

AR 3540 Sexual and Other Assaults on Campus

References:

20 U.S. Code Section 1092 subdivision(f);
34 Code of Federal Regulations Part 668.46 subdivision (b)(11);
42 U.S. Code Section 13925 subdivision (a)
ORS 350.330 to 350.332
BP 3540 Sexual and Other Assaults
BP 202 College Safety

Any sexual assault or physical abuse, including, but not limited to, rape, domestic violence, dating violence, sexual assault, or stalking, whether committed by an employee, student, or member of the public, occurring on Tillamook Bay Community College property, in connection with all the academic, educational, extracurricular, athletic, and other programs of Tillamook Bay Community College, whether those programs take place in Tillamook Bay Community College's facilities or at another location, or on an off-campus site or facility maintained by Tillamook Bay Community College, or on grounds or facilities maintained by a student organization, is a violation of Tillamook Bay Community College policies and regulations, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. (Also see BP 500, AR D008: Student Rights and Responsibilities).

"Sexual assault," "dating violence," "domestic violence," and "stalking" are defined in AR 3434 – Responding to Sex Discrimination under Title IX.

These written procedures and protocols are designed to ensure victims of domestic violence, dating violence, sexual assault, or stalking receive treatment and information.

All students, faculty members or staff members who allege they are the victims of domestic violence, dating violence, sexual assault, or stalking on Tillamook Bay Community College property shall be provided with information regarding options and assistance available to them. Information shall be available from the Human Resources Office which shall maintain the identity and other information about alleged sexual assault victims as confidential unless and until the Senior Manager of Human Resources is authorized to release such information.

The Senior Manager of Human Resources shall provide all alleged victims of domestic violence, dating violence, sexual assault, or stalking with the following:

- A copy of TBCC's policy and procedure regarding domestic violence, dating violence, sexual assault, or stalking;
- A list of personnel on campus who should be notified and procedures for such notification, if the alleged victim consents;
- Information about the importance of preserving evidence and the identification and location of witnesses;

- A description of available services, and the people on campus available to provide those services if requested. Services and those responsible for provided or arranging them include:
 - transportation to a hospital, if necessary;
 - referral to a counseling center;
 - a list of other available campus resources or appropriate off-campus resources;
- The victim's option to:
 - notify proper law enforcement authorities, including on-campus and local police;
 - be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and
 - decline to notify such authorities;
- The rights of victims and the institution's responsibilities regarding orders of protection, no contact orders, or similar lawful orders issued by a court;
- Information about how Tillamook Bay Community College will protect the confidentiality of victims; and
- Written notification of victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if requested and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.
- A description of each of the following procedures:
 - criminal prosecution;
 - civil prosecution (i.e., lawsuit);
 - Tillamook Bay Community College disciplinary procedures, both student and employee;
 - modification of class schedules;
 - tutoring, if necessary.

Tillamook Bay Community College will investigate all complaints alleging sexual assault under the procedures for sexual harassment investigations described in AR 3434 – Responding to Sex Discrimination under Title IX, regardless of whether a complaint is filed with local law enforcement.

All alleged victims of domestic violence, dating violence, sexual assault, or stalking on TBCC property shall be kept informed, through the Safety Office of any ongoing investigation. Information shall include the status of any student or employee disciplinary proceedings or appeal; alleged victims of domestic violence, dating violence, sexual assault, or stalking are required to maintain any such information in confidence, unless the alleged assailant has waived rights to confidentiality consistent with State and federal law.

A Complainant or witness who participates in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for a violation of the TBCC student conduct policy at or near the time of the incident, unless the College determines that the violation was egregious, including but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic honesty.

Tillamook Bay Community College shall maintain the identity of any alleged victim, witness, or

third-party reporter of domestic violence, dating violence, sexual assault, or stalking on Tillamook Bay Community College property, as defined above, in confidence consistent with State and federal law, unless the alleged victim, witness, or third-party reporter specifically waives that right to confidentiality. All inquiries from reporters or other media representatives about alleged domestic violence, dating violence, sexual assaults, or stalking on Tillamook Bay Community College property shall be referred to the TBCC, which shall work with the Public Information Officer to assure that all confidentiality rights are maintained consistent with State and federal law.

Additionally, the Annual Security Report will include a statement regarding Tillamook Bay Community College's programs to prevent sexual assault, domestic violence, dating violence, and stalking and procedures that should be followed after an incident of domestic violence, dating violence, sexual assault, or stalking has been reported, including a statement of the standard of evidence that will be used during any in any Tillamook Bay Community College proceeding arising from such a report. The statement must include the following:

- A description of educational programs to promote the awareness of rape, acquaintance rape, other forcible and non-forcible sex offenses, domestic violence, dating violence, or stalking;
- Procedures to follow if a domestic violence, dating violence, sex offense, or stalking occurs, including who should be contacted, the importance of preserving evidence to prove a criminal offense, and to whom the alleged offense should be reported;
- Information on a student's right to notify appropriate law enforcement authorities, including on-campus and local police, and a statement that campus personnel will assist the student in notifying these authorities, if the student so requests, and the right to decline to notify these authorities;
- Information about how the Tillamook Bay Community College will protect the confidentiality of victims;
- Information for students about existing on- and off-campus counseling, mental health, victim advocacy, legal assistance, or other services for victims;
- Written notification of victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if requested and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement;
- Procedures for campus disciplinary action in cases of an alleged domestic violence, dating violence, sexual assault, or stalking including a clear statement that:
 - Such proceedings shall provide a prompt, fair, and impartial resolution;
 - Such proceedings shall be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;
 - The accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding; and
 - Both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding resulting from an alleged domestic violence, dating violence, sexual assault, or stalking, the procedures for the accused and victim to appeal the results of the disciplinary proceeding, of any changes to the results that occurs prior to the time that such results become final, and when such results

become final. Compliance with this paragraph does not violate the Family Educational Rights and Privacy Act (FERPA). For the purposes of this paragraph, the outcome of a disciplinary proceeding means the final determination with respect to the alleged domestic violence, dating violence, sex offense, or stalking and any sanction that is imposed against the accused.

- A description of the sanctions the campus may impose following a final determination by a campus disciplinary proceeding regarding rape, acquaintance rape, or other forcible or non-forcible sex offenses, domestic violence, dating violence, or stalking.

Education and Prevention Information

The Director of Student Success shall:

- Provide, as part of each campus' established on-campus orientation program, education and prevention information about domestic violence, dating violence, sexual assault, and stalking. The information shall be developed in collaboration with campus-based and community-based victim advocacy organizations and shall include TBCC's sexual assault policy and prevention strategies including empowerment programming for victim prevention, awareness raising campaigns, primary prevention, bystander intervention, and risk reduction.
- Post sexual violence prevention and education information on the campus internet website regarding domestic violence, dating violence, sexual assault and stalking.

Approved: 11/24