

Student Sexual and Gender-Based Harassment and Violence Complaint and Response

Policy Number: X.XX.XX

Reason for Policy:

The University has policies for the prompt, fair, and impartial resolution of complainants of prohibited discrimination. This policy improves the University's response to gender-based/sex-based discrimination experienced by its students. This policy defines the process that employees at the University must follow when a student discloses sexual harassment, including sexual or gender-based violence. It amends any existing policy to the extent that such policy is inconsistent with it, including Temporary Emergency Policy Number V.11.02, Discrimination Complaint and Response, or the preexisting policy, UO Policy 571-003-0025 (2004) and UO Policy 580-015-0015 et seq.

Entities Affected by this Policy:

All members of the UO community.

Web site Address for this Policy: _____

Responsible Office:

For questions about this policy, please contact the Office of Affirmative Action and Equal Opportunity (541-346-3123) or the Title IX Coordinator (541-346-8136).

Enactment & Revision History:

Enacted by the University Senate on _____ and approved by the UO President as a policy on December ___, 2016.

Policy:

I. Policy Statement

The University is committed to maintaining an environment free of harassment and discrimination based on sex, sexual orientation, gender, perceived gender, or gender identity that would violate Title IX (hereafter "prohibited conduct"). The University is committed to ensuring equal access to programs, course offerings, facilities, admission and employment for all of its students by providing educational and employment environments free from harassment and discrimination.

In order to create these environments and comply with Title IX, a well-designed "responsible employee" policy is an integral part of an effective response to prohibited conduct. An effective

response also requires the clear identification of the roles of administrators, faculty, staff, and student staff, so that students can make a clear and informed decision about whom to contact for support, institutional response, and/or resources.

This policy will ensure clarity and transparency as well as compliance with Title IX by identifying “designated reporters” with precision to allow students to make informed decisions about whether to disclose information to employees who are required to report any and all disclosures to the Title IX office. Identifying “confidential employees” with precision allows students to know who is able to keep disclosures confidential. Designating all other employees as “student-directed employees,” with specific response obligations, including the provision of support and resources, maximizes students’ access to supportive University personnel and affords students another avenue by which they can initiate a report to the Title IX coordinator if they so choose.

Under this policy every University employee falls into one of three categories: designated reporter, student-directed employee, or confidential employee. These terms will be defined in more detail below, but in summary they are:

Designated Reporters: This policy designates as “responsible employees” for Title IX purposes those employees who have the authority to address prohibited conduct and whom students would reasonably expect to have the authority to remedy prohibited conduct in light of this policy. The University of Oregon refers to “responsible employees” as “Designated Reporters” because they are always obligated to report student disclosures to the Title IX office if they have “reportable evidence” of prohibited conduct.

Student-Directed Employees: This policy places other employees in the category of “Student-Directed Employees” and requires that Student-Directed Employees offer students information, resources, support, and the ability to report if that is the student’s choice. While Student-Directed Employees are required to provide resources and to support a student’s choice, Student-Directed Employees do not have the ability to address the discrimination or to implement corrective measures in response to a disclosure.

Confidential Employees: This policy designates as “Confidential Employees” those employees who have a professional commitment and/or legal privilege that may enable them to oppose successfully an application for a court order seeking disclosure of communications. Confidential employees have the same obligations as “Student-Directed Employees” in terms of offering students information, resources, support, and the ability to report, but their professional obligations and/or commitment to confidentiality provides an additional layer of confidentiality for students who desire it.

This policy is intended to encourage reporting by students who have experienced prohibited conduct because it clearly identifies “responsible employees” for reporting purposes, respects the wishes of students when they talk to other employees, and makes all employees at the institution part of the solution to prohibited conduct.

Discriminatory harassment, including sexual harassment, regardless of the relative power of the harasser, is disruptive of workplace and campus life and denies students equal educational

opportunity. Prohibited conduct and retaliation impede the realization of the University's educational mission and shall not be tolerated at the University of Oregon.

II. Definitions

A. **Prohibited Discrimination** is defined as any act that either in form or operation, and whether intended or unintended, unreasonably discriminates among individuals on the basis of sex, sexual orientation, marital or family status, pregnancy, pregnancy-related conditions, gender, perceived gender, gender identity, or the use of leave protected by state or federal law. "Unintentional discrimination" is a concept applicable only to situations where a policy, requirement, or regularized practice, although neutral on its face, can be shown to have disparately impacted members of a protected class.

B. **Discriminatory Harassment** is defined as any conduct that either in form or operation unreasonably discriminates among individuals on the basis of sex, sexual orientation, marital or family status, pregnancy, pregnancy-related conditions, gender, perceived gender, gender identity, or the use of leave protected by state or federal law and that is sufficiently severe or pervasive that it interferes with work or participation in any university program or activity, including academic activities because it creates an intimidating, hostile, or degrading working or university environment for the individual who is the subject of such conduct, and where the conduct would have such an effect on a reasonable person who is similarly situated.

C. **Sexual Harassment** is a type of sex discrimination which is defined as any sexual advance, any request for sexual favors, or other verbal or physical conduct of a sexual nature when:

1. Submission to such advances, requests, or conduct is made either explicitly or implicitly a term or condition of an individual's employment, academic experience or participation in any university program or activity;
2. Submission to or rejection of such advances, requests, or conduct by an individual is used as a basis or condition for employment, participation in any university program or activity or academic experience; or
3. Such conduct is unwelcome and sufficiently severe or pervasive that it interferes with work, participation in any university program or activity and/or academic experience because it creates an intimidating, hostile, or offensive working, university or academic environment for the individual who is the subject of such conduct, and where the conduct would have such an effect on a reasonable person who is similarly situated.
4. Sexual harassment includes sex and gender-based stalking, sex and gender-based harassment and bullying, dating violence, and domestic violence. Sexual harassment may be committed by any person upon any other person, regardless of the sex, gender, sexual orientation, and/or gender identity of those involved. Sexual harassment is, defined as follows:

- i. *Sex and gender based stalking* occurs when, based on a person's sex or gender:
 - (1) a person knowingly alarms or coerces another person or a member of that person's

immediate family or household by engaging in repeated and unwanted contact with the other person; (2) it is objectively reasonable for a person in the complainant's situation to have been alarmed or coerced by the contact; and (3) the repeated and unwanted contact causes the complainant reasonable apprehension regarding the personal safety of the complainant or a member of the complainant's immediate family or household.

ii. *Sex and gender-based harassment and bullying* means any act that: (1) Substantially interferes with work or academic performance; (2) Has the effect of: a. Physically harming a student or employee or damaging their property; b. Knowingly placing a person in reasonable fear of physical harm to the person or damages the person's property; or c. Creating a hostile environment, including interfering with the psychological well-being of a person; and (3) May be based on, but not be limited to, the sex, sexual orientation, or gender identity of the person. Gender-based harassment and bullying includes cyberbullying, which means the use of any electronic communication device to perform gender-based harassment or bullying.

iii. *Dating Violence* means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship shall be determined based on the complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of the interaction between the persons involved in the relationship. For the purpose of this definition: (1) Dating violence includes, but is not limited to, causing or attempting to cause sexual or physical abuse, placing another in fear of imminent sexual or physical abuse or the threat of such abuse; and (2) Dating violence does not include acts covered under the definition of Domestic Violence.

iv. *Domestic Violence* means violence between family or household members. Family or household members means: Spouses or former spouses; adults related by blood, marriage or adoption; persons cohabitating or who have cohabitated; persons in a past or present sexually intimate relationship; unmarried parents of a child. Abuse means: The occurrence of one or more of the following acts within a domestic or dating relationship: a. Attempting to cause or intentionally, knowingly or recklessly causing bodily injury. b. Intentionally, knowingly or recklessly placing another in fear of imminent bodily injury. c. Causing another to engage in involuntary sexual relations by force or threat of force.

D. Designated Reporter: The following individuals are a "Designated Reporter," known under federal law as a "responsible employee," for any disclosures made by a student victim directly to the employee about sexual harassment, sex and gender-based stalking, sex and gender-based harassment and bullying, dating violence, and/or domestic violence. A person on this list is not a "Designated Reporter" if that individual is also a "Confidential Employee."

- All members of the Board of Trustees (including student, faculty, and staff members)
- President
- Senior Vice President and Provost

- Vice Presidents
- Associate Vice Presidents
- Senior Vice Provost
- Vice Provosts
- Athletic Director (Director of Intercollegiate Athletics)
- Senior Associate and Deputy Athletic Directors
- Associate Athletic Directors
- Assistant Athletic Directors
- Head Coaches of NCAA Intercollegiate Sports
- Director of Student Conduct
- Student Conduct Code Officers
- Title IX Coordinator
- Deputy Title IX Coordinators
- Title IX Appeals Officer
- Director of Affirmative Action and Investigators (EEO Specialists)
- Director of Campus Operations
- Director of Housing
- Director of Residential Life & Educational Initiatives
- Senior Associate Director of Housing
- Senior Director of Employee and Labor Relations
- Deans
- Associate Deans responsible for more than one academic unit, such as the following: Senior Associate Dean for Faculty and Operations; Associate Dean for Humanities; Associate Dean for Undergraduate Education; Associate Dean for Sciences; Associate Dean for Social Sciences
- Assistant Dean, Administration and Operations (CAS)
- Dean of Students
- Department Heads
- Chief Human Resource Officer
- Director of Fraternity and Sorority Life
- Director of Study Abroad
- Associate Provost, Portland Campus
- General Counsel and all attorneys in that office

E. Confidential Employee: The following employees are Confidential Employees, meaning that in addition to the fact that they will not report to the Title IX office without the student's permission, they have a professional commitment and/or legal privilege that may enable them to oppose successfully an application for a court order seeking disclosure of communications. Confidential Employees will not share information disclosed to them with others unless requested to do so by the student, required by applicable law and professional codes of ethics or responsibilities, or because the information falls under Section III.C.11 of this policy (imminent risk of serious harm). Confidential Employees may still have reporting obligations under the Clery Act. For information about the Clery Act and who is a Campus Security Authority with reporting obligations, who is a confidential employee for Clery Act

purposes, and what the reporting obligations are for a Campus Security Authority (Clery reports generally do not contain personally identifying information), see Related Resources, “Clery Act,” below. For the purposes of this policy, Confidential Employees are the following:

- Health care professionals working at the UO, including at the Health Center;
- Counseling professionals working at the University Counseling and Testing Center;
- Mental health professionals working at the UO, including those working in the Psychology Clinic, Couples and Family Therapy (CFT) Clinic, Child and Family Clinic (CFC), and Early Childhood CARES (including graduate students who are participating in the diagnoses and treatment of a person under the direction of a licensed mental health professional);
- Professionals working in Crisis Intervention and Sexual Violence Support Services;
- The University’s Ombudsperson and program staff (Note: The Ombudsperson does not have a legal privilege of confidentiality, but under its professional code of ethics the Ombudsperson must take steps to avoid, whenever possible, disclosure of confidential records and information);
- Attorneys working in Student Survivor Legal Services in the Domestic Violence Clinic; and,
- Attorneys working in Office for Student Advocacy and ASUO Student Legal Services.

Note: There are other employees on campus who are members of a profession that have a legal privilege of confidentiality when the employee is acting in that professional role. In many instances, employees will not be acting in that professional role. Employees should inform students regarding these legal privileges and their limits at the start of any conversations about matters covered under this policy.

F. Student-Directed Employee. Any employee who is not a Designated Reporter or a Confidential Employee. This includes most faculty, staff, administrators and student-staff.

G. Reportable Evidence: For a Designated Reporter, reportable evidence is limited to credible evidence that is of the kind that prudent people would rely on in making personal or business decisions. Reportable evidence is **not** obtained: (1) during public awareness events (for example, “Take Back the Night,” “SWAT” presentations, and “survivor speak outs”); (2) as part of an Institutional Review Board-approved human subjects research protocol focused on Prohibited Discrimination; or (3) from a class the student is taking (Note: If a faculty member who is a Designated Reporter believes that a class assignment or discussion may elicit a disclosure that would trigger obligations under this policy, that faculty member should make clear to students that an account provided in response to a class assignment or discussion, without more information, will not result in the University taking any action in response to the disclosure. This means that the University will not investigate the incident, offer interim measures or otherwise take step to remediate the behavior.)

Note: Reportable evidence *excludes* information obtained during a conversation that is otherwise privileged or confidential under state or federal law. Examples of this exclusion include, but are not limited to: attorneys, who are not required to disclose information covered by the attorney-client privilege; union stewards and union representatives, who are not required to disclose information obtained during a conversation with a member regarding workplace issues (including grievances); and licensed mental health professionals (counselors, psychologists, etc.), who are not required to disclose information covered by an applicable privilege.

H. **Student:** For purposes of this policy, the term Student has the meaning set forth in the Student Conduct Code.

I. **Employee:** A person in an employment relationship with the University.

J. **Campus Community Member:** Campus Community Member means a person participating in a university-sponsored program or activity, attending or wanting to attend an event on university-owned or leased property, an independent contractor or vendor, a volunteer, a person applying for admission, a person applying for employment, or a campus visitor or a person living on university-owned property. The term Campus Community Member excludes Employees and Students.

K. **Identified Resource Person (IRP):** An Identified Resource Person is a non-student staff or faculty member identified by a department who is willing to be a source for resources for faculty and staff. An Identified Resource Person must be a Student-Directed employee and not a Designated Reporter or Confidential Employee.

L. **Supervisor:** A person who has the power to take tangible employment actions against an employee, *i.e.*, to effect a significant change of employment status, such as hiring, firing, failing to promote, reassignment with significantly different responsibilities, or a decision causing a significant change in benefits.

M. **Resident Assistant.** Resident Assistants (RAs) are live-in student leaders in the residence halls, employed by University Housing.

N. **Orientation Leaders.** Orientation Leaders are part of the Student Orientation Staff (SOS). They are current undergraduate students who represent the University of Oregon and guide new students through a smooth transition to life on campus.

III. Obligations of Employees

A. Obligations of All Employees

As a caring community, and to promote a compassionate campus community, we expect employees of the University of Oregon to do the following when responding to disclosures:

1. Respond with respect and with kindness.
2. Listen to what the student wants to tell you before handing out referrals and information.

3. Be sensitive to the needs of the survivor, without being judgmental, paternalistic, discriminatory, or retaliatory.
4. At the outset of the conversation, if a student appears under 18, ask the student if the student is 18 years of age or older. If the student is under 18, explain that all employees, except for Confidential Employees operating in that professional role, have to report all disclosures of “abuse” as defined by state law (see ORS § 419B.005), including physical or sexual abuse, sexual exploitation, or a current threat of physical or sexual abuse of a minor, to the Department of Human Services or a law enforcement agency.

Note for Students Who Are Minors: If a faculty or staff member receives information from a student under 18 of “abuse” as defined by state law (see ORS § 419B.005), including physical or sexual abuse, sexual exploitation, or a current threat of physical or sexual abuse, the faculty or staff member shall follow state law (See Related Resources below, “Child Abuse,” for information about state law on mandatory reporting). In addition, if a student who is a minor discloses prohibited conduct under this policy, the employee shall follow this policy. We encourage employees to make extra efforts to connect students who are minors with Crisis Intervention and Sexual Violence Support Services so that the minor is connected with age-appropriate services. Additional effort can include strongly encouraging the student to permit such a referral and staying connected to the student until the student is in fact connected with Crisis Intervention and Sexual Violence Support Services. For guidance on responses to minors who are not students but visitors on campus, see the University’s guidance entitled “Minor on Campus” under Other Resources below.

B. Obligations of Designated Reporters

1. All Designated Reporters shall affix a sticker to their door, provided by the Title IX office, that identifies them as a Designated Reporter.
2. Designated Reporters who receive Reportable Evidence of Prohibited Sex Discrimination of a Student must report any information received to the Title IX Coordinator or to Crisis Intervention and Sexual Violence Support Services.

Note: Information reported by Designated Reporters to Crisis Intervention and Sexual Violence Support Services will be passed on to the Title IX Coordinator.

Students should be aware that the Title IX Coordinator is tasked with ensuring compliance with this policy and state and federal law. Therefore, while the Title IX Coordinator will work with students to ensure that they understand their complaint options, are protected from retaliation and are provided with interim measures as appropriate, the Title IX coordinator is not an advocate for students participating in the process.

C. Obligations of Student-Directed Employees

1. **General.** Faculty and staff who are not a Designated Reporter or a Confidential Employee (as defined under II.E) also have responsibilities when students disclose

Reportable Evidence of sexual harassment, including sex and gender-based stalking, sex and gender-based harassment (including sexual violence) and bullying, dating violence, and/or domestic violence. Although Student-Directed Employees have obligations when a disclosure is made, they do not have the authority to address the discrimination or to implement corrective measures to stop the behavior.

2. **Informed Consent re Imminent Risk of Serious Harm.** At the outset of the conversation, explain to the student that if you believe that any person is at imminent risk of serious harm, you may have to report the incident to ensure the safety of the persons involved.

3. **No Report, No University Response.** When appropriate in the conversation, inform the student that unless there is a report made to a Designated Reporter or the Title IX office, the University probably cannot take action to stop the discrimination or harassment, remedy its effects, or prevent future instances of discrimination and harassment, because it will likely not know about the underlying behavior.

4. **Resources.** Provide the student with an approved brochure or card, or other resources provided by the Dean of Students and the UO Title IX Coordinator AND/OR refer the student to the safe.uoregon.edu Web site.

5. **Ask About Reporting.** Explicitly ask the student if the student would like you to report the incident to the Title IX Coordinator.

6. **Ask About Services.** Explicitly ask the student if the student wants you to connect the student with confidential resources at Crisis Intervention and Sexual Violence Support Services.

7. **Follow the Student's Wishes.** If the student wants you either to make a report to the Title IX coordinator or connect the student with Crisis Intervention, or both, contact the appropriate office while the student is with you if possible, but in no event later than 24 hours after the student expressed this wish. If the student does not give consent to make such a connection, then the employee shall not disclose the information to others except as described below. If there is any ambiguity about the student's answer, the employee should engage the student in further conversation to get clarification.

8. **Follow-up Protocol.**

a. **Safe Email Question.** When appropriate in the conversation, ask the student if it is safe to contact the student by email and obtain the student's consent to do so and a preferred email address. Inform the student that you will be discreetly contacting the student from your UO email account to follow-up, with a reminder that this system is not a secure, protected system. If the student prefers to be reached through a private email account, you should send your message there.

b. **Follow-up Email.** After you receive the student's consent, and the student identifies a safe email address, send the student a follow-up email within the next 24 hours that confirms the course of action the student requested. The

email should not contain any information about the incident or the subject matter of the conversation. The following are examples:

i. Student's name: I am glad we talked yesterday. I wanted to confirm that you asked me to take no further action. If you change your mind or want further information about university resources, please let me know. Also, here again is the Safe Web site: <https://safe.uoregon.edu/>. It has information about how to access many supportive resources at the UO.

ii. Student's name: I am glad we talked yesterday. I wanted to let you know that I contacted the university office per your request and that office should be contacting you soon. Here again is the Safe Web site: <https://safe.uoregon.edu/>. It has information about how to access many supportive resources at the UO.

c. **Documentation if There is Not a Follow-Up Email.** If the student does not consent to be contacted by email, document and save in a secure place the following about the interaction with the student:

i. Identify the course of action requested (*i.e.*, no action, contact Title IX Coordinator, contact Crisis Intervention and Sexual Violence Support Services).

ii. Identify the action taken, if any (*i.e.*, contacted Title IX Coordinator and/or contacted Crisis Intervention and Sexual Violence Support Services).

iii. State that you considered whether there was an imminent threat of serious harm (and if there was, the action taken).

Note: This documentation protects the University and you in case there are questions about what you did in response to the student coming to you for support or assistance. If you email the student, the email becomes the documentation.

9. **Closing Words.** At the end of the conversation, let the student know that the student can contact you again in case the student has further questions, identifies other needs for resources or assistance, or decides to report the incident.

10. **Assistance Available for Employee.** If a faculty or staff member needs assistance responding to the student, the employee should contact either an Identified Resource Person or Crisis Intervention and Sexual Violence Support Services. Conversations with the Identified Resource Person or Crisis Intervention and Sexual Violence Support Services should occur in a de-identified manner (*i.e.*, without identifying identities or detail).

11. **Confidentiality Unless there is a Request to Report or Imminent Risk.** Unless a student asks a Student-Directed Employee to share disclosed information with a specified office or person, the Student-Directed Employee shall not do so, unless the employee believes the student has conveyed information about an imminent risk of

serious harm or the student is under 18 years of age and the student discloses “abuse” as defined by state law.

a. In the instance when the student has conveyed information about an imminent risk of serious harm, the employee shall ask the student for permission to convey the information to an appropriate office, such as Crisis Intervention and Sexual Violence Support Services or law enforcement, and shall discuss with the student other ways in which the risk can be minimized. If the student refuses to have an appropriate office contacted, and the employee feels that an imminent risk of serious harm remains, then the employee may call the appropriate office and disclose the information received.

b. In the instances where the student is under 18 years of age and discloses “abuse,” the employee shall follow state law. See Other Resources, “Child Abuse Reporting,” below.

Note: Student-Directed Employees may still have certain reporting obligations under the Clery Act. For information about the Clery Act and who is a Campus Security Authority with reporting obligations, who is a confidential employee for Clery Act purposes, and what the reporting obligations are for a Campus Security Authority (*e.g.*, Clery reports generally do not contain personally identifying information), see Related Resources, “Clery Act,” below.

Note: While students have the option to share their experience with a Student-Directed Employee who is not a Designated Reporter, a Student-Directed Employee is not meant to be someone who can redress the prohibited conduct. Consequently, in almost all instances, these employees are not permitted to report the underlying actions to others unless the student asks for that to occur, which means that the University may not be able to take action to stop the discrimination or harassment, remedy its effects or prevent future instances of the discrimination and harassment because the University will likely not know about the underlying behavior. Further, students who discuss their situations with a Student-Directed Employee always retain the choice to make a complaint directly to the Title IX office (see Related Resources, “Title IX Coordinator,” below) or to seek support services from another appropriate office (such as Crisis Intervention and Student Survivor Support Services). Students who file complaints or otherwise receive support services from the University will be protected from retaliation.

D. Obligations of Resident Assistants (RAs) and Orientation Leaders.

1. RAs and Orientation Leaders are Student-Directed Employees.
2. In addition to the obligations set forth in Part III.C., RAs and Orientation Leaders shall always contact Crisis Intervention and Sexual Violence Support Services in order to ensure that the RA or Orientation Leader has complete information about the type of resources available for the student. All communication about the student shall occur on a de-identified basis unless the student has given permission for disclosure of identifying information or details.

3. The RA or Orientation Leader should strongly encourage the student to connect with the Crisis Intervention and Sexual Violence Support Services to ensure that the student receives the support available.

E. Obligations of Confidential Employees

1. Students and Employees have the option to share their experience with a Confidential Employee. Confidential Employees have the same obligations as Student-Directed Employees. These obligations are described above under Part III.C.
2. However, Confidential Employees' professional obligations may provide students with a greater level of confidentiality because these employees have a professional obligation to maintain client confidences and often a legal privilege of confidentiality. Prior to the student's disclosure, Confidential Employees should explain to the student the Confidential Employee's professional obligations regarding confidentiality and the limits of those obligations.

Note: Unless the student requests that the Confidential Employee report to the Title IX office, in most instances, Confidential Employees will not report the underlying actions to others, which means that the University may not be able to take action to stop the discrimination or harassment, remedy its effects or prevent future instances of discrimination and harassment because the University will likely not know about the underlying behavior. Further, Students who report to Confidential Employees always retain the choice to make a complaint, as explained in Related Policies and Procedures, "Discrimination Complaint and Response," below. Students, Employees and Campus Community Members with questions regarding the University's processes are encouraged to contact the Title IX Coordinator. For further information regarding Confidential Employees' privacy practices, please visit the Web site referenced below under Other Resources, "Privacy Practices."

Note: We recognize that students who experience Prohibited Discrimination, Harassment or Sexual Harassment within departments, institutes, programs, residence halls, or sports teams face unique obstacles. The University wants to ensure that students know they can report their experiences and/or seek support outside their academic departments or units in which they work or go to school as well as outside their residence halls, programs, or teams. With this in mind, we encourage students experiencing Prohibited Discrimination, Harassment or Sexual Harassment to utilize the confidential resources available to them in order to explore forms of support and protection and to fully understand their options relating to filing a complaint or seeking out support outside their own work, academic, or other similar environment. In addition, students may choose to file a complaint directly with the Title IX Coordinator, or to seek out a Designated Reporter or Student-Directed Employee in another unit, or directly contact Crisis Intervention and Sexual Violence Support Services.

Note: In some instances, employees who are not Designated Reporters, including Confidential Employees, will have reporting obligations under the Clery Act as Campus Security Authorities. For more information, see Other Resources, "Clery Act," below.

F. Obligations of the Identified Resource Person.

1. Each department will clearly designate who the non-student Identified Resource Person (IRP) is for the department.
2. The Identified Resource Person (IRP) is identified by a sticker at the person's physical location that says, for example, "Faculty and Staff: Ask me about resources relating to sexual and gender-based harassment, assault or discrimination. I am not a Designated Reporter. I am not a Confidential Employee. I am a Student-Directed Employee."
3. Although IRPs have obligations under this policy, they do not have the authority to address the discrimination or to implement corrective measures to stop prohibited behavior.
4. IRP's have the following responsibilities:
 - a. Ensure that the brochures, informational cards, and/or other resources provided by the Title IX office are accessible in the department and that all faculty and staff know how to access such resources.
 - b. Obtain specific additional training on relevant policies, resources, and trauma-informed responses to disclosures by students who experience prohibited conduct, Such training shall be approved by the Title IX Coordinator after consultation with the Vice President of Equity and Inclusion.
 - c. Offer faculty and staff information on the policy, resources, and the mechanics of a trauma-informed response.
 - d. Document interactions with employees in a short memo identifying the course of action requested and action taken, if any. This protects the IRP in the future in case there are questions about what they did in response to the individuals coming to the IRP for support or assistance.
5. IRPs serve all faculty and staff in the University without regard to departmental affiliation. Faculty and staff should feel free to visit IRPs outside their home departments.
6. Performing the role of an IRP is a service to the University and shall be recognized as such.

VIII. General Obligations of Employees, Faculty, and Departments

A. Syllabus. If a faculty member or instructor has a syllabus, then the faculty or instructor is strongly encouraged to put the following statement on the syllabus:

"Any student who has experienced sexual assault, relationship violence, stalking, and/or sexual harassment may seek information and help at <https://safe.uoregon.edu/>. You can also call 541 346-SAFE, UO's 24 hour hotline to be connected to a counselor." Faculty should remove from their syllabi language that inaccurately identifies them as a "responsible employee"/Designated Reporter. Faculty are encouraged to make clear on their syllabi that GTFs are not Designated Reporters (*i.e.*, responsible employees) under this policy. If a

faculty member is a Designated Reporter, you are strongly encouraged to make that status clear on your syllabus.

B. Training. All employees shall take an annual training offered by the Title IX office and the Office of Human Resources regarding this policy, available resources, and trauma-informed responses to student disclosures. The training shall be approved by the Title IX Coordinator after consultation with a committee of experts in the field of sexual and gender-based violence and the Vice President for Equity and Inclusion.

C. IRP. Each department head or unit within the University of Oregon shall forward to the Title IX Coordinator a nomination for the Identified Resource Person (IRP). For small units or departments, an IRP can be shared. An IRP must be a Student-Directed Employee and is not meant to be someone who can redress the prohibited conduct.

D. Annual De-identified Reports. In order to identify patterns or systemic problems, the Office of the Title IX Coordinator will solicit annual reports from Student-Directed Employees of aggregate data, including general information about incidents of sexual violence such as the nature, time, date and general location of incidents if identified during conversations. These reports should not include personally identifiable information about students, and employees should consider what information needs to be withheld to protect identities.

For this reason, Employees should keep de-identified information that will be responsive to the Title IX Coordinator's request for data.

E. Failure to Comply: If the University finds that an Employee has failed to comply with the provisions of this policy, it will take immediate and appropriate corrective action. This means that Designated Reporters who fail to report as required by this policy may be subject to discipline, which may include a letter of reprimand or other appropriate corrective measures. Student-Directed Employees and IRPs who fail to comply with the terms and obligations set forth in this policy may be subject to discipline, which may include a letter of reprimand or other appropriate corrective measures, including prohibiting the employee from serving as an IRP in the future. Confidential Employees who fail to comply with the terms and obligations set forth in this policy may also be subject to discipline, which may include a letter of reprimand or other appropriate corrective measures.

IX. Obligations of the University Administration

A. Update Materials. The University shall update written materials and SAFE.uoregon.edu to have clear and accessible information for students and employees that reflects this policy. The University shall also add information to the Web site relating to the statute of limitations for reporting harassment and sexual or domestic violence to the University, police, or civil courts, as well as how to access assistance for issues specific to minors.

B. FAQs. The University shall provide specific examples relating to the policies and procedure to illustrate how the policy works. The materials shall include a FAQ section for employees and students.

C. Web-based Reporting. As soon as reasonably possible, the University shall make accessible to students a secure and confidential Web-based reporting system. This system

should include a way for students to confidentially store their disclosures in an information escrow system, preferably through a third-party vendor. This system should also include an on-line reporting option, an option for students to trigger a report when the name of an accused person is reported more than once to the system, and links to both on-campus and off-campus resources. The Title IX Coordinator or designee shall enter all received reports into the information escrow system as soon as practicable to minimize the chance of any orphan reports.

D. Directory. Human Resources shall identify in the University directory those employees who are Designated Reporters, Student-Directed Employees, Confidential Employees, and Identified Resource Persons. The directory shall also identify the names of the Campus Security Authorities for purposes of the Clery Act.

E. Human Resources. Human Resources shall notify employees at the time of any job change of the category in which the employee will then fall (*i.e.*, Designated Reporter, Student-Directed Employee, or Confidential Employee) and change the directory to identify the employee's new status correctly.

F. Stickers. The University shall provide stickers to all Designated Reporters for their door to identify themselves as Designated Reporters.

G. Contract Consistency. To the extent that this policy is inconsistent with any existing contractual obligations of employees, the University shall renegotiate those terms as soon as practicable and to the extent possible.

H. Indemnification of Employees. Consistent with and subject to the limitations set forth in ORS § 30.285, the University shall defend, hold harmless and indemnify employees subject to an action arising out of an alleged act or omission occurring in the performance of the employee's duties, including their duties described in this policy.

X. Obligations of Supervisors Relating to Workplace Harassment of Student Employees

Because of Title VII and state employment law, and consistent with University policy, sexual harassment in the workplace is strictly prohibited. Employees with information regarding workplace harassment are encouraged to file complaints with their supervisor or with the University directly. See below, Related Policies and Procedures, for more information regarding how to file complaints. Employees reporting sexual harassment in the workplace will be protected from retaliation.

Notwithstanding the above, Employees who receive information regarding sexual harassment in the workplace or who witness sexual harassment in the workplace must follow Title VII requirements regarding workplace harassment. This policy identifies the reporting obligations of employees when a student employee reveals workplace harassment. In those instances, the following steps should be taken.

- 1. Report to Direct Supervisor.** If the student employee discloses information regarding workplace harassment to the student's Supervisor, as defined in this policy, or to the Supervisor of the alleged harasser, or to a Designated Reporter, the Supervisor or Designated Reporter must promptly report to the Title IX office. This is true even if the Supervisor is a Confidential Employee.

2. **Report to All Other Supervisors.** If a student employee discloses information regarding workplace harassment to a Supervisor other than the student's own Supervisor or the Supervisor of the alleged harasser, the Supervisor should perform the duties outlined above based on the Supervisor's status as either a Student-Directed Employee (see Section III.C.) or a Designated Reporter (see Section III.B.).
3. **Supervisors Who Witness Sex Discrimination in the Workplace.** Supervisors who do not receive a disclosure from a student employee but who witness sexual harassment or sex discrimination in the workplace should immediately report the behavior to the Title IX Coordinator.
4. **Transfer of Supervisory Authority.** Supervisors who are not Designated Reporters may be able to forego the supervisory portion of their position by transferring their supervisory status to someone else at the University. Please contact Human Resources or the Identified Resource Person for the forms to effectuate such a change in status. When the Supervisor is notified by Human Resources that such a transfer has occurred, the Student-Directed Employee or Confidential Employee is no longer a "Supervisor" for purposes of this policy.

CONTACT INFORMATION FOR RELATED RESOURCES

This section may be updated and kept current by the University Secretary without constituting a change in the policy.

A. UO Administration

Title IX Coordinator

TitleIXcoordinator@uoregon.edu

106 Johnson Hall (1098 E. 13th Ave.)

(541) 346-8136

B. Confidential Employees with Legal Protections of Confidentiality

Crisis Intervention and Sexual Assault Support Services

164 Oregon Hall (1585 E. 13th Avenue)

(541) 346-8194

UO Counseling and Testing Center

1590 E. 13th Avenue

(541) 346-3227

UO Health Center

1590 E. 13th Avenue

(541)346-2770

Student Survivor Legal Services

(541) 346-8619

C. Confidential Employees without Legal Protections of Confidentiality, but with Ethical Obligations of Confidentiality

Ombudsperson

ombuds@uoregon.edu

1685 E. 17th Street

(541) 346-6400

D. Other Resources

Information on the Clery Act:

<https://police.uoregon.edu/content/campus-security-authorities>.

Information on the Family Educational Rights and Privacy Act (FERPA):

<http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

Information on filing a complaint with the Office for Civil Rights:

<http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

Information on Child Abuse Reporting:

http://www.oregon.gov/dhs/abuse/pages/mandatory_report.aspx

Information on Anonymous Reporting to the UO Police:

<http://police.uoregon.edu/anonymous-sexual-assault-report>

Information on Minors on Campus:

<https://hr.uoregon.edu/minors-campus>

Information on how to file a complaint with the University and the University's retaliation policy:

<https://policies.uoregon.edu/vol-5-human-resources/ch-11-human-resources-other/discrimination-complaint-and-response> and

<https://policies.uoregon.edu/grievance-procedures>

RELATED POLICIES AND PROCEDURES

Interim Policy, Discrimination Complaint and Response: <https://policies.uoregon.edu/vol-5-human-resources/ch-11-human-resources-other/discrimination-complaint-and-response>

University Policy on "Prohibited Discrimination, Discriminatory Harassment, and Sexual Harassment," Parts L and M and others of <http://policies.uoregon.edu/grievance-procedures>

Conflict of Interest Policy and Abuses of Power Policy: <https://policies.uoregon.edu/conflicts-interest-and-abuses-power-sexual-or-romantic-relationships-students>

November 11, 2016