



REASON FOR POLICY

Needs to be developed

ENTITIES AFFECTED BY THIS POLICY

Needs to be developed

WEB SITE ADDRESS FOR THIS POLICY

If the policy is not posted as a separate file on the policy library, please provide the link in the spreadsheet.

RESPONSIBLE OFFICE

For questions about this policy, please contact the Office of the Vice President of the Division of Student Life at (541) 346-XXXX vpsl@uoregon.edu.

For questions about this policy, please contact the Office of the Vice President for Finance and Administration at (541) 346-XXXX vpfa@uoregon.edu.

ENACTMENT & REVISION HISTORY

(Adopted by the Board, Meeting #835, January 5, 2010.)

POLICY

POLICY/PURPOSE

The State Board of Higher Education is committed to providing a learning environment free of all forms of abuse, assault, harassment, and coercive conduct, including sexual misconduct. As such, the Board does not tolerate sexual misconduct by students in any form. The Board is committed to enacting, improving, and enforcing efforts to **prevent** sexual misconduct, to **support** victims should it occur, and to obtain appropriate **resolution** in order to keep it from recurring.

APPLICABILITY

While this Board policy outlines expectations for resources and processes on OUS institutions, including, but not limited to, an annual reporting requirement, this policy applies to the conduct of OUS students or any other person subject to the student conduct code of an OUS institution.

PRINCIPLES

(A) Board Expectations

The Board expects OUS institutions to incorporate the above-mentioned values of prevention, support and resolution into the resources and services available to students regarding sexual misconduct. In addition, the Board expects OUS institutions to reflect upon the following principles in devising the institution's response mechanism to sexual misconduct on its campus:

Victim-Directed

Sexual misconduct—in all its forms—is a harrowing experience for victims and largely removes their sense of control over their environment, decision-making, and choices. The Board expects a process that places as much control as possible back with victims at each step. The Board expects OUS institutions to provide victims with access to reasonable resources including advocacy, medical treatment, emotional support, assistance with filing of reports/charges, assistance with class schedules, room assignments, and no-contact orders, and clear and complete explanations of options.

Offender-Focused

The Board recognizes that regardless of circumstances including use of alcohol/other drugs, previous relationship with the offender, and sexual history, there is no excuse for engaging in non-consensual sexual activity. As such, the Board expects the investigation and resolution of sexual misconduct instances be focused on offender behavior in relation to clear definitions of proscribed conduct.

Committed to Due Process

Should sexual misconduct be alleged on an OUS campus, the Board expects a thorough investigation and adjudication by a sexual misconduct review board or hearing officer that is appropriately trained in the myriad issues involved with sexual misconduct on college campuses. Clearly defined proscribed conduct relating to sexual misconduct—in all its forms—will serve as the basis for all determinations of responsibility and appropriate sanctions.

(B) Definition

The Board defines sexual misconduct, as applicable to all OUS students and any other person subject to the student conduct code of an OUS institution, at OAR 580-022-0045.

(C) Report

(1) The president or designee of each OUS institution will file a written report annually with the Chancellor, specifically addressing how the institution's resources and services uphold the above-referenced expectations of prevention, support, and resolution and how the institution's sexual misconduct response mechanism is victim-centered, offender-focused, and committed to due process. The report will also include, for the relevant calendar year, the number of reported incidents of sexual misconduct, the number of sexual misconduct adjudications, the dispositions of the completed

adjudications, and the disciplinary sanctions, if any, issued to any student found responsible for sexual misconduct.

(2) The institution's report is due no later than December 31 of each calendar year.

(3) Appendix A—"Values in Actions"—is attached to this policy, which identifies best practices and relevant research to assist the OUS institution in the development and deployment of resources and services.

Appendix A

Values in Action

Prevention—"Keep it from Happening"

Prevention – comprehensive strategies which focus efforts on the root causes (e.g., attitudes, behaviors, conditions) of sexual violence in order to stop sexual violence *before it occurs*.

Education/Outreach – individual activities which raise awareness of the scope and impact of sexual violence and address how to respond to sexual violence (e.g., definition and prevalence of sexual violence, victim impact, risk reduction, supporting victims).

Support for victims of sexual violence and sexual violence prevention are not mutually exclusive. The likelihood that a prevention programming participant has had direct or indirect experience with sexual violence is high. As such, sexual violence prevention providers must be cognizant of the potential for programming to trigger memories of participants, and must be prepared to offer and provide support to participants. Moreover, supporting participants is crucial to both the effectiveness of the prevention program and the healing process of participant victims.

Prevention strategies should incorporate the nine principles of effective prevention (see footnote)

1. **Comprehensive:** Strategies should include multiple components and affect multiple settings to address a wide range of risk and protective factors of the target problem.
2. **Varied Teaching Methods:** Strategies should include multiple teaching methods, including some type of active, skills-based component.
3. **Sufficient Dosage:** Participants need to be exposed to enough of the activity for it to have an effect.
4. **Theory Driven:** Preventive strategies should have a scientific justification or logical rationale.
5. **Positive Relationships:** Programs should foster strong, stable, positive relationships between children and adults.
6. **Appropriately Timed:** Program activities should happen at a time (developmentally) that can have maximal impact in a participant's life.
7. **Socio-Culturally Relevant:** Programs should be tailored to fit within cultural beliefs and practices of specific groups as well as local community norms.
8. **Outcome Assessment & Evaluation:** A systematic outcome assessment and evaluation is necessary to determine whether a program or strategy worked.
9. **Well-Trained Staff:** Programs need to be implemented by staff members who are sensitive, competent, and have received sufficient training, support, and supervision.

¹ Nation, M., Crusto, C., Wandersman, A., Kumpfer, K. L., Seybolt, D., Morrissey-Kane, E., & Davino, K. (2003). What works in prevention: Principles of Effective Prevention Programs. *American Psychologist*, *58*, 449-456.

Education should utilize constructs shown to have an effect on attitudes and behaviors. Additionally, education should not be seen as solely the responsibility of the co-curriculum. A commitment should be developed to integrate education into the academic curriculum and to ensure appropriate education and training of faculty. Issues of power, sexual interactions with students, and bystander responsibilities must be included. Sexual violence prevention providers must be cognizant of the potential for programming to trigger memories of participants, and must be prepared to offer and provide support to participants.

1. **Knowledge & Awareness** – includes factual information such as legal and OUS definitions, descriptions of who are victims and offenders, local responses and resources, and examples of behaviors that are inappropriate/in violation of expectations
Uses: to establish relevance and motivation for change.
Importance: should be included as there are almost always individuals in any audience who have experienced sexual violence.
Effectiveness: HAS NOT shown to be effective in changing attitudes and behaviors, although with a focus on naming and dismantling behaviors rather than on describing victims and perpetrators, may be particularly useful on the college campus. See footnote
Recommendation: initial focus, especially information on OUS expectations.
2. **"Rape Myths"**
Uses: to address the cognitive distortions which justify rape.
Importance: were found to be the second most frequent precursor to rape.
Effectiveness: has been shown to be effective in changing attitudes.
Recommendation: correcting myths should continue to be a primary target of any sexual violence prevention program. Social norming/marketing via presentation of factual information vs. population perceptions is one highly recommended approach—but requires the collection of pertinent data.
3. **Victim Empathy**
Uses: to help others understand the experiences of victims of sexual violence (during the actual event and the aftermath).
Importance/Effectiveness/Recommendation: evaluation literature shows strong support for including in sexual violence prevention programs.
4. **Communication, Assertiveness & Limit Setting**
Importance: everyone can benefit from these skills.
Effectiveness: has been shown to have some level of success in changing knowledge and attitudes.
Effectiveness: has been shown to have some level of success in changing knowledge and attitudes.
Recommendation: must BE CAREFUL NOT TO inadvertently send the message that individuals who do not communicate clearly may be somewhat responsible for being sexually assaulted.

Schewe, Paul. (2002). "Guidelines for Developing Rape Prevention and Risk Reduction Interventions," in P. Schwere (ed.), *Preventing Violence in Relationships*. Washington DC. American Psychological Association.

5. **Bystander Intervention**

Uses: moves beyond women having to identify as "victims" and men having to identify as "perpetrators"; teaches individuals how they can intervene to prevent sexual violence and assist victims

Importance: reframes sexual violence as a social problem that requires both men and women to intervene in others' behavior.

Effectiveness: individuals are more likely to intervene if they feel personally responsible to stop the witnessed event and if they feel certain about *how* to intervene (and what to expect); moves into the realm of changing behaviors.

Recommendation: should be included in more comprehensive programs with sufficient time to practice prevention skills. Additionally, should utilize peer-to-peer education and training opportunities whenever possible, which requires a commitment to develop well-trained peer advocates/trainers.

6. **Single-Gender Audiences**

Uses: targets information appropriate to each gender and decreases male defensiveness.

Importance: information for men can focus on bystander approach and discuss negative consequences for perpetrating, while information for women can focus on bystander approach and risk reduction for victimization.

Effectiveness: single-gender audiences have been found to be more effective for both men and women.

Recommendation: single-gender audiences should be used whenever possible, particularly if the information provided goes beyond general knowledge and awareness.

NOTE: It is recognized that there are those who identify outside of the traditional gender binary of male female, including trans-gender and gender-neutral. This approach is not meant to diminish the needs of any individual, but rather to focus on the prevalence of male violence against women. Similar approaches can be taken with trans-gender and other audiences.

Support during prevention programming should take into account the following guidelines:

1. Before the program begins
 - Describe the nature of the program to participants.
 - Notify participants about available support services.
2. During the program
 - Provide counseling service information to participants.
 - Have advocates on-site for participants.
 - Use gender-neutral and culturally sensitive language.
 - Minimize the level of graphic detail within a survivor's story.

- Maximize the level of educational content.
 - Directly address, dispel and redirect any victim-blaming or rape myths coming from participants.
3. After the program, remind participants of support resources available.

Support—“If it happens”

Each campus has various offices, personnel, procedures, and resources in place to assist victims of sexual assault. Regardless of varying roles and titles between campuses and in the communities in which those campuses exist, it is critical that there be sufficient redundancy of resources to ensure adequate support. In other words, whenever possible institutions should seek to have support staff in place, even when those same resources exist in the surrounding community.

In order to ensure timely, coherent, integrated response to sexual assaults, campuses should have in place a Sexual Assault Response Network, composed of the following entities.

On campus, these areas should, at a minimum, include:

- Campus Public Safety/Police
- Student Health Center/Medical Staff
- Student Counseling Staff
- Student Conduct/Judicial Affairs Staff
- Residence Life/Housing Staff
- Campus Crisis Line/Resource Center(s)/Other

Community partners should, at a minimum, include:

- Sexual Assault Victim Services
- Police Department
- District Attorney’s Office/Victim Services
- Local Hospital

These areas—each of which may be the initial contact point for a victim or friend—together with community partners, must provide the following response services:

- Adequate numbers of well-trained staff in each area
- Access to 24 hour support, advocacy, and crisis intervention services
- Access to 24-hour medical services, provided by a SANE Nurse (Sexual Assault Nurse Examiner), preferably both on campus and in the community, including an on-campus forensic collection site
- Filing of reports/charges, both through campus safety staff and local law enforcement
- Counseling assistance
- Family/relationship crisis management
- Assistance with class schedules, room assignments, no contact orders, etc.
- Anonymous reporting opportunities

Since multiple areas will likely be involved with provision of these services, it is recommended that these on-campus areas work in concert with the following points in mind:

- Clearly define and publish the role(s) of each area.
- Clearly define and publish a flow chart of roles.
- Clearly define and publish the type and nature of communication between areas.
- Clearly define learning outcomes for training of staff in each area.
- Clearly define with community partners each area's roles, responsibilities, and procedures.
- Establish quarterly meetings designed to promote communication, discuss trends, review case-studies, etc.
- Ensure that staff in every area can and do provide accurate, consistent information about the university's sexual assault policy, resources, and procedures.
- Ensure that information about resources is published and disseminated in a coordinated fashion in appropriate ways, including web and print.

By taking these steps, campuses can create a Sexual Assault Response Network composed of existing resources that will give accurate information and effective referrals appropriate for a victim's particular circumstances no matter where the victim initially goes for assistance.

Resolution—“Stop it from happening again”

Student conduct procedures should be viewed as a resource to the victim of sexual misconduct. A student charged with sexual misconduct can be prosecuted under the Oregon Criminal Code ***if the victim chooses*** and ***separately*** disciplined by the institution. Even if the criminal justice authorities choose not to prosecute, ***a student charged with any type of sexual misconduct will be subject to the OUS institution student conduct process.*** If the OUS institution, through its conduct procedures, finds that the alleged misconduct occurred, the institution should take swift and appropriate disciplinary action.

Hearing procedures and disciplinary sanctions should strive to accomplish the following:

- The victim is shepherded through the process by well-trained campus personnel and understands procedures and “next steps” at each phase of the conduct process;
- The victim is given as much control over timing and how to proceed through the conduct process as is deemed feasible and appropriate;
- Victims are not re-victimized in any way—this includes safeguards so that victims are not required to re-state their story multiple times; not required to come face-to-face with the accused student; not questioned directly by the accused student; not having their past sexual history considered by the hearing officer/board, etc.;
- All hearing officers/board members receive comprehensive training with established learning outcomes. Topics covered should include sensitivity to victim reactions; characteristics of Rape Trauma Syndrome; myths and facts about sexual assault; sensitivity to both race and sexual orientation of individuals; and appropriate standards of proof;

- The conduct process is completed in a timely manner so that the victim does not have to “re-live” the trauma of the event for a prolonged period of time;
- The accused student may be suspended in an “interim” manner should it be determined that the student is a continuing risk to the victim and/or the campus population;
- Allegations of sexual misconduct, to the extent permitted by law, will be addressed by the conduct process regardless of whether the alleged infraction occurs on- or off-campus. Codes of conduct and hearing procedures should make clear that by being enrolled as a student at an OUS institution means a student is responsible for the conduct code regardless of the location of the infraction;
- Any student found to be responsible for attempted or completed sexual misconduct at an OUS institution not be allowed to transfer to another OUS institution without relevant information about the infraction and sanctions being provided to the new institution. NOTE: This provision will necessitate further work and coordination between institutions within OUS.

RELATED RESOURCES

Provide links to forms, external pages, implementation guides, etc. if applicable. Leave blank if not.