources as outlined and described in this policy below.

When information is shared with a resource on campus, the level of confidentiality that can be provided by a resource depends on (i) whether the resource has been designated a confidential employee, and (ii) whether there are any exceptions to that resource's ability to maintain confidentiality.

In this section, we have listed on-campus resources that have been designated as confidential by the University for purpose of the University’s reporting policies and processes. In addition to setting out contact information for the resources, information has been provided about any exceptions to confidentiality. Information about the extent of confidentiality and exceptions to confidentiality can be complicated. If a student has questions or concerns about confidentiality, the University encourages students to ask these questions directly to confidential employees before sharing information that the student wishes to keep confidential.

All confidential resources on campus will be marked as a confidential employees for Title IX purposes on the University’s directory.

Confidential Employees – Health & Counseling Center (HCC)	
Specific Resource	Contact Information
HCC Counselors	<ul style="list-style-type: none"> - (503) 943-7134 - hcc@up.edu - up.edu/healthcenter - Orrico Hall
ProtoCall (after hours support)	- (503) 943-7134, option 3 (outside HCC office hours)
Other HCC Staff <ul style="list-style-type: none"> - Wellness Education & Prevention Program Coordinator - Nurse Practitioners - Registered Nurse - Medical Assistant - Medical Office Administrator 	<ul style="list-style-type: none"> - (503) 943-7134 - hcc@up.edu - up.edu/healthcenter - Orrico Hall
ProvRN (Nurse Advice Line)	- (503) 574-6520
Important Information About Confidentiality. There are a few exceptions to confidentiality when information is shared with HCC counselors, ProtoCall, and HCC staff. They may need to disclose information to others when: (1) a student shares intent to harm oneself or someone else; (2) a student shares information about current abuse or neglect of a minor or vulnerable adult; or (3) a court order orders disclosure. If the student is under the age of 18, University employees are required to report certain information shared because they are state-mandated reporters of child abuse. Outside of these exceptions, the University will treat information shared with HCC counselors, ProtoCall, and HCC staff confidentially.	

Please note, any information shared with HCC counselors, ProtoCall, and HCC staff is held in the strictest confidence. Generally, courts recognize the confidentiality of information shared with counselors, although there may be exceptions. Many courts also recognize the confidentiality of information shared with a medical practitioner, although there may be exceptions.

It is likely that information shared with HCC staff who are not counselors or medical practitioners will **not** be treated as confidential by courts. This means, for example, that if a civil or criminal case develops, the employee could still be called as a witness or required to turn over any related documents or notes the employee keeps in a court proceeding.

Confidential Employees – Campus Ministry and Priests

Specific Resource	Contact Info
<p>Campus Ministry Staff:</p> <ul style="list-style-type: none"> - Fr. Jim Gallagher, C.S.C. - Maureen Briare - Annie Boyle - Fr. Tim Weed, C.S.C. - Veronica Bathon - Alex Roth 	<ul style="list-style-type: none"> - 503-943-7131 - ministry@up.edu - up.edu/campusministry - Main office at St. Mary's
<p>Priests serving on campus, including those serving as:</p> <ul style="list-style-type: none"> - Pastoral Residents - Faculty (not including priests with University-wide administrative duties) - Staff (not including priests with University-wide administrative duties) <p>Priests with University-wide administrative duties (the President, Vice Presidents, and any other position serving on the President's Leadership Cabinet) have the discretion to receive information under the Sacrament of Reconciliation or Confession but otherwise are not confidential resources. If a student speaks with a priest who has University-wide administrative duties and the communication is outside such sacraments,</p>	<ul style="list-style-type: none"> - Residence Hall directories - Staff/Faculty directory: up.edu/directory - Holy Cross directory: up.edu/directory-listing-holy-cross

the report will not be treated confidentially, and the priest will need to report any potential Title IX matter to the Title IX Office. Communications that are within the Sacrament of Reconciliation or Confession will be treated confidentially.	
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Important Information About Confidentiality.

There are a few exceptions to confidentiality when information is shared with campus ministers and priests. Campus ministers and priests may need to disclose information to others when: (1) a student shares intent to harm oneself or someone else; (2) a student shares information about current abuse or neglect of a minor or vulnerable adult; or (3) a court order orders disclosure. Except for these exceptions, the University will treat information shared with campus ministers and priests confidentially.

Please note, any information shared with a priest in the Sacrament of Reconciliation (also referred to as the Sacrament of Confession) is held in the strictest confidence. Generally, courts will likely recognize the confidentiality of information shared with priests under the Sacrament of Reconciliation or Confession, although there may be exceptions.

It is likely that information shared with Campus Ministry staff or with priests **outside** of the Sacrament of Reconciliation or Confession **will not be treated as confidential by courts**. This means, for example, that if a civil or criminal case develops, the employee could still be called as a witness or required to turn over any related documents or notes the employee keeps in a court proceeding.

ON-CAMPUS RESPONSIBLE EMPLOYEES

There are offices and individuals on campus available to support students following an incident of sexual or gender-based harassment, misconduct, or violence, but students should note that the following employees are obligated to report student disclosures to the University if they receive information about potential prohibited conduct. Therefore, these University employees are considered responsible employees by the University. Students may choose to connect with these offices and individuals if they want the University to engage its Title IX processes and policies. (See “How to Report & What Happens Next” section below for additional information)

If a campus administrator, faculty member, or staff member is not specifically designated as a Confidential Employee as described above, the individual has a duty to report information to the Title IX Office. Individuals on campus who have a duty to report are sometimes referred to as “Responsible Employees.”

The following are specific University offices, employees, and University community members who have a duty to report information to the Title IX Office or engage in Title IX processes such as investigations:

Resources with Reporting Duties	Contact Information
<p>Title IX Office</p> <ul style="list-style-type: none"> - Meg Farra, Deputy Title IX Coordinator for Students - Sandy Chung, Vice President for Human Resources & Title IX Coordinator for Compliance - Matt Rygg, Associate Vice President for Student Development & Title IX Coordinator for Education - Patrick Plaza, Deputy Title IX Coordinator for Administrative Processes 	<ul style="list-style-type: none"> - (503) 943-8982 - titleix@up.edu - up.edu/titleix - Waldschmidt Hall, Fifth Floor
<p>Residence Life Office</p> <ul style="list-style-type: none"> - All staff at Residence Life including the Director of Residence Life, Residence Life administrative office staff, hall directors, assistant hall directors, and resident assistants 	<ul style="list-style-type: none"> - (503) 943-7205 - reslife@up.edu - up.edu/residencelife - Tyson Hall 123
<p>Student Conduct Office, including:</p> <ul style="list-style-type: none"> - Sarah Meiser, Associate Director for Community Standards 	<ul style="list-style-type: none"> - (503) 943-7205 - meisers@up.edu - up.edu/residencelife/student-conduct - Tyson Hall 123
<p>Public Safety Office</p> <ul style="list-style-type: none"> - All staff at Public Safety Office including the Director of Public Safety, Public Safety Officers, and Dispatchers, and any other Public Safety staff member 	<ul style="list-style-type: none"> - (503) 943-7161 - publicsafety@up.edu - up.edu/publicsafety - Haggerty Hall 100

All University employees with administrative and management duties: president and vice presidents, associate vice presidents, provost and associate/assistant provosts, and deans and associate/assistant deans.
All University employees with any type of supervisory duty (including supervisory duties overseeing student employees). However, if an employee in this category is specifically designated a Confidential Resource, that employee does not have a duty to report information to the Title IX office.
All University faculty. However, if an employee in this category is specifically designated a Confidential Resource, that employee does not have a duty to report information to the Title IX office.
All administrative staff in the Office of Residence Life, hall directors, assistance hall directors, and resident assistants.
All athletics staff, including all coaching staff.
All non-HCC counselors, such as academic counselors at the University’s schools and academic counselors assigned to the Athletics Department.
Important Note: If a campus administrator, faculty member, or staff member is not specifically designated as a Confidential Resource as described above, the individual has a duty to report information to the Title IX Office.

OFF-CAMPUS RESOURCES

The following are off-campus resources available to students. The level of confidentiality provided depends on the policies of each off-campus resource.

Off-Campus Resources	Contact Information
<p>Call to Safety (formerly known as Portland Women’s Crisis Line).</p> <p>Provides confidential advocacy, support, and information about resources. This resource is available to individuals of all sexes/genders, as well as those directly or indirectly affected, or those supporting individuals who are affected. Call to Safety also provides</p>	<ul style="list-style-type: none"> - 888.235.5333 - support@calltosafety.org - calltosafety.org

services related to domestic violence and stalking.	
<p>Sexual Assault Resource Center.</p> <p>Provides confidential advocacy, support, and information about resources. This resource is available to individuals of all sexes/genders, as well as those directly or indirectly affected, or supporting individuals who are affected.</p>	<ul style="list-style-type: none"> - (503) 640-5311 - sarcoregon.org
<p>Q Center.</p> <p>Provides resources and referrals for the LGBTQ community.</p>	<ul style="list-style-type: none"> - (503) 234-7837 - info@pdxqcenter.org - pdxqcenter.org
<p>Forge.</p> <p>Forge provides services to transgender, gender non-conforming, and gender non-binary survivors of sexual assault.</p>	<ul style="list-style-type: none"> - (414) 559-2123 - forge-forward.org
<p>YWCA.</p> <p>YWCA provides support and information related to situations of domestic violence.</p>	<ul style="list-style-type: none"> - (503) 988-6400 - ywcapdx.org - portlandoregon.gov/gatewaycenter
<p>Rafael House.</p> <p>Rafael House provides support and information related to situations of domestic violence.</p>	<ul style="list-style-type: none"> - (503) 222-6507 - ywcapdx.org - raphaelhouse.com
<p>Portland Police Bureau.</p> <p>The Portland Police Bureau can aid in investigating reports of sexual assault and pursuing a criminal case.</p>	<ul style="list-style-type: none"> - Emergency: 911 - Non-Emergency: (503) 823-3333 - portlandoregon.gov/police

OTHER RESOURCES (EVENTS)

The University may coordinate informational or public awareness events regarding sexual and gender-based harassment, misconduct, and violence. Such events include “Take Back the Night,” the Clothesline Project, candlelight vigils, protests, “survivor speak outs,” and other such forums during which students may disclose their experiences with sexual and gender-based harassment, misconduct, and violence. Generally, when students disclose information at these types of events, such disclosure will not be considered notice to the University for purposes of initiating the University’s obligation to investigate and/or address any particular incidents. However, such events may inform the need for campus-wide education and prevention efforts. In order for confidentiality to apply to an event, event organizers should make a specific request to the Title IX Office, which will be considered on an individual basis. This is also so that the Title IX Office can keep appropriate records regarding the confidential nature of the event.

VI. HOW TO REPORT & WHAT HAPPENS NEXT

The following are ways that a student can report a concern about sexual or gender-based harassment, misconduct, or violence. These are not the only ways to make a report. Students with questions or who need support with the reporting process are encouraged to reach out to the confidential and responsible employees listed above.

How to make a report. Reports may be made via the Title IX website, email, phone, or in-person. Reports may be made by the individual directly affected by the incident of concern or by another person on behalf of that individual.

Resources with Reporting Duties	Contact Information
Title IX Office <ul style="list-style-type: none">- Meg Farra, Deputy Title IX Coordinator for Students- Sandy Chung, Vice President for Human Resources & Title IX Coordinator for Compliance- Matt Rygg, Associate Vice President for Student Development & Title IX Coordinator for Education	<ul style="list-style-type: none">- (503) 943-8982- titleix@up.edu- up.edu/titleix- Waldschmidt Hall, 5th Floor

<ul style="list-style-type: none"> - Patrick Plaza, Deputy Title IX Coordinator for Administrative Processes 	
<p>Residence Life Office</p> <ul style="list-style-type: none"> - All staff at Residence Life including the Director of Residence Life, Residence Life administrative office staff, hall directors, assistant hall directors, and resident assistants 	<ul style="list-style-type: none"> - (503) 943-7205 - reslife@up.edu - up.edu/residencelife - Tyson Hall 123
<p>Student Conduct Office, including:</p> <ul style="list-style-type: none"> - Sarah Meiser, Associate Director of Community Standards 	<ul style="list-style-type: none"> - (503) 943-7205 - meisers@up.edu - up.edu/residencelife/student-conduct - Tyson Hall 123
<p>Public Safety Office</p> <ul style="list-style-type: none"> - All staff at Public Safety Office including the Director of Public Safety, Public Safety Officers, and Dispatchers, and any other Public Safety staff member 	<ul style="list-style-type: none"> - (503) 943-7161 - publicsafety@up.edu - up.edu/publicsafety - Haggerty Hall 100

What happens next? If a report is made to a non-Title IX Office or individual, the report will be relayed to the Title IX Office. Once the Title IX Office receives a report, directly from the reporting party or from another office or individual, a Title IX staff member (such as Title IX Coordinator or Deputy Title IX Coordinator member) will contact the reporting party to explain the Title IX process, including next steps, and to discuss types of support available, including potential academic and non-academic resources

Informal resolution processes. For matters involving less serious conduct, the Title IX Office may facilitate informal resolution processes if this is requested by or agreeable to the reporting party and also agreeable to the University. Generally, informal resolution processes are not applicable to cases involving sexual assault and more serious cases of sexual misconduct.

Informal resolution processes typically involve the facilitation of support and accommodations for the reporting party, along with discussion and/or action as agreed with by the responding party.

Formal resolution processes. For matters involving conduct that is more serious (such as any form of sexual assault and more serious cases of sexual misconduct) or in any type of matter if requested by the reporting party, the Title IX Office will facilitate formal resolution processes.

The first part of the formal resolution process involves an investigation by a University investigator who gathers information (such as via interviews, document review, etc.). (More information about the investigation process is in Section VII below.)

The second part of the formal resolution process is the student conduct process. The student conduct process involves a student conduct panel with specific Title IX related training. The panel will be provided with the information gathered by the University investigator. The panel also may hear testimony directly from the reporting party, responding party, and other witnesses. The panel will make a determination about whether a conduct violation occurred and what sanctions are appropriate to the violation, if any. (More information about the investigation process is in Section VII below)

Important note. *What happens if a student reports concerns to a responsible employee at the University and the student requests confidentiality or anonymity or that the University not pursue the report?*

The University will take all reasonable steps, consistent with legal requirements, to investigate and respond to the report consistent with the student's request for confidentiality or request not to pursue an investigation. If a reporting student asks that his or her name or other identifiable information not be disclosed to the responding party, the University's ability to investigate and/or respond may be limited. In any instance of alleged sexual or gender-based harassment, misconduct, or violence, the University will evaluate a request for confidentiality or request to not pursue an investigation in the context of its responsibility to provide a safe, nondiscriminatory, and non-harassing environment for all community members, including students. In the event the University cannot maintain confidentiality, the University will attempt to inform the reporting student.

The University will strive to honor the request of the reporting party as to a course of action. However, the University reserves the right to take action as the University determines is appropriate and necessary in all cases of sexual or gender-based harassment, misconduct, and/or assault, particularly where there may be an imminent threat.

Making a report to law enforcement. In addition to the right to file a Title IX complaint, a reporting party has the right to file a complaint with local law enforcement if the reporting party believes a crime has occurred. An incident can be reported to the Portland Police Bureau for possible criminal prosecution. The police report can be made at Public Safety or directly to the Portland Police Bureau.

If the report for law enforcement is made through Public Safety, Public Safety also will notify the Title IX Office for appropriate follow up and administrative investigation. If a report is made directly to the Portland Police Bureau, the Title IX Office may not know about the report and therefore would not be able to initiate the University's Title IX processes.

The University has no ability to pursue criminal charges against an individual through the University’s Title IX investigation or conduct process. The most serious discipline the University can issue through the conduct process is dismissal from the University.

Resources for making a report to law enforcement	Contact Information
Portland Police Bureau	<ul style="list-style-type: none"> - Emergency: 911 - Non-Emergency: (503) 823-3333 - portlandoregon.gov/police
Public Safety Office <ul style="list-style-type: none"> - All staff at Public Safety Office including the Director of Public Safety, Public Safety Officers, and Dispatchers, and any other Public Safety staff member 	<ul style="list-style-type: none"> - (503) 943-7161 - publicsafety@up.edu - up.edu/publicsafety

VII. MORE INFORMATION ABOUT INVESTIGATION, CONDUCT HEARING, AND CASE REVIEW

- In matters involving allegations of sexual or gender-based harassment, misconduct, or violence, the below processes, requirements, and standards will be applied. Formal rules of process, procedure, or rules of evidence such as those applied in criminal or civil courts are not used in the student conduct process.

A. Investigation prior to student conduct hearing.

- The student making a report (the “reporting party”) will be interviewed and asked to give a statement through a Title IX Investigator.
- Upon receipt of the statement, the University will conduct a fact-finding investigation.
- Once allegations are made and a student conduct investigation begins, a no-contact order will be issued between the two parties. Therefore, it might be necessary to make changes to living arrangements, course schedules, and dining locations to avoid confrontations between the students. All reasonable efforts will be made to accommodate the concerns of the students involved.
- The student who is named in the report (the “responding party”) will also be contacted to provide a statement.
- The fact-finding report will include the statements of both parties as well as other information and reports collected and completed by the Title IX Investigator. The report will be submitted to Student Conduct.

- Both the reporting party and the responding party may identify witnesses who possess relevant information about the alleged incident of sexual or gender-based harassment, misconduct, or violence to the Title IX Investigator. The Investigator will conduct interviews and will document them during the investigation. This documentation will be forwarded on for use within the conduct process in lieu of witnesses attending the conduct hearing in person.
- Once both statements are submitted, the reporting party and the responding party will have access to the other party's statement upon request to Student Conduct.
- The investigation will be completed within a reasonable time frame, generally sixty (60) calendar days unless exceptional circumstances exist warranting an extension of the time frame.

B. Student conduct hearing.

- Students may have the support person of their choosing at the conduct hearing, including parents or attorneys. If a student brings an attorney to serve as their support person during a meeting or hearing, the University's attorney may also be present. Support persons may be present in the hearing setting but are not permitted to participate in the hearing process. The reporting party and/or responding party must submit the name of the support person they wish to bring to the hearing officer twenty-four (24) hours prior to the hearing. Both the reporting party and the responding party have the same right to have a support person of their choosing present throughout the conduct hearing.
- Both the reporting party and the responding party will receive equivalent notice of process.
- The conduct hearing will be conducted with both the reporting party and the responding party present. Reasonable arrangements, such as the use of a physical barrier, will be made to prevent the reporting party and the responding party from directly facing one another. If a student chooses not to attend the hearing, the hearing panel will proceed in reaching a decision about the outcome of the case and possible sanctions without the absent student(s)' participation in the hearing process.
- Both the reporting party and the responding party have the same right to present relevant evidence throughout the conduct hearing.
- No questions, statements, or information about the sexual activity of the reporting party with anyone other than the responding party may be introduced. Questions, statements, or information about past sexual activity between the reporting party and the responding party may only be discussed if relevant to the issue of consent.
- The hearing officers will make a decision based on the "preponderance of evidence" standard, i.e., whether it is "more likely than not" that the alleged incident occurred.
- The decision will be made within a reasonable timeframe after the conclusion of the hearing unless exceptional circumstances exist warranting an extension of the timeframe.
- The University will disclose, in writing, the final results of any institutional conduct proceedings to both the reporting party and the responding party.
- Both the reporting party and the responding party may request a case review according to the process set forth below in subsection "C. Case review."

- Students who are found responsible for violating University policies regarding sexual or gender-based harassment, misconduct, or violence may be subject to disciplinary sanctions, including, without limitation, suspension or dismissal from the University.

C. Case review.

- Both the reporting party and the responding party have the right to request a case review.
- The student must submit written requests for a case review to Student Conduct within three (3) business days of being informed of the original decision. Failure to submit a case review request within that time period will render the original decision final.
- Generally, if a request for case review is filed in a timely manner, the sanctions issued because of the original decision will not become effective until the review process is completed.
- A request for case review may be submitted by completing a “Case Review Request Form” found online on the Student Conduct website. The Case Review Request Form must be completed in its entirety and contain the student’s signature.
- A case review may be based solely on one of the following criteria:
 - o The procedures outlined in *Life on the Bluff* were not followed during the student’s original hearing; or
 - o New and significant evidence is available which was unknown and could not have been known at the time of the hearing.
- **The severity of sanction is not considered a legitimate ground for case review.**
- After a case review request is submitted to Student Conduct within three (3) business days following the original decision, Student Conduct and/or its designee(s) will provide a written response to the case review request. This response may include any information that the hearing officer(s) regards as relevant to the review, including any information used by the hearing officer(s) in making his or her determination.
- Where a case review involves sexual or gender-based harassment, misconduct, or harassment, the case reviewer is the Vice President for Student Affairs or a designee.
- The case reviewer will have the opportunity to review the student’s conduct file, case review request, and the written response from the original hearing officer(s). The reviewer may then do any of the following: (1) refer the case back for more information, (2) request that the case be reheard, or (3) make a decision regarding the case on the basis of the information provided. Generally, the case review itself will not involve an additional meeting with the charged student.
- The decision made by the Vice President for Students Affairs or his/her designee is final.