

SAPR Sexual Assault
Prevention & Response

2016–17 ACADEMIC YEAR



Options and Resources for Employee
Victims of Sexual Misconduct,
Dating/Domestic Violence, and Stalking

REED COLLEGE

Reed College is committed to supporting and empowering survivors of sexual and relationship violence.

Reed is providing this information in compliance with federal and Oregon state laws and policies. Reed's Discriminatory Harassment and Sexual Misconduct (DHSM) policy describes in detail prohibited conduct and the college's processes for resolving alleged violations. Webpages are updated with new information as we improve our processes and new resources become available; please go to reed.edu to find the most current information.

A note on language

The material in this handbook is intended for survivors of sexual misconduct, relationship abuse, and stalking. To conform with best practices, survivor-centered language is used throughout, including the terms "victim," "survivor," "offender," and "perpetrator." Official policies and descriptions of processes on the college's website use different terms to clarify that allegations are investigated and disciplinary processes are conducted without bias toward the complainant or respondent and without pre-supposition of the facts of an incident. The college uses a preponderance of evidence standard to determine responsibility for alleged violations of its sexual misconduct policy.

Information and resources for those accused of sexual misconduct, relationship abuse, and stalking are available on the Reed website (reed.edu/sexual_assault/info-for-accused).

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Note: The college's definition of consent can be found on page 32.

First Steps

Survivors have many choices, and all survivors have different needs. Some actions (like a forensic medical examination to collect physical evidence of sexual assault) need to be done quickly after an incident. Others (such as reporting to the college) can be done long after the incident. Advocates and counselors can help you consider your choices and resources and make decisions that are right for you.

FOR CONFIDENTIAL SUPPORT AND INFORMATION

Call to Safety (formerly “Portland Women’s Crisis Line”) is an off-campus crisis advocacy line that provides information and support to all survivors of sexual or relationship violence and stalking. Advocates are confidential resources who are trained to work with survivors of sexual misconduct, relationship abuse, and stalking. They can make referrals to counselors (licensed professionals who provide confidential services) who are experienced in working with survivors.

Call to Safety

503/235-5333

Survivors employed at least half-time by the college are eligible for up to five free counseling sessions with Cascade Centers through the employee assistance program.

Phone consult

800/433-2320

Online support

cascadecenters.com/esupport

TO MAKE A REPORT TO THE COLLEGE

If you or someone else might be in danger, please call community safety on campus or 911 off campus.

Call or email the Title IX coordinator, dean of faculty, director of human resources, director of community safety, or assistant dean of sexual assault prevention and response and tell them that you want to make a report of sexual misconduct, dating/domestic violence, or stalking.

Anonymous reports can be made on the Reed website:

reed.edu/sexual_assault/reporting/anon-report.php

Title IX Coordinator (Mike Brody)

503/777-7521 or title-ix@reed.edu

Dean of the Faculty (Nigel Nicholson)

503/517-5546 or nnichols@reed.edu

Director of Human Resources (Michelle Valintis)

503/517-7608 or mvalintis@reed.edu

Director of Community Safety (Gary Granger)

503/777-7379 or grangerg@reed.edu

FOR MEDICAL CARE

If you need emergency care, please contact 911 or your medical provider.

Summary of resources & options

Survivors of sexual assault, relationship abuse (including dating and domestic violence), and stalking have these options and resources regardless of whether the offense occurred on campus.

Safety: If there is current danger or fear that someone might be harmed, please call community safety on campus or 911 off campus.

Advocacy: Crisis advocates and counselors provide confidential emotional support and important information on options and resources. Call to Safety provides confidential crisis services in Multnomah County and can make referrals to other providers.

Counseling: The employee assistance program offers counseling in person, on the phone, or online. Your health insurance may offer mental health benefits.

Medical care: Anyone can receive medical care at a community provider or an emergency room.

Medical forensic exam: After a sexual assault, a forensic examiner may provide medical care and collect physical evidence from the body and clothes of a survivor at a hospital emergency room. A report to law enforcement is not necessary to receive an exam.

Preserving evidence: Survivors may consider saving evidence (including texts, social media posts, and physical evidence) until they decide if they want to report to the college, law enforcement, or both. Evidence may be useful in proving that a reported incident occurred and may be helpful in obtaining a no-contact or protective order.

Reporting to law enforcement: Survivors can report to law enforcement in addition to or instead of the college. If the survivor requests, community safety will help them make the report. Survivors have the right to decline to notify or speak with law enforcement.

Reporting to the college: Reports can be made to the college’s Title IX coordinator or an obligated reporter. Anonymous reports can be made to the college through the Reed website. All reports will be investigated to the extent possible based on available information.

Filing a disciplinary case: In addition to a report being filed with the college, a complaint may be filed with the appropriate disciplinary body. If there is a finding of responsibility, sanctions may be assigned.

Remedies and accommodations: Accommodations may include work schedule changes, no-contact orders, and campus escorts. Reporting is necessary in order for survivors to receive most accommodations from the college.

Financial assistance: The college does not provide financial assistance for survivors.

Protective orders: Court-issued protective orders such as Family Abuse Protection Act Orders, Sexual Abuse Protective Orders, and Stalking Protective Orders may require the respondent to avoid certain areas and types of contact on- and off-campus. Reed honors and complies with all court-issued protective orders.

No-contact orders: No-contact orders are generally non-punitive and reciprocal and may be issued between Reed community members by the director of community safety, the director of human resources, or the dean of faculty. Violations of no-contact orders by either party may be reported to the issuer and may result in disciplinary action.

Civil court remedies: Even if the incident was not reported to law enforcement, survivors may contact an attorney to bring a civil case to recover damages for the harm done to them and to help pay for services that assist in healing.

Crime victim compensation: Survivors who report to law enforcement may be eligible for compensation through the Oregon Crime Victims’ Compensation Program for reimbursement of expenses such as medical and counseling expenses and loss of wages.

Legal assistance: The college does not provide legal assistance for survivors. For survivors of sexual assault, free legal assistance in criminal and civil proceedings may be available from the Victim Rights Law Center whether or not they have made a law enforcement report. Free legal assistance in criminal proceedings for survivors of sexual assault, dating/ domestic violence, or stalking is available from the Oregon Crime Victims Law Center.

Immigration assistance: Some noncitizen survivors of violent crimes (including sexual assault and dating/domestic violence) may qualify for U-Visas or other immigration relief. Reed provides limited immigration assistance but is unable to help with U-Visas or immigration relief for survivors. For assistance, contact the National Immigration Legal Services Directory. Survivors of sexual assault may also contact the Victim Rights Law Center, which can provide free assistance.

Survivors' rights

Under Title IX and federal and Oregon state law, survivors have the right to

- talk to anyone about the assault or abuse;
- refuse to talk to anyone, including police or college officials, and may change their mind at any time;
- report to law enforcement, community safety, or both, and have assistance from community safety in making a law enforcement report;
- have someone with them when they talk to law enforcement or community safety;
- in cases of sexual assault, receive a medical forensic examination at a hospital (within 84 hours of the assault) whether or not the survivor reports to law enforcement, which helps keep options open for reporting in the future;
- in cases of sexual assault, get a free wellness exam at a hospital, including emergency contraception and sexually transmitted infection prophylaxis if indicated, within 7 days (168 hours) of the assault, whether or not evidence is collected or a report is made, and receive up to five counseling sessions paid for by the state's SAVE fund (these services may also be available through primary care providers);
- file a complaint with the appropriate disciplinary body, and, if the college brings a complaint, to join it or decline to participate in the process without penalty;
- receive reasonable accommodations to minimize the impact of sexual assault, dating/domestic violence, and stalking on their employment.

This list is not intended to be comprehensive. Survivors may have additional rights and may wish to contact a victim services attorney or an advocate.

Medical care and evidence collection

MEDICAL FORENSIC EXAMS

These exams are for survivors of sexual assault and may include evidence collection. ***Evidence must be collected within 84 hours of the incident. If a survivor is considering a forensic exam, it's best not to shower, change clothes, eat or drink, or go to the bathroom before the exam.***

It is not necessary to report to law enforcement in order to receive an exam; the survivor can have the evidence collected and decide later whether to report. Kits done in Multnomah County will be held for a minimum of six months.

To collect evidence that may be used in prosecution, a trained nurse examiner will take swabs and samples from the survivor's body and will collect clothes the survivor was wearing during or after the incident. The nurse will also document injuries. There is no cost for the exam.

Even if the survivor does not want evidence collected, the nurse examiner can provide medical care within 7 days (168 hours) of the incident, and, if indicated, offer emergency contraception and medications that can prevent some sexually transmitted infections from developing. The nurse can also help the survivor complete an application for up to five sessions of counseling which will be paid for by the state of Oregon.

In Multnomah County, where Reed is located, exams are conducted in hospital emergency rooms. An advocate or friend can accompany the survivor.

OTHER MEDICAL CARE

Injuries from sexual assault or dating/domestic violence may be treatable at a medical provider or at an emergency room. Sexual assault survivors may have concerns about unwanted pregnancy or sexually transmitted infections. Emergency contraception is available without prescription, and a medical provider can write a prescription for prophylactic drugs that can prevent some STIs. These drugs should be taken within 72 hours of the incident.

SAVING EVIDENCE

Even if a survivor is not sure whether they want to report to the college or law enforcement, preserving evidence keeps those options open for the future. Evidence in cases of sexual harassment, assault, relationship abuse, dating/domestic violence, and stalking might include bedding, items that the perpetrator touched, and notes, texts, voicemails, and screenshots of social media posts. Survivors may want to consider photographing any injuries (including bruises, scratches, etc.) for documentation.

Making a report

Reports of sexual harassment, unwanted sexual contact, sexual assault, rape, dating/domestic violence, stalking, and other violations of the Discriminatory Harassment and Sexual Misconduct (DHSM) policy should be made to the Title IX coordinator or their designees. Any Reed community member, parent or family member, or legitimate user of Reed College facilities or programs—not just the target(s) of the alleged violation—may make a report. The college will investigate all reports and take appropriate steps necessary to keep community members safe and prevent the incident from recurring.

All reports will be investigated to the extent possible based on available information. Not all investigations will result in disciplinary proceedings.

ANONYMOUS REPORTING

Survivors can anonymously call a crisis line to make a report or use the anonymous report form on Reed's website.

CONFIDENTIAL REPORTING

There are no confidential resources for employee survivors on campus, but they may speak confidentially with a mental health professional through the employee assistance program or an advocate at Call to Safety.

REPORTING TO LAW ENFORCEMENT

Survivors have the option of reporting to law enforcement instead of or in addition to the college. Community safety staff can facilitate the process and may coordinate with law enforcement to conduct the interview on campus.

Survivors do not have to talk to police and can change their minds at any time. They have the right to have an advocate or ally with them when talking to law enforcement.

If the survivor does not contact the police, community safety staff may do so if they feel that the campus community is in danger.

After investigation, law enforcement may refer the report to the District Attorney's office for prosecution. The District Attorney will decide whether to file charges. Survivor information is generally not publicly disclosed.

Law enforcement and prosecutors represent the government's interests. A survivor may want to contact a victim rights attorney for information about the legal process.

OBLIGATED REPORTING

Some Reed employees must share information they receive about bullying, sexual harassment, unwanted sexual contact, sexual assault, rape, dating/domestic violence, or stalking with the Title IX coordinator or their designees, even if the survivor does not want them to do so.

The college has designated people in these positions as obligated reporters:

- Members of the faculty
- President and vice presidents
- Supervisors of Reed staff
- Community safety staff
- Most employees of student services except student staff and health & counseling services staff
- House advisers
- Members of the judicial board and Title IX board

Child abuse mandatory reporting

Oregon law requires most employees of the college, including students and advocates, to immediately report suspected sexual or physical abuse or neglect of any person under 18 years of age to law enforcement or the Department of Human Services. If a survivor does not wish to have their experience of abuse or neglect as a minor reported, they may contact Cascade Centers for information on health care providers who are exempt from mandatory reporting.

Advocates in community agencies such as Call to Safety are generally not mandated child abuse reporters.

Reports must be made for all situations of which the employee becomes aware, even if they are not at work. The mandatory reporting of abuse or neglect of children is a 24-hour obligation.

It is the employee's responsibility to report to the Oregon Department of Human Services or law enforcement. Reports must be made to the college only if the minor or the abuser is affiliated with Reed.

Privacy, confidentiality, and privilege

Reed strives to protect a survivor's confidentiality while also recognizing that, in some cases, some information about a survivor may be disclosed to a third party to provide necessary accommodations or protective measures. When a survivor requests this relief, the Title IX coordinator will consult with the appropriate vice president to determine what information must be disclosed and to whom. Only information that is necessary to provide the requested relief in a timely manner will be disclosed. Whenever possible, survivors will be told which information will be shared, with whom, and why. When practical, they will be notified before their information is shared.

Any information published by the college about incidents of sexual assault, dating and domestic violence, and stalking in its Annual Security Report and other college publications does not include information that could identify the parties involved.

Privacy is a personal choice whether to disclose information about oneself. Survivors have the right to decline to share personal information with the college, and to refuse to participate in investigations or disciplinary processes.

Confidentiality is an ethical or legal duty to protect information that someone else has shared. Survivors named in reports can ask that their identifying information be left out of any investigation, but this may limit the college's ability to investigate and respond. The college will make reasonable efforts to comply with requests for this type of privacy, but cannot make that guarantee. The college will protect the survivor's confidentiality as much as possible, but may share information, including identifying information, as needed to investigate and take action to protect the campus. Information received by obligated reporters and officers of the college may become part of the employee file, and generally can be subpoenaed.

Certified advocates employed by victim service programs and counseling and medical staff are generally required by Oregon law to keep information shared with them confidential unless the survivor gives permission for it to be shared. Information that counselors and advocates must keep confidential includes a survivor's identity and the care they receive, with the following exceptions: as necessary to provide services to the survivor; for defense in any civil, criminal, or administrative action brought against the health & counseling services center or their staff by or on behalf of the survivor; or to comply with an order from a court of law.

Privilege is a legal rule that most court orders cannot compel disclosure of confidential information shared between a confidential advocate or counselor and the survivor.

CONFIDENTIALITY DURING AN INVESTIGATION

The college will make every reasonable effort to preserve an individual's privacy and protect the confidentiality of information when requested, but this may limit the investigation and any disciplinary action that can be taken.

CONFIDENTIALITY AND THE DISCIPLINARY PROCESS

Information discussed during investigations and disciplinary processes is confidential. After final notification by the president of the outcome, both the complainant and the respondent may release three pieces of information:

1. The name of the accused.
2. The college's final determination of any responsibility for violation of Title IX, the Discriminatory Harassment and Sexual Misconduct (DHSM) policy, and any violation of the Honor Principle.
3. Any sanction imposed against the accused.

Title IX & DHSM investigations

Title IX is a federal law that protects the rights of all students to get an education and participate fully in campus activities by prohibiting discrimination and harassment based on gender. Each educational institution approves its own policy and procedures to implement Title IX. Staff and faculty are also protected by Title IX, in addition to protections that may be provided by Title VII of the Civil Rights Act of 1964 (<https://www.eeoc.gov/laws/statutes/titlevii.cfm>).

The Discriminatory Harassment and Sexual Misconduct (DHSM) policy includes prohibitions against sexual harassment, sexual assault, dating/domestic violence, or stalking. When the college receives a report of those behaviors, it must always initiate an investigation. Accommodations and remedies may be available to survivors before cases are completed. Mediation is not appropriate and will not be used when a case involves allegations of sexual assault, relationship abuse, or stalking. Findings are made using a “preponderance of evidence” standard.

Information in this document is summarized from Reed’s Title IX web page; please refer to it for more information.

FILING A TITLE IX OR DHSM REPORT

A Title IX or DHSM report is different from a formal complaint. Reports will always result in an investigation, but will not always result in the filing of a complaint. Complaints are referred to the appropriate disciplinary process (see the following section).

Reports of sexual harassment, including unwanted sexual contact and assault, discrimination on the basis of gender, or other DHSM violations may be made to the Title IX coordinator, the dean of faculty, the director of human resources, community safety, or any other obligated employee of the college. These reports can be made verbally (either in person or by phone) or in writing (either in hard copy or electronically).

In the case of a report against a vice president, the dean of faculty, or the director of human resources, the report may be made to the president.

In the case of a report against the president, the report may be made to the chairman of the board of trustees.

Reports of sexual harassment and gender discrimination may also be filed directly with the US Department of Education Office of Civil Rights by phone (800/421-3481) or email (ocr@ed.gov).

All reports of potential violations of Title IX or the DHSM policy are investigated fairly and impartially. “Respondent” is the term used for the person accused of the misconduct. There is no formally required content to make a Title IX or DHSM report, but the following information is helpful:

- Name and Reed affiliation (e.g. student, faculty, staff, visitor) of the person making the report
- Name and Reed affiliation of the subjects of the report, i.e. the target and respondent
- A brief statement of the event or events which are the cause of the report, including relevant date and location
- If the report is in writing, the signature of the person making the report and the date of the filing of the report

In most cases, when a student is the respondent, community safety staff will conduct the investigation. The dean of the faculty or Committee on Advancement and Tenure (CAT) generally investigates reports when a faculty member is the respondent, and the director of human resources usually investigates reports when a staff member is the respondent.

STUDENT RESPONDENTS

If a student is the respondent, the community safety investigator will prepare a summary report when the investigation is completed. The report is given to the Title IX coordinator and to the subjects of the report. The subjects have the right to file an appeal with the Title IX coordinator if they disagree with the results or any informal actions taken to resolve the issue. No formal sanctions are assigned to students solely on the basis of Title IX or DHSM investigations, although interim measures may be taken to protect individuals and the campus.

FACULTY RESPONDENTS

A report may be made directly to the dean of faculty or forwarded to the dean by the Title IX coordinator, director of human resources or community safety.

In most cases, the dean will investigate the report. The Committee on Advancement and Tenure (CAT) will review the investigator's summary and decide whether or not it is likely that the incident occurred. If the committee finds that it is likely, they will work with the dean and the respondent to attempt to resolve the matter. The resolution will include any sanctions assigned by the dean and the CAT. If the sanctions affect the survivor's participation in college programs, they will be notified. If either of the subjects disagree with the findings or the sanctions, the dean of the faculty may forward the investigative report to the appropriate disciplinary board.

STAFF RESPONDENTS

A report may be made directly to the director of human resources or forwarded to the director by the Title IX coordinator, dean of faculty or community safety.

After the investigation is completed, an investigative summary will be given to the Title IX Coordinator and to the appropriate vice president and supervisor.

If the report does not involve sexual assault or dating or domestic violence, the parties may attempt to resolve the matter through an informal resolution process. If this is not possible, the appropriate vice president, the president, or chairman of the board of trustees will determine any further action to be taken. Both parties may appeal the decision and any sanctions with the president, chairman of the board of trustees or executive committee of the board of trustees, who will make the final decision.

RETALIATION IS PROHIBITED

Any attempted or actual retaliation in response to a Title IX report or report of violation of the DHSM policy is strictly prohibited and may result in discipline up to and including discharge for staff or faculty and suspension or expulsion for students.

Disciplinary processes

A Title IX or Discriminatory Harassment and Sexual Misconduct (DHSM) investigation does not necessarily result in a disciplinary process. Anyone affiliated with Reed can file a complaint of violation of the DHSM policy with the appropriate disciplinary body at any time. If the college decides that the respondent may be a danger to the community, the college may file a complaint, even if the survivor does not wish to do so.

The appropriate disciplinary board to hear a case is determined by the Reed affiliation of the respondent. When a student is the respondent, the case will be heard by the Title IX Board. The Grievance Hearing Board or Committee on Tenure (CT) generally hear cases when a faculty member is the respondent, and, when a staff member is the respondent, the appropriate vice president (reed.edu/president/pres_senior_staff.html) will receive the director of human resource's investigative summary and decide if further action is necessary.

In cases of sexual assault, relationship abuse, and stalking, mediation is not an appropriate tool and will not be used by the College to resolve complaints.

In all disciplinary processes, decisions are made using a “preponderance of evidence” standard. Cases are intended to be resolved within 60 calendar days, but this may vary depending on the complexity of the case and any appeals.

All disciplinary processes are conducted fairly and impartially. “Respondent” is the term used for the person accused of the misconduct, and “complainant” is the term used for the person targeted by the misconduct.

Outcomes are final after any appeals are resolved. Complainants and respondents are notified of final decisions and any sanctions. After they receive the notification, the complainant and respondent may disclose their roles in the case, the outcome, and any sanctions.

Accommodations and remedies may be available to survivors before cases are completed.

The following are summaries of the disciplinary processes; please see the Reed website for more complete information and for information about cases heard by other boards.

STUDENT RESPONDENTS

Disciplinary cases with student respondents are filed with the chair of the Title IX board. Hearings are conducted by the hearing facilitator. The board submits its findings to the president or their designee. The final decision, including any sanctions, is made by the president or their designee.

Under the federal Clery Act, student information shared as specified above does not constitute a violation of the Family Educational Rights and Privacy Act of 1974 (FERPA).

FACULTY RESPONDENTS

Procedures for resolving complaints when a faculty member is accused of sexual harassment or misconduct are summarized here. The complete procedures may be found in the faculty handbook, VI. Grievance Procedures, Sections J, K, and L.

Sexual misconduct is defined in the faculty handbook as sexual violence, unwelcome sexual advance, requests for sexual favors, other verbal, nonverbal, or physical conduct of a sexual nature.

For all types of complaints, interim measures may be taken if deemed necessary to protect the complainant's ability to participate in college activities.

In all proceedings, the complainant and respondent may be accompanied by legal counsel and up to two advisers from the college community.

Formal complaints against faculty (Section J-2 of faculty handbook)

A formal complaint of sexual harassment or misconduct by a faculty member may be filed with the dean of faculty or the chair of the Grievance Review Panel (GRP), who will appoint a Grievance Hearing Board (GHB). The dean or their designee will investigate. The investigator will prepare a report with findings of whether it is more likely than not that the harassment or misconduct occurred, and may recommend sanctions.

If the finding is that the harassment or misconduct occurred, the complainant and respondent will be notified and given information about how to file an appeal with the president of the college.

The respondent may accept the final finding of facts and sanctions, and the matter ends. The respondent may work with the complainant and dean to find another resolution. If no resolution can be agreed upon, the dean will forward the case to a hearing board.

If no resolution is agreed on and the recommended sanction does not include suspension or termination, the case goes to the Grievance Review Panel (GRP) and the procedures of Section K of the faculty handbook will be followed.

If no resolution is agreed on and the recommended sanction includes suspension or termination, the dean of faculty and the Committee on Advancement and Tenure (CAT) decide whether to change the sanctions to less than suspension or termination. If they change the sanctions, the case goes to the Grievance Review Panel (GRP) and the procedures of Section K of the faculty handbook will be followed. If they continue to recommend suspension or termination, the case goes to the Committee on Tenure (CT) and the procedures of Section L of the faculty handbook will be followed.

Report without a formal complaint against faculty (Section J-3 of faculty handbook)

If there is a report but no formal complaint, the dean of faculty and the Committee on Advancement and Tenure (CAT) will consider whether, if the allegations in the report are true, they would recommend that the procedures of Section K should be followed. If they decide that they would make that recommendation, the dean and CAT will begin an investigation.

When an investigation is begun, the respondent is notified and may submit a response. The investigator(s) will submit a report of their findings. If it is determined that sexual misconduct or harassment probably did not occur, the dean will notify the respondent and any potential complainant. If it is more likely than not that the behavior did happen, the respondent,

dean of faculty, and CAT will try to find a resolution, which may include sanctions. Any sanctions will be disclosed to a potential complainant if they directly relate to their participation in college programs.

If the respondent, dean, and CAT do not find a resolution, they will forward the case to the appropriate hearing board: the Grievance Review Panel if suspension or termination is not recommended (Section K of the faculty handbook), or the Committee on Tenure if suspension or termination is recommended (Section L of the faculty handbook).

Hearings when sanctions are less than suspension or termination (Section K of the faculty handbook)

The chair of the Grievance Review Panel receives complaints from the dean of faculty, the Committee on Advancement and Tenure (CAT), or any college community member who thinks the dean of faculty has a conflict of interest. The chair will form a Grievance Hearing Board (GHB).

The GHB will conduct an investigation. There are three possible outcomes of the investigation: the GHB may dismiss the complaint if they believe it is without merit (the complainant may file an appeal with the Appeals and Review Committee); if they believe that the complaint could result in sanctions of suspension or termination, they will send it to the Committee on Advancement and Tenure (CAT) for implementation of the procedures in Section L of the faculty handbook; or they will decide to complete their investigation and set a hearing.

The respondent and complainant will be notified and may appear before the GHB (accommodations may be made so that the parties do not have to be in each other's presence). The parties may be accompanied by an attorney and up to two advisers from the college community.

The GHB will notify the complainant, respondent, and dean of faculty (or president) of its decision. It may decide to dismiss the case or find that sexual harassment or misconduct occurred. If it finds that the behavior occurred, it will recommend sanctions and notify the respondent, dean, and president of the college. The president may accept or change the sanctions. After the president's review, the respondent and complainant will be notified.

Either party may file an appeal with the Appeals and Review Committee. If the committee upholds the appeal, it will refer the case back to the GHB for reconsideration.

Hearings when possible sanctions are suspension or termination (Section L of the faculty handbook)

This procedure will be used when there has been a finding that sexual harassment or misconduct occurred, and the recommended sanctions include suspension or termination. It is only used after the processes outlined in Sections J-2, J-3, or K of the faculty handbook have been completed.

The dean of faculty or the Committee on Advancement and Tenure (CAT) files a formal complaint with the Committee on Tenure (CT). The CT appoints an Investigating Committee (IC), which reviews prior documents, sets a hearing, and invites the respondent, complainant, and any witnesses. The president of the college or their designee also attends any hearings.

The IC makes its decision on a preponderance of evidence standard and prepares a report. The complainant, respondent, president, Committee on Advancement and Tenure (CAT), and the Title IX coordinator are notified of the decision.

The IC may find that there is no cause for suspension or termination. In that case, it may recommend that no further action be taken, or recommend other sanctions. The IC may also recommend suspension or termination of the respondent.

The IC's report and recommendations are forwarded to the president of the college. The respondent and complainant may submit statements to the president.

The president reviews and accepts or rejects the findings. The president, respondent, or complainant may request a review and recommendation of the IC's findings from the Appeals and Review Committee.

If the president recommends suspension or termination, they will send the case file to the board of trustees, who will allow the principals a chance to appeal. The board will decide to uphold the suspension or termination, or may return the case to the IC for reconsideration. The board's final decision will be for or against suspension or termination.

STAFF RESPONDENTS

Complaints against staff are resolved according to procedures outlined on the Title IX web page.

If the respondent is found to have violated policy, the appropriate vice president, the president, or chairman of the board of trustees will determine any further action to be taken. The complainant or respondent may appeal the decision and any sanctions with the president, chairman of the board of trustees or executive committee of the board of trustees, who will make the final decision. Even if there is no formal policy violation, actions may be taken to reduce the likelihood of unwanted behavior from recurring.

Possible sanctions for Title IX or DHSM violations

Sanctions are determined on an individual basis. For employees of the college, sanctions may include termination.

POSSIBLE SANCTIONS FOR STUDENT RESPONDENTS

This list was complete at the time of publication of this handbook; please check the judicial board process webpage for updates.

- Expulsion
- Suspension
- Community service
- Full exclusion from campus and all college-affiliated events
- Limited exclusion from campus
- Meetings with the Dean of Students (or designees)
- Health and Counseling Center meetings
- Alcohol and Other Drug use assessments or other therapeutic interventions
- Consultation with other members of the community
- Educational programs
- Coursework at an external institution
- Apologies
- Behavioral expectations contract
- Reflection essays
- Financial restitution
- Disciplinary probation
- Information released outside the college
- Loss of alumni privileges
- Restriction and/or hold on transcripts, registration, and receipt of diploma until sanctions have been completed

- No-contact orders
- Room inspection/search
- Removal from Reed owned housing
- Restrictions related to living in or accessing Reed owned housing
- Restrictions or removal related to on campus student employment, appointed/volunteer positions, or participation in college organizations or events

Accommodations and protective measures

The college may provide accommodations and protective measures if a survivor of sexual harassment, sexual assault, relationship abuse, dating/ domestic violence, or stalking requests them and if they are reasonably available. Some may be provided before an investigation is completed. The college will make a reasonable effort to minimize the impact of accommodations and protective measures on all parties and in particular will seek to avoid additional hardship for the survivor. A report to law enforcement is not necessary to receive these accommodations.

Disclosure of the survivor's and respondent's names and the reason for accommodations and protective measures may be necessary in order to provide these measures, but the college will protect the confidentiality of all parties as much as is practicable.

This is a list of some accommodations and remedies available to employee survivors. Other campus accommodations may be made on a case-by-case basis. Decisions about campus accommodations for employees are made by the Title IX coordinator in consultation with the dean of faculty, the director of human resources, or the director of community safety.

- If the survivor and accused are employed on campus, the human resources office may work with supervisors to minimize the possibility that employment will put the parties in contact.
- Community safety may be able to arrange for an escort to accompany a survivor across campus.
- No-contact orders between two members of the Reed community may be requested from the dean of faculty, the director of human resources, or the director of community safety. No-contact orders are non-punitive and reciprocal.
- Protective orders may be issued by courts for survivors of sexual assault, domestic violence, and stalking. Protective orders may require the respondent to stay away from specific places or to avoid certain

types of contact. If the respondent violates the protective order, they may be subject to criminal penalty. Reed honors all court-issued protective orders.

- Survivors of any crime who have reported to law enforcement may be eligible for some financial assistance from the Oregon Crime Victims' Compensation Program.
- Oregon law allows for reasonable employment leave for victims of domestic violence, sexual assault, criminal harassment or stalking, and for the parent or guardian of a minor child or dependent who is a victim of such acts. To apply, you will need to submit a completed leave of absence form (available on the Reed website) and documentation to human resources.

Legal and immigration assistance

LEGAL ASSISTANCE

Survivors may wish to seek legal counsel to ensure that their rights are protected in administrative, civil, and criminal proceedings.

The college does not provide legal assistance. Survivors may consult a private attorney or an agency that offers free or low-cost services for survivors. The Victim Rights Law Center provides free legal assistance to survivors of sexual assault. The Oregon Crime Victims Law Center provides free criminal and civil legal assistance to survivors of sexual assault, dating or domestic violence, and stalking.

Survivors may want to consult an attorney for representation or advice about

- obtaining protective orders for sexual assault, dating or domestic violence, or stalking;
- acting as an adviser during college investigative or disciplinary proceedings;
- initiating civil proceedings for relief and compensation
- representation when breaking a rental contract under Oregon Revised Statute ORS §90.453;
- confidential name change;
- assessing eligibility and applying for state compensation for victims of crime for reimbursement of some expenses incurred by survivors, including medical and counseling expenses and loss of wages.

More information on survivors' legal rights may be found on the Oregon Crime Victims Law Center website.

ADDRESS CONFIDENTIALITY PROGRAM AND CONFIDENTIAL NAME CHANGE

Survivors of sexual assault, dating or domestic violence, human trafficking, or stalking may be eligible for the Oregon Address Confidentiality Program (ACP), which helps them protect their physical address information by providing them with a substitute address for mail and other government services. The assistant dean for sexual assault prevention and response is a certified ACP application assistant. Call to Safety, Victim's Rights Law Center, and the Oregon Crime Victims Law Center can also provide information and application assistance.

Participants in the ACP may also be eligible for a confidential name change. An attorney can assist in filing the legal paperwork necessary for a waiver for public notice of name change and sealing of case record.

Neither of these programs can guarantee the confidentiality or safety of participants. Survivors who are interested in these options are encouraged to discuss them with an advocate, counselor, or victim rights attorney.

PROTECTIVE ORDERS

In Oregon, courts issue different protective orders for sexual assault, dating or domestic violence, and stalking. It is not necessary to file a police report to apply for a protective order, but violations of the order should be reported to law enforcement. Reed honors all court-issued protective orders.

Survivors interested in obtaining a protective order may want to consider contacting an attorney to ensure that their rights are protected. Free assistance in applying for protective orders may be available from the Oregon Crime Victims Law Center or Multnomah County advocates in the county courthouse. The Victim Rights Law Center can also assist survivors of sexual assault in applying for and obtaining Sexual Abuse Protective Orders. There is no fee for filing for an order nor for service of notice to the respondent.

The order is not valid until the respondent has been served and given an opportunity to reply to the court. An order might be contested by a respondent if, for example, they believe it is unnecessary or unfairly restrictive. If the protective order is contested, a hearing will be held.

IMMIGRATION ASSISTANCE

Some immigration relief may be available to noncitizen survivors of violent crimes (including sexual assault and domestic violence). Reed provides limited immigration assistance, but is unable to help with immigration relief for survivors.

The U-Visa is a temporary visa that survivors of specific types of crime may qualify for under certain conditions. The crime must be reported to law enforcement, and the survivor must cooperate fully with the investigation and prosecution. It is not necessary that a conviction be obtained in order for the survivor to qualify. Other conditions apply, and survivors should contact a victim rights or immigration attorney for more information.

In addition to the Victim Rights Law Center and the Oregon Crime Victims Law Center, survivors can find information on nonprofit organizations that provide free or low-cost immigration legal services in the National Immigration Legal Services Directory.

Definitions from the Discriminatory Harassment and Sexual Misconduct (DHSM) policy

The following definitions of sexual harassment, sexual assault, relationship abuse, dating violence, domestic violence, and stalking are taken from the DHSM. They are partially excerpted here for the reader's convenience and should not be used to definitively identify prohibited behaviors.

SEXUAL HARASSMENT

Sexual harassment is any unwelcome conduct of a sexual nature. It can take many forms, and includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Conduct of a sexual nature—including any sexual advance—is unwelcome if the recipient did not request or invite it and if a reasonable person would regard the conduct as inappropriate or offensive . . . All instances of sexual harassment are detrimental to our community and may be violations of the Honor Principle

Gender-based harassment may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex stereotyping, but not involving conduct of a sexual nature.

Sexual harassment is both unlawful and violates [the DHSM] if it creates a hostile environment. Harassment creates a hostile environment if it is sufficiently severe, persistent or pervasive that it either (1) denies, interferes with, or limits a person's ability to participate in or benefit from the College's programs or activities; or (2) creates a learning, working, or living environment that a reasonable person would consider intimidating, hostile, or offensive.

A single severe incident of sexual harassment may create a hostile environment. Harassment in which submission to conduct of a sexual nature is made either explicitly or implicitly a term or condition of an individual's education, employment, or participation in any program (quid pro quo harassment) is unlawful and is a violation of this policy.

SEXUAL ASSAULT

Sexual assault is defined in [the DHSM] as non-consensual sexual contact or non-consensual sexual intercourse.

[Consent is] conscious, relevantly informed, and fully voluntary agreement to, or permission for, an act. The following points should be emphasized:

To consent is to actively agree to, or actively give permission for, something. Consent should never be assumed, but must be actively obtained by all parties. [C]onsent can be communicated nonverbally . . . To consent is not to be in a passive state.

- Silence or inaction do not, in and of themselves, communicate consent. The absence of an explicit denial of consent does not constitute consent.
- Consent to one form of sexual activity does not by itself constitute consent to any further sexual activity.
- A person can remove consent to an ongoing activity at any time during that activity, or thereafter for subsequent activity.
- Previous or ongoing sexual relationships or encounters do not in and of themselves constitute consent to any subsequent sexual acts.
- Consent cannot be forced or coerced; agreement or permission due to duress, coercion, threat, implied threat, or intimidation does not constitute consent.
- A person who is asleep, or physically or mentally incapacitated—whose judgment is seriously impaired by alcohol, other drugs, or other factors, such as lack of sleep—cannot give consent.
- Intoxication or impairment by alcohol or other drugs, or any other mental impairment, of the person initiating the unwanted contact is not a defense... and does not diminish one's responsibility to obtain consent before sexual contact...

- Oregon state law considers persons under the age of 18 to be incapable of consent to sexual activity (ORS §163.315). If lack of consent is due only to the age of the parties, and consent is otherwise present, it may be a defense to violation of [the DHSM] and certain crimes under Oregon law (ORS §163.345) when there is less than three years' age difference between the parties.

RELATIONSHIP ABUSE

Relationship abuse is defined as coercive, manipulative, abusive, and/or violent behavior on the part of the abusive partner in a personal, intimate relationship.

Relationship abuse is directed primarily against a person who is or has been involved in a sexual, dating, domestic or other emotionally, romantically, and/or physically intimate relationship with the respondent, although the abuse may be directed toward the family members, friends, pets, or property of the targeted partner. Relationship abuse can encompass a broad range of behavior including, but not limited to, coercive, abusive, or violent behaviors that are physical, sexual, psychological, verbal, economic, and/or emotional in nature. The behaviors generally form an ongoing pattern of behavior, although one severe instance of physical or sexual abuse may be sufficient to establish relationship abuse.

Examples of relationship abuse may include:

- Emotional or verbal abuse: words and/or actions used to manipulate or denigrate the targeted partner(s);
- Threats and intimidation: coercion and manipulation, including threats of self-harm, used to compel the target to behave as directed; exhibiting extreme possessiveness or jealousy to control or compel the targeted partner(s) behavior; threatening to share information which could damage the target's reputation or relationships with others; threatening to harm the target's family, friends, pets, or property; threatening the target with physical or sexual harm;
- Isolation and restriction of freedom: isolating or confining the target for a substantial period of time; repeatedly depriving the target of personal freedom of movement or access to friends, family, or support systems;

- Resource abuse: forcible or coercive denial of use or access to owned or shared assets, or limiting or controlling access to education or work; words and/or actions aimed at manipulating the financial or legal situation of the target;
- Harm to property or pets: attempting to cause or causing damage or injury to property owned or controlled by the target, or the target's pets; interfering with the target's access to property they own or control, or their pets

[Types of relationship abuse that are not physical or sexual, and are not stalking, are not prohibited by the DHSM, but may be honor violations. A formal complaint of relationship abuse between Reed community members may be heard by the appropriate disciplinary board.]

DATING VIOLENCE

Dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the target. It includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

DOMESTIC VIOLENCE

Domestic violence is a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the target, or by a person who is cohabitating with or has cohabitated with the target as a spouse or intimate partner; or by a person with whom the target shares a child in common; or a family or household member as defined by ORS §135.230.

Dating violence and domestic violence are prohibited by [the DHSM].

STALKING

Stalking is engaging in two or more acts targeting a specific person that would cause a reasonable person to feel apprehension for the target's safety or the safety of others or cause a reasonable person to suffer substantial emotional distress. Those acts may include, but are not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property or pets.

For purposes of this definition, substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Stalking is prohibited by the [DHSM].

[Stalking may occur between people who know each other, or the stalker may be a stranger to the target. Because stalking can be extremely dangerous, people who suspect stalking is occurring are encouraged to seek information and assistance from law enforcement, community safety, an advocate, or a counselor.]

Resources

ON-CAMPUS RESOURCES

REPORTING

Anonymous reporting

Survivors can use the anonymous report form on Reed's website.

reed.edu/sexual_assault/reporting/anon-report.php

Title IX and DHSM Reporting

Title IX Coordinator (Mike Brody)

503/777-7521 or title-ix@reed.edu

Title IX web page: reed.edu/title-ix

Director of Community Safety (Gary Granger)

503/777-7379 or grangerg@reed.edu

Community Safety web page: reed.edu/community_safety

Dean of the Faculty (Nigel Nicholson)

503/517-5546 or nnichols@reed.edu

Dean of Faculty web page: reed.edu/dean_of_faculty

Director of Human Resources (Michelle Valintis)

503/517-7608 or mvalintis@reed.edu;

Human Resources web page: reed.edu/human_resources

Dean of Students (Bruce Smith)

503/517-7396 or smithb@reed.edu

Student Services web page: reed.edu/student_services

Other Reed resources

Annual Security Report (Clery report)

reed.edu/community_safety/crime/annual-security-report.pdf

Discriminatory Harassment and Sexual Misconduct Policy

reed.edu/academic/gbook/comm_pol/dhsm_policy.html

Faculty Handbook

reed.edu/dean_of_faculty/handbook/6.html

Title IX Board (student respondents)

reed.edu/honor_principle/smb

OFF CAMPUS RESOURCES

Reporting

Oregon Child and Vulnerable Adult Abuse hotline

855/503-7233; oregon.gov/dhs/children/child-abuse

Portland Police Bureau

Emergency: 911; non-emergency: 503/823-3333

United States Department of Education Office of Civil Rights

800/421-3481 or OCR@ed.gov; ed.gov/ocr

Advocacy, counseling, health, and victim's rights

Call to Safety

503/235-5333; calltosafety.org

Employee Assistance Program (Cascade Centers)

800/433-2320; cascadecenters.com

Oregon Crime Victims' Compensation Program

503/378-5348; doj.state.or.us/victims/pages/compensation.aspx

Advocacy for US citizens traveling abroad

Americans Overseas Domestic Violence Crisis Center
866/USWOMEN (879-6636)

Sexual Assault Support and Help for Americans Abroad
sashaa.org

Legal assistance and immigration

Oregon Address Confidentiality Program
503/373-1323; doj.state.or.us/victims/pages/confidentiality.aspx

Oregon Confidential Name Change
doj.state.or.us/victims/pages/name_change.aspx

Oregon Crime Victims Law Center
503/208-8160; ocvlc.org

National Immigration Legal Services Directory
immigrationadvocates.org/nonprofit/legaldirectory

Victim Rights Law Center
503/274-5477; victimrights.org

Protective orders

Relationship Abuse Protective Order information
courts.oregon.gov/Multnomah/docs/FamilyCourt/HowToObtainRestrainingOrderInMultnomahCounty.pdf

Sexual Abuse Protective Order information
courts.oregon.gov/OJD/docs/SAPO/Packet_1-SAPO_InstructionsOBTAIN.pdf

Stalking Protective Order information
courts.oregon.gov/Multnomah/docs/FamilyCourt/StalkingProtectiveOrdersInMultnomahCounty.pdf

Other Information

Family Educational Rights and Privacy Act (FERPA)

ed.gov/policy/gen/guid/fpco/ferpa

Know Your Rights

Office of Civil Rights, Department of Education

ed.gov/about/offices/list/ocr/docs/title-ix-rights-201104.html

Information for friends and allies of survivors

Many survivors say that what helped them most in their healing process was the unconditional support of a friend.

Some things that survivors have said were helpful to hear:

- “I’m so sorry you had that experience.”
- “You did nothing to deserve that.”
- “I believe you.”
- “If you’d like, I’ll help you find out what your options and resources are.”
- “I’ll support whatever decision you make about what to do next.”

There’s no one right way to respond to traumatic events. Survivors often experience many types of emotions about the incident and may feel that they are going “crazy.” Friends and allies can help by normalizing their feelings and experiences. It’s common for survivors to not initially name what happened to them as rape or abuse, although they recognize something is wrong. Once they start to feel safer, they may begin trying to understand the experience by talking about it.

Friends and allies should be honest with the survivor about what support they can provide, especially if they also have a history of trauma. They may want to remind the survivor that advocates and counselors can offer support.

Self care for survivors

Self care means caring for yourself as you would a good friend. It also means not doing things that harm you or make you more vulnerable.

It is okay to ask for what you need, and it is okay to say no if someone wants you to do something. You do not have to take care of anyone else's feelings. You do not have to protect other people by pretending everything's okay. You do not have to talk to anyone if you don't want to.

Reactions to and feelings about sexual or relationship violence change over time. There is no right way to feel about abuse or violence, and there is no correct way to practice self care.

Planning how you will care for yourself can help if you start to feel overwhelmed. Below are some options for a self care plan:

- Write in a journal
- Make art
- Take a walk
- Exercise
- Eat your favorite food
- Read something inspiring or something that makes you laugh
- Breathe in and out on a slow count of three
- Make a special playlist
- Wear your favorite clothes
- Give yourself permission to feel whatever you are feeling

Write down three phone numbers you can use if you need to talk. These may be friends, a counselor, or a crisis line.
