

LEWIS & CLARK COLLEGE



CLERY REPORT 2019

Campus Safety

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+Crime Awareness, Security and Fire Safety Report

Jeanne Clery Disclosure of
Campus Security Policy and
Campus Crime Statistics Act

Lewis & Clark College
Campus Safety
2018-2019

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, named in memory of Jeanne Clery, a 19-year-old Lehigh University freshman who was assaulted and murdered in her residence hall room on April 5, 1986, is a federal law that requires colleges and universities to collect, report, and disseminate crime data to the campus community and the U.S. Department of Education; to provide timely warnings of reported crimes that pose a serious or continuing threat to the community; and to make public their campus security policies. Amendments enacted since 2008 require additional reporting about emergency response, fire safety, hate crimes, missing student procedures, and VAWA offenses. The Director of Campus Safety prepares the annual report in cooperation with the Offices of Campus Living and Facilities Services, other campus entities, and the Portland Police Bureau. Every fall, email notification is made to all students, faculty, and staff, providing the website address to access the report-
www.lclark.edu/about/campus_safety/crime_awareness/

Paper copies may also be obtained at Campus Safety, or by calling 503.768.7855.

Mission statement

Lewis & Clark College is concerned about the safety and welfare of all campus members and guests and commits itself to promoting a safe and secure environment. Because no campus can totally isolate itself from crime and other unforeseen eventualities, Lewis & Clark has developed a series of policies and procedures designed to ensure that every possible precaution is taken to protect the campus community.

Office of Campus Safety

The Office of Campus Safety reports to the Vice President of Student Life. Campus Safety works closely with all departments of the College to ensure that safety policy and procedures are uniformly executed and conveyed in a clear and consistent manner to all the College's students, faculty, and staff.

Campus Safety/Visitor Information is located at the Gate 3 entrance of the Lewis & Clark undergraduate campus. The office is open 24 hours a day, 365 days a year, staffed by Campus Safety dispatchers, uniformed officers, a Supervisor, and a Director. The office provides around-the-clock patrol and services to the campus community. All Campus Safety officers are licensed in the state of Oregon as unarmed private security providers. They have the same arrest powers as a private citizen as provided in the Oregon Revised Statutes 133.225.

Campus Safety officers are responsible for a full range of safety services to the Lewis & Clark community, including most property crime investigations, medical emergencies, fire emergencies, traffic accidents, and enforcement of all College policies, including those relating to alcohol use, drug use, and weapons possession.

Any member or guest of the Lewis & Clark community is encouraged to promptly report all criminal activity, including Clery crimes, suspicious activity, and other emergencies on campus directly to the Office of Campus Safety. Witnesses are encouraged to make reports about criminal acts of which they have awareness when a victim is unable to do so. Please dial extension 7777 for all emergency calls, 24 hours a day. Campus Safety officers will meet persons anywhere on campus to investigate and inquire about any of these events. Please call extension 7855 for all non-emergency business calls. From off campus, call 503-768-7777 to connect to Campus Safety emergency, and call 503-768-7855 for non-emergency matters. Criminal activity on campus may also be reported directly to the Portland Police Bureau by calling 911 in an emergency, or 503-823-3333 for non-emergency matters.

College relationship with law enforcement

Lewis & Clark College is located within the city of Portland, the county of Multnomah, and the state of Oregon, and is under the jurisdiction of the Portland Police Bureau. The college has a long-standing and positive relationship with the local police. Campus Safety personnel call upon the police for assistance when the limited resources of the Office of Campus Safety and its staff are not adequate to meet the needs of the college response to a major crime or incident on campus. The Portland Police Bureau will typically respond to the campus when a major felony crime has occurred and will assist the Office of Campus Safety in its investigation.

All members of the Lewis & Clark College community are encouraged to report any criminal activity on campus to either the Office of Campus Safety or the Portland Police Bureau. The Office of Campus Safety submits all criminal investigation reports to the Portland Police Bureau, where they automatically become part of its record-keeping system. All serial numbers of property stolen from campus are then reported through the Portland Police Bureau to the Law Enforcement Data System (LEDS) and the National Crime Information Center (NCIC).

The College has a formalized, detailed "Partnership Agreement" with the Portland Police Bureau, the Multnomah County District Attorney's Office, the Oregon Liquor Control Commission and Portland's Southwest Crime Prevention Office. The purpose of this agreement is to assure a smooth and efficient working relationship between the local criminal justice system and the college. This agreement enhances and supports the College in its responsibility to provide a safe and secure environment for all members of the Lewis & Clark College community.

The federal Campus Sex Crimes Prevention Act, was enacted on October 28, 2000. The law requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. That information is available through the Oregon State Police at "<http://egov.oregon.gov/OSP>". The Office of Campus Safety is more than willing to assist any member of the Lewis & Clark College community in accessing this information.

Emergency response and evacuations

Lewis & Clark has contracted with Blackboard Connect to provide emergency notification to all community members in the event of a natural or human caused emergency. As soon as the Office of Campus Safety receives a credible report of a significant emergency or dangerous situation involving an immediate threat to the health or safety of community members, staff will initiate the Blackboard Connect emergency notification system's use, and scripted messages, including, when necessary, directions to evacuate, are then delivered via text message, cell phone, office phone, home phone, college email, other email, or any combination of the above.

In making a determination that such an emergency or dangerous situation exists, Campus Safety personnel, the Incident Response Team, emergency personnel, and any credible sources will be consulted as necessary. After ascertaining who needs to be notified, a member of the Campus Safety staff will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate emergency notification, unless the notification will, in the professional judgment of the responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

The Director of Campus Safety, or designee, is authorized to initiate the use of the Blackboard Connect emergency notification system, and the Director, the Campus Safety Supervisor, and all Campus Safety dispatch personnel are trained to carry out the notification process. Follow up messaging may also be delivered via the emergency notification system.

Information about the emergency notification system, including the sign up process, is publicized several times a year via multiple avenues, including the Source (on-line news for faculty and staff) and announcements to students on all three campuses. The information is also posted on the Campus Safety web site.

Additional emergency information will be disseminated to the larger community via the Lewis & Clark web site (www.lclark.edu), serving as a central source for authoritative, up-to-date information, and the Lewis & Clark snow line—503-768-SNOW (7669) carries a recorded message that is updated, as needed, during an emergency. Any additional notifications to the local community would be made at the discretion of the Incident Commander, and in coordination with the Public Information Officer.

Due to the recently heightened understanding of the potential for devastating seismic events in the region, the College participated in the Great 2018 Oregon Shakeout. The Oregon Shakeout, which is part of a nationwide initiative to increase citizen resilience to seismic events, was performed by students, faculty, and staff on October 18, 2018. Community members were instructed to follow established protocol for survival during an earthquake (drop, cover, hold) for 60 seconds following a broadcast on the Emergency Notification System (ENS), then discuss evacuation plans. The objectives for the exercise were to:

- Raise campus earthquake resilience by implementing best practices for preparedness, event survival, and subsequent survival activities
- Test the ENS for effectiveness and timeliness across all delivery modes (email, text, phone)
- Inform the community of local, state, and national preparedness, response, and recovery challenges

Lewis & Clark's emergency procedures are available both as printed "In case of emergency" posters and on the Campus Safety web site. Detailed instruction, including evacuation procedures, is included.

Community member responsibilities

The cooperation and involvement of all community members in a campus safety program is absolutely essential. Persons must assume responsibility for their own personal safety, as well as the safety of others, and the security of personal property by taking simple, commonsense precautions. For example, although the campus is well lighted, persons—male or female—may feel more comfortable using the Campus Safety escort program when crossing campus late at night. Exterior residence hall and other building doors should never be left propped open, and community members should not allow entry by persons unknown to them into secure areas. Residence hall room doors should be locked at night and whenever rooms are unoccupied. Valuable items such as smart phones, cameras, laptop computers, touchpads, and backpacks should never be left unattended. Serial numbers of such items should be recorded, and the items themselves may be marked with engraving instruments provided by the Office of Campus Safety at no charge. Sturdy locking mechanisms, such as a hardened steel chain with a strong padlock or a kryptonite U-Lock should always secure bicycles. Persons having cars on campus should keep them locked at all times and should never leave unattended valuables inside their vehicles. Persons should promptly report any suspicious looking individuals, who they feel do not belong in their residence halls, buildings, or on the campus, to the Office of Campus Safety at extension 7777.

Crime prevention and safety programs

The Office of Campus Safety works closely with the Office of Campus Living to provide up-to-date and meaningful presentations to the residential community about crime, and crime prevention strategies, on the Lewis & Clark campus. Every year, Campus Safety officers make presentations in residence halls on a variety of topics, including crime prevention, personal safety, fire safety, and the importance of not compromising the security of residence halls. The Director of Campus Safety routinely analyzes crime on campus and, according to the results of that analysis, modifies patrols and presentations to people living in high-report areas.

New employees, as part of their orientation, receive information from the Director of Campus Safety about Campus Safety services, crime on campus, personal safety and crime prevention, including theft reduction strategies.

New employees also receive information from the Director of Campus Safety about the College's Welfare Intervention Network, a multidisciplinary team of staff and faculty who share information and plan appropriate outreach efforts to support students, faculty, and staff who may be a risk to themselves or others.

When crimes occur on campus, faculty, staff, and students are informed of the number and type of crimes. This information is furnished to the student-run newspaper, the Pioneer Log, and is documented on the Campus Safety web site so individuals can take precautions and avoid becoming victims.

Officers will answer requests for escorts to ensure the safety of anyone walking alone at night on campus. Dial extension 7777, and an officer will meet you anywhere on campus.

The Office of Facilities Services maintains College buildings and grounds with a concern for safety and security. Staff inspect campus facilities regularly, promptly make repairs affecting safety and security, and respond to reports of potential safety and security hazards such as broken windows and locks. The grounds crew of the Office of Facilities Services regularly monitors and responds to problems in landscaped areas of campus that may cause a safety hazard. For example, in the fall, the grounds crew cuts back shrubbery that impedes lighting.

In December of each year, the Risk Management Coordinator in Facilities Services conducts safety walks on campus. The purpose of these walks is to identify areas of campus that need better lighting at night and to assess the safety of campus walkways.

The Office of Campus Safety assists Facilities Services personnel by reporting potential safety and security hazards. Students, as well as faculty and staff, may also call Facilities Services at extension 7845 to report any safety or security hazard.

The College has installed over thirty security cameras at various campus locations to assist crime prevention efforts and provide valuable historical data for any crime investigation process.

The College has also installed twenty-five well-placed blue light emergency telephones on campus that automatically dial in to the Office of Campus Safety. Campus Safety officers test these telephones regularly, and necessary repairs are effected whenever problems are noted. Information about the location of all blue light emergency telephones is available on the Campus Safety website.

Twenty-five automated external defibrillators (AEDs) are placed across the College at all three campuses and in each of the Campus Safety vehicles. Campus Safety officers are trained in using AEDs should a medical emergency require it. Information about the location of all AEDs is available on the Campus Safety website.

During business hours, access to the College (excluding the residence halls) by students, employees, faculty, and their guests is not restricted. During non-business hours, access may be limited due to a formal lock/unlock schedule established by the administration and facilitated by the Office of Campus Safety and the Office of Information Technology in cooperation with other campus departments. During holiday breaks, access is extremely limited and only available by calling the Office of Campus Safety at extension 7855.

Residence halls are locked 24 hours a day, seven days a week. Students gain entry to the residence halls by a card access system that closely monitors access of all people in these areas. All residence halls are equipped with alarms that sound when exterior doors are left open for more than 30 seconds. The Office of Campus Safety monitors these alarms. Campus Safety issues access cards; problems or questions should be directed to the office at extension 7855.

Crime Alerts and "Timely Warnings"

Lewis & Clark believes that communicating with members of its college community is essential to maintaining a safe, secure and crime-free environment. The College, from time to time when it is appropriate, will issue "Crime Alerts" to its

community members. These alerts will contain pertinent information about criminal events and/or criminal suspects that may impact the life of the college community. These “Crime Alerts” will normally be communicated through the email system of the college. Depending on the circumstances however, there may also be other more appropriate avenues of communication initiated such as the emergency notification system, voicemail, flyers, Campus Safety Twitter “Tweets”, etc. The Director of Campus Safety, or designee, will organize and be responsible for the dispensing of this information.

“Timely Warnings” are required for any Clery Act crime that occurs on the College’s “Clery geography”, is reported to campus security authorities or local police agencies, and is considered by the institution to represent a serious or continuing threat to students and employees.

With the aim of preventing similar crimes, “Timely Warnings”, having the same general format as the above described Crime Alerts, will be issued by Lewis & Clark as soon as the pertinent information is available. The Director of Campus Safety, or designee, will be responsible for disseminating this information, and the College will use any/all avenues of communication deemed appropriate, including, but not limited to, the Blackboard Connect emergency notification system, campus wide emails to all community members, and Campus Safety vehicle loudspeakers.

Missing student procedures

Any student, employee, or other community member who has reason to believe that a Lewis & Clark undergraduate student has been missing for 24 hours should report that information to the Office of Campus Safety.

If a person reports to another college official - such as a member of the Campus Living staff - that they have reason to believe that an undergraduate student has been missing for 24 hours, that official should immediately contact Campus Safety.

Colleague, a college database, maintains emergency contact information for each undergraduate student. All undergraduate students are required to take the opportunity to identify a contact person or persons who the College shall notify if, at the time the student is determined missing, said student is registered for classes. As with all emergency contact information, it will remain confidential, be accessible only to authorized campus officials, and will not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation.

In the case of a reported missing student who resides on campus, Lewis & Clark will coordinate on campus efforts to locate the student. Campus Safety has the responsibility to make the determination whether the student is missing. If a resident student is determined to be missing, the Portland Police Bureau shall be notified immediately.

In the case of a reported missing student who resides off campus, Campus Safety will assist the law enforcement department having jurisdiction, working together in an effort to locate the student. The law enforcement department having jurisdiction has the responsibility to make the determination whether the student is missing.

Once an undergraduate student has been determined missing, Lewis & Clark will, within 24 hours, notify that student’s designated contact person or persons.

For all undergraduate students who are under the age of 18 and not emancipated, a custodial parent or guardian will be notified within 24 hours of the determination that the student is missing, in addition to any additional contact person or persons designated by the student.

Sexual Misconduct Resources and Support Policy

I. Introduction: Institutional Values and Community Expectations

Lewis & Clark College is committed to providing a non-discriminatory and harassment-free educational, living and working environment for all members of the Lewis & Clark community, including students, faculty, administrators, staff, and visitors. The College will not tolerate sexual harassment or other forms of prohibited conduct. This policy prohibits all forms of sexual or gender-based harassment, discrimination or misconduct, including non-consensual sexual contact, non-consensual sexual penetration, sexual exploitation, and intimate partner violence. Misconduct of this nature is contrary to Lewis & Clark’s institutional values and is prohibited by state and federal law.

Lewis & Clark encourages the prompt reporting of any incident of sexual or gender-based misconduct to the College and to local law enforcement or civil rights enforcement agencies. Upon receipt of a report to a “responsible employee” (defined below), the College will take prompt and effective action by: providing interim remedies and support for individuals who make a report or seek assistance under this policy (referred to as the “Complainant”); conducting a review of the conduct under Title IX of the Education Amendments of 1972; addressing the safety of individuals and the campus community; and

as warranted, pursuing resolution through informal measures or formal disciplinary action against the accused individual (referred to in this policy as the “Respondent”). This document provides specific procedures for investigation and resolution of complaints based on the role of Respondent (student, staff or faculty).

Retaliation should be reported promptly to the Title IX Coordinator for investigation, which may result in disciplinary action independent of any sanction or interim measures imposed in response to the underlying allegations of discrimination and/or harassment.

Lewis & Clark has formally accepted a \$297,889 grant from the U.S. Department of Justice’s Office of Violence against Women (OVW) to strengthen the college’s existing efforts to address gender-based violence.

Gender-based violence on campus is truly a national concern, and Lewis & Clark is committed to making its campus as safe as possible for all. LC staff have been working since 2015 to position the College for a successful application for one of these highly competitive grants, which are focused on helping campuses across the country respond to crimes of sexual assault, domestic violence, dating violence, and stalking.

With the support of this grant, Lewis & Clark will:

- Develop a coordinated community response team (CCRT) to improve coordination among campus and community partners, including the Portland Police Bureau and Call to Safety;
- Hire a program coordinator to oversee institutional efforts to reduce gender-based violence, with a special emphasis on the needs of historically marginalized populations, including, but not limited to, students of color, LGBTQ+ students, students with disabilities, and students with low English proficiency;
- Plan and implement universal prevention strategies that include bystander intervention and other prevention efforts;
- Implement enhanced training for Campus Safety staff and members of the campus disciplinary process on how to effectively respond to gender-based violence; and
- Expand our existing educational program as well as our victim response systems.

The College encourages all members of our community to participate in the process of creating a safe, welcoming and respectful environment on campus. In particular, the College expects that all Lewis & Clark community members will take reasonable and prudent actions to prevent or stop an act of sexual misconduct. Taking action may include direct intervention when safe to do so, enlisting the assistance of friends, contacting law enforcement, or seeking assistance from a person in authority. Community members who chose to exercise this positive moral obligation will be supported by the College and protected from retaliation.

II. Policy Statement: Scope of Policy

Policy

All forms of sexual or gender-based harassment, discrimination or misconduct, including non-consensual sexual contact, non-consensual sexual penetration, sexual exploitation, intimate partner violence, and stalking are prohibited conduct at Lewis & Clark. Retaliation against any person or group who makes a complaint, cooperates with an investigation, or participates in a grievance procedure is also a violation of this policy. Misconduct of this nature is contrary to Lewis & Clark’s institutional values, is a violation of College policy, and is prohibited by state and federal law. Any individual who is found to have violated this policy may face disciplinary sanctions up to and including expulsion and/or termination of employment.

Scope of Policy

The policy applies to all Lewis & Clark community members, including students, faculty, administrators, staff, volunteers, vendors, independent contractors, visitors, and any individuals regularly or temporarily employed, studying, living, visiting, conducting business or having any official capacity with the College or on College property.

This policy, and the resources presented here, are intended to protect and guide individuals who have been affected by sexual harassment and other forms of prohibited conduct, whether as a Complainant, a Respondent, or a third party, and to provide fair and equitable procedures for investigation and resolution of reported incidents of misconduct.

When used in this policy, “Complainant” refers to the individual who identifies themselves as being a victim or survivor of sexual harassment or other forms of prohibited conduct. A “Respondent” refers to the individual who has been accused of prohibited conduct under this policy. A “third party” refers to any other participant in the process, including a witness to the incident or an individual who makes a report on behalf of someone else.

This policy applies to the conduct of all Lewis & Clark community members at all times, regardless of location. A Complainant is encouraged to report misconduct regardless of where the incident occurred, or who committed it. Even if the College does not have jurisdiction over the Respondent, the College will still take prompt action to attempt to provide for the safety and well being of the Complainant and the broader campus community. Under Clery and the Campus SaVE Act, the College will record and report all violations of this policy.

III. Oversight and Enforcement Responsibility

This policy addresses all forms of sexual and gender-based discrimination, including sexual harassment, sexual violence, and intimate partner violence. Lewis & Clark College does not discriminate on the basis of sex or gender in its educational, extracurricular, athletic, or other programs or in the context of employment. Sex discrimination is prohibited by Title IX of the Education Amendments of 1972, a federal law that provides that:

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.

Sexual harassment is also prohibited under Title VII of the Civil Rights Act of 1964.

The College, as an educational community, will respond promptly and equitably to reports of sexual harassment and other forms of prohibited conduct in order to eliminate the harassment, prevent its recurrence, and address its effects on any individual or the community.

The Title IX Coordinator oversees the College's centralized review, investigation, and resolution of reports of sexual harassment and other forms of prohibited conduct. The Coordinator also oversees the College's overall compliance with Title IX.

The Title IX Coordinator is:

- Responsible for oversight of the investigation and resolution of all reports of sexual harassment and other forms of prohibited conduct involving students, staff, administrators, faculty, vendors, and visitors;
- Assisted by designated Deputy Title IX Coordinators in athletics, student affairs, human resources, and the faculty, and by a Title IX team as detailed in this policy. These Deputy Title IX Coordinators have a shared responsibility for supporting the Title IX Coordinator and are accessible to any member of the community for consultation and guidance;
- Knowledgeable and trained in College policies and procedures and relevant state and federal laws;
- Available to advise any individual, including a Complainant, a Respondent or a third party, about the courses of action available at the College, both informally and formally, and in the community;
- Available to provide assistance to any College employee regarding how to respond appropriately to a report of sexual harassment and other forms of prohibited conduct;
- Responsible for monitoring full compliance with all procedural requirements and time frames outlined in this policy; and
- Responsible for training, prevention and education efforts and periodic reviews of climate and culture.

The Title IX team supports the Title IX Coordinator. Members of this interdepartmental team include the Title IX Coordinator, and the Deputy Title IX Coordinators. In addition, based on the role of the Complainant and the Respondent, the members of the team could include the Dean of the College, a representative from the Office of the Vice President of Student Life, and/or the Associate Vice President and Director of Human Resources. Composition of the team will be limited to a small circle of individuals who "need to know" in order to implement procedures under this policy.

Inquiries or complaints concerning the application of Title IX may be referred to the College's Title IX Coordinator, Deputy Title IX Coordinators and/or to the U.S. Department of Education's Office for Civil Rights:

Title IX Coordinator:

Mark Figueroa, Dean of Equity and Inclusion and Associate Vice President for Institutional Research and Planning
(503) 768-7204

Deputy Title IX Coordinators:

Janet Bixby, Associate Dean, Graduate School

(503) 768-6003

Heyke Kirkendall-Baker, Associate Vice President, Human Resources

(503) 768-6239

Libby Davis, Associate Dean for Student Affairs, Law School

(503) 768-6610

Kayleigh McCauley, Associate Dean of Students/Director of Student Support Services

(503) 768-7143

Elaine Hirsch, Associate Director of the Watzek Library

(503) 768-7288

Current information regarding the Title IX Coordinators may be found at <http://go.lclark.edu/TitleIX>.

Office for Civil Rights

U.S. Department of Education

915 Second Avenue Room 3310

Seattle, WA 98174-1099

Telephone: 206-607-1600

FAX: 206-607-1601; TDD: 800-877-8339

Email: OCR.Seattle@ed.gov

IV. Privacy vs. Confidentiality

The College is committed to protecting the privacy of all individuals involved in a report of sexual harassment or other forms of prohibited conduct. All College employees who are involved in the College's Title IX response, including the Title IX Coordinator, investigators, and hearing board members, receive specific instruction about respecting and safeguarding private information. Throughout the process, every effort will be made to protect the privacy interests of all individuals involved in a manner consistent with the need for a thorough review of the report.

Privacy and confidentiality have distinct meanings under this policy.

Privacy: Privacy generally means that information related to a report of misconduct will only be shared with a limited circle of individuals. The use of this information is limited to those College employees who "need to know" in order to assist in the active review, investigation, or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.

Confidentiality: Confidentiality means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without the express permission of the individual. These campus and community professionals include mental health providers, ordained clergy, and rape crisis advocates, all of whom have legally protected confidentiality. These individuals are prohibited from breaking confidentiality unless there is an imminent threat of harm to the individual or others.

An individual who seeks completely confidential assistance may do so by speaking with professionals who have a legally protected confidentiality. On campus, Confidential Resources available to students include Staff Psychologists in the Counseling Service, Medical Professionals in the Student Health Service, ordained clergy in the Office for Religious & Spiritual Life, the Ombudsperson, and the Sexual Assault Response Advocates. Employees may access confidential assistance through the Employee Assistance Program. Information shared with these resources will remain confidential and will not be shared with the College or anyone else without express permission of the individual seeking services.

When a report involves suspected abuse of a minor under the age of 18, all college employees, are required by state law to notify child protective services and/or local law enforcement, unless the employee is a psychiatrist, psychologist, member of the clergy, attorney or guardian ad litem and the report is privileged under ORS 40.225 to 40.295 or 419B.234 (6).

Responsible Employees: In general, most College employees do not have legally protected confidentiality. Under Title IX, a College is required to take immediate and corrective action if a "responsible employee" knew or, in the exercise of reasonable care, should have known about sexual or gender-based harassment that creates a hostile environment. A "responsible employee" includes any employee who:

- Has the authority to take action to redress the harassment;
- Has the duty to report to appropriate school officials sexual harassment or any other misconduct by students or employees; or
- A student could reasonably believe has the authority or responsibility to take action.

Using this lens, employees with supervisory and leadership responsibilities on campus are considered “responsible employees.” This may include, for example, faculty, coaches, administrators, Resident Advisors and other student employees with a responsibility for student welfare.

The College requires that all “responsible employees” share a report of misconduct with the Title IX Coordinator or a member of the Title IX team. Most “responsible employees” do not have the authority to take action to redress the harassment.

The Title IX team, under the guidance of the Title IX Coordinator, will conduct an initial assessment of the conduct, the Complainant’s expressed preferences, if any, as to course of action, and the necessity for any interim remedies to protect the safety of the Complainant or the community.

Request for Confidentiality: Where a Complainant requests that their name or other identifiable information not be shared with the Respondent or that no formal action be taken, the College will balance this request with its dual obligation to provide a safe and non-discriminatory environment for all College community members and to remain true to principles of fundamental fairness that require notice and an opportunity to respond before action is taken against a Respondent. In making this determination, the College may consider the seriousness of the conduct, the respective ages and roles of the Complainant and Respondent, whether there have been other complaints or reports of harassment or misconduct against the Respondent, and the rights of the Respondent to receive notice and relevant information before disciplinary action is sought.

The College will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation, but its ability to do so may be limited based on the nature of the request by the Complainant. Where the College is unable to take action consistent with the request of the Complainant, the Title IX Coordinator or a member of the Title IX team will inform the Complainant about the chosen course of action, which may include the College seeking disciplinary action against a Respondent. Alternatively, the course of action may also include steps to limit the effects of the alleged harassment and prevent its recurrence that do not involve formal disciplinary action against a Respondent or revealing the identity of the Complainant.

Timely Warning: If a report of misconduct discloses a serious or continuing threat to the Lewis & Clark community, the College may issue a campus wide timely warning (which can take the form of an email to campus) to protect the health or safety of the community. The timely warning will not include any identifying information about the Complainant. Even where there is no imminent threat, the College may send campus-wide e-mail notifications on all reported sexual misconduct.

At no time will the College release the name of the Complainant to the general public without the express consent of the Complainant. The release of the Respondent’s name to the general public is guided by Family Educational Rights and Privacy Act (FERPA) and the Clery Act.

All College proceedings are conducted in compliance with the requirements of FERPA, the Clery Act, Title IX, and state and federal law. No information shall be released from such proceedings except as required or permitted by law and College policy.

V. Definitions of Consent and Prohibited Conduct

The College prohibits all forms of sexual and gender-based harassment, including sexual violence and intimate partner violence. Each of these terms encompasses a broad range of behavior. In general, sexual violence refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent due to incapacitation. Intimate partner violence refers to any act of violence or threatened act of violence, sexual or otherwise, against a person who is or has been involved in a sexual, dating, domestic or other intimate relationship with that person.

A. Consent: Force, Coercion, Incapacitation, Drugs and Alcohol

Consent: Consent consists of an affirmative, conscious decision by each participant to engage in mutually agreed-upon sexual activity. The following are essential elements of effective consent:

Informed and reciprocal: All parties must demonstrate a clear and mutual understanding of the nature and scope of the act to which they are consenting and a willingness to do the same thing, at the same time, in the same way.

Freely and actively given: Consent cannot be obtained through the use of force, coercion, threats, intimidation or pressuring, or by taking advantage of the incapacitation of another individual.

Mutually understandable: Communication regarding consent consists of mutually understandable words and/or actions that indicate an unambiguous willingness to engage in sexual activity. In the absence of clear communication or outward demonstration, there is no consent. Consent may not be inferred from silence, passivity, lack of resistance or lack of active response. An individual who does not physically resist or verbally refuse sexual activity is not necessarily giving consent. Relying solely upon non-verbal communication can lead to a false conclusion as to whether consent was sought or given.

Not indefinite: Consent can be withdrawn by any party at any time. Recognizing the dynamic nature of sexual activity, individuals choosing to engage in sexual activity must evaluate consent in an ongoing manner and communicate clearly throughout all stages of sexual activity. Withdrawal of consent can be an expressed “no” or can be based on an outward demonstration that conveys that an individual is hesitant, confused, uncertain or is no longer a mutual participant. Once consent is withdrawn, the sexual activity must cease immediately and all parties must obtain mutually expressed or clearly stated consent before continuing further sexual activity.

Not unlimited: Consent to one form of sexual contact does not constitute consent to all forms of sexual contact, nor does consent to sexual activity with one person constitute consent to activity with any other person. Each participant in a sexual encounter must consent to each form of sexual contact with each participant.

Even in the context of a current or previous intimate relationship, each party must consent to each instance of sexual contact each time. The consent must be based on mutually understandable communication that clearly indicates a willingness to engage in sexual activity. The mere fact that there has been prior intimacy or sexual activity does not, by itself, imply consent to future acts.

In the state of Oregon, minors under the age of 18 cannot give consent.

Force: Force is the use or threat of physical violence or intimidation to overcome an individual’s freedom of will to choose whether or not to participate in sexual activity. For the use of force to be demonstrated, there is no requirement that a Complainant resists the sexual advance or request. However, resistance by the Complainant will be viewed as a clear demonstration of non-consent.

Coercion: Coercion is the improper use of pressure to compel another individual to initiate or continue sexual activity against their will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. A person’s words or conduct are sufficient to constitute coercion if they wrongfully impair another individual’s freedom of will and ability to choose whether or not to engage in sexual activity. Coercion includes, but is not limited to: threatening to “out” someone based on sexual orientation, gender identity or gender expression, and threatening to harm oneself if the other party does not engage in the sexual activity.

Incapacitation: Incapacitation is a state where an individual cannot make an informed and rational decision to engage in sexual activity because they lack conscious knowledge of the nature of the act (e.g., to understand the who, what, when, where, why, or how of the sexual interaction) and/or is physically helpless. An individual is incapacitated, and therefore unable to give consent, if they are asleep, unconscious, or otherwise unaware that sexual activity is occurring.

Incapacitation may result from the use of alcohol and/or drugs. Consumption of alcohol or other drugs alone is insufficient to establish incapacitation. The impact of alcohol and drugs varies from person to person, and evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs impact an individual’s:

- decision-making ability;
- awareness of consequences;
- ability to make informed judgments; or
- capacity to appreciate the nature and the quality of the act.

Evaluating incapacitation also requires an assessment of whether a Respondent knew or should have known, that the Complainant was incapacitated.

Alcohol and Other Drugs: In general, sexual contact while under the influence of alcohol or other drugs poses a risk to all parties. Alcohol and drugs impair a person’s decision-making capacity, awareness of the consequences, and ability to make informed judgments. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person’s level of intoxication. If there is any doubt as to the level or extent of the other individual’s intoxication or impairment, the prudent course of action is to forgo or cease any sexual contact or activity.

Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual harassment or other forms of prohibited conduct, and does not diminish one's responsibility to obtain consent.

B. Forms of Prohibited Conduct

B1. Sexual Harassment

Sexual Harassment is:

- unwelcome, gender- or sex-based verbal or physical conduct that is,
- sufficiently severe, persistent or pervasive that it,
- unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the College's educational program and/or activities, and/or complete employment responsibilities, and
- may be based on power differentials (quid pro quo).

Sexual Harassment includes, but is not limited to:

attempting to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to egregious, unwelcome sexual attention; cyber-bullying of a sexual nature; retaliation for a refusal to comply with a sexual based request; to condition a benefit on the submission to sexual advances; stalking; gender- or sex- based bullying; retaliation; or attempts to seek retribution against a Complainant, Respondent, or any individual or group of individuals involved in the complaint, investigation and/or resolution of an allegation of sexual misconduct.

Other forms of Prohibited Conduct

The following forms of conduct fall under the broad definition of sexual harassment, and are specifically prohibited under this policy, as are attempts to commit them.

B2. Non-Consensual Sexual Contact

Non-Consensual Sexual Contact is:

- any intentional sexual touching,
- with any object or body part,
- by any person upon any person
- without consent.

Sexual Contact includes, but is not limited to:

intentional contact with intimate parts of another, causing another to touch one's intimate parts, or disrobing or exposure of another without permission. Intimate parts may include the breasts, genitals, buttocks, groin, mouth or any other part of the body that is touched in a sexual manner.

B3. Non-Consensual Sexual Penetration

Non-Consensual Sexual Penetration is:

- any sexual penetration,
- with any object or body part,
- by any person upon any person,
- that is without consent.

Sexual penetration includes, but is not limited to:

Vaginal penetration by a penis, object, tongue or finger; anal penetration by a penis, object, tongue, or finger; and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

B4. Sexual Exploitation

Sexual Exploitation is:

- taking non-consensual or abusive sexual advantage of another,
- for one's own advantage or benefit,
- or to benefit or advantage anyone other than the one being exploited.

Sexual Exploitation includes, but is not limited to:

invasion of sexual privacy; prostitution of another person; non-consensual video or audio-recording of sexual activity; sharing private sexual materials, such as video or pictures, without the consent of all involved parties; engaging in voyeurism; knowingly transmitting an STI or HIV to another person; exposing one's genitals in non-

consensual circumstances; inducing another to expose their genitals; or inducing incapacitation with the intent to make one vulnerable to non-consensual sexual activity.

B5. Intimate Partner Violence

Intimate partner violence is often referred to as dating violence, domestic violence or relationship violence. Intimate partner violence is:

- any act of violence or threatened act of violence against a person who, is, or has been, involved in a sexual, dating, domestic, or other intimate relationship with the Respondent.

Intimate partner violence includes, but is not limited to:

- physical violence, sexual violence, emotional violence, and economic abuse. It may involve one act or an ongoing pattern of behavior. Intimate partner violence may take the form of threats, assault, property damage, violence or threat of violence to one's self, one's sexual or romantic partner or to the family members or friends of the sexual or romantic partner. Intimate partner violence affects individuals of all genders, gender identities, gender expressions, and sexual orientation and does not discriminate by racial, social, or economic background.

B6. Stalking

Stalking is governed by this policy when it is sex or gender-based. Stalking is:

- a course of physical or verbal conduct directed at another individual,
- that could be reasonably regarded as likely to alarm, harass, or cause fear of harm or injury to that person or to a third party.

A course of conduct consists of at least two acts. The feared harm or injury may be physical, emotional, or psychological, or related to the personal safety, property, education, or employment of that individual. Stalking includes cyber-stalking, a particular form of stalking in which electronic media such as the Internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion.

B7. Prohibited Relationships by Persons in Authority

Sexual or other intimate relationships in which one party maintains a direct supervisory or evaluative role over the other party are prohibited. In general, this includes all sexual or other intimate relationships between students and their employers, supervisors, professors, coaches, advisors or other College employees. Similarly, College employees (faculty, staff, and students) who supervise or otherwise hold positions of authority over others are prohibited from having a sexual or other intimate relationship with an individual under their direct supervision.

The College does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of the College. However, faculty, administrators, and others who educate, supervise, evaluate, employ, counsel, coach, or otherwise guide students should understand the fundamentally asymmetrical nature of the relationship they have with students or subordinates. Intimate or sexual relationships where there is differential in power or authority produce risks for every member of our community and undermine the professionalism of faculty and supervisors. In either context, the unequal position of the parties presents an inherent element of risk and may raise sexual harassment concerns if one person in the relationship has the actual or apparent authority to supervise, evaluate, counsel, coach or otherwise make decisions or recommendations as to the other person in connection with their employment or education at the college.

Sexual relations between persons occupying asymmetrical positions of power, even when both consent, raise suspicions that the person in authority has violated standards of professional conduct and potentially subject the person in authority to charges of sexual harassment based on changes in the perspective of the individuals as to the consensual nature of the relationship. Similarly, these relationships may impact third parties based on perceived or actual favoritism or special treatment based on the relationship.

Therefore, persons with direct supervisory or evaluative responsibilities who contemplate beginning or are involved in such relationships are required to promptly: 1) discontinue any supervising role or relationship over the other person; and 2) report the circumstances to their own supervisor. Failure to fully or timely comply with these requirements is a violation of this policy, and the person in authority could be subject to disciplinary action, up to and including dismissal from employment by the College.

Nothing in Section B7 is intended to permit conduct that would otherwise be prohibited or contrary to rules of conduct or ethics promulgated by professional organizations, such as rules applicable to lawyers or counselors.

Any individual may file a complaint alleging harassment or discrimination, including an aggrieved party outside the relationship affected by the perceived harassment or discrimination. Retaliation against persons who report concerns about consensual relationships is prohibited and constitutes a violation of this policy.

VI. Resources

The College is committed to treating all members of the community with dignity, care and respect. Any individual who experiences or is affected by sexual harassment or other forms of prohibited conduct, whether as a Complainant, a Respondent, or a third party, will have equal access to support and counseling services through the College. Interim remedies are also available to all parties (see Section IX).

The College recognizes that deciding whether or not to make a report, either to the College or law enforcement, and choosing how to proceed can be difficult decisions. Making a report means telling someone in authority what happened, in person, by telephone, in writing, or by email. All individuals are encouraged to seek the support of campus and community resources. These trained professionals can provide guidance in making decisions, information about available resources and procedural options, and assistance to either party in the event that a report and/or resolution under this policy is pursued. Individuals are encouraged to use all available resources on and off campus, regardless of when or where the incident occurred.

There are many resources available on campus and in the surrounding community. As detailed below, there are Confidential Resources that by law cannot share information without the consent of the individual seeking assistance. There are also a variety of College resources that will be discreet and private, but are not considered confidential. These resources will maintain the privacy of an individual's information within the limited circle of those involved in the resolution of a complaint under this policy. For more information about the difference between privacy and confidentiality, see Section IV.

A. Confidential Resources

The College encourages all community members to make a prompt report of any incident of sexual harassment or other forms of prohibited conduct to local law enforcement and the College. For individuals who are not prepared to make a report, or who may be unsure what happened, but are still seeking information and support, there are several legally-protected confidential resources available as designated below. These confidential resources will not share information with the College or anyone else without the individual's permission.

On Campus Confidential Resources:

Sexual Assault Response Advocate

Provides crisis support and resource options to community members who experience sexual assault of any kind. Support includes, but is not limited to, advising, support, and connection to additional resources.

<http://go.lclark.edu/SARA>

Sexual Assault Response Network Coordinator

Melissa Osmond, Associate Director of Health Promotion and Wellness

Support includes, but is not limited to advising, case management, and accompanying survivors to rape treatment centers or medical services. As the SARN Coordinator, conducts comprehensive outreach and educational programming.

(503) 768-7112, mosmond@lclark.edu

Lewis & Clark Counseling Service

Provides psychological counseling services.

(503) 768-7160, counsel@lclark.edu

Lewis & Clark Student Health Service

Provides medical examinations, examinations, STI testing, pregnancy screening, birth control counseling and supplies (including emergency contraception). Also provides referral to off campus medical providers and specialists.

(503) 768-7165, health@lclark.edu

Office of Religious & Spiritual Life

Provides spiritual guidance and in the context of ordained clergy, religious support.

(503) 768-7085, chapel@lclark.edu

Ombuds Office

Provides impartial, informal, and independent perspective.
(503) 768-7336, ombuds@lclark.edu

Employee Assistance Program

Provides telephone consultation or face-to-face meeting with a master's level consultant; also provides educational materials through an online library of downloadable materials and interactive tools.

(800) 433-2320

esupport@cascadecenters.com

Off Campus Confidential Resources:**Call to Safety**

Provides a 24-hour hotline for survivors of domestic violence and sexual assault, and concerned family, friends, and community members. Hotline advocates are available to provide crisis intervention and to connect callers with local domestic violence and sexual assault/rape service providers.

(503) 235-5333

Sexual Assault Resource Center

Provides a 24-hour hotline with resources and referrals to counseling, hospitals, legal information, safe places, support groups, multi-cultural/bilingual resources and religiously affiliated resources.

(503) 640-5311

Rape, Abuse and Incest National Network (RAINN)

An anonymous national sexual assault hotline.

(800) 656-4673

Rape Victim Advocates – Multnomah County

Advocates provide free and anonymous resources and referrals to counseling, safe places, and support groups. This service specializes in legal options, information and assistance regarding criminal charges and crime victim compensation.

(503) 988-3222

Sexual and Gender Minorities Youth Resource Center (SMYRC)

SMYRC provides mental health counseling to sexual minority youth 23 and under. Services include assessment, individual treatment, groups, couples, and family therapy.

(503) 872-9664

B. Confidential Medical Resources

A medical provider can provide emergency and/or follow-up medical services.

A medical exam has two goals: first, to diagnose and treat the full extent of any injury or physical effect (including prevention of sexually transmitted illnesses and pregnancy) and second, to properly collect and preserve evidence. There is a limited window of time (within 84 hours) following an incident of sexual assault to preserve physical and other forms of evidence. Taking the step to gather evidence immediately does not commit an individual to any particular course of action. The decision to seek timely medical attention and gather any evidence, however, will preserve the full range of options to seek resolution under this policy or through the pursuit of criminal prosecution.

On campus, the Student Health Service can provide medical care; however, they are not equipped for forensic examinations. The following local health care facilities offer Sexual Assault Forensic Exams (SAFE):

OHSU Emergency Room: (503) 494-7551

Hospital home page: <http://www.ohsu.edu/xd/health/index.cfm>

Location: 3181 S.W. Sam Jackson Park Rd. Portland, Oregon 97239

Legacy Emanuel Emergency Room: (503) 413-4121

Home page: <http://www.legacyhealth.org/locations/hospitals/legacy-emanuel-medical-center.aspx>

Location: 2801 N. Gantenbein St. Portland, OR 97227-1623

Transit: TriMet 4, 33, 44

Providence Portland Medical Center - Glisan St: 503-215-6000

Hospital home page: <http://oregon.providence.org/patients/Pages/default.aspx>

Location: 4805 NE Glisan St. Portland, OR 97213-2933
 Transit: TriMet 19

Providence St. Vincent's Emergency Room: 503-216-1234

Hospital home page: <http://oregon.providence.org/patients/Pages/default.aspx>
 Location: 9205 SW Barnes Rd. Portland, OR 97225-6603
 Transit: TriMet 20

C. Additional Campus Resources

In addition to those listed above and the Title IX team, Lewis & Clark community members have access to a variety of other resources provided by the College. The staff members listed below are trained to support individuals affected by sexual harassment or misconduct and to coordinate with the Title IX Coordinator consistent with the College's commitment to a safe and healthy educational environment. While not bound by confidentiality, these resources will maintain the privacy of an individual's information within the limited circle of those involved in the Title IX resolution process.

Campus Living

Can provide reasonable remedies and arrangements for housing. Available on weekdays during regular office hours.
living@lclark.edu, (503) 768-7123

Campus Safety

Available as a first option to report an incident of sexual violence or intimate partner violence. Also provides an escort service on campus to any student. Available 24 hours a day, 7 days a week.
 (503) 768-7777 (emergency line)

Office of the Vice President of Student Life

Can provide connection to a network of support and resources.
vpsl@lclark.edu, (503) 768-7110

D. Community Resources

Students, faculty and staff may also access resources located in the local community. These organizations can provide crisis intervention services, counseling, medical attention and assistance in dealing with the criminal justice system. All individuals are encouraged to use the resources that are best suited to their needs, whether on or off campus. It may be helpful for survivors to have someone who can help them explore their off-campus options and guide them through legal processes; a campus Sexual Assault Response Advocate (SARA) can provide assistance in this area. In addition, two local resources, Call to Safety and the Sexual Assault Resource Center offer advocacy support.

Portland Police Bureau: 503-823-0000, 503-823-3333 (non-emergency)

Home page: <http://www.portlandoregon.gov/police/30539>
 Location: 1111 S.W. 2nd Avenue Portland, OR 97204

Multnomah County Victim Assistance: (503) 988-3222

Home page: <http://web.multco.us/dcj/victims>

Police Sexual Assault Detail Department: (M-F, 8am-4pm): (503) 823-0434

Domestic Violence Reduction Unit 8am-4pm): (503) 998-6400

Home page: <http://www.portlandoregon.gov/police/35679>

Women Strength (Free self-defense classes through the Portland Police Bureau)

Website: <http://www.portlandoregon.gov/police/35911>

VII. Reporting

The College encourages all individuals to seek assistance from a medical provider and/or law enforcement immediately after an incident of sexual violence. This is the best option to ensure preservation of evidence and to begin a timely investigative and remedial response.

The College encourages all individuals to make a report to the College and to local law enforcement. Reporting options are not mutually exclusive. Both internal and criminal reports may be pursued simultaneously.

The College has a strong interest in supporting victims and survivors of sexual harassment or other forms of prohibited conduct and encourages all individuals or third party witnesses to report any incident to the College.

Making a report means telling someone in authority what happened — in person, by telephone, in writing, or by email. At the time a report is made, a Complainant does not have to decide whether or not to request any particular course of action, nor does a Complainant need to know how to label what happened. Choosing to make a report, and deciding how to proceed after making the report, can be a process that unfolds over time.

The College provides support that can assist each individual in making these important decisions, and to the extent legally possible will respect an individual's autonomy in deciding how to proceed. In this process, the College will balance the individual's interest with its obligation to provide a safe and non-discriminatory environment for all members of the College community.

Any individual who reports sexual harassment or other forms of prohibited conduct can be assured that all reports will be investigated and resolved in a fair and impartial manner. A Complainant, a Respondent, and all individuals involved can expect to be treated with dignity and respect. In every report under this policy, the College will make an immediate assessment of any risk of harm to the Complainant or to the broader campus community and will take reasonable steps necessary to address those risks. These steps will include interim measures to provide for the safety of the individual and the campus community.

A. Emergency and External Reporting Options

The College will help any Lewis & Clark community member to get to a safe place and will provide transportation to the hospital, coordination with law enforcement, and information about on- and off-campus resources and options for resolution.

Portland Police Bureau
For Emergencies: 911

For non-emergency situations: 503-823-3333
Oregon Health & Sciences University
Location: 3181 S.W. Sam Jackson Park Rd. Portland, 97239
Provides medical treatment and forensic exams; closest facility to campus.
(503) 494-7551

Legacy Emanuel Hospital
Home page: <http://www.legacyhealth.org/locations/hospitals/legacy-emanuel-medical-center.aspx>
Location: 2801 N. Gantenbein St. Portland, OR 97227-1623
(503) 413-2200

Providence Portland Medical Center - Glisan St
Home page: <http://oregon.providence.org/patients/Pages/default.aspx>
Location: 4805 NE Glisan St. Portland, OR 97213-2933
(503) 215-6000

Providence St. Vincent's Hospital
Home page: <http://oregon.providence.org/patients/Pages/default.aspx>
Location: 9205 SW Barnes Rd. Portland, OR 97225-6603
(503) 216-1234

B. Campus Reporting Options

The College encourages all individuals to report misconduct to any College employee that they trust and with whom they feel comfortable. In general, most College employees do not have legally protected confidentiality. Under Title IX, a College is required to take immediate and corrective action if a "responsible employee" knew or, in the exercise of reasonable care, should have known about sexual or gender-based harassment that creates a hostile environment.

The College requires that all "responsible employees" share a report of misconduct with the Title IX Coordinator or a member of the Title IX team. The Title IX team, under the guidance of the Title IX Coordinator, will conduct an initial

assessment of the conduct, the Complainant's expressed preferences, if any, as to course of action, and the necessity for any interim remedies to protect the safety of the Complainant or the community.

All Lewis & Clark community members, even those who are not obligated to do so by this policy, are strongly encouraged to report information regarding any incident of sexual harassment or other forms of prohibited conduct directly to the Title IX Coordinator or a member of the Title IX team. The College cannot take appropriate action unless an incident is reported to the College.

Campus Reporting Options:

Submit an online report to the Title IX Team: <http://go.lclark.edu/Report>

Associate Director for Health Promotion Melissa Osmond

Sexual Assault Response Network Coordinator

mosmond@lclark.edu, (503) 768-7112

Sexual Assault Response Advocate

Pager to reach a trained community member

<http://go.lclark.edu/SARA>

Campus Safety

Available as a first option to report an incident of sexual violence or intimate partner violence. Also provides an escort service on campus to any student. Available 24 hours a day, 7 days a week.

(503) 768-7777 (emergency line)

Campus Living

Can provide reasonable remedies and arrangements for housing. Available on weekdays during regular office hours.

living@lclark.edu, (503) 768-7123

C. Anonymous Reporting

Any individual may make an anonymous report concerning an act of sexual harassment or other forms of prohibited conduct. An individual may report the incident without disclosing their name, identifying the Respondent or requesting any action. Depending on the extent of information available about the incident or the individuals involved, however, the College's ability to respond to an anonymous report may be limited.

If you wish to make an anonymous report, you may do so here: <http://go.lclark.edu/Report>

The Title IX Coordinator will receive the anonymous report and will determine any appropriate steps, including individual or community remedies as appropriate, and in consultation with the Director of Campus Safety, compliance with all Clery Act obligations.

D. Reporting Considerations: Timeliness and Location of Incident

Complainants and third-parties are encouraged to report sexual harassment or other forms of prohibited conduct as soon as possible in order to maximize the College's ability to respond promptly and effectively. The College does not, however, limit the time frame for reporting. If the Respondent is not a member of the Lewis & Clark community, the College will still seek to take steps to end the harassment, prevent its recurrence, and address its effects, but its ability to take disciplinary action against the Respondent may be limited.

An incident does not have to occur on campus to be reported to the College. Off-campus conduct that is likely to have a substantial effect on the Complainant's on-campus life and activities or poses a threat or danger to members of the Lewis & Clark community may also be addressed under this policy.

E. Amnesty for Alcohol or Other Drug Use

The college community encourages the reporting of prohibited conduct under this policy. It is in the best interest of this community that as many Complainants as possible choose to report to college officials, and that witnesses come forward to share what they know. To encourage reporting, an individual who reports sexual harassment or other forms of prohibited conduct, either as a Complainant or a third-party, will not be subject to disciplinary action by the College for their own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. The College may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs.

F. Coordination with Law Enforcement

The College encourages Complainants to pursue criminal action for incidents of sexual harassment or other forms of prohibited conduct that may also be crimes under Oregon law. The College will assist a Complainant in making a criminal report and cooperate with law enforcement agencies if a Complainant decides to pursue the criminal process to the extent permitted by law.

The College's policy, definitions for, and burden of proof may differ from Oregon criminal law. A Complainant may seek recourse under this policy and/or pursue criminal action. Neither law enforcement's determination whether or not to prosecute a Respondent, nor the outcome of any criminal prosecution, are determinative of whether a violation of this policy has occurred. Proceedings under this policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.

At the request of law enforcement, the College may agree to defer its Title IX fact gathering until after the initial stages of a criminal investigation. The College will nevertheless communicate with the Complainant regarding Title IX rights, procedural options and the implementation of interim measures to assure safety and well-being. The College will promptly resume its Title IX fact gathering as soon as it is informed that law enforcement has completed its initial investigation.

G. Statement Against Retaliation

It is a violation of College policy to retaliate in any way against an individual because they raised allegations of sexual harassment or other forms of prohibited conduct. The College recognizes that retaliation can take many forms, including threats, intimidation, pressuring, continued abuse, violence or other forms of harm to others, and may be committed by or against an individual or a group, and that a Complainant, Respondent, or third party may commit or be the subject of retaliation.

The College will take immediate and responsive action to any report of retaliation and will pursue disciplinary action as appropriate. An individual reporting sexual harassment or other forms of prohibited conduct is entitled to protection from any form of retaliation following a report that is made in good faith, even if the report is later not proven.

H. False Reports

The College will not tolerate intentional false reporting of incidents. The College takes the accuracy of information very seriously, as a charge of sexual harassment or other forms of prohibited conduct may have severe consequences. A good-faith complaint that results in a finding of not responsible is not considered a false or fabricated accusation of sexual misconduct. However, when a Complainant or third party witness is found to have fabricated allegations or given false information with malicious intent or in bad faith, the Complainant may be subject to disciplinary action. It is a violation of the Code of Conduct to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.

I. Reports Involving Minors or Suspected Child Abuse

Under Oregon law, all College employees are required to promptly report suspected child abuse and/or neglect, including sexual assault when that individual has knowledge of or observes a minor under the age of 18 who the individual knows or reasonably suspects has been the victim of child abuse or neglect. This duty exists regardless of whether the abuse or neglect is observed at work or in our private lives.

All College employees are required to immediately report any suspected child abuse and neglect to one of the numbers set forth below. If the abuse or neglect involves a member of the College community the employee should also promptly report the incident to the Title IX Coordinator or a member of the Title IX team. The source of abuse does not need to be known in order to file a report.

It is not the responsibility of any employee, student, or volunteer to investigate suspected child abuse. This is the role of Child Protective Services and law enforcement authorities.

In addition to notifying the Title IX Coordinator or member of the Title IX team, any individual is required to make a direct report as follows:

- If a child is in immediate danger, call 911.

- If there is no immediate danger, contact the Multnomah County Child Abuse Hotline 24 hours a day, 7 days a week, at 503-731-3100

VIII. Interim Measures, Remedies, and Protections

A. Overview

Upon receipt of a report, the College will impose reasonable and appropriate interim measures designed to eliminate the hostile environment and protect the parties involved. The College will make reasonable efforts to communicate with the parties to ensure that all safety, emotional, and physical well-being concerns are being addressed. Interim measures may be imposed regardless of whether formal disciplinary action is sought by the Complainant or the College. The College will consider reasonable requests for remedies by the parties, as evaluated by the Title IX team, and will communicate decisions in writing. Interim measures should be designed to minimize the impact on the parties.

A Complainant or Respondent may request a No-Contact Letter or other protection, or the College may choose to impose interim measures at its discretion to ensure the safety of all parties, the broader College community and/or the integrity of the process.

All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by an interim measure. The College will take immediate and responsive action to enforce a previously implemented measure.

B. Range of Measures

Interim measures will be implemented at the discretion of the College. Potential remedies, which may be applied to the Complainant and/or the Respondent, include:

- Access to on-campus counseling services and assistance with referrals to off-campus care
- Imposition of campus No-Contact Letter
- Rescheduling of exams and assignments (in conjunction with appropriate faculty)
- Providing alternative course completion options (with the agreement of the appropriate faculty)
- Change in class schedule, including the ability to take an “incomplete,” drop a course without penalty or transfer sections (with the agreement of the appropriate faculty)
- Change in work schedule or job assignment
- Change in on-campus housing
- Arranging to dissolve a housing contract and pro-rating a refund in accordance with campus housing policies
- Assistance from College support staff in completing housing relocation
- Limit an individual or organization’s access to certain College facilities or activities pending resolution of the matter
- Voluntary leave of absence
- Providing an escort to ensure safe movement between classes, activities, and employment responsibilities
- Providing student health services
- Providing academic support services, such as tutoring
- Interim suspension or College-imposed leave
- Any other remedy that can be tailored to the involved individuals to achieve the goals of this policy

C. Interim Suspension or Separation

Where the report of sexual harassment or other forms of prohibited conduct poses a substantial and immediate threat of harm to the safety or well-being of an individual, members of the campus community, or the performance of normal College functions, the College may place a student or student organization on interim suspension, or may impose leave for

an employee. Pending resolution of the report, the individual or organization may be denied access to campus, campus facilities and/or all other College activities or privileges for which they might otherwise be eligible, as the College determines appropriate. When interim suspension or leave is imposed, the College will make reasonable efforts to complete the investigation and resolution within an expedited time frame.

The full provisions for Interim Suspension for students are contained in the Code of Conduct. Provisions for suspension of faculty members are contained in the Faculty Handbook. Staff may be placed on leave at the discretion of the College.

IX. Options for Resolution

A. Overview

Upon receipt of a report, the College's Title IX team will conduct an Initial Title IX Assessment. The goal of this assessment is to provide an integrated and coordinated response to reports of sexual harassment or misconduct. The assessment will consider the nature of the report, the safety of the individual and of the campus community, and the Complainant's expressed preference for resolution.

At the conclusion of the assessment, the College may choose to pursue Informal Resolution, a remedies-based approach that does not involve disciplinary action against a Respondent, or refer the matter for Investigation. The goal of the Investigation is to gather all relevant facts and determine if there is sufficient information to refer the report to a hearing panel for disciplinary action using the College's Formal Resolution procedures.

The initial steps for resolution of a complaint against a student, an employee or a faculty member will involve the same stages: an initial assessment, investigation, and either informal or formal resolution. There are specific procedures for resolving complaints against a student, faculty or staff respondent.

B. The Role of the Title IX Team

The Title IX team, led by the Title IX Coordinator, assists in the review, investigation and resolution of reports. Although a report may be made to any College employee, the College seeks to ensure that all reports are referred to the Title IX team to ensure consistent application of the policy to all individuals and allow the College to respond promptly and equitably to eliminate the harassment, prevent its recurrence and address its effects.

The members of this team oversee the resolution of a report under this policy. Resources are available for both students and employees, whether as Complainants or Respondents, to provide guidance throughout the investigation and resolution of the complaint. Interim Remedies are also available to provide protection and security.

C. Initial Title IX Assessment

In every report of sexual harassment or other forms of prohibited conduct, the College will make an immediate assessment of any risk of harm to individuals or to the campus community and will take steps necessary to address those risks. These steps may include interim protective measures to provide for the safety of the individual and the campus community.

The initial review will proceed to the point where a reasonable assessment of the safety of the individual and of the campus community can be made. Thereafter, the matter will either be referred for Informal Resolution or the investigation may be initiated depending on a variety of factors, such as the Complainant's wish to pursue disciplinary action, the risk posed to any individual or the campus community by not proceeding, and the nature of the allegation.

D. Investigation

Where the Initial Title IX Assessment concludes that disciplinary action may be appropriate, the College will initiate an investigation. The College will designate an investigator who has received specific training and experience investigating allegations of sexual harassment and other forms of prohibited conduct. The investigator may be an employee of the College or an external investigator engaged to assist the College in its fact gathering. The College will typically use a team of two investigators, which may include the pairing of an external investigator with a College employee. Any investigator chosen to conduct the investigation must be impartial and free of any conflict of interest.

The investigator will conduct the investigation in a manner appropriate in light of the circumstances of the case, which will typically include interviews with the Complainant, the Respondent, and any witnesses. The interviews will be supplemented by the gathering of any physical, documentary, or other evidence. As part of the investigation, the College will provide an opportunity for the parties to present evidence and suggest witnesses who should be interviewed.

The investigation is designed to provide a fair and reliable gathering of the facts. The investigation will be thorough, impartial, and fair, and all individuals will be treated with appropriate sensitivity and respect. As described in the Privacy and Confidentiality section, the investigation will be conducted in a manner that is respectful of individual privacy concerns.

The College will seek to complete the investigation within 20 (twenty) business days of receiving the complaint, but this time frame may be extended depending on the complexity of the circumstances of each case. At the conclusion of the investigation, the report will be forwarded to the Title IX Coordinator and the Assistant Dean of Student Rights and Responsibilities to initiate Formal Resolution proceedings.

Information gathered during the review or investigation will be used to evaluate the responsibility of the Respondent, provide for the safety of the Complainant and the College campus community, and impose remedies as necessary to address the effects of the conduct cited in the report. Where there is sufficient information set forth that, if proven, would constitute a violation of policy, the College will have the discretion to institute Formal Resolution proceedings against the Respondent. At the conclusion of the investigation, the College will notify all parties that the investigation is complete and provide information about next steps in the process.

Based on the information gathered in the Initial Title IX Assessment and/or full investigation, the College will take appropriate measures designed to end the misconduct, prevent its recurrence and address its effects.

The Title IX Coordinator will document each report or request for assistance in resolving a case involving charges of sexual harassment or other forms of prohibited conduct, whether formal or informal, and will review and retain copies of all reports generated as a result of investigations. These records will be kept confidential to the extent permitted by law.

E. Informal Resolution

Informal resolution is a remedies-based, non-judicial approach designed to eliminate a hostile environment without taking disciplinary action against a Respondent. Where the Title IX assessment concludes that informal resolution may be appropriate, the College will take immediate and corrective action through the imposition of individual and community remedies designed to maximize the Complainant's access to the educational and extracurricular activities at the College and to eliminate a hostile environment. Examples of protective remedies are provided in Section IX: Interim Remedies. Other potential remedies include targeted or broad-based educational programming or training, direct confrontation of the Respondent, and/or indirect action by the Title IX Coordinator or the College. Depending on the form of informal resolution used, it may be possible to maintain anonymity.

The College will not compel a Complainant to engage in mediation, to directly confront the Respondent, or to participate in any particular form of informal resolution. Mediation, even if voluntary, may not be used in cases involving sexual violence or assault. The decision to pursue informal resolution will be made when the College has sufficient information about the nature and scope of the conduct, which may occur at any time. Participation in informal resolution is voluntary, and a Complainant can request to end informal resolution at any time.

The Title IX Coordinator will maintain records of all reports and conduct referred for informal resolution. Informal resolution will typically be completed within thirty (30) business days of the initial report.

F. Formal Resolution

Disciplinary action against a Respondent may only be taken through Formal Resolution procedures. Because the relationship of students, staff, and faculty to the College differ in nature, the procedures that apply when seeking disciplinary action necessarily differ as well. Each of the procedures, however, is guided by the same principles of fundamental fairness and respect for all parties, which require notice, an equitable opportunity to be heard, and an equitable opportunity to respond to a report under this policy.

The specific procedures for Formal Resolution will vary based upon the role of the Respondent:

- For a complaint against a student, disciplinary action may be taken by the Assistant Dean of Student Rights and Responsibilities or their designee following a finding of responsibility by a Sexual Misconduct Board.
- For a complaint against a staff member, disciplinary action may be taken at the conclusion of the investigation by the Associate Vice President and Director of Human Resources, in consultation with the Dean or Vice President overseeing the division where the employee works. If a hearing is considered necessary the AVP and Director of Human Resources shall have the discretion to appoint a 3-person hearing panel comprised of staff and/or

faculty. Employees who disagree with a decision may appeal using the employee grievance procedures available to them. Students who disagree with a decision may appeal the decision in writing to the AVP and Director of Human Resources. Any appeal shall be filed in writing no later than 5:00 pm. on the fifth day following the delivery of written notice of the decision to the student and shall include all arguments and materials to be considered.

- For a complaint against a faculty member, disciplinary action may be taken at the conclusion of the investigation by the Dean of the school where the faculty member works pursuant to the Procedures outlined in the Faculty Handbook, and in consultation with the Associate Vice President and Director of Human Resources. Faculty who disagree with a decision may appeal using the faculty grievance procedures available to them. Students who disagree with a decision may appeal the decision in writing to the Dean of the appropriate school. Any appeal shall be filed in writing no later than 5:00 pm. on the fifth day following the delivery of written notice of the decision to the student and shall include all arguments and materials to be considered.

G. Time Frame for Resolution

The College seeks to resolve all reports within 60 days of the initial report. All time frames expressed in this policy are meant to be guidelines rather than rigid requirements. Extenuating circumstances may arise that require the extension of time frames, including extension beyond 60 days. Extenuating circumstances may include the complexity and scope of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening school break or vacation, or other unforeseen circumstances.

In general, a Complainant and Respondent can expect that the process will proceed according to the time frames provided in this policy. In the event that the investigation and resolution exceed this time frame, the College will notify all parties of the reason(s) for the delay and the expected adjustment in time frames. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

Appendix A: Resolving Complaints Against a Student

I. Overview

As outlined in the Reporting section of this policy, an individual who wishes to make a report of sexual harassment or other forms of prohibited conduct is encouraged to make a report directly to the Title IX Coordinator, Deputy Title IX Coordinators, the Office of the Vice President of Student Life, Campus Living, the Office of Health Promotion, Campus Safety, or Human Resources. In every instance under this policy, the College, through the coordinated efforts of the Title IX team, will conduct an Initial Title IX Assessment.

At the conclusion of the Title IX Assessment, the report will be referred for Informal Resolution or Investigation to determine if there is sufficient information to proceed with Formal Resolution. Informal Resolution is a non-judicial, remedies-based approach that does not involve disciplinary action against a Respondent. Formal Resolution is a judicial, sanctions-based approach that may involve discipline up to and including expulsion.

II. Initial Title IX Assessment

Upon receipt of a report, the College, through the coordinated efforts of the Title IX team, will conduct an Initial Title IX Assessment. The first step of the assessment will usually be a preliminary meeting of the Complainant with the Title IX Coordinator or a member of the Title IX team. The purpose of the preliminary meeting is to gain a basic understanding of the nature and circumstances of the report; it is not intended to be a full forensic interview. At this meeting, the Complainant will be provided with information about resources, procedural options, and interim remedies.

As part of the initial assessment of the report, the Title IX team member will:

- Assess the nature and circumstances of the allegation
- Address immediate physical safety and emotional well-being needs
- Notify the Complainant of their right to contact law enforcement and seek medical treatment, including the importance of preservation of evidence
- Report the incident to Campus Safety for entry into the College's daily crime log
- Confer with Campus Safety to assess the reported conduct for the need for a timely warning under the Clery Act
- Provide the Complainant with information about:
 - On and off campus resources

- The range of interim remedies and protections available
- An explanation of the procedural options, including Informal Resolution and Formal Resolution
- Make available an advisor, advocate, or support person
- Assess for pattern evidence or other similar conduct by Respondent
- Discuss the Complainant's expressed preference for manner of resolution and any barriers to proceeding
- Explain the College's policy prohibiting retaliation

This initial review will proceed to the point where a reasonable assessment of the safety of the individual and of the campus community can be made. Thereafter, an investigation may continue depending on a variety of factors, such as the Complainant's wish to pursue disciplinary action, the risk posed to any individual or the campus community by not proceeding, and the nature of the allegation.

At the conclusion of the Initial Title IX Assessment, the Title IX team will determine the appropriate manner of resolution and, if appropriate, refer the report for further Investigation, Informal Resolution, or Formal Resolution.

The determination as to how to proceed will be communicated to the Complainant in writing. Depending on the circumstances and requested resolution, the Respondent may or may not be notified of the report or resolution. A Respondent will be notified when the College seeks action that would impact a Respondent, such as protective measures that restrict their movement on campus, the initiation of an investigation, or the decision to involve the Respondent in Informal Resolution.

III. Informal Resolution

Informal resolution is a remedies-based, non-judicial approach designed to eliminate a hostile environment without taking disciplinary action against a Respondent.

Where the Initial Title IX Assessment concludes that informal resolution may be appropriate, the College will take immediate and corrective action through the imposition of individual and community remedies designed to maximize the Complainant's access to the educational and extracurricular activities at the College and to eliminate a hostile environment. Examples of protective remedies are provided in Section IX: Interim Remedies. Other potential remedies include targeted or broad-based educational programming or training, direct confrontation of the Respondent, and/or indirect action by the Title IX Coordinator or the College. Depending on the form of informal resolution used, it may be possible to maintain anonymity.

The College will not compel a Complainant to engage in mediation, to directly confront the Respondent, or to participate in any particular form of informal resolution. Mediation, even if voluntary, may not be used in cases involving sexual violence or assault. The decision to pursue informal resolution will be made when the College has sufficient information about the nature and scope of the conduct, which may occur at any time. Participation in informal resolution is voluntary, and a Complainant can request to end informal resolution at any time.

The Title IX Coordinator will maintain records of all reports and conduct referred for informal resolution. Informal resolution will typically be completed within thirty (30) business days of the initial report.

IV. Investigation

Following the Initial Title IX Assessment, the College may initiate a prompt, thorough and impartial investigation. The Title IX Coordinator, in consultation with the Title IX team, will oversee the investigation. At the conclusion of the investigation, if warranted, the Assistant Dean of Student Rights and Responsibilities will be assigned to facilitate the adjudication through a Sexual Misconduct Board.

The investigation is designed to provide a fair and reliable gathering of the facts. All individuals in the investigation, including the Complainant, the Respondent, and any third-party witnesses, will be treated with appropriate sensitivity and respect. Consistent with the need for a full assessment of the facts, the investigation will safeguard the privacy of the individuals involved.

The College will designate an investigator who has specific training and experience investigating allegations of sexual harassment and sexual misconduct. The investigator may be an employee of the College or an external investigator engaged to assist the College in its fact gathering. The College will typically use a team of two investigators, which may include the

pairing of an external investigator with a College employee. Any investigator chosen to conduct the investigation must be impartial and free of any conflict of interest.

The investigator(s) will coordinate the gathering of information from the Complainant, the Respondent, and any other individuals who may have information relevant to the determination. The investigator(s) will also gather any available physical or medical evidence, including documents, communications between the parties, and other electronic records as appropriate. The Complainant and Respondent will have an equal opportunity to be heard, to submit evidence, and to identify witnesses who may have relevant information.

The investigation will usually be completed within twenty (20) business days. Given the availability of witnesses or complexity of the circumstances, this time frame may be extended as necessary to ensure the integrity and completeness of the investigation.

At the request of law enforcement, the College may agree to defer its Title IX fact gathering until after the initial stages of a criminal investigation. The College will nevertheless communicate with the Complainant regarding Title IX rights, procedural options, and the implementation of interim measures to assure safety and well-being. The College will promptly resume its Title IX fact gathering as soon as law enforcement has completed its initial investigation.

Information gathered during the investigation will be used to evaluate the appropriate course of action, provide for the safety of the individual and the campus community, and impose remedies as necessary to address the effects of the conduct cited in the report.

A. Threshold Determination and Appeal from Insufficient Threshold

At the conclusion of the investigation, the investigator(s) will prepare a written report synthesizing the facts for review by the Title IX Coordinator and the Assistant Dean of Student Rights and Responsibilities. The investigator(s) are not charged with reaching a determination as to responsibility, which is a function reserved for a Sexual Misconduct Board.

Upon receipt of the investigative report, the Assistant Dean of Student Rights and Responsibilities, in consultation with the Title IX team, will review the report and make a threshold determination as to whether there is sufficient information upon which an adjudicator could make a finding of responsible or not responsible for the relevant policies. This threshold determination does not involve making a determination of responsibility, nor does it involve a credibility assessment. If the threshold has been established, the Assistant Dean of Student Rights and Responsibilities will issue a Notification Letter to the Respondent and the Complainant and will refer the report for Pre-Hearing Procedures.

If the Assistant Dean of Student Rights and Responsibilities, in consultation with the Title IX team, determines that this threshold has not been reached, the Complainant and Respondent will be notified in writing. The Complainant will have the opportunity to seek review by the Vice President of Student Life (or designee) by submitting a written request for review within five (5) business days of receipt of the notification. If an appeal is filed, the Respondent will be notified and will have the opportunity to respond. The Vice President of Student Life (or designee) may affirm the threshold finding, reverse the finding, or remand the matter for additional investigation as warranted. The Vice President of Student Life (or designee) will render a decision in writing, to both parties, within ten (10) business days of receipt of the request for review. The decision of the Vice President of Student Life (or designee) is final. Where a designee is chosen, the identity of this individual will be shared with both parties.

V. Formal Resolution

Formal resolution of a complaint under the Sexual Misconduct Policy will occur through the use of a Conduct Conference or a Sexual Misconduct Board.

A. Conduct Conference

A Complainant or Respondent may request resolution through an administrative conduct conference, in which the Assistant Dean of Student Rights and Responsibilities will meet with the Complainant and Respondent to determine responsibility and render a decision as to what sanctions, if applicable, should be implemented. Both parties and the Assistant Dean of Student Rights and Responsibilities must agree that the matter is appropriate for resolution by a conduct conference. Depending upon the nature and severity of the allegations, the Assistant Dean of Student Rights and Responsibilities may decline to handle the matter administratively and refer the case to a Sexual Misconduct Board.

A conduct conference is particularly appropriate when the Respondent has admitted to the harassment or misconduct and there is no discernible dispute in the relevant facts of the investigation report; however, at the discretion of the

Assistant Dean of Student Rights and Responsibilities, it may also be used when the facts are in dispute. The investigative report will serve as the primary evidence in making a determination of responsibility.

Both parties must have notice, the opportunity to review the investigative report in advance, and the opportunity to present any additional relevant information to the Assistant Dean of Student Rights and Responsibilities. In reaching a determination as to whether this policy has been violated, the Assistant Dean of Student Rights and Responsibilities will reach a determination by a preponderance of the evidence, that is, whether the conduct was more likely than not to have occurred as alleged. Based on the outcome of the conduct conference, the Assistant Dean of Student Rights and Responsibilities will issue an appropriate sanction.

Both a Complainant and Respondent may appeal the determination of the Assistant Dean of Student Rights and Responsibilities as provided in the Appeal section below.

B. Sexual Misconduct Board

The Sexual Misconduct Board typically consists of a three members drawn from a pool of trained faculty and campus administrators. The Dean of each school appoints faculty representatives to the Sexual Misconduct Board pool. The Dean of Students appoints staff representatives to the Sexual Misconduct Board pool. At the discretion of the Assistant Dean of Student Rights and Responsibilities, the College may engage an external adjudicator to serve as a member of the Sexual Misconduct Board or in lieu of the Sexual Misconduct Board, but only doing so will not interfere with the fair and equitable resolution of the complaint. In making the determination to select an external adjudicator, the Assistant Dean of Student Rights and Responsibilities will consider, among other factors, the nature of the allegations, the complexity of the case, whether there is any issue of conflict of interest, the availability of trained board members for the hearing, whether the College is in session or on break, or any other relevant factors. All board members must participate in annual training on non-discrimination, the dynamics of sexual harassment and other forms of prohibited conduct, the factors relevant to a determination of credibility, the appropriate manner in which to receive and evaluate sensitive information, the manner of deliberation, evaluation of consent and incapacitation, the application of the preponderance of the evidence standard, sanctioning, and the College's policies and procedures. The Assistant Dean of Student Rights and Responsibilities will coordinate the training in conjunction with campus and external partners.

The Sexual Misconduct Board is convened and supported by the Assistant Dean of Student Rights and Responsibilities, who is present at the convening of the board, but is not a voting member. The Assistant Dean of Student Rights and Responsibilities will meet with all involved parties prior to the hearing, will be present during the hearing to serve as a resource for the board on issues of policy and procedure, and will ensure that policy and procedure are appropriately followed throughout the hearing.

In most cases, it should be possible to convene a Sexual Misconduct Board; however if the hearing must be heard at or after the end of the semester or academic year and/or a full Sexual Misconduct Board cannot reasonably be convened, those cases may be heard by the Assistant Dean of Student Rights and Responsibilities, or the College may substitute an alternate method of adjudication at its discretion.

C. Advisors, Support Persons, and Attorneys

Advisor: In any hearing, the Complainant and Respondent may choose to be assisted by an advisor of their choosing. To assist parties in identifying an advisor, the Assistant Dean of Student Rights and Responsibilities maintains a list of campus community members who have undergone Title IX training and can guide a student through the pre-hearing and hearing process. The College recommends that each party select an advisor who has extensive knowledge of College policy and procedures. The advisor may accompany the student to any College investigative, administrative, or adjudicative meeting, including the Sexual Misconduct Board hearing. If either party so chooses, they may employ an attorney to serve as their advisor. An advisor may not advocate for, or speak on behalf of, a party at any stage of the proceedings, but may be present to provide counsel and advice.

Support Person: A Complainant and Respondent may also choose to be assisted by an emotional support person of their choice. The person must be a member of the Lewis & Clark community (student, faculty, staff, or administrator), or a member of the Complainant's or Respondent's family (including life partners). To serve as a support person, the individual will be required to meet with the Assistant Dean of Student Rights and Responsibilities or the Title IX Coordinator in advance of any participation in the proceedings. The support person may accompany the student to any College investigative, administrative, or adjudicative meeting, including the Sexual Misconduct Board hearing. The Sexual Assault Response Advocate may serve as a support person for a Complainant.

The support person cannot be a witness in the proceedings. The support person is a silent and non-participating presence who is there solely to observe and provide moral support during the hearing itself. This person is not to

address the Sexual Misconduct Board, except to ask for a short recess if one of the parties requires some time to compose themselves or collect their thoughts. The Assistant Dean of Student Rights and Responsibilities has the right at all times to determine what constitutes appropriate behavior on the part of a support person and whether the person may remain at the proceedings. While the support person may be present to hear testimony, no written materials are to be shared with support people.

Absent extenuating circumstances, witnesses and others involved in an investigation or hearing are not entitled to have a support person present.

Role of the Attorney/Outside Agreements: The College prohibits outside attorneys or family members acting as attorneys from participating in proceedings under this policy. A Complainant or Respondent may choose to seek the advice and assistance of an attorney at their own expense, but the attorney may not participate on behalf of a party in investigatory interviews, informal resolution proceedings, or formal resolution via conduct conference or Sexual Misconduct Board.

D. Pre-Hearing Procedures

1. Notice of Charges

Following the threshold determination that there is sufficient information to move forward with a hearing, the Assistant Dean of Student Rights and Responsibilities will send written Notification Letter to both the Complainant and the Respondent. The Notification Letter provides each party with a brief summary of the conduct at issue and the specific provision of the policy violation(s) that are alleged to have taken place.

2. Pre-Hearing Meeting with Complainant and Respondent

Following the Notification Letter, the Assistant Dean of Student Rights and Responsibilities will contact the Complainant and Respondent to schedule separate meetings with each party. At this pre-hearing meeting, each party will receive an explanation of the hearing process and have the opportunity to ask any questions. If the Complainant and/or Respondent have elected to have advisors throughout the hearing process, the advisor is encouraged to accompany the Complainant/Respondent to this initial meeting.

3. Notice of Hearing

Once each party has met with the Assistant Dean of Student Rights and Responsibilities, a Notice of Hearing is sent to the Complainant and the Respondent. The Notice shall specify the date, time, and place of the hearing, as well as the name(s) of the person(s) hearing the case.

In general, the hearing will be scheduled within ten (10) business days of the date of the Notice of Hearing. Under extenuating circumstances, this time frame may be extended.

4. Composition of the Sexual Misconduct Board

The Complainant and the Respondent may submit a written request to the Assistant Dean of Student Rights and Responsibilities that a member of the Sexual Misconduct Board be removed. The request must clearly state the grounds to support a claim of bias, conflict of interest, or an inability to be fair and impartial. This challenge must be raised within two (2) business days of receipt of the Notice of Hearing. All objections must be raised prior to the commencement of the hearing.

5. Pre-Hearing Review of Documents

The Complainant and the Respondent will each have the opportunity to review all investigative documents, subject to the privacy limitations imposed by state and federal law, at least five (5) business days prior to the hearing. The investigative documents will include the investigation report, any witness statements or interviews, statements or interviews by both parties, and any other documentary information that will be presented to the hearing panel.

6. Witnesses

The Sexual Misconduct Board will have the right to call witnesses. The Complainant and Respondent have the right to request witnesses at the hearing. Witnesses must have observed the conduct in question or have information relevant to the incident and cannot be called solely to speak about an individual's character.

No witness may be called unless the investigator has interviewed them as a part of the College's investigation. In the event that a witness comes to either party's attention after the pre-hearing, the party must submit the information below to the Assistant Dean of Student Rights and Responsibilities immediately, and the Assistant Dean of Student Rights and Responsibilities will make a determination of whether a delay of hearing is necessary. If either party wishes to call witnesses rather than have the Board proceed with the written witness statement

prepared by the investigator, the following must be submitted no later than five (5) business days before the hearing to the Assistant Dean of Student Rights and Responsibilities via e-mail or in hardcopy format:

- The names of any witnesses;
- A written statement and/or description of what each witness observed, if not already provided during investigation;
- A summary of why the witness' presence is important and relevant to making a decision about responsibility at the hearing; and,
- The reason why the witness was not interviewed by the investigator, if applicable.

The Assistant Dean of Student Rights and Responsibilities will determine if the proffered witness has relevant information and if there is sufficient justification for permitting a witness who was not interviewed by the investigator. The Assistant Dean of Student Rights and Responsibilities may also require the investigator to interview the newly proffered witness, in lieu of having them appear at the Sexual Misconduct Board.

If the investigator has not interviewed the proffered witness, the Assistant Dean of Student Rights and Responsibilities will refer the witness's name to the investigator to be interviewed. In order for the witness to be called, the involved party must demonstrate why presence of the witness at the hearing is necessary in order for them to make their case.

If witnesses are approved to be present, the Respondent and Complainant shall be provided with a list of witnesses and any relevant documents related to their appearance at the hearing no later than five (5) business days before the hearing. All parties have the opportunity to ask questions of witnesses (through the Sexual Misconduct Board), regardless of who called them to the hearing.

7. Relevance

The Assistant Dean of Student Rights and Responsibilities will review the investigative report, any witness statements, and any other documentary evidence to determine whether the proffered information contained therein is necessary and material to the determination of responsibility given the nature of the allegation. In general, the Assistant Dean of Student Rights and Responsibilities may redact information that is irrelevant, more prejudicial than probative, or immaterial. The Assistant Dean of Student Rights and Responsibilities may also redact statements of personal opinion, rather than direct observations or reasonable inferences from the facts, and statements as to general reputation for any character trait, including honesty.

8. Prior Sexual History and/or Pattern Evidence

Prior Sexual History of a Complainant: In general, a Complainant's prior sexual history is not relevant and will not be admitted as evidence at a hearing. Where there is a current or ongoing relationship between the Complainant and the Respondent, and the Respondent alleges consent, the prior sexual history between the parties may be relevant to assess the manner and nature of communications between the parties. As noted in other sections of this policy, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Any prior sexual history of the Complainant with other individuals is typically not relevant and will not be permitted.

Pattern Evidence by a Respondent: Where there is evidence of pattern of conduct similar in nature by the Respondent, either prior to or subsequent to the conduct in question, regardless of whether there has been a finding of responsibility, this information may be deemed relevant and probative to the Board's determination of responsibility and/or assigning of a sanction. The determination of relevance will be based on an assessment of whether the previous incident was substantially similar to the conduct cited in the report and indicates a pattern of behavior and substantial conformity with that pattern by the Respondent. Where there is a prior finding of responsibility for a similar act of sexual misconduct, there is a presumption of relevance and the finding may be considered in making a determination as to responsibility and/or assigning of a sanction.

The College, through the Assistant Dean of Student Rights and Responsibilities or Title IX Coordinator, may choose to introduce this information, with appropriate notice to the parties. Alternatively, a party may request in writing that information under this section be admitted. A request to admit such information must be submitted to the Assistant Dean of Student Rights and Responsibilities. The Assistant Dean of Student Rights and Responsibilities, in consultation with the Title IX Coordinator, will assess the relevance of this information and determine if it is appropriate for inclusion at the hearing.

To aid in an advance determination of relevance, the following must be submitted no later five (5) business days before the hearing to the Assistant Dean of Student Rights and Responsibilities via e-mail or in hardcopy format:

- A written statement and/or description of the proposed information, if not already provided during investigation; and
- A summary of why this information is relevant to making a decision of responsibility at the hearing.

If this information is approved as appropriate for presentation at the hearing, the Respondent and Complainant will be provided with a brief description of the approved information no later than three (3) business days before the hearing.

9. Request to Reschedule Hearing

Either party can request to have a hearing rescheduled. Absent extenuating circumstances, requests to reschedule must be submitted to the Assistant Dean of Student Rights and Responsibilities with an explanation for their request at least three (3) business days prior to the hearing.

10. Consolidation of Hearings

At the discretion of the Assistant Dean of Student Rights and Responsibilities, in consultation with the Title IX Coordinator, multiple reports may be consolidated against a Respondent into one hearing, if the evidence related to each incident would be relevant and probative in reaching a determination on the other incident. Matters may be consolidated where they involve multiple Complainants, multiple Respondents, or related conduct that would regularly have been heard under the Code of Conduct.

E. Sexual Misconduct Board Procedures

1. Attendance at Hearing

If a party does not attend a hearing for any non-emergency or compelling reason, the hearing may be held in the student's absence at the discretion of the Assistant Dean of Student Rights and Responsibilities.

If a Respondent withdraws from Lewis & Clark during an investigation or formal resolution, the College may move forward with the hearing and imposition of sanction, if any, in absentia.

Throughout the course of the hearing, steps will be taken to ensure that the Complainant and Respondent are not present in the hearing concurrently and are kept separate throughout the process.

2. Participants in Hearing Procedures

The Sexual Misconduct Board is a closed hearing; it is not open to the public. The individuals who may appear before the Sexual Misconduct Board are: the Complainant; the Respondent; any individual serving as an approved advisor or support person; and any individuals approved to appear as witnesses. Attorneys, including family members acting as attorneys, are not permitted, unless the attorney is in the role of Complainant, Respondent, approved advisor, support person, or witness and not as a legal representative of a party to the proceeding.

3. Safeguarding of Privacy

All participants involved in a hearing are required to keep the information learned in preparation for the hearing and at the hearing private. No copies of documents provided are to be made or shared with any third parties. All copies provided must be returned to the College at the conclusion of the hearing and any appeals. Any breach of this duty is subject to further disciplinary action by the College.

4. Sexual Misconduct Board Procedures

A hearing is not intended to be adversarial; rather, it is intended to be educational and developmental. The hearing is intended to provide a fair and ample opportunity for each side to present their account of the incident and for the Sexual Misconduct Board to determine the facts of the case, make a determination as to whether College policy was violated, and to recommend appropriate sanctions, if necessary. The hearing is an informal proceeding not comparable to a criminal trial; it is the mechanism by which the College assesses, and as appropriate, takes formal disciplinary action regarding a violation of College policy.

The Sexual Misconduct Board must review all pertinent information regarding the incident in question prior to the date of the hearing, including the investigative report and supporting materials submitted to the investigator. The Assistant Dean of Student Rights and Responsibilities will chair the Sexual Misconduct Board, and will call the hearing to order. The Assistant Dean of Student Rights and Responsibilities serves as an advisor (non-voting)

to the Board. The Assistant Dean of Student Rights and Responsibilities will explain the hearing process and will provide an opportunity to all parties to ask procedural questions prior to initial statements and the presentation of information.

At the beginning of the hearing, the Board, the investigator, and the Assistant Dean of Student Rights and Responsibilities will be present in the room. The investigator will provide a brief opening statement summarizing the investigation. The opening statement will focus on the areas of agreement and disagreement in order to assist the Board in prioritizing areas of inquiry.

The Complainant may then provide a brief opening statement. This is not intended to be a retelling of the event. The Complainant may supplement the information provided to the Sexual Misconduct Board, and may ask questions of the investigator. They can also suggest questions to be asked of the Respondent, and of any witnesses who may be called. The Sexual Misconduct Board may pose questions to the Complainant and to the investigator.

After these steps are complete, the Complainant will exit the hearing and the Respondent will enter the hearing. At this time, the investigator will again provide their brief opening statement. The Respondent will be given an opportunity to make a brief statement. The Sexual Misconduct Board may pose questions to the Respondent, including questions suggested by the Complainant. The Respondent may also ask questions of the investigator, and suggest questions for the Complainant and for any witnesses who may be called to the Board.

Any approved witnesses will be available at the hearing, and it will be at the Board's discretion whether to call those witnesses into the hearing for questioning. After the questioning of any approved witness, the Board will subsequently call in the Complainant to explain what they have heard, and to ask any questions raised by their questioning of the witness. Subsequently, the Complainant will leave the hearing and the same procedure will be repeated with the Respondent.

At the discretion of the Board, the Complainant or the Respondent may be called back into the hearing to address any outstanding issues of fact.

5. Questioning of Witnesses

It is the responsibility of the Sexual Misconduct Board to assure that the information necessary to make an informed decision is presented. The Board members may play an active role in questioning both parties and witnesses involved in the case. At times, the Board members may need to ask difficult or sensitive questions in order to understand areas of factual dispute or to gain a full understanding of the context.

At no time will the Complainant or the Respondent be permitted to directly question one another. As outlined above, the parties may submit questions for one another or for approved witnesses to the Sexual Misconduct Board, in writing in advance or during the hearing, which may be posed at the discretion of the Board.

Both parties are encouraged to prepare a written list of questions in advance. The parties may also submit questions to the chair throughout the course of the hearing. The chair, in consultation with the Board, will determine the appropriateness and relevance of the questions.

Parties and other individuals who offer information at a hearing are expected to respond honestly, and to the best of their knowledge. The Board reserves the right to recall any party or witness for further questions and to seek additional information necessary to make a decision.

6. Deliberation

After all of the information has been presented, all parties will be dismissed and the hearing will be formally concluded.

The Board members will conduct their deliberations in private. The Board must complete their deliberations within two (2) business days, but every attempt will be made to complete the deliberations promptly. The Assistant Dean of Student Rights and Responsibilities may remain for deliberations, but may not vote.

The Sexual Misconduct Board will determine a Respondent's responsibility by a preponderance of the evidence. This means that the Board will decide whether it is "more likely than not," based upon all of the relevant information, that the Respondent is responsible for the alleged violation(s). The Board must reach a decision on responsibility by majority vote. Only the decision on responsibility will be shared with the Complainant and the Respondent.

If the Board finds the Respondent responsible, the panel will then recommend appropriate sanctions to the Assistant Dean of Student Rights and Responsibilities. The Assistant Dean of Student Rights and Responsibilities,

in consultation with the Title IX Coordinator, will review the recommendations and impose an appropriate sanction.

The findings of the Board will be summarized in writing. This summary will detail the findings of fact and the basis/rationale for the decision of the Board, making reference to the evidence that led to their decision.

F. Sanctions

A student found in violation of this policy may receive sanctions that include, but are not limited to, those set forth below. Sanctions may be issued individually or in combination. The Complainant and Respondent will each have the opportunity to present a statement about the impact of the situation and/or requested sanctions. These statements will be considered only if the Respondent has been found responsible for one or more violations.

Students found responsible for violating the Sexual Misconduct Policy may face sanctions up to and including expulsion. The appropriate sanctions will be determined by considering the following:

- the severity, nature, and impact of the violation,
- the Respondent's prior conduct history,
- the Respondent's ethical development,
- the on-going risk to the involved individuals and the College community, and
- the educational mission of the institution.

The Sexual Misconduct Board may deviate from the range of recommended sanctions, based upon a full consideration of the following factors: (1) the Respondent's prior conduct history; (2) how the College has sanctioned similar incidents in the past; (3) the nature and violence of the conduct at issue; (4) the impact of the conduct on the Complainant; (5) the impact of the conduct on the community, its members, or its property; (6) whether the Respondent has accepted responsibility for their actions; (7) whether the Respondent is reasonably likely to engage in the conduct in the future; (8) the need to deter similar conduct by others; and (9) any other mitigating or aggravating circumstances, including the College's values.

The Sexual Misconduct Board or the Assistant Dean of Student Rights and Responsibilities may also consider restorative justice outcomes that, taking into account the safety of the community as a whole, allow a Respondent to learn about the origins of their behavior, their responsibility for this behavior, and how they can change this behavior. In appropriate cases, a Board may determine that the conduct was motivated by bias, insofar as a Complainant was selected on the basis of their race, color, ethnicity, national origin, religion, age, disability or other protected class. Where the Board determines that student misconduct was motivated by bias, the Board may elect to increase the sanction imposed as a result of this motivation.

The Sexual Misconduct Board will make a recommendation about the appropriate sanction. The Assistant Dean of Student Rights and Responsibilities, in consultation with the Title IX Coordinator, may affirm or modify the recommended sanction(s). The Assistant Dean of Student Rights and Responsibilities and Title IX Coordinator will review the Board's recommendations and take reasonable steps to foster consistency for similar violations and circumstances.

Sanctions that may be imposed under this policy include:

Formal Warning: Notice, in writing, that continuation or repetition of prohibited conduct may be cause for additional disciplinary action.

Disciplinary Probation: Exclusion from participation in privileged activities for a specified period of time (privileged activities may include, but are not limited to, elected or appointed ASOC offices, student research, athletics, some student employment, and study abroad). Additional restrictions or conditions may also be imposed. Violations of the terms of disciplinary probation or any other College policy violations may result in further disciplinary action.

Restitution: Repayment to the College or to an affected party for damages resulting from a violation of this Code. To enforce this sanction, the College reserves the right to withhold its transcripts and degrees or to deny a student participation in graduation ceremonies and privileged events.

Removal from Campus Housing: Students may be removed from College housing and/or barred from applying for campus housing due to disciplinary violations of this Code.

Suspension: Exclusion from College premises, attending classes, and other privileges or activities for a specified period of time, as set forth in the suspension notice. Notice of this action will remain in the student's conduct file. Conditions for readmission may be specified in the suspension notice, including completion of any outstanding disciplinary outcomes, and meeting with staff to set expectations for the student's return to campus. Duration of suspension can range from the remainder of a semester to multiple academic years, as deemed appropriate by the conduct authority hearing the case.

Disciplinary Dismissal: Permanent termination of student status and exclusion from College premises, privileges, and activities. This action will be permanently recorded on the student's academic transcript.

Revocation of Admission and/or Degree: Admission to, or a degree awarded by, the College may be revoked for fraud, misrepresentation in obtaining the degree or violation of College policies, the Code of Conduct or for other serious violations committed by a student prior to enrollment or graduation.

Withholding Degree: The College may withhold awarding a degree otherwise earned until the completion of the process set forth in this Code, including the completion of all sanctions imposed, if any.

Other sanctions may be imposed instead of, or in addition to, those specified here. Service, education, or research projects may also be assigned. More than one of the sanctions listed above may be imposed for any single violation.

G. Outcome Letter

The outcome of the Sexual Misconduct Board will be final and communicated to the Complainant and Respondent in writing, usually within four (4) business days from the date the hearing is concluded. The notification of each party should occur at or near the same time.

Both parties have the right to be informed of the outcome. In addition, the Respondent and Complainant will be fully informed of any sanctions.

H. Appeals

Appeals of cases involving a complaint against a student are handled as outlined in the Student Code of Conduct, section XIX. Appeals.

I. Integrity of Proceedings

These procedures are entirely administrative in nature and are not considered legal proceedings. Neither party may audio or video record the proceedings, nor is formal legal representation allowed.

At the Assistant Dean of Student Rights and Responsibilities' discretion, anyone disrupting the hearing may be removed.

J. Records

The Title IX Coordinator will retain records of all reports and complaints, regardless of whether the matter is resolved by means of Title IX assessment, informal resolution, or formal resolution.

Affirmative findings of responsibility in matters resolved through formal resolution are part of a student's conduct record and an employee's personnel record. Such records shall be used in reviewing any further conduct, or developing sanctions, and shall remain a part of a student's conduct record or an employee's personnel record.

When a student is permanently separated from Lewis & Clark through a disciplinary dismissal, this is noted on the student's academic transcript. The conduct files of students who have been suspended or dismissed for disciplinary reasons are maintained by the Office of Student Rights and Responsibilities indefinitely. Conduct files of students who have not been disciplinarily suspended or dismissed are maintained by the Office of Student Rights and Responsibilities for no fewer than seven years from the date of the incident. Further questions about record retention should be directed to the Office of Student Rights and Responsibilities

Last amended: July 5, 2018

Sexual Assault Crime Response Protocol

Lewis & Clark College and the Portland Police Bureau cooperate in the investigation of sexual assault crimes, to the benefit of victims/survivors.

Sexual Misconduct Prevention and Awareness Programs

Primary Prevention and Awareness

Undergraduate students:

Prior to arriving on campus, each incoming undergraduate student is required to complete an online educational course that addresses healthy relationships, consent and sexual misconduct. As a part of the course students are required to review and acknowledge that they have read the campus Sexual Misconduct Policy. The course curriculum is researched-based and designed to be interactive and non-judgmental to fully engage students. It also provides information designed to aid survivors of sexual misconduct by listing options, resources, and support services both on and off campus. This course meets Title IX and the SaVe Act requirements.

The New Student Orientation program for undergraduate students includes a presentation that is focused on consent and healthy relationships. New Student Orientation Leaders lead discussions with small groups about the course and the program continuing to engage students and answer questions that they might have.

The Pioneer Success Institute (PSI) is a six-part course that all incoming students are required to complete. One of the sessions focuses on sexual health and consent. This session is led by trained peer facilitators and covers consent, prevention through bystander intervention, sexual misconduct policies, resources and reporting options.

Graduate and law students:

Graduate and law students receive information about the institution's sexual misconduct policy, reporting options and obligations, and resources for support during their respective orientations. Continuing students and employees receive this information as well.

On-going Prevention and Awareness

To publicize Lewis & Clark's zero tolerance for sexual misconduct, the College gets messages out to all community members using various methods such as electronic signage, emails, social media and posters and flyers. The College hosts events and trainings for students, faculty and staff that include reporting and filing a complaint options, resources, and how to support someone who has experienced sexual misconduct. The Title IX Coordinator and Deputy Coordinators supervise these efforts.

All live-in Campus Living staff members receive training on how to discuss sexual misconduct issues with students and how to appropriately respond in the event of an incident. Student members of the Feminist Student Union, the Queer Student Union, and other student leaders receive a three-hour training on basic advocacy skills each year. This training is offered at least twice a year and is available to any interested student. The Associated Students of Lewis & Clark (undergraduate student government) receive an annual training each year on sexual misconduct.

A variety of programs occur throughout each academic year focusing on prevention of sexual misconduct and, more generally, on issues of respect and tolerance. Sexual misconduct prevention and response programs are reviewed on an annual basis. Policy and procedures are also reviewed and updated frequently. Modifications and updates are incorporated into the programming.

Statement on risk reduction

To reduce the risk of sexual misconduct, every member of our community must have a clear understanding of consent and make sure they have consent from every party involved before, and during any engagement in sexual activity. While there are things that people can do to reduce their risk of experiencing sexual misconduct, only the perpetrator can choose not to act. To protect yourself and your friends from sexual misconduct, keep these things in mind:

- Be sure to obtain consent every time, for every sexual activity, with every partner.
- Be an active bystander. If you see something that doesn't look right, it probably isn't. Step in and address the situation, or get help if it could compromise your own safety.

- Be mindful of your alcohol consumption. If you are too drunk to reliably obtain consent, then don't engage in sexual activity. Remember, in cases where both parties are under the influence, the initiator of the sexual activity is responsible.
- When you go to a social gathering, go with a group of friends, arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you, may help you to find a way out of a bad situation.
- Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get them to a safe place immediately. If you notice a friend making someone else uncomfortable, step in and address it with your friend.

Trust your instincts. If you feel unsafe, uncomfortable, or worried for any reason, don't ignore these feelings. Go with your gut. Get somewhere safe and find someone you trust or call law enforcement.

Bystander Intervention tips:

If you see someone in a risky situation

- Step in and offer assistance. Ask if the person needs help. Before intervening, make sure to evaluate the risk. If it means putting yourself in danger, call 911, or get assistance from others instead.
- Don't leave. If you remain at the scene and are a witness, the perpetrator is less likely to do anything.
- If you know the perpetrator, tell them you do not approve of their actions. Ask the person to leave the other person alone.

Be an ally

- When you go to a party, go with a group of friends. Arrive together, check in with each other frequently and leave together.
- Have a buddy system. Don't be afraid to let a friend know if you are worried about their safety.
- If you see someone who is intoxicated, offer to call a cab.

If you know someone who has experienced sexual misconduct

- Listen. Be there. Don't be judgmental.
- Be patient. Remember, it will take your friend some time to deal with it.
- Help to empower your friend. Sexual misconduct takes away an individual's power, it is important not to compound this experience by putting pressure on your friend to do things that they are not ready to do yet.
- Encourage your friend to report the incident to campus authorities, or to law enforcement. If your friend has questions about reporting options, talking with a Sexual Assault Response Advocate (<http://go.lclark.edu/sara>) or with someone on the National Sexual Assault Hotline, 1-800-656-HOPE can help.
- Let your friend know that professional help is available on campus and in the community through the [Sexual Violence Prevention and Response](#) website.
- If your friend is willing to seek medical attention or report the assault, offer to accompany them wherever they need to go (hospital, police station, campus security, etc.)
- Encourage them to contact one of the support resources, but realize that only your friend can make the decision to get help.
- Adapted from RAINN (<https://rainn.org/get-information/sexual-assault-prevention/bystanders-can-help>).

Alcohol & drug policies

Lewis & Clark seeks to encourage and sustain an academic environment that both respects individual freedom and promotes the health, safety, and welfare of all members of the community. In keeping with these objectives, the College has established a policy and guidelines governing the distribution and consumption of alcoholic beverages on the College

campus, consistent with laws of the state of Oregon. Underage possession and/or consumption of alcoholic beverages is not permitted on property owned or controlled by the College.

Intentionally or knowingly selling, or intentionally or knowingly “furnishing” alcoholic beverages to persons under the age of 21, or to persons obviously inebriated, is not permitted on property owned or controlled by the College.

Alcohol can be served at public events only to those over the age of 21 and only if in conformity with those requirements of the Oregon Liquor Control Commission and the College regarding the serving of alcohol.

Arrangements for serving alcohol at public events must be made through the Office of Campus Conferences and Events in Templeton Campus Center.

Any individual known to be in violation of the College alcohol policy is subject to disciplinary action and possible arrest (citation in lieu) or fine according to state or federal law.

Illegal drugs

Lewis & Clark does not condone possession, use, or distribution of any and all illegal drugs by anyone in any campus facility. Any individual known to be possessing, using, or distributing such drugs is subject to disciplinary action and possible arrest, imprisonment, or fine according to state or federal law. The possession of marijuana, while legal in the state of Oregon under some circumstances for persons over the age of 21, is not allowed on campus.

Alcohol and other drug education programs

The College has an employee assistance program, through Cascade Centers, for confidential counseling and referrals for issues including drug and alcohol abuse.

Each fall, incoming undergraduate students are required to complete an online alcohol and other drug education program prior to beginning classes. As a part of the course, students are required to review and acknowledge that they have read the campus Alcohol and Drug Policies. The course curriculum is researched-based and designed to be interactive and non-judgmental to fully engage students. During New Student Orientation Campus Living staff conduct sessions to explain and discuss the Student Code of Conduct and, more importantly, responsible behavior in general. Use of alcohol and other drugs is a major topic during these sessions. Staff members continue group and one-on-one discussions about alcohol and other drugs as necessary throughout the academic year.

The College draws upon the National Institute on Alcohol Abuse and Alcoholism’s (NIAAA) recommendations for addressing college drinking to drive its strategies in alcohol and other drug use education and prevention. Programs and interventions that combine cognitive-behavioral skills with norms clarification and motivational enhancement have been shown to be effective with the college-aged population. The College employs these evidence-based strategies for education and prevention of excessive use of alcohol and other drugs. The use of College-specific health behavior data collected through the American College Health Association-National College Health Assessment II (ACHA-NCHA II) is used for norms clarification and dispelling common myths regarding alcohol and other drug use by college students. This has been effective in challenging behavior and perceptions.

Outcomes for students who are in violation of the Student Code of Conduct regarding alcohol and other drug use are designed to be educative. These outcomes, based on the above recommendations include individual and group sessions based on Alcohol Skills Training Program (ASTP) and Brief Alcohol Screening and Intervention for College Students (BASICS). Referrals to off-campus licensed addiction specialists are made when appropriate. Other outcomes for violations of the Student Code of Conduct include student-generated alcohol education programs, topic-specific readings, and other brief motivational enhancement sessions. Similar educational outcomes are used with students found responsible for other drug violations.

These efforts, along with consistent enforcement, communication, and policy review, provide a comprehensive approach to alcohol and other drug use prevention and education. Alcohol and other drug policies and programs are reviewed every two years. Updates to policy and programming are made based on these reviews. The Office of Health Promotion and Wellness coordinates institutional programmatic interventions relating to alcohol and other drug use issues.

Weapons policy

For the safety of everyone, all types of weapons are prohibited on campus. This includes, but is not limited to, firearms, ammunition, explosives, air guns, BB guns, crossbows, bows and arrows, spring-type guns, knives with blades longer than three and one half inches, slingshots, firecrackers, fireworks, and cherry bombs. Anyone possessing or using any of these weapons can and will be subject to disciplinary action.

Crime statistics reporting

Current regulations require the College to report occurrences (for the three prior years) of all Clery crimes, including criminal homicide, murder, non-negligent manslaughter, manslaughter by negligence, rape, fondling, incest, statutory rape, robbery, aggravated assault, burglary, motor vehicle theft and arson. Additionally, the College must report “hate crimes” – any of the aforementioned offenses motivated by the following categories of bias: race, gender, gender identity, religion, sexual orientation, ethnicity, national origin or disability, as well as other offenses motivated by the same categories of bias, including larceny-theft, simple assault, intimidation, and destruction, damage or vandalism of property. The College is also required to report all Violence Against Women Act (VAWA) offenses, including occurrences of domestic violence, dating violence and stalking. Lastly, the College must disclose arrests and referrals for disciplinary action for weapons violations, drug abuse violations and liquor law violations.

The Director of Campus Safety, or designee, gathers and compiles the crime statistics for this annual report. In addition to the crimes reported to Campus Safety that are included in this report, the Director of Campus Safety canvasses many other “Campus Security Authorities” for additional criminal activity that may not have been reported to the Office of Campus Safety. Those “Campus Security Authorities” include, but are not limited to, the Title IX Coordinator and Deputy Title IX Coordinators, Overseas and Off Campus Programs Director and Associate Director, Faculty/Staff Advisors to student organizations, the Director and Associate Directors of Physical Education and Athletics (including other administrators/staff) as well as Athletic Team Head Coaches, members of the Campus Safety Department, the Dean of Students, Associate Deans of Students, the Associate Director of Campus Living, the Assistant Dean of Student Rights and Responsibilities, the Director of College Outdoors, the Associate Director for Health Promotion, the Director of Housing and Orientation, the Director of Student Activities, the Area Directors, Resident Advisors, and specified persons at the Graduate School of Education and Counseling and the Law School.

Crime statistics in this report from off-campus venues and adjacent streets were compiled in collaboration with the Portland Police Bureau. There are no off-campus student organizations affiliated with Lewis & Clark College such as fraternities or sororities. Double-counting of these crimes is avoided by an oversight process conducted by the Director of Campus Safety.

The College does not require that its mental health counselors report crimes, when the knowledge of such crimes arose in the context of a privileged relationship. In addition, the College has determined that the following individuals are not obligated to report Clery crime information they may learn in performing their professional activities – Associate Dean of Students for Health and Wellness, Director of the Student Health Service, all SARAs, Ombuds, Dean of Religious and Spiritual Life, Associate Director for Health Promotion, and the clinical staff in the Student Health Service. However, the College does have procedures in place whereby all those referenced above encourage clients to voluntarily report crimes to the police and/or college officials.

The reporting of sexual assaults through the Sexual Assault Response Network allows for the reporting of crimes on a voluntary, confidential basis for inclusion in the annual report. The only other process in place allowing for the anonymous reporting of Clery crimes, VAWA offenses and hate/bias crimes is by access to the “Report a Concerning Situation” portal on the College’s Title IX Compliance site.

Lewis & Clark will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sexual assault, the results of any disciplinary hearing conducted by the college against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, Lewis & Clark will provide the results of the disciplinary hearing to the victim’s next of kin, if so requested.

CATEGORY	VENUE	2016	2017	2018
Murder and Non-Negligent Manslaughter				
	• On campus	0	0	0
	• In dormitories or other residential facilities	0	0	0
	• In or on a non-campus building or property	0	0	0
	• On public property	0	0	0
Manslaughter by Negligence		2016	2017	2018
	• On campus	0	0	0
	• In dormitories or other residential facilities	0	0	0
	• In or on a non-campus building or property	0	0	0
	• On public property	0	0	0
Rape (additional narrative below)		2016	2017	2018
	• On campus	10	6	3
	• In dormitories or other residential facilities	10	6	3
	• In or on a non-campus building or property	0	0	0
	• On public property	0	0	0
Fondling (additional narrative below)		2016	2017	2018
	• On campus	5	4	3
	• In dormitories or other residential facilities	1	1	3
	• In or on a non-campus building or property	1	0	1
	• On public property	0	0	0
Incest and Statutory Rape		2016	2017	2018
	• On campus	0	1	0
	• In dormitories or other residential facilities	0	1	0
	• In or on a non-campus building or property	0	0	0
	• On public property	0	0	0
Dating Violence		2016	2017	2018
	• On campus	0	1	0
	• In dormitories or other residential facilities	0	1	0
	• In or on a non-campus building or property	0	0	0
	• On public property	0	0	0
Domestic Violence (additional narrative below)		2016	2017	2018
	• On campus	1	1	1
	• In dormitories or other residential facilities	1	1	1
	• In or on a non-campus building or property	0	0	0
	• On public property	0	0	0
Stalking (additional narrative below)		2016	2017	2018
	• On campus	2	4	5
	• In dormitories or other residential facilities	2	3	2
	• In or on a non-campus building or property	0	0	0
	• On public property	0	0	0
Hate Crimes (additional narrative below)		2016	2017	2018
	• On campus	0	0	0
	• In dormitories or other residential facilities	0	0	0
	• In or on a non-campus building or property	0	0	0
	• On public property	0	0	0

		2016	2017	2018
Aggravated Assault				
	• On campus	0	0	0
	• In dormitories or other residential facilities	0	0	0
	• In or on a non-campus building or property	0	0	0
	• On public property	0	0	0
Robbery		2016	2017	2018
	• On campus	1	0	0
	• In dormitories or other residential facilities	0	0	0
	• In or on a non-campus building or property	0	0	0
	• On public property	0	0	0
Burglary		2016	2017	2018
	• On campus	3	0	0
	• In dormitories or other residential facilities	3	0	0
	• In or on a non-campus building or property	0	0	0
	• On public property	0	0	0
Arson		2016	2017	2018
	• On campus	0	0	0
	• In dormitories or other residential facilities	0	0	0
	• In or on a non-campus building or property	0	0	0
	• On public property	0	0	0
Motor Vehicle Theft		2016	2017	2018
	• On campus	2	1	0
	• In dormitories or other residential facilities	0	0	0
	• In or on a non-campus building or property	0	0	0
	• On public property	0	0	4
Arrest For Liquor law violations		2016	2017	2018
	• On campus	0	0	0
	• In dormitories or other residential facilities	0	0	0
	• In or on a non-campus building or property	0	0	0
	• On public property	0	0	0
Arrest For Drug-related violations	• On campus	0	1	0
	• In dormitories or other residential facilities	0	1	0
	• In or on a non-campus building or property	0	0	0
	• On public property	0	0	0
Weapons possession	• On campus	0	0	0
	• In dormitories or other residential facilities	0	0	0
	• In or on a non-campus building or property	0	0	0
	• On public property	0	0	0
Disciplinary Referrals: Liquor Law violations		2016	2017	2018
	• On campus	219	180	159
	• In dormitories or other residential facilities	205	140	151
	• In or on a non-campus building or property	19	3	3
	• On public property	3	0	0
Drug-related violations	• On campus	120	73	60
	• In dormitories or other residential facilities	68	42	48
	• In or on a non-campus building or property	0	0	0
	• On public property	3	1	0

Weapons possession	• On campus	0	0	0
	• In dormitories or other residential facilities	0	0	0
	• In or on a non-campus building or property	0	0	0
	• On public property	0	0	0

The category “On campus” is composed of all on-campus incidents, including those listed in the category, "In dormitories or other residential facilities". Therefore, the two categories are not cumulative, but duplicative.

The category “In or on a non-campus building or property” refers to multiple Portland, Oregon addresses, including the Lewis & Clark College Boat Dock at 9932 S.W Riverside Drive, the Lewis & Clark Community Counseling Center at 4445 SW Barbur Blvd, Suites 106, 107 and 205, the National Crime Victim Law Institute at 1130 SW Morrison St., and the Small Business Legal Clinic and Low Income Tax Clinic, both at 310 SW 4th Ave., #1018. Also included are several college owned residences that house law school students-those being 10300 SW 4th Ave., 10512 SW 4th Ave., 10514 SW 4th Ave., 9919 SW Boones Ferry Road, 10015 SW Boones Ferry Road, 10025 SW Boones Ferry Road, 425 SW Maplecrest Drive, and 0620 SW Palatine Hill Road. Lastly, it includes a downtown Portland address, 1332 W. Burnside Street, which the College controls on one evening a year.

The category “On public property” includes all streets (SW Palatine Hill Road, SW Comus Street, SW Palater Road, SW Terwilliger Boulevard, SW Boones Ferry Road, and SW 4 Avenue) that are adjacent to Lewis & Clark College facilities, as well as River View Natural Area and Tryon Creek State Park, which are accessible public property adjacent to Lewis & Clark College.

Sexual assaults

Of the ten on-campus rapes reported for calendar year 2016, one of those was reported to have actually occurred during calendar year 2013, and three of those (one was multiple counts) were reported to have actually occurred during calendar year 2015.

VAWA offenses

The one reported domestic violence incident for calendar year 2016 was reported to have included multiple counts.

Hate crimes (including crime and bias categories)

2016: Nothing to report

2017: Nothing to report

2018: Nothing to report

Daily Crime Log

In addition to the annual reporting of the above referenced major crimes over the prior three-year period, the Office of Campus Safety maintains a daily crime log that lists all current reported crimes. The log contains information about the crimes (case number, date/ time reported, date/time occurred, location, and disposition). To view the daily crime log, access the Campus Safety web site at http://www.lclark.edu/about/campus_safety/.

Fire safety in residence halls

In the residence halls, a fire safety training program for Resident Advisors is conducted annually by the College’s Risk Management Coordinator. Resident Advisors, in turn, cover fire safety and evacuation during their community meetings with students who reside on campus at the start of each semester.

Inspections related to fire safety are conducted each semester in every residence hall room. Area Directors’ checks include sprinkler heads and piping, smoke detectors and wall surfaces. They also check for prohibited and high risk items.

At Lewis & Clark, smoking is not permitted except in Designated Smoking Areas well away from residence halls. Additionally, residential students are prohibited from having camping stoves and fuel, fireworks, halogen lamps, and appliances with open coils, such as toasters, hot plates and toaster ovens. Burning candles, sage, incense, and other like items are also prohibited.

Campus Safety officers, assisted by Area Directors or Resident Advisors, conduct fire drills twice each semester (four total per year) in each of the residence halls. Portland Fire Bureau personnel are notified of the drills and are allowed to participate.

Students should be aware of the location of the residence hall exits, fire alarm pull stations, and fire extinguishers.

Procedures to follow in the event of a fire

- In all cases of fire, call 911 and Campus Safety (ext. 7777). Give your name and describe the location of the fire.
- If you have been trained and are able to safely extinguish the fire, do so. Use the proper fire extinguisher for the type of fire. Keep your back to an exit and, depending on the size of your extinguisher, stand 10 to 20 feet away from the fire. Follow the four-step **PASS** procedure. If the fire does not begin to go out immediately, leave the area at once.
 - Pull** the pin. This unlocks the operating lever and allows you to discharge the extinguisher.
 - Aim** the extinguisher nozzle or hose at the base of the flames.
 - Squeeze** the trigger while holding the extinguisher upright.
 - Sweep** the extinguisher from side to side, covering the area of the fire with the extinguishing agent.
- Watch the fire area. If the fire reignites, repeat the process.
(*WARNING: Portable fire extinguishers discharge faster than most people think – many within 15 to 30 seconds.*)
- If the fire is large, very smoky, or spreading rapidly, leave the building immediately by the nearest clear exit. Pull the fire alarm and clear the area. Do not stop or return to collect personal belongings. Evacuate all effected rooms, closing all doors and windows to confine the fire and reduce oxygen—**DO NOT LOCK DOORS**.
- Follow the directions of Emergency Team Leaders (ETLs), including Resident Advisors, Area Directors or other emergency personnel.
- Assist disabled persons. Do not use elevators.
- If there is a closed door in your exit path, touch the door lightly with the back of your hand. If the **door is not warm**, open slowly. Be prepared to close the door quickly if smoke or flames are present. Leave immediately if clear and be prepared to crawl if you encounter smoke. Cooler cleaner air is near the floor. If the **door is warm**, do not open it. Seek an alternate route.
- If you **become trapped** in the residence hall during a fire and a window is available, place an article of clothing (shirt, coat, etc.) outside the window as a marker for emergency personnel. If there is no window, stay near the floor, where the air will be more breathable. Cover your mouth with a dampened cloth. Shout at regular intervals to alert emergency personnel of your location.
- If your clothes catch fire **STOP, DROP & ROLL** to extinguish the flame. **DO NOT RUN!**
- Once outside the residence hall, proceed to the designated Evacuation Assembly Area (EAA) for your building, avoiding fire lanes and hydrants. Notify emergency personnel if you suspect someone is trapped inside.
- Follow the directions of Emergency Team Leaders (ETLs), including Resident Advisors, Area Directors or other emergency personnel, and **do not** reenter the residence hall until you have been authorized to do so.

Fire Safety Systems

Residence Hall	Alarms	Smoke Detectors			Auto Close Doors	Smoke Detectors in rooms**	
		in H/K*	Horns	Strobes		in rooms**	Sprinkler
Akin	Y	Y	Y	Y	Y	Y	Y
Stewart	Y	Y	Y	Y	Y	Y	Y
Odell	Y	Y	Y	Y	Y	Y	Y
Ponderosa	Y	Y	Y	Y	Y	Y	Y
Spruce	Y	Y	Y	Y	Y	Y	Y
Juniper	Y	Y	Y	Y	Y	Y	Y
Manzanita	Y	Y	Y	Y	Y	Y	Y

Alder	Y	Y	Y	Y	Y	Y	Y
Hartzfeld	Y	Y	Y	Y	Y	Y	Y
Holmes	Y	Y	Y	Y	Y	Y	Y
Platt-Howard	Y	Y	Y	Y	Y	Y	Y
Copeland	Y	Y	Y	Y	Y	Y	Y
East	Y	Y	Y	Y	Y	Y	Y
West	Y	Y	Y	Y	Y	Y	Y
Roberts	Y	Y	Y	Y	Y	Y	Y

* Hallways/Kitchens
 ** Independent of Fire System

Fire Statistics

Residence Hall	Fires	Cause	Injury	Death	Damage
Akin					
2016	0	NA	0	0	0
2017	0	NA	0	0	0
2018	0	NA	0	0	0
Stewart					
2016	0	NA	0	0	0
2017	0	NA	0	0	0
2018	0	NA	0	0	0
Odell					
2016	0	NA	0	0	0
2017	0	NA	0	0	0
2018	0	NA	0	0	0
Ponderosa					
2016	0	NA	0	0	0
2017	0	NA	0	0	0
2018	0	NA	0	0	0
Spruce					
2016	0	NA	0	0	0
2017	0	NA	0	0	0
2018	0	NA	0	0	0
Juniper					
2016	0	NA	0	0	0
2017	0	NA	0	0	0
2018	0	NA	0	0	0
Manzanita					
2016	0	NA	0	0	0
2017	0	NA	0	0	0
2018	0	NA	0	0	0
Alder					
2016	1	NA	0	0	0
2017	0	NA	0	0	0
2018	0	NA	0	0	0
Hartzfeld					
2016	0	NA	0	0	0
2017	0	NA	0	0	0
2018	0	NA	0	0	0

Holmes

2016	0	NA	0	0	0
2017	0	NA	0	0	0
2018	0	NA	0	0	0

Platt-Howard

2016	0	NA	0	0	0
2017	0	NA	0	0	0
2018	0	NA	0	0	0

Copeland

2016	0	NA	0	0	0
2017	0	NA	0	0	0
2018	0	NA	0	0	0

East

2016	0	NA	0	0	0
2017	0	NA	0	0	0
2018	0	NA	0	0	0

West

2016	0	NA	0	0	0
2017	0	NA	0	0	0
2018	0	NA	0	0	0

Roberts

2016	0	NA	0	0	0
2017	0	NA	0	0	0
2018	0	NA	0	0	0

Daily fire log

The Office of Campus Safety maintains a daily fire log that lists all reported fires in campus residence halls. The log contains information about the fires (case number, date/time reported, date/time occurred, location, and nature of the fire). To view the daily fire log, access the Campus Safety web site at http://www.lclark.edu/about/campus_safety.